

FINAL CONDITIONS – 93 FOREST ROAD HURSTVILLE

The Development Application described above has been determined by the granting of a Deferred Commencement Consent subject to the conditions specified in this notice.

This Development Application is a Deferred Commencement Consent under Section 80(3) of the Environmental Planning and Assessment Act (as amended) 1979. Strict compliance is required with **all conditions appearing in Schedule 1** within **24 months from the Determination Date of this consent**. Upon confirmation in writing from Hurstville City Council that the Schedule 1 Conditions have been satisfied, the consent shall commence to operate as a Development Consent for a period of five (5) years from the **Determination Date of this consent**.

Schedule 1

A. Planning Agreement

The consent is not to operate until such time as a planning agreement satisfactory to Council and in terms consistent with the terms of the document signed by the developer and landowner and delivered to Council on 12 April 2017 has been executed by the developer, landowner and Council.

B. Sydney Trains

This consent is not to operate until the Applicant satisfies the Council, within 24 months of the date of this consent, that it has obtained approval/certification from Sydney Trains as to the following matters and the approval/certification has been forwarded to the Council:

The Applicant shall prepare and provide to Sydney Trains for approval/certification the following items:

- (i) Final structural drawings showing details of proposed retention system. These drawing are to clearly show the rail corridor, zone of influence, boundary/fences, minimum clearance required for crane movements, equipment, trucks, railway transmission or aerial lines.
- (ii) Final structural drawings are to be developed in conjunction with more refined geotechnical PLAXIS 2D software. Provision of detail of input, staging, geotechnical & groundwater parameters and analysis results, complying with requirements of CIRIA C760/ C580 Embedded retaining walls or equivalent will be required.
- (iii) Please provide details of instrumentation and monitoring including trigger values for retention system that are required along railway track/corridor.
- (iv) Accurate survey of the area that gives the location of proposed development in relation to the rail boundary and rail infrastructure. The survey is to be undertaken by a registered surveyor and be conducted to Sydney Trains requirements.

- (v) Final stormwater drainage and sewerage lines during construction and operational phase of the development.
- (vi) As the concept retention system mentions that temporary batter slopes should not exceed either 1:1 (silty clay/shale) and 1.5(H):1(V) (for fills) up to 3m high details regarding the final site retention solution and include other alternative recommendations in drawings if ground conditions vary significantly during construction.
- (vii) Requirements of site inspections by qualified geotechnical engineer or geologist in the drawings to assess excavation batter conditions, site retention requirements and surface movements adjacent to railway track. Geotechnical assessment should be undertaken by a suitably qualified geotechnical engineer or engineering geologist who is: Listed on the National Professional Engineers Register Level 3 (NPER-3) or a current member of Fellow of the Australian Institute of Geoscientists, and; Has a minimum of 5 years working experience as a geotechnical engineer or engineering geologist advising on building and excavation works and associated geotechnical issues.
- (viii) Details of impact of any changes to groundwater regime, dewatering works or installation of barriers to ground water flow that can impact railway infrastructure.
- (ix) Details regarding safe vibrations limits due to different construction activities.
- (x) Evidence that groundwater (and subsequent hydrostatic pressure) has been considered. Provide evidence that sufficient drainage has put in place to ensure that the groundwater level cannot reach a critical height to induce hydrostatic pressure. Inclusion of details of groundwater and impact of any changes to groundwater regime, dewatering works etc is required.
- (xi) Details regarding maximum allowable retaining wall deflection that are closer to railway boundary. Provision of evidence that consideration has been given to ground conditions being worse than assumed (i.e. ground conditions inducing higher lateral pressures). In this case, please provide evidence that consideration has been given to the risk and impact of this higher deflection.
- (xii) Geotechnical design parameters to be use to design retention system, anchor design etc.
- (xiii) Clarification of extent of landfill and associated impact.
- (xiv) Provide evidence both temporary & permanent components of site retention system can be constructed outside the rail corridor, and that displacements comply with Sydney Trains design criteria.
- (xv) It is mentioned that diaphragm wall is proposed between four level and single level basement excavation to avoid seepage from backfilled quarry. Please include details for the design of DW, slurry plant including any environmental impacts, and suitability for landfill if encountered.

- (xvi) Given the possible likelihood of objects being dropped or thrown onto the rail corridor from balconies, windows and other external features (eg roof terraces and external fire escapes) that are within 20m and face the rail corridor, design solution that meets Sydney Trains requirements (eg awning windows, louvres, enclosed balconies, window restrictors etc) which prevent the throwing of objects onto the rail corridor in addition to Council's urban design/architectural design requirements.
- (xvii) Agreement from Sydney Trains to remove the current Covenant that restricts the subject development site. In the event that no agreement is reached with Sydney Trains to remove the Covenant the Applicant will be required to submit a revised basement design for Sydney Trains endorsement.

Any conditions issued as part of Sydney Trains approval/certification of the above documents will also form part of the consent conditions that the Applicant is required to comply with.

Documentary evidence as requested or the above information must be submitted within 24 months of the granting of this deferred commencement consent. Commencement of the approval cannot commence until written approval of the submitted information has been given by Council.

Subject to A and B above being satisfied, a development consent be issued subject to the following conditions:

Schedule 2

DEVELOPMENT CONSENT is granted to the Development Application described above, subject to the conditions in Schedules A, B and C.

Consent Operation - This consent operates from the date of endorsement set out in this notice and will lapse five (5) years after that date, unless development has commenced within that time, pursuant to the provisions of the Sections 83, and 95 of the Act.

Right of Review – If you are dissatisfied with this decision, you may request a review of the determination under Section 82A of the Environmental Planning and Assessment Act 1979. A request for review and the decision by Council of that request must be made within six (6) months of the date of this Notice of Determination and be accompanied by the relevant fee. You must ensure that an application for review of determination gives Council a reasonable period in which to review its decision having regard to the relevant issues and complexity of the application (Section 82A is not applicable to Integrated or Designated Development).

Right of Appeal – Alternatively, Section 97 of the Environmental Planning and Assessment Act 1979 gives you the right to appeal to the NSW Land and Environment Court within six (6) months of the endorsement date on this notice.

Schedule A – Site Specific Conditions

GENERAL CONDITIONS

These conditions have been imposed to ensure that the development is carried out in accordance with the approved plans and to ensure that the appropriate fees and bonds are paid in relation to the development.

1. GEN1001 - **Approved Plans** - The development must be implemented in accordance with the approved plans and supporting documentation listed below which have been endorsed by Council's approved stamp, except where marked up on the plans and/or amended by conditions of this consent:

Reference No.	Date	Description	Revision	Prepared by
Site and Setout Drawings				
DA1000	7/4/2017	Site Plan	C	DKO Architecture
DA1001	7/4/2017	Site Analysis	B	DKO Architecture
DA1002	10/2/2017	Demolition Plan	-	DKO Architecture
DA1003	10/2/2017	Connectivity Plan	A	DKO Architecture
Master Plan				
DA2000	7/4/2017	Basement Overview	C	DKO Architecture
DA2001	7/4/2017	Basement Level 4	C	DKO Architecture
DA2002	7/4/2017	Basement Level 3	C	DKO Architecture
DA2003	7/4/2017	Basement Level 2	C	DKO Architecture
DA2004	7/4/2017	Basement Level 1	C	DKO Architecture
DA2005	7/4/2017	Level 1	B	DKO Architecture
DA2006	7/4/2017	Level 2	C	DKO Architecture
DA2007	7/4/2017	Level 3	C	DKO Architecture
Building X - General Arrangement Plans				
DA2100	10/2/2017	Basement Level 1	-	DKO Architecture
DA2101	12/8/2016	Level 1	A	DKO Architecture
DA2102	7/4/2017	Level 2	C	DKO Architecture
DA2103	7/4/2017	Levels 3-8 Typical	B	DKO Architecture
DA2104	2/8/2016	Roof Level	A	DKO Architecture
Building F - General Arrangement Plans				
DA2200	7/4/2017	Basement Level 1	C	DKO Architecture
DA2201	7/4/2017	Level 1	B	DKO Architecture
DA2202	7/4/2017	Level 2	C	DKO Architecture
DA2203	7/4/2017	Level 3	C	DKO Architecture
DA2204	7/4/2017	Levels 4-5 Typical	C	DKO Architecture
DA2205	7/4/2017	Levels 6-7 Typical	C	DKO Architecture
DA2206	7/4/2017	Levels 8-9 Typical	C	DKO Architecture
DA2207	7/4/2017	Levels 10-11 Typical	C	DKO Architecture
DA2208	7/4/2017	Levels 12-16 Typical	C	DKO Architecture
DA2209	7/4/2017	Level 17	C	DKO Architecture
DA2210	7/4/2017	Level 18	C	DKO Architecture
DA2211	7/4/2017	Level 19	C	DKO Architecture

DA2212	7/4/2017	Level 20	C	DKO Architecture
DA2213	7/4/2017	Roof Level	C	DKO Architecture
Adaptable Unit Plans				
DA2301	2/8/2016	Adaptable Unit Typologies	A	DKO Architecture
Street Elevations				
DA3000	7/4/2017	Buildings X & F - East Elevation	C	DKO Architecture
Building X Elevations				
DA3100	10/2/2017	North and East Elevations	-	DKO Architecture
DA3101	10/2/2017	South and West Elevations	-	DKO Architecture
DA3102	10/2/2017	Bldg X1 South and X2 North Elevations	-	DKO Architecture
DA3103	10/2/2017	Retail Strip Elevations	-	DKO Architecture
Building F Elevations				
DA3200	7/4/2017	North Elevations	C	DKO Architecture
DA3201	7/4/2017	East Elevations	C	DKO Architecture
DA3202	7/4/2017	South Elevation	C	DKO Architecture
DA3203	7/4/2017	Building F1 Elevation - West Elevation	C	DKO Architecture
DA3204	7/4/2017	Building F2 Elevation - West Elevation	C	DKO Architecture
Finishes Schedule				
DA3400	8/8/2016	External Finishes Board	A	DKO Architecture
Sections				
DA4000	7/4/2017	Overall Section	C	DKO Architecture
DA4001	10/2/2017	Building X -Section 1	-	DKO Architecture
DA4002	7/4/2017	Building F - Section 1	C	DKO Architecture
Calculations				
DA6000	10/2/2017	Adaptable Apartments Building F	-	DKO Architecture
DA6001	10/2/2017	Adaptable Apartments Building X	-	DKO Architecture
DA6002	10/2/2017	GFA Calculations Building F	-	DKO Architecture
DA6003	10/2/2017	GFA Calculations Building X	-	DKO Architecture
DA6004	26/4/2017	Apartment Mix - Building F	-	DKO Architecture
DA6005	26/4/2017	Apartment Mix -	-	DKO Architecture

		Building X		
DA6006	10/2/2017	Deep Soil Zones	-	DKO Architecture
DA6007	10/2/2017	Communal Open Space	-	DKO Architecture
DA6008	10/2/2017	Cross Ventilation	-	DKO Architecture
SK700	11/4/2017	Public Access Plan	C	DKO Architecture
SK100	-	Amended Retail Areas	-	DKO Architecture
SK100	7/4/2017	Privacy Building X - Typical Level	A	DKO Architecture
-	8/2/2017	Landscape Report for Development Application	02	Openwork

2. **GEN1002 - Fees to be paid to Council** - The fees listed in the table below must be paid in accordance with the conditions of this consent and Council's adopted Fees and Charges applicable **at the time of payment.**

Payments must be made prior to the issue of the Construction Certificate or prior to the commencement of work (if there is no associated Construction Certificate).

Please contact Council prior to the payment of Section 94 Contributions to determine whether the amounts have been indexed from that indicated below in this consent and the form of payment that will be accepted by Council.

Form of payment for transactions \$500,000 or over - Council will only accept Bank Cheque or Electronic Funds Transfer (EFT) for transaction values of \$500,000 or over. Council must be contacted prior to payment to determine correct total amount to be paid and bank account details (if applicable)

(a) Fees to be paid:

Fee types, bonds and contributions

Fee Type
Long Service Levy (to Long Service Corporation)
Builders Damage Deposit
Inspection Fee for Refund of Damage Deposit
S94 Residential (Community Facilities)
S94 Residential (Open Space, Recreation, Public Domain)
S94 Non-Residential Hurstville City Centre (Public Domain)

The following fees apply where you appoint Council as your Principal Certifying Authority (PCA). (If you appoint a private PCA, separate fees will apply)

PCA Services Fee	\$24,178.09
Construction Certificate Application Fee	\$24,178.09

Fees and charges above are subject to change and are as set out in the version of Council's Schedule of Fees and Charges or as required by other Government Authorities, applicable at the time of payment.

3. **GEN1003 - Section 94 Contributions - Residential Development (Community Facilities and Open Space, Recreation, Public Domain)**

a. Amount of Contribution

Pursuant to *Section 94 of the Environmental Planning and Assessment Act, 1979* (as amended) and *Hurstville Section 94 Development Contributions Plan 2012* the following contributions towards the cost of providing facilities shall be paid to Council:

Contribution Category	Amount
Community Facilities	\$877,033.82
Open Space, Recreation and Public Domain Facilities	\$6,201,337.73
Total:	\$7,078,371.55

This condition and contribution is imposed to ensure that the development makes adequate provision for the demand it generates for public amenities and public services within the area.

b. Indexing

The above contributions will be adjusted at the time of payment to reflect changes in the Consumer Price Index (All Groups Index) for Sydney, in accordance with the provisions of the *Hurstville Section 94 Development Contributions Plan 2012*.

c. Timing and Method of Payment

The contribution must be paid prior to the release of a Construction Certificate as specified in the development consent.

Please contact Council prior to payment to determine whether the contribution amounts have been indexed from that indicated above in this consent and the form of payment that will be accepted by Council.

Form of payment for transactions \$500,000 or over - Council will only accept Bank Cheque or Electronic Funds Transfer (EFT) for transaction values of \$500,000 or over. Council must be contacted prior to payment to determine correct total amount to be paid and bank account details (if applicable).

Contributions must be receipted by Council before a Construction Certificate is issued.

A copy of the *Hurstville Section 94 Development Contributions Plan 2012* may be inspected or a copy purchased at Council's offices (Civic Centre, MacMahon Street, Hurstville NSW 2220) or viewed on Council's website www.georgesriver.nsw.gov.au.

4. GEN1004 - **Section 94 Contributions - Non Residential Development in Hurstville City Centre (Public Domain)**

a. Amount of Contribution

Pursuant to Section 94 of the *Environmental Planning and Assessment Act, 1979* (as amended) and *Hurstville Section 94 Development Contributions Plan 2012* the following contribution towards the cost of providing public domain facilities shall be paid to Council:

Contribution Category	Amount
Public Domain Facilities	\$700,318.77
Total:	\$700,318.77

This condition and contribution is imposed to ensure that the development makes adequate provision for the demand it generates for public amenities and public services within the area.

b. Indexing

The above contribution will be adjusted at the time of payment to reflect changes in the Consumer Price Index (All Groups Index) for Sydney, in accordance with the provisions of the *Hurstville Section 94 Development Contributions Plan 2012*.

c. Timing and Method of Payment

The contribution must be paid prior to the release of a Construction Certificate as specified in the development consent.

Please contact Council prior to payment to determine whether the contribution amounts have been indexed from that indicated above in this consent and the form of payment that will be accepted by Council.

Form of payment for transactions \$500,000 or over - Council will only accept Bank Cheque or Electronic Funds Transfer (EFT) for transaction values of \$500,000 or over. Council must be contacted prior to payment to determine correct total amount to be paid and bank account details (if applicable).

Contributions must be receipted by Council before a Construction Certificate is issued.

A copy of the *Hurstville Section 94 Development Contributions Plan 2012* may be inspected or a copy purchased at Council's offices (Civic Centre, MacMahon Street, Hurstville NSW 2220) or viewed on Council's website www.georgesriver.nsw.gov.au.

5. GEN1014 - **Long Service Levy** - Submit evidence of payment of the Building and Construction Industry Long Service Leave Levy to the Principal Certifying Authority. Note this amount is based on the cost quoted in the Development Application, and same may increase with any variation to estimated cost which arises with the Construction Certificate application. To find out the amount payable go to www.lspc.nsw.gov.au or call 131441. **Evidence of the**

payment of this levy must be submitted with the Construction Certificate application.

6. GEN1016 - **Damage Deposit - Major Works** - In order to insure against damage to Council property the following is required:

(a) Payment to Council of a damage deposit for the cost of making good any damage caused to any Council property as a result of the development: **\$88,740.00.**

(b) Payment to Council of a non-refundable inspection fee to enable assessment of any damage and repairs where required: **\$290.00.**

(c) At the completion of work Council will:

- (i) review the dilapidation report prepared prior to the commencement works;
- (ii) review the dilapidation report prepared after the completion of works;
- (iii) Review the Works-As-Executed Drawings (if applicable); and
- (iv) inspect the public works.

The damage deposit will be refunded in full upon completion of work where no damage occurs and where Council is satisfied with the completion of works. Alternatively, the damage deposit will be forfeited or partly refunded based on the damage incurred.

(d) Payments pursuant to this condition are required to be made to Council before the issue of the Construction Certificate.

(e) Fees and charges above are subject to change and are as set out in the version of Council's Schedule of Fees and Charges or as required by other Government Authorities, applicable at the time of payment.

7. GEN1018 - **General Condition** - A separate Development Application is to be submitted for approval for the fit-out and use of the large (3,445sqm) retail space.

SEPARATE APPROVALS UNDER OTHER LEGISLATION

These conditions have been imposed to ensure that the applicant is aware of any separate approvals required under other legislation, for example: approvals required under the Local Government Act 1993 or the Roads Act 1993.

8. APR6001 - **Engineering - Section 138 Roads Act and Section 68 Local Government Act 1993**

Unless otherwise specified by a condition of this consent, this Development Consent does not give any approval to undertake works on public infrastructure.

A separate approval is required to be lodged and approved under **Section 138 of the Roads Act 1993** and/or **Section 68 of the Local Government Act 1993** for any of the following activities carried out in, on or over a public

road (including the footpath):

- (a) Placing or storing materials or equipment;
- (b) Placing or storing waste containers or skip bins;
- (c) Erecting a structure or carrying out work
- (d) Swinging or hoisting goods over any part of a public road by means of a lift, crane or the like;
- (e) Pumping concrete from a public road;
- (f) Pumping water from the site into the public road;
- (g) Constructing a vehicular crossing or footpath;
- (h) Establishing a “works zone”;
- (i) Digging up or disturbing the surface of a public road (e.g. Opening the road for the purpose of connections to utility providers);
- (j) Stormwater and ancillary works in the road reserve; and
- (k) Stormwater and ancillary to public infrastructure on private land
- (l) If any excavation is to be supported by the use of below ground (cable) anchors that are constructed under Council’s roadways/footways.

These separate activity approvals must be obtained and evidence of the approval provided to the Certifying Authority prior to the issue of the **Construction Certificate**.

The relevant Application Forms for these activities can be downloaded from Georges River Council’s website at: www.georgesriver.nsw.gov.au

For further information, please contact Council’s Customer Service Centre on (02) 9330 6400.

9. **APR6003 - Engineering - Vehicular Crossing - Major Development** - The following vehicular crossing and road frontage works will be required to facilitate access to and from the proposed development site:

- (a) Construct a 150mm thick concrete vehicular crossing reinforced with F72 fabric in accordance with Council’s Specifications for vehicular crossings.
- (b) Construct a new full width (boundary to kerb) footpath in paving material approved and specified by Council’s Engineer for the full frontage of the site in Durham Street in accordance with Council’s Specifications for footpaths.
- (c) Construct a new 150mm high concrete kerb with 450mm wide gutter as instructed by Council’s Engineer in Durham Street in accordance with Council’s Specifications for kerb and guttering.
- (d) Any existing vehicular crossing and/or laybacks which are redundant must be removed. The kerb and gutter, any other footpath and turf areas shall be restored at the expense of the beneficiary of this consent and in accordance with Council’s *Specification for Vehicular Crossings and Associated Works*. The work shall be carried out by a private contractor, subject to Council approval.
- (e) Any utilities/services/drains/power poles that require relocating or altering as a result of construction of the vehicular crossing to Council’s issued

levels and/or Council's standard shape is to be done in accordance with the requirements of the relevant service/utility and at the expense of the beneficiary of this consent.

Constructing a vehicular crossing and/or footpath requires **separate approval** under **Section 138 of the Roads Act 1993**, prior to the issue of the **Construction Certificate**.

To apply for approval:

- (a) Complete the *Driveway Crossing on Council Road Reserve Application Form* which can be downloaded from Georges River Council's Website at www.georgesriver.nsw.gov.au.
- (b) In the Application Form, quote the Development Consent No. (eg. DA2014/****) and reference this condition number (e.g. Condition 23).
- (c) Lodge the application form, together with the associated fees at Council's Customer Service Centre, during business hours. Refer to Section P1 and P2, in Council's adopted *Fees and Charges* for the administrative and inspection charges associated with Vehicular Crossing applications.

Please note, that an approval for a new or modified vehicular crossing will contain the approved access and/or alignment levels which will be required to construct the crossing and/or footpath. Once approved, all work shall be carried out by a private contractor in accordance with Council's *Specification for Vehicular Crossings and Associated Works* prior to the issue of the **Occupation Certificate**.

- 10. **APR6004 - Engineering - Road Opening Permit** - A Road Opening Permit must be obtained from Council, in the case of local or regional roads, or from the Roads and Maritime Services, in the case of State roads, for every opening of a public road reserve to access services including sewer, stormwater drains, water mains, gas mains, and telecommunications **before the commencement of work in the road**.
- 11. **APR7001 - Building - Hoarding Application** - Prior to demolition of the buildings on the site or the commencement of work above ground level a separate application for the erection of an A class (fence type) or a B class hoarding or C type scaffold, in accordance with the requirements of Work Cover Authority of NSW, must be erected along that portion of the footway/roadway where the building is within 3.0 metres of the street boundary. An application for this work under Section 68 of the Local Government Act 1993 and the Roads Act 1993 must be submitted for approval to Council.

The following information is to be submitted with a Hoarding Application under Section 68 of the Local Government Act and s138 of the Roads Act 1993:

- (a) A site and location plan of the hoarding with detailed elevation, dimensions, setbacks, heights, entry and exit points to/from the site, vehicle access points, location of public utilities, electrical overhead wire protection, site management plan and builders sheds location; and

- (b) Hoarding plan and details that are certified by an appropriately qualified engineer; and
- (c) The payment to Council of a footpath occupancy fee based on the area of footpath to be occupied and Council's Schedule of Fees and Charges (available on our website) before the commencement of work; and
- (d) A Public Risk Insurance Policy with a minimum cover of \$10 million in relation to the occupation of and works within Council's road reserve, for the full duration of the proposed works, must be obtained a copy provided to Council. The Policy is to note Council as an interested party; and
- (e) The application must be endorsement by the Roads & Maritime Services (RMS) as the hoarding is located within 100m of an intersection with traffic lights. For assistance you should contact the DA unit at RMS and speak to Hans on 88492076. Or email hans.pilly.mootanah@rms.nsw.gov.au to obtain concurrence for the hoarding structure.

12. **APR7003 - Building - Below ground anchors - Information to be submitted with Section 68 Application under LGA 1993 and Section 138 Application under Roads Act 1993** - In the event that the excavation associated with the basement car park is to be supported by the use of below ground (cable) anchors that are constructed under Council's roadways/footways, an application must be lodged with Council under Section 68 of the Local Government Act 1993 and the Roads Act 1993 for approval, prior to commencement of those works. In this regard the following matters are noted for your attention and details must be submitted accordingly:

- (a) Cable anchors must be stressed released when the building extends above ground level to the satisfaction of Council.
- (b) The applicant must indemnify Council from all public liability claims arising from the proposed works, and provide adequate insurance cover to the satisfaction of Council.
- (c) Documentary evidence of such insurance cover to the value of ten (10) million dollars must be submitted to Council prior to commencement of the excavation work.
- (d) The applicant must register a non-terminating bank guarantee in favour of Council for the amount of \$ 50,000.00.
The guarantee will be released when the cables are stress released. In this regard it will be necessary for a certificate to be submitted to Council from a structural engineer at that time verifying that the cables have been stress released.
- (e) In the event of any works taking place on Council's roadways/footways adjoining the property while the anchors are still stressed, all costs associated with overcoming the difficulties caused by the presence of the 'live' anchors must be borne by the applicant.

REQUIREMENTS OF OTHER GOVERNMENT AGENCIES

These conditions have been imposed by other NSW Government agencies either through their role as referral bodies, concurrence authorities or by issuing General Terms of Approval under the Integrated provisions of the Environmental Planning and Assessment Act 1979.

13. GOV1013 - **Undergrounding electricity mains (Hurstville CBD area)** - Arrangements are to be made to install underground all electrical services (existing and proposed) in that section of Durham Street and Forest Road adjacent to the development. This shall include any associated services, telephone services and the installation of underground supplied street lighting columns where necessary. All redundant poles are to be removed. These works are to be carried out at the expense of the beneficiary of the consent. For details visit www.ausgrid.com.au or call 131365.

- (a) A copy of confirmation of the service providers requirements is to be submitted to Council before issue of the Construction Certificate; and
- (b) Service providers requirements are to be met prior to the issue of an Occupation Certificate.

Where works within the road reserve are to be carried out by the developer, a Road Opening Permit must be obtained from Council's Customer Service Centre **before commencement of work.**

14. GOV1014 - **Ausgrid** - The development must satisfy the following Ausgrid requirements:

(a) Supply of Electricity

It is recommended for the nominated electrical consultant/contractor to provide a Preliminary Enquiry to Ausgrid to obtain advice for the connection of the proposed development to the adjacent electricity network infrastructure. An assessment will be carried out based on the enquiry which may include whether or not: the existing network can support the expected electrical load of the development; a substation may be required on-site, either a pad mount kiosk or chamber; and site conditions or other issues. Please direct the developer to Ausgrid's website, www.ausgrid.com.au about how to connect to Ausgrid's network.

(b) Method of Electricity Connection

The method of connection will be in line with Ausgrid's Electrical Standard (ES)1 - *Premise Connection Requirements*.

(c) Conduit Installation

The need for additional electricity conduits in the footway adjacent to the development will be assessed and documented in Ausgrid's Design Information, used to prepare the connection project design.

(d) Proximity to Existing Network Assets

There are existing underground and overhead electricity network assets in Durham St adjacent to the proposed development. Safework NSW Document - Work Near Overhead Powerlines: Code of Practice, outlines the minimum safety separation requirements between these mains/poles

to structures within the development throughout the construction process. It is a statutory requirement that these distances be maintained throughout construction. Special consideration should be given the locating and operations of cranes and the location of any scaffolding.

The “as constructed” minimum clearances to the mains should also be considered. These distances are outlined in the Ausgrid Network Standard, *NS220 Overhead Design Manual*. This document can be sourced from Ausgrid’s website, www.ausgrid.com.au

Should the existing overhead mains require relocating due to the minimum safety clearances being compromised in either of the above scenarios, this relocation work is generally at the developers cost.

It is also the responsibility of the developer to ensure that the existing overhead mains have sufficient clearance from all types of vehicles that are expected be entering and leaving the site.

Special care should also be taken to ensure that driveways and any other construction activities within the footpath area do not interfere with the existing cables in the footpath. Ausgrid cannot guarantee the depth of cables due to possible changes in ground levels from previous activities after the cables were installed. Hence it is recommended that the developer locate and record the depth of all known underground services prior to any excavation in the area.

Safework Australia - Excavation Code of Practice, and Ausgrid’s Network Standard NS156 outlines the minimum requirements for working around Ausgrid’s underground cables.

15. **GOV1019 - NSW Government Agency - Transport Sydney Trains** - The development must satisfy the following conditions provided by Transport Sydney Trains:
 - (i) Prior to the issuing of an Occupation Certificate the Applicant is to submit as-built drawings to Sydney Trains and Council. The as-built drawings are to be endorsed by a Registered Surveyor confirming that there has been no encroachment into Sydney Trains property or easements, unless agreed to be these authorities. The Principal Certifying Authority is not to issue the final Occupation Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied
 - (ii) Prior to the issue of a Construction Certificate the Applicant must hold current public liability insurance cover for a sum to be determined by Sydney Trains. This insurance shall not contain any exclusion in relation to works on or near the rail corridor, rail infrastructure. The Applicant is to contact Sydney Trains Rail Corridor Management Group to obtain the level of insurance required for this particular proposal. Prior to issuing the Construction Certificate the Principal Certifying Authority must witness written proof of this insurance in conjunction with Sydney

Trains written advice to the Applicant on the level of insurance required.

- (iii) Prior to the issue of a Construction Certificate the Applicant is to contact Sydney Trains Rail Corridor Management Group to determine the need for the lodgement of a Bond or Bank Guarantee for the duration of the works. The Bond/Bank Guarantee shall be for the sum determined by Sydney Trains. Prior to issuing the Construction Certificate the Principal Certifying Authority must witness written advice from Sydney Trains confirming the lodgement of this Bond/Bank Guarantee.
- (iv) The Applicant is to obtain Sydney Trains endorsement prior to the installation of any hoarding or scaffolding facing the common boundary with the rail corridor.
- (v) Unless advised by Sydney Trains in writing, all excavation, shoring and piling works within 25m of the rail corridor are to be supervised by a geotechnical engineer experienced with such excavation projects.
- (vi) No rock anchors/bolts are to be installed into RailCorp's property.
- (vii) Unless advised by Sydney Trains in writing, the effect of construction induced settlement due to groundwater drawdown (potentially leading to track settlement) is to be avoided at all times.
- (viii) The following items are to be submitted to Sydney Trains for review and endorsement prior to the issuing of a Construction Certificate:
 - Machinery to be used during excavation/construction.
 - Track/vibration monitoring plan detailing the proposed method of track monitoring during excavation and construction phases.
 - Groundwater monitoring plan, if required.
 - If required by Sydney Trains, a rail safety plan including instrumentation and the monitoring regime.

The Principal Certifying Authority is not to issue the Construction Certificate until it has received written confirmation from Sydney Trains that this condition has been complied with.

- (ix) No work is permitted within the rail corridor, or rail easements, at any time unless prior approval or an Agreement has been entered into with Sydney Trains.
- (x) Drainage shall not be discharged within the rail corridor.
- (xi) There is a need to ensure that the roots and foliage of trees being planted beside the rail corridor do not have an impact on the rail corridor. The development's landscaping and planting plan

should be submitted to Sydney Trains for endorsement prior to landscaping works being undertaken.

- (xii) Prior to the commencement of works appropriate fencing is to be in place along the rail corridor to prevent unauthorised access to the rail corridor during construction. Details of the type of fencing and the method of erection of any new fencing are to be to Sydney Trains satisfaction prior to the fencing work being undertaken.
- (xiii) The development shall have appropriate fencing fit for the future usage of the development site to prevent unauthorised access to the rail corridor by future occupants of the development. Prior to issuing of an Occupation Certificate the Applicant shall liaise with Sydney Trains regarding the adequacy of any existing fencing along the rail corridor boundary. Details of the type of new fencing to be installed and the method of erection are to be to Sydney Train's satisfaction prior to the fencing work being undertaken.
- (xiv) Sydney Trains or Transport for NSW (TfNSW), and persons authorised by those entities for the purpose of this condition, are entitled to inspect the site of the development and all structures to enable it to consider whether those structures have been or are being constructed and maintained in accordance with the approved plans and these conditions of consent, on giving reasonable notice to the principal contractor for the development or the owner or occupier of the part of the site to which access is sought.
- (xv) The Applicant must provide a plan of how future maintenance of the development (including the wall on the boundary) along the rail corridor is to be undertaken. The maintenance plan is to be submitted to Sydney Trains prior to the issuing of a Construction Certificate. The Principal Certifying Authority is not to issue a Construction Certificate until written confirmation has been received from Sydney Trains advising that the maintenance plan has been prepared to its satisfaction.
- (xvi) Prior to the commencement of works, prior to the issue of the Occupation Certificate, or at any time during the excavation and construction period deemed necessary by Sydney Trains, a joint inspection of the rail infrastructure and property in the vicinity of the project is to be carried out by representatives from Sydney Trains and the Applicant. These dilapidation surveys will establish the extent of any existing damage and enable any deterioration during construction to be observed. The submission of a detailed dilapidation report will be required unless otherwise notified by Sydney Trains.
- (xvii) Prior to the commencement of works, the Applicant shall peg-out the common boundary with the rail corridor and/or rail easement to ensure that there is no encroachment. This work is to be

undertaken by a registered surveyor.

- (xviii) An acoustic assessment is to be submitted to Council prior to the issue of a construction certificate demonstrating how the proposed development will comply with the Department of Planning's document titled "Development Near Rail Corridors and Busy Roads- Interim Guidelines".
- (xix) Prior to the issue of a Construction Certificate the Applicant is to engage an Electrolysis Expert to prepare a report on the Electrolysis Risk to the development from stray currents. The Applicant must incorporate in the development all the measures recommended in the report to control that risk. A copy of the report is to be provided to the Principal Certifying Authority with the application for a Construction Certificate.
- (xx) The design, installation and use of lights, signs and reflective materials, whether permanent or temporary, which are (or from which reflected light might be) visible from the rail corridor must limit glare and reflectivity to the satisfaction of Sydney Trains. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.
- (xxi) Prior to the issue of a Construction Certificate a Risk Assessment/Management Plan and detailed Safe Work Method Statements (SWMS) for the proposed works are to be submitted to Sydney Trains for review and comment on the impacts on rail corridor. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.
- (xxii) No metal ladders, tapes and plant/machinery, or conductive material are to be used within 6 horizontal metres of any live electrical equipment. This applies to the train pantographs and 1500V catenary, contact and pull-off wires of the adjacent tracks, and to any high voltage aerial supplies within or adjacent to the rail corridor.
- (xxiii) Prior to the issuing of a Construction Certificate the Applicant is to submit to Sydney Trains a plan showing all craneage and other aerial operations for the development and must comply with all Sydney Trains requirements. If required by Sydney Trains, the Applicant must amend the plan showing all craneage and other aerial operations to comply with all Sydney Trains requirements. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from the Sydney Trains confirming that this condition has been satisfied.
- (xxiv) Copies of any certificates, drawings, approvals/certification or documents endorsed by, given to or issued by Sydney Trains must be submitted to Council for its records prior to the issuing of

a Construction Certificate.

16. GOV1020 - **NSW Agency - Sydney Airport Corporation Limited** - The development must not exceed 123.5m AHD at the following MGA94 coordinates:

- E325536.923, N6239762.513
- P E325558.321, 6239761.703
- Q E325557.635, 6239712.032
- R E325536.922, N6239710.515

Should the height of any temporary structure and/or equipment associated with the construction of the development be greater than 15.24m above existing ground height (AEGH) a new approval must be sought in accordance with the Civil Aviation (Buildings Control) Regulations and Statutory Rules 1988 No.161

Any approval to operate construction equipment must be obtained from SACL prior to the issue of a Construction Certificate.

17. GOV1008 - **Sydney Water - Section 73 Certificate** - A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation. Application must be made through an authorised Water Servicing Coordinator. Please refer to the Plumbing, Building and Developing section of Sydney Water's website to locate a Water Servicing Coordinator in your area. Visit: www.sydneywater.com.au

A "Notice of Requirements" will advise of water and sewer infrastructure to be built and charges to be paid. Please make early contact with the Coordinator, as it can take some time to build water/sewer pipes and this may impact on other services and building, driveway or landscape design.

The "Notice of Requirements" must be submitted prior to the commencement of work.

18. GOV1009 - **Sydney Water - Section 73 Compliance Certificate** - A Section 73 Compliance Certificate under the Sydney Water Act must be submitted to the Principal Certifying Authority prior to the issue of the Occupation/Subdivision or Strata Certificate.

19. GOV1010 - **Ausgrid - Substation or Kiosk** - Ausgrid shall be consulted to determine if an electricity distribution substation is required. If so, it will be necessary for the final film survey plan to be endorsed with an area, having the required dimensions as agreed with Ausgrid, indicating the location of the proposed electricity distribution substation site. The substation must be located within the boundary of the development site, or within the building, subject to compliance with the Building Code of Australia. The substation site to be dedicated to Council as public roadway, or as otherwise agreed with Ausgrid. For details visit www.ausgrid.com.au or call 131365.

(a) written confirmation of Ausgrid's requirements is to be submitted **prior to the issue of the Construction Certificate**; and

(b) Ausgrid's requirements are to be met before the issue of the Occupation Certificate.

20. GOV1012 - **Ausgrid - Clearances to electricity mains** - If any part of the proposed structure, within 5m of a street frontage, is higher than 3m above footway level, Ausgrid is to be consulted to determine if satisfactory clearances to any existing overhead High Voltage mains will be affected. If so, arrangements are to be made, at your cost, with Ausgrid for any necessary modification to the electrical network in question. For details visit www.ausgrid.com.au or call 131365.

PRIOR TO THE ISSUE OF THE CONSTRUCTION CERTIFICATE

These conditions either require modification to the development proposal or further investigation/information prior to the issue of the Construction Certificate to ensure that there is no adverse impact.

21. CC10000 - **Land Information - Allocation of street addresses** - In order to comply with *AS/NZS 4819:2011 Rural and Urban Addressing*, the *NSW Addressing User Manual (AUM)* and Georges River Council's requirements, the street addresses for the subject development must be allocated as advised by Council.

Details indicating compliance with this condition but be shown on the plans lodged with any Construction Certificate.

22. CC2006 - **Development Assessment - Lighting** - A detailed lighting plan which includes a lighting design for the ground level pedestrian areas and roadway, and addresses safety at night, is to be prepared by a qualified lighting engineer or lighting designer and is to be submitted to the Certifying Authority prior to the issue of the Construction Certificate. Certification is to be provided that the lighting plans complies with the relevant all relevant Australian Standards including AS 1158, AS 3000 and AS4282.
23. CC2007 - **Development Assessment - Access** - The development is to be consistent with the Access Assessment Report prepared by BCA Logic, dated 20 July 2016. A minimum of 56 units are to be adaptable and each accessible unit must be provided with an accessible parking space.
24. CC2016 - **Development Assessment - Acoustic Design** - The development is to be designed and constructed in accordance with the 'Development Application Acoustic Report' prepared by Acoustic Logic dated 23 June 2016. Details are to be provided prior to the issue of the Construction Certificate.
25. CC2021 - **Development Assessment - Artwork** - The loading dock and basement entry located on the eastern elevation of Building X are to be fitted with perforated metal doors each finished with an artwork. Details of the doors and artwork are to be submitted to, and approved Council prior to the issue of the Construction Certificate.
26. CC2030 - **Roads and Maritime Services** - The proposed a traffic control light at the intersection of Forest Road/Durham Street/Wright Street shall be designed to meet Roads and Maritime requirements. The Traffic Control Signal (TCS) plans shall be drawn by a suitably qualified person and

endorsed by a suitably qualified practitioner.

The submitted design shall be in accordance with Austroads Guide to Road Design in association with relevant Roads and Maritime supplements (available on www.rms.nsw.gov.au).

The certified copies of the civil design plans shall be submitted to Roads and Maritime for consideration and approval prior to the release of a Construction Certificate and commencement of road works.

Roads and Maritime fees for administration, plan checking, civil works inspections and project management shall be paid by the developer prior to the commencement of works.

The developer will be required to enter into a Works Authorisation Deed (WAD) for the abovementioned works. Please note that the WAD will need to be executed prior to Roads and Maritime assessment of the detailed civil design plans.

27. CC2031 - **Development Assessment** - A Construction Traffic Management Plan detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control should be submitted to Council for approval prior to the issue of a Construction Certificate.
28. CC2032 - **Development Assessment - Materials Schedule** - The design details of the proposed building facade including all external finishes, colours and glazing must be in accordance with the finishes schedule prepared by DKO dated 8 August 2016.
29. CC3002 - **Development Engineering - Stormwater Systems with Basement** -

Reference No.	Date	Description	Revision	Prepared by
Drawing No. H101-H106, Hydraulic Services, project No. 216612	10.02.17	Basement drainage services	A	EMF Griffiths

The above submitted stormwater plan has been assessed as a concept plan only and no detailed assessment of the design has been undertaken.

Stormwater drainage from the underground basement car parks must pump to the proposed OSD tank.

The design of the proposed drainage system must be prepared by a qualified practising hydraulics engineer (with details of qualifications being provided) and be submitted for approval **with the Construction Certificate application.**

30. CC3003 - **Development Engineering - Stormwater - Protection of basement from inundation of stormwater**

Reference No.	Date	Description	Revision	Prepared by
Drawing No. H101-H106, Hydraulic Services, project No. 216612	10.02.17	Basement drainage services	A	EMF Griffiths

The above submitted stormwater plan has been assessed as a concept plan only and no detailed assessment of the design has been undertaken.

The construction of the building shall be designed to recommendations of a civil engineer in regards to the protection of the underground basement from any possible inundation of surface waters.

Evidence from an appropriately qualified person that this design requirement has been adhered to shall be submitted **with the Construction Certificate application.**

31. CC3018 - **Development Engineering - Existing Sewer Main** - Council's records indicate that a sewer main passes through the site.

The requirements of Sydney Waters shall be satisfied for the construction of the proposed building.

32. CC3019 - **Wind Mitigation** - The Construction Certificate plans shall incorporate the recommendations of the Qualitative Wind Assessment prepared by SLR Consulting, dated 7 July 2016 (Report No. 610.16512-R2).
33. CC4006 - **Health - Acoustic Certification - Rooftop Mechanical Equipment (CBD only)** - The Construction Certificate plans must be accompanied by a certificate from a professional acoustic engineer certifying that noise from the operation of the roof top mechanical plant and equipment will not exceed the background noise level when measured at any boundary of the site. If sound attenuation is required, this must be detailed on the plans lodged with the Construction Certificate.

34. CC4024 – **Development Assessment – Contamination** – This site is to be remediated in accordance with a consolidated Remediation Action Plan (RAP) prepared consistently with the advice and recommendations provided in the 'Interim Site Auditor Advice for Stage 3 East Quarter Residential/Commercial Development' prepared by Dr Ian Swane of Ian Swane and Associates Pty Ltd dated 29 May 2016.

The consolidated RAP should be prepared by a competent environmental consultant and address all the requirements specified as conditions in the 2012 Section B Site Audit Statements (SAS) together with any additional requirements specified by NSW EPA guidelines.

The consolidated RAP should be prepared so that it allows the Site Auditor to issue a new up-dated Section B BAS.SAR without any conditions other than requiring the site to be remediated in accordance with the consolidated RAP.

Remediation work for the Stage 3 area shall only commence after the Site

Auditor has issued a new unconditional Section B SAS.

35. CC7006 - **Building - Vibration Damage** - To minimise vibration damage and loss of support to the buildings in close proximity to the development, any excavation is to be carried out by means of a rock saw and if available, in accordance with the guidelines of the Geotechnical Engineer's report.

Alternatively where a hydraulic hammer is to be used within 30 metres of any building (other than a path or a fence) a report from a qualified geotechnical engineer detailing the maximum size of hammer to be used is to be obtained and the recommendations in that report implemented during work on the site. **The report shall be submitted with the Construction Certificate application.**

36. CC7008 - **Building - Access for Persons with a Disability** - Access for persons with disabilities must be provided throughout the site, including to all common rooms, lobby/podium areas, commercial premises and sanitary facilities in accordance with the requirements of the Premises Standards, the Building Code of Australia and AS 1428.1. Details must be submitted with the Construction Certificate Application.

In regards to the above, pedestrian access throughout basement levels shall be highlighted/line marked and sign posted to safeguard egress.

37. CC7018 - **Building** - Prior to the issue of a Construction Certificate the applicant may be required, under Clause 144 of the Environmental Planning & Assessment Regulation, 2000 to seek written comment from FR NSW about the location of water storage tanks, construction of booster pump and valve rooms, definition of large isolated building and any Fire Engineered Solution developed to meet the performance requirements under the Category 2 Fire Safety Provisions.

The applicant is also advised to seek written advice from FR NSW on the location and construction of the proposed Fire Control Centre Facility and location and installation of the sites Fire Indicator / mimic Panels

38. CC5012 - **Tree Planting - Public Land** - A minimum of five x 200litre Pyrus calleryana 'Chanticleer' (Callery Pear) street trees must be planted in front of the site along Durham Street.

Trees are to be planted in tree pits using 'strata cells' or equivalent. Details are to be submitted to Council's Tree Management Officer for approval prior to the issue of the Construction Certificate.

39. CC6003 - **Engineering - Council Property Shoring** - Prior to the issue of the Construction Certificate, plans and specifications prepared by a qualified and practising structural engineer must detail how Council's property shall be supported at all times.

Where any shoring is to be supporting, or located on Council's property, certified structural engineering drawings detailing; the extent of the

encroachment, the type of shoring and the method of removal, shall be included on the plans. Where the shoring cannot be removed, the plans must detail that the shoring will be cut to 150mm below footpath level and the gap between the shoring and any building shall be filled with a 5Mpa lean concrete mix.

40. **CC7010 - Building - Geotechnical Reports** - The applicant must submit a Geotechnical Report, prepared by a suitably qualified Geotechnical Engineer who holds the relevant Certificate of accreditation as required under the Building Professionals Act 2005 in relation to dilapidation reports, all site works and construction. This is to be submitted **before the issue of the Construction Certificate** and is to include:
- (a) Investigations certifying the stability of the site and specifying the design constraints to be placed on the foundation, any earthworks/stabilization works and any excavations.
 - (b) Dilapidation Reports on the adjoining properties prior to any excavation of site works. The Dilapidation Report is to include assessments on, but not limited to, the dwellings at those addresses and any external paths, grounds etc. This must be submitted to the Certifying Authority and the adjoining residents as part of the application for the Construction Certificate. Adjoining residents are to be provided with the report five (5) working days prior to any works on the site.
 - (c) On-site guidance by a vibration specialist during the early part of excavation.
 - (d) Rock breaking techniques. Rock excavation is to be carried out with tools such as rock saws which reduce vibration to adjoining buildings and associated structures.
 - (e) Sides of the excavation are to be pierced prior to any excavation occurring to reinforce the walls of the excavation to prevent any subsidence to the required setbacks and neighbouring sites.
41. **CC2001 - Development Assessment - Erosion and Sedimentation Control** - Erosion and sediment controls must be provided to ensure:
- (a) Compliance with the approved Erosion and Sediment Control Plan
 - (b) Removal or disturbance of vegetation and top soil is confined to within 3m of the approved building area (no trees to be removed without approval)
 - (c) all clean water run-off is diverted around cleared or exposed areas
 - (d) silt fences, stabilised entry/exit points or other devices are installed to prevent sediment from entering drainage systems or waterways
 - (e) all erosion and sediment controls are fully maintained for the duration of demolition, excavation and/or development works
 - (f) controls are put into place to prevent tracking of sediment by vehicles onto adjoining roadway
 - (g) all disturbed areas are rendered erosion-resistant by turfing, mulching, paving or similar
 - (h) Compliance with Managing Urban Stormwater - Soils and Construction (Blue Book) produced by Landcom 2004.

These measures are to be implemented before the commencement of work (including demolition and excavation) and must remain until the issue of the Occupation Certificate.

42. **CC3004 - Development Engineering - Stormwater Drainage Plans (By Engineer Referral Only)**

The submitted stormwater plan has been assessed as a concept plan only and no detailed assessment of the design has been undertaken.

Stormwater drainage plans including pipe sizes, type, grade, length, invert levels, dimensions and types of drainage pits prepared by a qualified practising hydraulics engineer (with details of qualifications being provided) in accordance with the Australian Institute of Engineers Australian Rainfall and Runoff (1987) and Council's Stormwater Drainage Guidelines, **shall accompany the application for the Construction Certificate.**

43. **CC2008 - Development Assessment - Landscape Plan** - A detailed landscape plan, drawn to scale, by a qualified landscape architect consistent with the approved Landscape Report Revision 02, dated 08/02/2017 and prepared by Openwork, must be submitted to, and approved by Council prior to the issue of the Construction Certificate. The plan must include:

- (i) location of existing and proposed structures on the site including, but not limited to, existing and proposed trees, paved areas, planted areas on slab, planted areas in natural ground, lighting and other features;
- (ii) Details of earthworks and soil depths including mounding and retaining walls and planter boxes (if applicable). The minimum soil depths for planting on slab must be 1000mm for trees, 450mm for shrubs and 200mm for groundcovers;
- (iii) Location, numbers, type and supply of plant species;
- (iv) Details of planting procedure and maintenance;
- (v) Details of drainage, waterproofing and watering systems.

44. **CC3005 - Development Engineering - On Site Detention**

Reference No.	Date	Description	Revision	Prepared by
Drawing No. H000-H109, Hydraulic Services, project No. 216612	10.02.17	Drainage Services	A	EMF Griffiths

The above submitted stormwater plans have been assessed as a concept plan only and no detailed assessment of the design has been undertaken.

An on-site detention (OSD) facility designed by a professional hydrological/hydraulic engineer, shall be installed. The design must include the computations of the inlet and outlet hydrographs and stage/storage relationships of the proposed OSD using the following design parameters:

- (a) For Stages 1-3 inclusive the total permissible site discharge of stormwater

up to and including the 1 in 100 year storm event shall not exceed the following:

- 248 litres per second to the Forest Road Catchment, and
- 323 litres per second to the 675mm pipeline Catchment (Kemp Field Catchment)

- (b) The OSD facility shall be designed to meet all legislated safety requirements and childproof locking devices. The proposed on-site stormwater detention tank shall be certified to be structurally adequate to carry the designated live loads.

A durable metal plate or similar sign is to be placed at the OSD facility and must bear the words:

"This is an on-site detention basin/tank and is subject to possible surface overflow during heavy storms."

Full details shall accompany the application for **the Construction Certificate**.

45. **CC2003 - Development Assessment - Construction Site Management Plan - Major Development** - A Site Management Plan must be submitted with the application for the Construction Certificate, and must include the following measures:

- location of protective site fencing;
- location of site storage areas/sheds/equipment;
- location of building materials for construction, e.g. stockpiles
- provisions for public safety;
- dust control measures;
- method used to provide site access location and materials used;
- details of methods of disposal of demolition materials;
- method used to provide protective measures for tree preservation;
- provisions for temporary sanitary facilities;
- location and size of waste containers/skip bins;
- details of proposed sediment and erosion control measures;
- method used to provide construction noise and vibration management;
- construction traffic management details.

The site management measures are to be implemented prior to the commencement of any works including demolition and excavation. The site management measures are to be maintained throughout the works, to maintain reasonable levels of public health, safety and amenity. A copy of the Site Management Plan must be retained on site and is to be made available upon request.

46. **CC2009 - Development Assessment - Pre-Construction Dilapidation Report - Private Land** - A qualified structural engineer shall prepare a Pre-Construction Dilapidation Report detailing the current structural condition of adjoining premises including but not limited to:

(a) All adjoining properties

The report shall be prepared at the expense of the beneficiary of the consent and submitted to the satisfaction of the Certifying Authority prior to the issue of the Construction Certificate.

A copy of the pre-construction dilapidation report is to be provided to the adjoining properties (subject of the dilapidation report), a minimum of five (5) working days prior to the commencement of work. Evidence confirming that a copy of the pre-construction dilapidation report was delivered to the adjoining properties must be provided to the Principal Certifying Authority.

47. **CC2010 - Development Assessment - SEPP 65 Design Verification Statement** - A certifying authority must not issue a Construction Certificate for residential flat development unless the certifying authority has received a design verification from a qualified designer, being a statement in which the qualified designer verifies that the plans and specifications achieve or improve the design quality of the development for which development consent was granted, having regard to the design quality principles set out in [Part 2 of State Environmental Planning Policy No 65 - Design Quality of Residential Flat Development](#).
48. **CC8001 - Waste - Waste Management Plan** - A Waste Management Plan incorporating all requirements in respect of the provision of waste storage facilities, removal of all materials from the site that are the result of site, clearing, extraction, and, or demolition works and the designated Waste Management Facility shall be submitted to the Principal Certifying Authority and copy provided to the Manager - Environmental Services, Georges River Council prior to the issue of any Construction Certificate.
49. **CC3001 - Development Engineering - Stormwater System**

Reference No.	Date	Description	Revision	Prepared by
Drawing No. H000-H109, Hydraulic Services, project No. 216612	10.02.17	Drainage layout	A	EMF Griffiths

The above submitted stormwater plan has been assessed as a concept plan only and no detailed assessment of the design has been undertaken.

All stormwater for Stage 3 shall drain to the existing pit with a 675mm diameter outlet pipe located at the south east corner of the subject site.

The design of this proposed drainage system must be prepared by a qualified practising hydraulics engineer (with details of qualifications being provided) and be submitted for approval **with the Construction Certificate application**.

50. **CC2011 - Development Assessment - BASIX Commitments** - All energy efficiency measures as detailed in the BASIX Certificate No.740015M, dated 6 July 2016, approved with the Development Consent DA2016/0218 and associated Thermal Performance Specification prepared by Inhabit Living

Engineering, dated 28 June 2016, must be implemented on the plans lodged with the application for the Construction Certificate.

51. **CC2034 - Development Assessment - Design Quality Excellence**

(a) In order to ensure the design quality excellence of the development is retained:

- (i) The design architect, DKO Architecture is to have direct involvement in the design documentation, contract documentation and construct stages of the project;
- (ii) The design architect is to have full access to the site and is to be authorised by the applicant to respond directly to the consent authority where information or clarification is required in the resolution of the design issues throughout the life of the project;
- (iii) Evidence of the design architect's commission is to be provided to the Council prior to release of the Construction Certificate.

(b) The design architect of the project is not to be changed without prior notice and approval of the Council.

52. **CC5002 - Trees - Tree Protection and Retention** - All trees on Kempt Field adjacent to the eastern boundary of the site shall be protected and maintained during demolition, excavation and construction of the site. The tree protection measures must be undertaken in accordance *AS4970-2009 Protection of trees on development sites*. Details of the tree protection measures to be implemented must be provided with the application for a Construction Certificate by a suitably qualified Arborist (AQF Level 4 or above in Arboriculture) and must be retained thorough all stages of construction.

53. **CC6004 - Engineering - Traffic Management - Compliance with AS2890** - All driveways, access ramps, vehicular crossings and car parking spaces shall be **designed and** constructed in accordance with the current version of Australian Standards, AS 2890.1 (for car parking facilities) and AS 2890.2 (for commercial vehicle facilities).

54. **CC6005 - Engineering - Traffic Management - Construction Traffic Management Plan (Large Developments only)** - A Construction Traffic Management Plan detailing:

- (a) construction vehicle routes;
- (b) anticipated number of trucks per day;
- (c) hours of construction;
- (d) access arrangements; and
- (e) proposed traffic measures to minimise impacts of construction vehicles, and

must be submitted to the satisfaction of Council's Engineers prior to the issue of the Construction Certificate. Council's Engineers must specify in writing that they are satisfied with the Traffic Management Plan prior to the issue of the Construction Certificate.

55. **CC7002 - Building - Fire Safety Measures prior to Construction Certificate** - Prior to the issue of a Construction Certificate a list of the essential fire safety measures that are to be provided in relation to the land and any building on the land as a consequence of the building work must accompany an application for a construction certificate, which is required to be submitted to either Council or a Certifying Authority. Such list must also specify the minimum standard of performance for each essential fire safety measure included in the list. The Council or Certifying Authority will then issue a Fire Safety Schedule for the building.
56. **CC7004 - Building - Structural details** - Structural plans, specifications and design statement prepared and endorsed by a suitably qualified practising structural engineer who holds the applicable Certificate of Accreditation as required under the Building Professionals Act 2005 shall be submitted along with the Construction Certificate application to the Certifying Authority for any of the following, as required by the building design:
- (a) piers
 - (b) footings
 - (c) slabs
 - (d) columns
 - (e) structural steel
 - (f) reinforced building elements
 - (g) swimming pool design
 - (h) retaining walls
 - (i) stabilizing works
 - (j) structural framework
57. **CC7011 - Building - Slip Resistance- Commercial, Retail and Residential Developments** - All pedestrian surfaces in areas such as foyers, public corridors/hallways, stairs and ramps as well as floor surfaces in the wet rooms in any commercial/retail/residential units must have slip resistance classifications, as determined using test methods in either wet or dry conditions, appropriate to their gradient and exposure to wetting. The classifications of the new pedestrian surface materials, in wet or dry conditions, must comply with AS/NZS4586:2004 - Slip Resistance Classifications of New Pedestrian Materials and must be detailed on the plans lodged with the application for the Construction Certificate.
58. **CC8005 - Waste - Waste Storage Containers - Mixed Use Developments** – Waste and recycling facilities shall be provided in accordance with the submitted Refuse Management Report (Ref. No. 16BRW0021), dated 26 July 2016, prepared by TTM Consulting.

All waste and recycling containers shall be stored in an approved waste storage area that is large enough to store the required number of bins, appropriate for the number of units and intended uses of the building, and is to be located in an area of the building that can be adequately serviced by waste collection vehicles.

If the Waste Storage Area is located in a part of the building that cannot be easily accessed by service providers, it will be the responsibility of the Owners Corporation to present the bins for collection to the kerb-side.

Details of the Waste Storage Area must be illustrated on the plans submitted with the application for the Construction Certificate.

PRIOR TO THE COMMENCEMENT OF WORK (INCLUDING DEMOLITION AND EXCAVATION)

These conditions have been imposed to ensure that all pre-commencement matters are dealt with and finalised prior to the commencement of work.

59. **PREC2001 - Building regulation - Site sign - Soil and Erosion Control Measures** - Prior to the commencement of works (including demolition and excavation), the durable site sign issued by Georges River Council in conjunction with this consent must be erected in a prominent location on site. The site sign warns of the penalties which apply to pollution, storing materials on road or footpath and breaches of the conditions relating to erosion and sediment controls. The sign must remain in a prominent location on site up until the completion of all site and building works.

60. **PREC2002 - Development Assessment - Demolition and Asbestos** - The demolition work shall comply with the provisions of Australian Standard AS2601:2011 - Demolition of Structures, NSW Work Health and Safety Act 2011 and the NSW Work Health and Safety Regulation 2011. The work plans required by AS2601-2001 shall be accompanied by a written statement by a suitably qualified person that the proposals contained in the work plan comply with the safety requirements of the Standard. The work plans and the safety statement shall be submitted to the Principal Certifying Authority prior to the commencement of works.

For demolition work which involves the removal of asbestos, the asbestos removal work must be carried out by a licensed asbestos removalist who is licensed to carry out the work in accordance with the NSW Work Health and Safety Act 2011 and the NSW Work Health and Safety Regulation 2011 unless specified in the Act and/or Regulation that a license is not required.

The asbestos removal work shall also be undertaken in accordance with the How to Safely Remove Asbestos: Code of Practice published by Work Cover NSW.

Copies of the Act, Regulation and Code of Practice can be downloaded free of charge from the Work Cover NSW website: www.workcover.nsw.gov.au

61. **PREC6001 - Engineering - Dial before your dig** - The applicant shall contact "Dial Before You Dig on 1100" to obtain a Service Diagram prior to the issuing of the Construction Certificate. The sequence number obtained from "Dial Before You Dig" shall be forwarded to Council's Engineers for their records.
62. **PREC6002 - Engineering - Dilapidation Report on Public Land - Major Development Only** - Prior to the commencement of works (including demolition and excavation), a dilapidation report must be prepared on Council infrastructure adjoining the development site:

The Dilapidation Report must be prepared by a qualified structural engineer.

The report must be provided to the Principal Certifying Authority and a copy provided to the Council.

The report must include the following:

- (a) Photographs showing the existing condition of the road pavement fronting the site,
- (d) Photographs showing the existing condition of any retaining walls within the footway or road, and
- (e) Closed circuit television/video inspection (in DVD format) of public stormwater drainage systems fronting, adjoining or within the site, and
- (f) The full name and signature of the structural engineer.

The reports are to be supplied in electronic format in Word or PDF. Photographs are to be in colour, digital and date stamped.

Council will use this report to determine whether or not to refund the damage deposit after the completion of works.

63. **PREC7001 - Building - Registered Surveyor's Report - During Development Work** - A report must be submitted to the Principal Certifying Authority at each of the following applicable stages of construction:

- (a) Set out before commencing excavation.
- (b) Floor slabs or foundation wall, before formwork or commencing brickwork.
- (c) Completion of Foundation Walls - Before any construction of flooring, detailing the location of the structure relative to adjacent boundaries and floor levels relative to the datum shown on the approved plans.
- (d) Completion of Floor Slab Formwork - Before pouring of concrete/walls construction, detailing the location of the structure relative to adjacent boundaries and floor levels relative to the datum shown on the approved plans. In multi-storey buildings a further survey must be provided at each subsequent storey.
- (e) Completion of any Pool Formwork - Before concreting of pool shell, detailing the location of the pool relative to the adjacent boundaries and its height relative to the datum shown on the approved plans.
- (f) Completion of any Roof Framing - Before roof covered detailing eaves/gutter setback from boundaries.
- (g) Completion of all Work - Detailing the location of the structure (including eaves/gutters) relative to adjacent boundaries and its height relative to the datum shown on the approved plans. A final Check Survey must indicate the reduced level of the main ridge.
- (h) Other.

Work must not proceed beyond each stage until the Principal Certifying

Authority is satisfied that the height and location of the building is proceeding in accordance with the approved plans.

64. **PREC7004 - Building - Structural Engineers Details - Supporting excavations and adjoining land** - Prior to the commencement of work in connection with the excavation of the site associated with the basement car park, structural engineer's details relating to the method of supporting the excavation must be submitted.

DURING WORK

These conditions have been imposed to ensure that there is minimal impact on the adjoining development and surrounding locality during the construction phase of the development.

65. **CON2001 - Development Assessment - Hours of construction, demolition and building related work** - Any work activity or activity associated with the development consent that requires the use of any tools (including hand tools) or any power operated plant and machinery that creates noise on or adjacent to the site shall not be performed, or permitted to be performed, except between the hours of 7.00 am to 5.00 pm, Monday to Saturday inclusive. No work or ancillary activity shall be permitted to be performed on any Sunday, Good Friday, Christmas Day or any Public Holiday. A penalty infringement notice may be issued for any offence.

In addition to the foregoing requirements, construction work on all buildings (except that on single dwelling houses and associated structures on the site of a single dwelling house) shall be prohibited on Saturdays and Sundays on weekends adjacent to a public holiday.

66. **CON2002 - Development Assessment - Ground levels and retaining walls** - The ground levels of the site shall not be excavated, raised or filled, or retaining walls constructed on the allotment boundary, except where indicated on approved plans or approved separately by Council.
67. **CON3001 - Development Engineering - Physical connection of stormwater to site** - No work is permitted to proceed above the ground floor slab level of the building until there is physical connection of the approved stormwater drainage system from the land the subject of this consent to Council's existing pit within the Kempt Field.
68. **CON6001 - Engineering - Cost of work to be borne by the applicant** - The applicant shall bear the cost of all works associated with the construction of the development that occurs on Council property. Care must be taken to protect Council's roads, including the made footway, kerbs, etc, and, where plant and vehicles enter the site, the footway shall be protected against damage by deep-sectioned timber members laid crosswise, held together by hoop iron straps and chamfered at their ends. This construction shall be maintained in a state of good repair and condition throughout the course of construction.
69. **CON6002 - Engineering - Obstruction of Road or Footpath** - The use of the road or footpath for the storage of any building materials, waste materials, temporary toilets, waste or skip bins, or any other matter is not permitted

unless separately approved by Council under Section 138 of the Roads Act and/or under Section 68 of the Local Government Act 1993. Penalty Infringement Notices may be issued for any offences and severe penalties apply.

70. **CON7001 - Building - Structural Engineer's Certification during construction** - The proposed building must be constructed in accordance with details designed and certified by the practising qualified structural engineer. All structural works associated with the foundations, piers, footings and slabs for the proposed building must be inspected and structurally certified for compliance by an independent practising geotechnical and structural engineer. In addition a Compliance or Structural Certificate, to the effect that the building works have been carried in accordance with the structural design, must be submitted to the Principal Certifying Authority at each stage of construction or prior issue of the Occupation Certificate.
71. **CON8001 - Waste - Waste Management Facility** - All materials removed from the site as a result of demolition, site clearing, site preparation and, or excavation shall be disposed of at a suitable Waste Management Facility. No vegetation, article, building material, waste or the like shall be ignited or burnt whatsoever or in association with the work on site. Copies of all receipts for the disposal, or processing of all such materials shall be submitted to the Principal Certifying Authority and a copy provided to the Manager Environmental Services, Georges River Council.

PRIOR TO THE ISSUE OF THE OCCUPATION CERTIFICATE

These conditions have been imposed to ensure that all works have been completed in accordance with the Development Consent prior to the issue of the Occupation Certificate.

72. **OCC10000 - Land Information - Installation of street addresses** - In order to comply with *AS/NZS 4819:2011 Rural and Urban Addressing* and the *NSW Addressing User Manual (AUM)*, the street addresses for the subject development must be installed as advised by Council. Installation is to comply with the following:
- (a) The street number of the development must be displayed in a prominent location at the primary frontage of the site.
 - (b) Separate letterboxes for each unit must be provided with permanent numbers for each letterbox. The letterboxes must be located within an easily accessible area within the primary frontage of the development.
 - (c) The number of each unit must be displayed in a prominent location near the entrance of each unit.

The abovementioned works must be completed before the issue of any Occupation Certificate.

73. **OCC10001 - Land Information - Notice to Georges River Council - Allocation of street addresses** - Prior to the issue of any Occupation Certificate, 'As-built' drawings detailing the installed and allocated street/unit address and numbering must be submitted to the satisfaction of the Land

Information Team at Georges River Council.

74. **OCC2010 - Development Assessment - Design Excellence Verification Statement** - Prior to the issue of the Occupation Certificate a design verification certificate prepared by DKO Architects, being a statement in which it is verified that the building as constructed meets the approved details in terms of design, materials and finishes is to be submitted to the certifying authority.
75. **OCC2011 - Development Assessment - Gross Floor Area** - The following applies:
- (a) The total Gross Floor Area of the development is 48,742m² as calculated in accordance with the definition contained within the Hurstville Local Environmental Plan 2012.
 - (b) Prior to a final Occupation Certificate being issued, a Registered Surveyor must provide certification of the total and component Gross Floor Areas (by use) in the development, utilising the definition under the Hurstville Local Environmental Plan 2012, applicable at the time of development consent, to the satisfaction of the Principal Certifying Authority.
76. **OCC3001 - Development Engineering - Positive Covenant for On-site Detention Facility** - A Positive Covenant is to be created over any on-site detention facility.

This covenant is to be worded as follows:

"It is the responsibility of the lots burdened to keep the "On-Site Detention" facilities, including any ancillary pumps, pipes, pits etc, clean at all times and maintained in an efficient working condition. The "On-Site Detention" facilities are not to be modified in any way without the prior approval of Council."

Georges River Council is to be nominated as the Authority to release, vary or modify this Covenant.

The Positive Covenant shall be registered at the NSW Department of Lands prior to the issue of a Final Occupation Certificate.

77. **OCC3012 - Development Engineering - Letterboxes and Street Numbering** - Prior to the issue of the Occupation Certificate a separate letterbox for each dwelling shall be provided with permanent type numbers installed to each letterbox. These numbers are to be as follows:
- a) The new street address for each building shall be issued by Council prior to the issue of the Occupation Certificate.
 - b) The individual apartment addresses for each unit shall be approved by Australia Post prior to the issue of the Occupation Certificate.
78. **OCC3013 - Development Engineering** - Extinguishment of existing easements for temporary car parking.

The three (3) existing easements for temporary car parking (P7), (P8) and (P9) in basement Level 2 shall be extinguished.

These easements shall be extinguished after the completion of the construction of all the permanent car parking for Stage 3 of this development.

Evidence of extinguishments of all three (3) easements shall be provided to the Principal Certifier prior to Issue of any Occupation Certificate (Interim or Final).

79. **OCC3014 - Development Engineering** - Registration of easement for public access.

An easement for public access shall be created to allow public access to and from Kempt Field to the existing easements over the plaza area adjoining the development site. (Lot 11 DP270611) consistent with approved 'Public Access Plan', drawing no.SK700 Rev.C, dated 11/4/2017 and prepared by DKO Architecture.

This easement shall be created by section 88B of the Conveyancing Act 1919 on any plan of subdivision of the site.

The final position and extent of this easement shall be approved by Council.

This easement shall be registered prior to the issue of any Occupation Certificate (Interim or final).

80. **OCC4001 - Health - Noise Domestic Air conditioner** - Prior to the issue of any Occupation Certificate, a report prepared by a professional acoustic engineer must be submitted to the Principal Certifying Authority to certify that the design and construction of the air conditioner shall not produce a sound level exceeding 5 dB(A) above the ambient background level at the closest neighbouring boundary between the hours of 8:00am and 10:00pm on Saturdays, Sundays and Public Holidays and between the hours of 7:00am and 10:00pm on any other day. Outside the specified hours, the sound level output for the running of air conditioner shall not exceed the ambient background noise level.

81. **OCC4004 - Health - Noise from mechanical plant and equipment** - Noise from the operation of mechanical equipment, ancillary fittings, machinery, mechanical ventilation system and / or refrigeration systems must not exceed background noise when measured at the nearest lot boundary of the site. Where noise sensitive receivers are located within the site, noise from the operation of mechanical plant & equipment must not exceed background noise when measured at the nearest strata, stratum or community title boundary.

A professional engineer (acoustic) shall be engaged to certify that the design and construction of the all sound producing plants and equipment associated with the building complies with the above requirements. Certification shall be submitted to the Principal Certifying Authority prior to the issue of any Occupation Certificate.

82. **OCC6004 - Engineering - Line marking of car parking spaces - Major Development** - Internal driveways and parking spaces are to be adequately paved with concrete or bitumen, or interlocking pavers to provide a dust-free surface. All car parking spaces are to be line marked in accordance with AS1742 - Australian Standard Manual of Uniform Traffic Control Devices and RMS's guidelines.
83. **OCC6006 - Engineering - Wheel Stops** - Wheel stops must be installed in accordance with Section 2.4.5.4 of the Australian Standards AS/NZS 2890.1 - Parking Facilities - Part 1 Off-Street Car Parking. Wheel stops shall be painted with reflective white paint to ensure night time visibility.
84. **OCC6007 - Engineering - Compliance with AS1742 Traffic Control Devices** - The internal road network, pedestrian facilities and parking facilities (including visitor parking and employee parking) shall be designated and line marked in accordance with Australian Standards, AS1742 - Manual of Uniform Traffic Control Devices and NSW Road Transport (Safety and Traffic Management) Regulations 1999.

If an exit from car park utilises a pedestrian footpath, then a warning system, such as flashing light and/or "alarm sound" must be installed on the subject property to alert pedestrians of vehicles exiting the car park. The Alarm System must be designed and installed in accordance with AS2890.1 - 2004.

85. **OCC7005 - Building** - The proposed structure(s) must be constructed in accordance with details designed and certified by the practising qualified structural engineer. In addition, Compliance or Structural Certificates, to the effect that the building works have been carried in accordance with the structural design, must be submitted to the Principal Certifying Authority prior issue of the Occupation Certificate
86. **OCC6005 - Engineering - Completion of Major Works** - Prior to the issue of a Final Occupation Certificate, the following works must be completed at the applicant's expense to the satisfaction of Council's Engineering Services section:
- (a) Stormwater pipes, pits and connections to public stormwater systems within the road related area;
 - (b) Driveways and vehicular crossings within the road related area;
 - (c) Removal of redundant driveways and vehicular crossings;
 - (d) New footpaths and / or pavers within the road related area;
 - (e) Relocation of any existing power/light pole
 - (f) Relocation/provision of street signs
 - (g) New or replacement street trees;
 - (h) New footway verges
 - (i) New or reinstated kerb and guttering within the road related area; and
 - (j) New or reinstated road surface pavement within the road.

Council's Engineering Services Section must advise in writing that the works have been completed to their satisfaction prior to the issue of the Occupation Certificate. Further the damage deposit paid to Council will not be released until the works have been completed to Council's satisfaction.

87. **OCC6009 - Engineering - Stormwater drainage works - Works As Executed** - Prior to the issue of the Occupation Certificate, stormwater drainage works are to be certified by a qualified stormwater engineer, with Works-As-Executed drawings supplied to Council detailing:

- (a) Compliance with conditions of development consent relating to stormwater;
- (b) The structural adequacy of the On-Site Detention system (OSD);
- (c) That the works have been constructed in accordance with the approved design and will provide the detention storage volume and attenuation in accordance with the submitted calculations;
- (d) Pipe invert levels and surface levels to Australian Height Datum;
- (e) Contours indicating the direction in which water will flow over land should the capacity of the pit be exceeded in a storm event exceeding design limits.
- (f) Evidence that a positive covenant pursuant to Section 88E of the Conveyancing Act 1919 has been created on the title of the subject property, providing for the indemnification of Council from any claims or actions and for the on-going maintenance of the on-site-detention system and/ (including any pumps and sumps incorporated in the development).

Council's Engineering Services section must advise in writing that they are satisfied with the Works-As-Executed prior to the issue of the Occupation Certificate.

88. **OCC3011 - Development Engineering - Requirements prior to the issue of the Occupation Certificate** - The following shall be completed and or submitted to the Principal Certifying Authority (PCA) prior to the issue of the Occupation Certificate:

- (a) All the stormwater/drainage works shall be completed in accordance with the approved Construction Certificate plans prior to the issue of the Occupation Certificate.
- (b) The internal driveway construction works, together with the provision for all services (conduits and pipes laid) shall be completed in accordance with the approved Construction Certificate plans prior to the issue of the Occupation Certificate.
- (c) Construct any new vehicle crossings required.
- (d) Replace all redundant vehicle crossing laybacks with kerb and guttering, and replace redundant concrete with turf.
- (e) A Section 73 (Sydney Water) Compliance Certificate for the Subdivision shall be issued and submitted to the PCA prior to the issue of the Occupation Certificate.
- (f) Work as Executed Plans prepared by a Chartered Professional Engineer or a Registered Surveyor when all the site engineering works are complete shall be submitted to the PCA prior to the issue of the Occupation Certificate.

89. **OCC2004 - Development Assessment - BASIX Compliance Certificate** - A Compliance Certificate must be provided to the Principal Certifying Authority regarding the implementation of all energy efficiency measures as detailed in the BASIX Certificate No. 74005M dated 6 July 2016, and in the plans approved with the Development Consent/ Construction Certificate, before issue of the Occupation Certificate.
90. **OCC2005 - Development Assessment - Completion of Landscape Works** - All landscape works must be completed before the issue of the Final Occupation Certificate.
91. **OCC2006 - Development Assessment - Post Construction Dilapidation report - Private Land** - At the completion of the construction works, a suitably qualified person is to be engaged to prepare a post-construction dilapidation report. This report is to ascertain whether the construction works associated with the subject development created any structural damage to the following adjoining premises:

(a) All adjoining properties

The report is to be prepared at the expense of the beneficiary of the consent and submitted to the Principal Certifying Authority (PCA) prior to the issue of the Occupation Certificate. In ascertaining whether adverse structural damage has occurred to the adjoining premises, the PCA, must compare the post construction dilapidation report with the pre-construction dilapidation report required by conditions in this consent.

Evidence confirming that a copy of the post construction dilapidation report was delivered to the adjoining properties subject of the dilapidation report must be provided to the PCA prior to the issue of the Occupation Certificate.

92. **OCC2007 - Development Assessment - Allocation of car parking spaces** - Car parking associated with the development is to be allocated as follows:
- (a) Residential dwellings: 598 spaces (to be allocated on the basis of 1 space per 1 or 2 bedroom unit and 2 spaces per 3+ bedroom unit)
 - (b) Residential visitors: 80 spaces
 - (c) Commercial/Retail: minimum 85 spaces
 - (d) Visitor Parking for Stage 2: 76 spaces
 - (e) Car wash bay: minimum 1 space (can be shared as residential visitor space)
93. **OCC6002 - Engineering - Vehicular crossing & Frontage work - Major development** - The following road frontage works shall be constructed in accordance with Council's, *Specification for Vehicular Crossings and Associated Works* together with the *Vehicular Crossing Approval* issued by Council's Engineering Services Division:
- (a) Construct a 150mm thick concrete vehicular crossing reinforced with F72 fabric in accordance with Council's Specifications for vehicular crossings.
 - (b) Construct a new full width (boundary to kerb) footpath in paving material approved and specified by Council's Engineer for the full frontage of the

site in Durham Street in accordance with Council's Specifications for footpaths.

- (c) Construct a new 150mm high concrete kerb with 450mm wide gutter as instructed by Council's Engineer in Durham Street in accordance with Council's Specifications for kerb and guttering.
- (d) Any existing vehicular crossing and/or laybacks which are redundant must be removed. The kerb and gutter, any other footpath and turf areas shall be restored at the expense of the beneficiary of this consent and in accordance with Council's *Specification for Vehicular Crossings and Associated Works*. The work shall be carried out by a private contractor, subject to Council approval.
- (e) Any utilities/services/drains/power poles that require relocating or altering as a result of construction of the vehicular crossing to Council's issued levels and/or Council's standard shape is to be done in accordance with the requirements of the relevant service/utility and at the expense of the beneficiary of this consent.

A private contractor shall carry out the above work, at the expense of the beneficiary of this consent and in accordance with Council's *Specification for Vehicular Crossings and Associated Works*.

The driveway and road frontage works are to be completed **before the issue of the Occupation Certificate**.

94. **OCC6008 - Engineering - Dilapidation Report on Public Land for Major Development Only** - Upon completion of works, a follow up dilapidation report must be prepared on Council infrastructure adjoining the development site, including:

- (a) The condition of the road pavement fronting the site,
- (b) The condition of the kerb and gutter fronting the site,
- (c) The condition of the footway including footpath pavement fronting the site
- (d) The condition of any retaining walls within the footway or road, and
- (e) Closed circuit television/video inspection (in DVD format) of public stormwater drainage systems fronting, adjoining or within the site,
- (f) The condition of the adjoin green field

The dilapidation report must be prepared by a qualified structural engineer. The report must be provided to the Principal Certifying Authority and a copy provided to the Council.

The report must include the following:

- (a) Photographs showing the condition of the road pavement fronting the site,
- (b) Photographs showing the condition of the kerb and gutter fronting the site,
- (c) Photographs showing the condition of the footway including footpath pavement fronting the site
- (d) Photographs showing the condition of retaining walls within the footway or road, and
- (e) Closed circuit television/video inspection (in DVD format) of public

- stormwater drainage systems fronting, adjoining or within the site, and
- (f) The full name and signature of the professional engineer.

The reports are to be supplied in electronic format in Word or PDF. Photographs are to be in colour, digital and date stamped.

Council's Engineering Services Section must advise in writing that the works have been completed to their satisfaction prior to the issue of the Occupation Certificate. Further, Council will use this report to determine whether or not to refund the damage deposit.

95. **OCC7001 - Building - Fire Safety Certificate before Occupation or Use** - In accordance with Clause 153 of the Environmental Planning and Assessment Regulation 2000 (the Regulation), on completion of building works and prior to the issue of an Occupation Certificate, the owner must cause the issue of a Final Fire Safety Certificate in accordance with Clause 170 of the Regulation. The Fire Safety Certificate must be in the form required by Clause 174 of the Regulation. In addition, each essential fire or other safety measure implemented in the building or on the land on which the building is situated, such a Certificate must state:

- (a) That the measure has been assessed by a person (chosen by the owner of the building) who is properly qualified to do so.
- (b) That as at the date of the assessment the measure was found to be capable of functioning at a standard not less than that required by the attached Schedule.

A copy of the certificate is to be given (by the owner) to the Commissioner of Fire and Rescue NSW and a further copy is to be displayed in a frame and fixed to a wall inside the building's main entrance.

96. **OCC7002 - Building - Slip Resistance** - Floor surfaces used in the foyers, public corridors/hallways, stairs and ramps as well as floor surfaces in wet rooms in any commercial/retail/residential units are to comply with the slip resistant requirements of AS1428.1 (general requirements for access/new building work) and AS1428.4 (tactile ground surface indicators) and AS2890.6 (off-street parking). Materials must comply with testing requirements of AS/NZS4663:2002.

ONGOING CONDITIONS

These conditions have been imposed to ensure that the use or operation of the development does not adversely impact on the amenity of the neighbourhood or environment.

97. **ONG2010 - Development Assessment - Waste Management** - Provisions for the management of waste shall be in accordance with the 'Refuse Management Report' prepared by TTM Consulting, dated 26 July 2016.
98. **ONG4011 - Health - Noise Control** - The use of the premises must not give rise to the transmission of 'offensive noise' to any place of different occupancy. 'Offensive noise' is defined in the Protection of the Environment Operations Act 1997 (as amended).

99. **ONG4018 - Health - Amenity of the neighbourhood** - The implementation of this development shall not adversely affect the amenity of the neighbourhood or interfere unreasonably with the comfort or repose of a person who is outside the premises by reason of the emission or discharge of noise, fumes, vapour, odour, steam, soot, dust, waste water, waste products, grit, oil or other harmful products.

No vegetation, article, building material, waste or the like shall be ignited or burnt whatsoever or in association with the work on site.

100. **ONG3005 - Development Engineering - Additional requirements for the issue of a Strata Certificate** - In addition to the statutory requirements of the Strata Schemes (Freehold Development) Act 1973 a Strata Certificate must not be issued which would have the effect of:

- (a) The removal of any areas of common property shown upon the approved Development Application plans and allocated to any one or more strata lots,
- (b) The removal of any visitor parking spaces from the strata scheme and allocated to any one or more strata lots , or
- (c) Any unit's parking space or storage area is not strata subdivided as separate strata lot.
- (d) Under no circumstances shall any future Strata By-Laws be created to grant exclusive use of nominated Visitors Parking spaces to occupants/owners of units or tenancies within the building.

Note: This condition has been imposed to ensure that: (a) common property is not alienated from the strata scheme and assigned to any one or more strata lots, (b) visitor parking is not alienated from the strata scheme and assigned to any one or more strata lots such that visitors would be restricted from lawful access and use of required visitor parking, (c) parking spaces and storage areas are not strata subdivided as separate strata lots which may be sold with full strata title rights as a parking space or storage area lot, reducing available parking and storage to strata lots and visitors required to reduce demand for on-street public parking.

101. **ONG3006 - Development Engineering - Ongoing maintenance of the on-site detention system** - The Owner(s) must in accordance with this condition and any positive covenant:

- (a) Permit stormwater to be temporarily detained by the system;
- (b) Keep the system clean and free of silt rubbish and debris;
- (c) Maintain renew and repair as reasonably required from time to time the whole or part of the system so that it functions in a safe and efficient manner and in doing so complete the same within the time and in the manner reasonably specified in written notice issued by the Council;

- (d) Carry out the matters referred to in paragraphs (b) and (c) at the Owners expense;
- (e) Not make any alterations to the system or elements thereof without prior consent in writing of the Council and not interfere with the system or by its act or omission cause it to be interfered with so that it does not function or operate properly;
- (f) Permit the Council or its authorised agents from time to time upon giving reasonable notice (but at any time and without notice in the case of an emergency) to enter and inspect the land with regard to compliance with the requirements of this covenant;
- (g) Comply with the terms of any written notice issued by Council in respect to the requirements of this clause within the time reasonably stated in the notice;
- (h) Where the Owner fails to comply with the Owner's obligations under this covenant, permit the Council or its agents at all times and on reasonable notice at the Owner's cost to enter the land with equipment, machinery or otherwise to carry out the works required by those obligations;
- (i) Indemnify the Council against all claims or actions and costs arising from those claims or actions which Council may suffer or incur in respect of the system and caused by an act or omission by the Owners in respect of the Owner's obligations under this condition.

102. **ONG3004 - Development Engineering - Conditions relating to future Strata Subdivision of Buildings**

No approval is expressed or implied for the subdivision of the subject building(s). For any future Strata subdivision, a separate Development Application or Complying Development Certificate shall be approved by Council or an Accredited Certifier.

Prior to the issue of any Strata Certificate of the subject building(s) the following conditions shall be satisfied:

(a) Unit Numbering

Apartment type numbers shall be installed adjacent or to the front door of each unit.

The unit number shall coincide with the strata plan lot numbering.

(b) Car Parking Space Marking and Numbering

Each basement car space shall be line marked with paint and numbered in accordance with the strata plan lot numbering.

"Visitor Parking" signs shall be installed adjacent to any and all visitor car spaces prior to the issue of any Strata Certificate.

(c) Designation of Visitor Car Spaces on any Strata Plan

Any Visitor car spaces shall be designated on the final strata plan as

"Visitor Parking - Common Property".

(d) Allocation of Car Parking Spaces, Storage Areas and Common Property on any Strata Plan

- i. All car parking spaces shall be created as a part lot of the individual strata's unit lot in any Strata Plan of the subject building.
- ii. All storage areas shall be created as a part lot of the individual strata's unit lot or a separate Utility Lot (if practical) in any Strata Plan of the subject building.
- iii. The minimum number of parking spaces required to be allocated as a part lot to each individual strata's unit lot shall be in accordance with the car parking requirements of Council's Development Control Plan and as required by the relative development consent for the building construction.
- iv. No parking spaces shall be created as an individual strata allotment on any Strata Plan of the subject building unless these spaces are surplus to the minimum number of parking spaces required.

If preferred the surplus car spaces shall be permitted to be created as separate Utility Lots, (instead as a part lot of the individual strata's unit lot), in accordance with Section 39 of the Strata Schemes (Freehold Development) Act 1973.

The above requirements regarding car parking spaces and storage areas may only be varied with the conditions of a separate Development Application Approval for Strata Subdivision of the Building(s).

(e) On Site Detention Requirements

The location any on-site detention facility shall be shown on the strata plan and suitably denoted.

(f) Creation of Positive Covenant

A Positive Covenant shall be created over any on-site detention facility by an Instrument pursuant to Section 88B of the Conveyancing Act 1919, with the covenant including the following wording:

"It is the responsibility of the Owner's Corporation to keep the on-site detention facilities, together with any ancillary pumps, pipes, pits etc, clean at all times and maintained in an efficient working condition. The on-site detention facilities shall not be modified in any way without the prior approval of Georges River Council."

Georges River Council is to be nominated as the Authority to release, vary or modify this Covenant.

103. **ONG2003 - Development Assessment - Maintenance of Landscaping** - All trees and plants forming part of the landscaping must be maintained on an ongoing basis. Maintenance includes watering, weeding, removal of rubbish

from tree bases, fertilizing, pest and disease control and any other operations required to maintain healthy trees, plants and turfed areas.

104. **ONG7002 - Building - Annual Fire Safety Statement** - In accordance with Clause 177 of the Environmental Planning and Assessment Regulation, 2000 the owner of the building premises must cause the Council to be given an annual fire safety statement in relation to each essential fire safety measure implemented in the building. The annual fire safety statement must be given:
- (a) Within twelve (12) months after the date on which the fire safety certificate was received.
 - (b) Subsequent annual fire safety statements are to be given within twelve (12) months after the last such statement was given.
 - (c) An annual fire safety statement is to be given in or to the effect of Clause 181 of the Environmental Planning and Assessment Regulation, 2000.
 - (d) A copy of the statement is to be given to the Commissioner of Fire and Rescue NSW, and a further copy is to be prominently displayed in the building.

ADVICE

This advice has been included to provide additional information and where available direct the applicant to additional sources of information based on the development type.

105. **ADV7001 - Building - Council as PCA - Deemed to Satisfy Provisions of BCA** - Should the Council be appointed as the Principal Certifying Authority in determining the Construction Certificate, the building must comply with all the applicable deemed to satisfy provision of the BCA. However, if an alternative solution is proposed it must comply with the performance requirements of the BCA, in which case, the alternative solution, prepared by an appropriately qualified fire consultant, accredited and having specialist qualifications in fire engineering, must justifying the non-compliances with a detailed report, suitable evidence and expert judgement. Council will also require if deemed necessary, for the alternative solution to undergo an independent peer review by either the CSIRO or other accredited organisation. In these circumstances, the applicant must pay all costs for the independent review.
106. **ADV7004 - Building - Council as PCA - Compliance with the BCA** - Should the Council be appointed as the Principal Certifying Authority, the Construction Certificate Application must be accompanied by the following details, with plans prepared and certified by an appropriately qualified person demonstrating compliance with the BCA:
- Mechanical ventilation, provided to bathroom, laundry and basement areas not afforded natural ventilation.
 - Fire-fighting services and equipment including control centre facility, hydrant systems, sprinkler systems, hose reels, mechanical air handling and stair pressurization systems, portable fire extinguishers, smoke hazard management systems and sound & warning systems.
 - Emergency lighting and exit signs throughout all premises including courtyard, common room/areas, lobby/podium and basement areas.

- Fire resistance levels of building elements including walls, floors, roof tops, columns, and separation of electrical supply systems etc.
- Construction of all fire doors and smoke doors (smoke doors to swing in the direction of egress) including operational and warning signage.
- Fire compartmentation and fire wall separation details including all stairway, lift and service shafts.
- Exit travel distances and access grades including the number of required exits, smoke separation of public corridors and installations within exits, must demonstrate compliance with the BCA.
- The dimension and number of exits shall accommodate the total number of occupants to the commercial retail part of the building.
- Re-entry facilities from fire isolated exit stairways.
- The protection of doorways in any horizontal exit.
- Sound transmission and insulation details.
- Stretcher facility and emergency lift installation including warning and operational signage to lift areas.
- Disabled access that complies with the BCA and with AS 1428.1.2009
- Certified Alternative fire engineering reports where required.
- Location, design/fit-out and dimension of basement parking areas and adaptable units for people with disabilities.
- Window schedule is to include the protection of openable windows.
- Sufficient sanitary facilities shall be provided, on the common property, to accommodate the maximum population intended for the approved commercial food premises areas.

In this regard, detailed construction plans and specifications that demonstrate compliance with the above requirements of the BCA must be submitted to the Principal Certifying Authority with the Construction Certificate Application. Should there be any non-compliance, an alternative method of fire protection and structural capacity must be submitted, with all supporting documents prepared by a suitably qualified person.

In the event that full compliance with the BCA cannot be achieved and the services of a fire engineer are obtained to determine an alternative method of compliance with the BCA, such report must be submitted to and endorsed by the Principal Certifying Authority prior to issue of the Construction Certificate.

107. ADV7005 - **Building - Energy Efficiency Provisions** - Should Council be appointed as the Principal Certifying Authority, a report prepared and endorsed by an Energy Efficiency Engineer or other suitably qualified person must be submitted, detailing the measures that must be implemented in the building to comply with Section J of the BCA. The proposed measures and feature of the building that facilitate the efficient use of energy must be identified and detailed on the architectural plans. At completion of the building and before the issue of an Occupation Certificate, a certificate certifying that the building has been erected to comply with the energy efficiency provisions must be submitted to the Principal Certifying Authority.)
108. ADV7006 - **Building - Compliance with Access, Mobility and AS4299 - Adaptable Housing** - Should the Council be appointed as the Principal Certifying Authority, the Construction Certificate application must be accompanied by detailed working plans and a report or a Certificate of

Compliance from an Accredited Access Consultant certifying that the building design and access to the adaptable units complies with Development Control Plan No 1 - LGA Wide - Section 3.3 Access and Mobility and AS 4299 Adaptable Housing.

109. ADV2002 - **Development Assessment - Site Safety Fencing** - Site fencing must be erected in accordance with WorkCover Guidelines, to exclude public access to the site throughout the demolition and/or construction work, except in the case of alterations to an occupied dwelling. The fencing must be erected before the commencement of any work and maintained throughout any demolition and construction work.

For more information visit www.workcover.nsw.gov.au

110. ADV2009 - **Development Assessment - Security deposit administration & compliance fee** - Under Section 97(5) of the Local Government Act 1993, a security deposit (or part) if repaid to the person who provided it is to be repaid with any interest accrued on the deposit (or part) as a consequence of its investment.

Council must cover administration and other costs incurred in the investment of these monies. The current charge is \$50.00 plus 2% of the bond amount per annum.

Interest rate applied to bonds is set at Council's business banking facility rate as at 1 July each year. Council will accept a bank guarantee in lieu of a deposit.

All interest earned on security deposits will be used to offset the Security Deposit Administration and Compliance fee. Where interest earned on a deposit is not sufficient to meet the fee, it will be accepted in full satisfaction of the fee.

Schedule B – Prescribed Conditions

Prescribed conditions are those which are mandated under Division 8A of the *Environmental Planning and Assessment Regulation 2000* and given weight by Section 80A (11) of the Environmental Planning and Assessment Act 1979.

Detailed below is a **summary** of all the prescribed conditions which apply to development in New South Wales. Please refer to the full details of the prescribed conditions as in force, at www.legislation.nsw.gov.au.

It is the responsibility of the beneficiary of this consent to determine which prescribed conditions apply.

111. PRES1001 - **Clause 97A – BASIX Commitments** - This Clause requires the fulfilment of all BASIX Commitments as detailed in the BASIX Certificate to which the development relates.
112. PRES1002 - **Clause 98 – Building Code of Australia & Home Building Act 1989** - Requires all building work to be carried out in accordance with the Building Code of Australia. In the case of residential building work to which the Home Building Act 1989 relates, there is a requirement for a contract of insurance to be in force before any work commences.
113. PRES1003 - **Clause 98A – Erection of Signs** - Requires the erection of signs on site and outlines the details which are to be included on the sign. The sign must be displayed in a prominent position on site and include the name and contact details of the Principal Certifying Authority and the Principal Contractor.
114. PRES1004 - **Clause 98B – Home Building Act 1989** - If the development involves residential building work under the Home Building Act 1989, no work is permitted to commence unless certain details are provided in writing to Council. The name and licence/permit number of the Principal Contractor or Owner Builder and the name of the Insurer by which work is insured under Part 6 of the Home Building Act 1989.
115. PRES1007 - **Clause 98E – Protection & support of adjoining premises** - If the development involves excavation that extends below the level of the base of the footings of a building on adjoining land, this prescribed condition requires the person who benefits from the development consent to protect and support the adjoining premises and where necessary underpin the adjoining premises to prevent any damage.

Schedule C – Operational & Statutory Conditions

These conditions comprise the operational and statutory conditions which must be satisfied under the Environmental Planning and Assessment Act 1979 and the Environmental Planning & Assessment Regulation 2000. Please refer to the full details of the Act and Regulations as in force, at www.legislation.nsw.gov.au.

It is the responsibility of the beneficiary of this consent to determine which operational and statutory conditions apply.

116. **OPER1001 - Requirement for a Construction Certificate** - The erection of a building must not commence until a Construction Certificate has been issued by the consent authority, the Council (if the Council is not the consent authority) or an accredited certifier.

An application form for a **Construction Certificate** is attached for your convenience.

117. **OPER1002 - Appointment of a Principal Certifying Authority** - The erection of a building must not commence until the beneficiary of the development consent has:

- (a) appointed a Principal Certifying Authority (PCA) for the building work; and
- (b) if relevant, advised the PCA that the work will be undertaken as an Owner-Builder.

If the work is not going to be undertaken by an Owner-Builder, then the beneficiary of the consent must:

- (a) appoint a Principal Contractor to undertake the building work. If residential building work (within the meaning of the Home Building Act 1989) is to be undertaken, the Principal Contractor must be a holder of a contractor licence; and
- (b) notify the PCA of the details of any such appointment; and
- (c) notify the Principal Contractor of any critical stage inspections or other inspections that are required to be carried out in respect of the building work.

An **Information Pack** is attached for your convenience should you wish to appoint Georges River Council as the Principal Certifying Authority for your development.

118. **OPER1003 - Notification of Critical Stage Inspections** - No later than two (2) days before the building work commences, the PCA must notify:

- (a) the consent authority and the Council (if not the consent authority) of his or her appointment; and
- (b) the beneficiary of the development consent of the critical stage inspections and other inspections that are to be carried out with respect to the building work.

119. **OPER1004 - Notice of Commencement** - The beneficiary of the development consent must give at least two (2) days notice to the Council and

the PCA of their intention to commence the erection of a building.

A **Notice of Commencement Form** is attached for your convenience.

120. OPER1007 - **Critical Stage Inspections** - The last critical stage inspection must be undertaken by the Principal Certifying Authority. The critical stage inspections required to be carried out vary according to Building Class under the Building Code of Australia and are listed in Clause 162A of the Environmental Planning and Assessment Regulation 2000.
121. OPER1008 - **Notice to be given prior to critical stage inspections** - The principal contractor for a building site, or the owner-builder, must notify the principal certifying authority at least 48 hours before each required inspection needs to be carried out.

Where Georges River Council has been appointed PCA, forty eight (48) hours notice in writing, or alternatively twenty four (24) hours notice by facsimile or telephone, must be given to when specified work requiring inspection has been completed.

122. OPER1009 - **Occupation Certificate** - A person must not commence occupation or use of the whole or any part of a new building unless an Occupation Certificate has been issued in relation to the building or part.

Only the Principal Certifying Authority appointed for the building work can issue the Occupation Certificate.

An **Occupation Certificate** Application Form is attached for your convenience.