

AMENDED 03.12.2018 **ATTACHMENT B - CONDITIONS OF CONSENT**

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|-------------------------|-----------------------------------|
| SWCCP Reference: | 2017SWC154 |
| DA No: | DA/999/2017 |
| Address: | 37-39 Hill Road – Wentworth Point |

APPROVAL SUBJECT TO THE FOLLOWING MODIFICATIONS TO THE CONSENT (DA-19/2015 - Auburn Reference):

(A) MODIFY CONDITION 1 TO READ AS FOLLOWS:

1. Approved Plans

The development is to be carried out in accordance with the approved stamped plans as numbered below:

| Plan No | Prepared By | Revision No | Date |
|--|--------------------|--------------------|-------------|
| Architectural Package | | | |
| Site Survey (4 Sheets) Reference 40653DT | LTS Lockley | E | 18.01.2018 |
| Existing Site Plan & Demolition Plan Project S12088 Drawing A00.02 | Bates Smart | C | 12.11.2018 |
| Indicative Staging Plan Project S12088 Drawing A01.001 | Bates Smart | C | 12.11.2018 |
| Proposed Block Plan & Setbacks Project S12088 Drawing A01.002 | Bates Smart | D | 16.11.2018 |
| Proposed Site Plan Project S12088 Drawing A01.003 | Bates Smart | C | 12.11.2018 |
| Traffic Movement Project S12088 Drawing A01.004 | Bates Smart | C | 12.11.2018 |
| Envelope Comparison Project S12088 Drawing A02.001 | Bates Smart | C | 12.11.2018 |
| Block A Envelope Comparison Project S12088 Drawing A02.002 | Bates Smart | C | 12.11.2018 |
| Block B Envelope Comparison Project S12088 Drawing A02.003 | Bates Smart | C | 12.11.2018 |
| Block C Envelope Comparison Project S12088 Drawing A02.004 | Bates Smart | C | 12.11.2018 |
| Block D Envelope Comparison Project S12088 Drawing A02.005 | Bates Smart | C | 12.11.2018 |
| Public Domain Alignment Project S12088 Drawing A02.006 | Bates Smart | D | 20.11.2018 |
| Envelope Sections Comparison Project S12088 Drawing A02.101 | Bates Smart | C | 12.11.2018 |
| Block A Indicative Sections Comparison Project S12088 Drawing A02.102 | Bates Smart | C | 12.11.2018 |
| Block B Indicative Sections Comparison Project S12088 Drawing A02.103 | Bates Smart | C | 12.11.2018 |
| Block C Indicative Sections Comparison Project S12088 Drawing A02.104 | Bates Smart | C | 12.11.2018 |
| Block D Indicative Sections Comparison Project S12088 Drawing A02.105 | Bates Smart | C | 12.11.2018 |
| Indicative Street Elevation 1 Project S12088 Drawing A02.201 | Bates Smart | C | 12.11.2018 |
| Indicative Street Elevation 2 | Bates Smart | C | 12.11.2018 |

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|--|-------------|---|------------|
| Project S12088 Drawing A02.202 | | | |
| Indicative Street Elevation 3 Project S12088 Drawing A02.203 | Bates Smart | C | 12.11.2018 |
| Indicative Street Elevation 4 Project S12088 Drawing A02.204 | Bates Smart | C | 12.11.2018 |
| Indicative Street Elevation 5 Project S12088 Drawing A02.205 | Bates Smart | C | 12.11.2018 |
| Indicative Typical Lower Basement Plan Project S12088 Drawing A03.0B2 | Bates Smart | C | 12.11.2018 |
| Indicative Basement 01 Plan Project S12088 Drawing A03.0B1 | Bates Smart | C | 12.11.2018 |
| Indicative Ground Floor Plan Project S12088 Drawing A03.000 | Bates Smart | C | 12.11.2018 |
| Indicative Level 01 Plan Project S12088 Drawing A03.001 | Bates Smart | C | 12.11.2018 |
| Indicative Level 02 Plan Project S12088 Drawing A03.002 | Bates Smart | C | 12.11.2018 |
| Indicative Typical Floor Plan Project S12088 Drawing A03.003 | Bates Smart | C | 12.11.2018 |
| Indicative Typical Setback Floor Plan Project S12088 Drawing A03.004 | Bates Smart | C | 12.11.2018 |
| Indicative Typical Tower Floor Plan Project S12088 Drawing A03.005 | Bates Smart | C | 12.11.2018 |
| Indicative Typical Tower Setback Plan Project S12088 Drawing A03.006 | Bates Smart | C | 12.11.2018 |
| Indicative Roof Plan Project S12088 Drawing A03.007 | Bates Smart | C | 12.11.2018 |
| Typical Floor Plan – Area Calculation Project S12088 Drawing A10.001 | Bates Smart | C | 12.11.2018 |
| Civil Works Package | | | |
| Cover Sheet Project 17-477 Drawing DAC1001 | AT&L | A | 16.10.2018 |
| General Arrangement Project 17-477 Drawing DAC1005 | AT&L | A | 16.10.2018 |
| Typical Section Sheet 1 Project 17-477 Drawing DAC1007 | AT&L | A | 16.10.2018 |
| Typical Section Sheet 2 Project 17-477 Drawing DAC1008 | AT&L | A | 16.10.2018 |
| Siteworks Plan Sheet 1 Project 17-477 Drawing DAC1011 | AT&L | A | 16.10.2018 |
| Siteworks Plan Sheet 2 Project 17-477 Drawing DAC1012 | AT&L | A | 16.10.2018 |
| Siteworks Plan Sheet 3 Project 17-477 Drawing DAC1013 | AT&L | A | 16.10.2018 |
| Siteworks Plan Sheet 4 Project 17-477 Drawing DAC1014 | AT&L | A | 16.10.2018 |
| Vehicle Turning Path Plan Sheet 1 Project 17-477 Drawing DAC1071 | AT&L | A | 16.10.2018 |
| Vehicle Turning Path Plan Sheet 2 Project 17-477 Drawing DAC1072 | AT&L | A | 16.10.2018 |
| Vehicle Turning Path Plan Sheet 3 Project 17-477 Drawing DAC1073 | AT&L | A | 16.10.2018 |
| Vehicle Turning Path Plan Sheet 4 Project 17-477 Drawing DAC1074 | AT&L | A | 16.10.2018 |
| Vehicle Turning Path Plan Sheet 5 Project 17-477 Drawing DAC1075 | AT&L | A | 16.10.2018 |
| Vehicle Turning Path Plan Sheet 6 Project 17-477 Drawing DAC1076 | AT&L | A | 16.10.2018 |

| Document and Reference No | Prepared By | Revision No | Date |
|---|------------------|-------------|---------------|
| Masterplan Section 96 Design Report | Bates Smart | E | November 2018 |
| Remediation Action Plan Project 85836.03 | Douglas Partners | 0 | 21.09.2018 |
| Acid Sulfate Soil Management Plan Project 85836.02 | Douglas Partners | 0 | 16.07.2018 |

except as otherwise provided by the conditions of this determination. Where there is a discrepancy between the architectural plans and other plans/documentation, the architectural plans will prevail.

Note:- modifications to the approved plans will require the lodgement and consideration by Council of a modification pursuant to Section 4.55 of the Environmental Planning and Assessment Act.

Reason: To confirm and clarify the terms of Council's approval.

(B) MODIFY CONDITION 4 TO READ AS FOLLOWS:

4. Subsequent applications to comply with Staged Development approval

The determination of any further development application made in respect of Precinct D, as identified under the Homebush Bay West Development Control Plan Amendment No. 1, cannot be inconsistent with this staged development consent.

The detailed design of the approved envelopes including the location of service areas and future development of Blocks A through D shall be contained within the building footprint and envelopes approved as part of this staged development consent. Any future development application made in respect of the land the subject of this staged development consent shall comply with the following:

- a) To facilitate the construction of the pedestrian promenade and to promote temporary access during all construction processes, the pedestrian promenade, to a width of 5 metres from the Bay and construction of the sea wall to the satisfaction of Council, should form part of any first stage works associated with any subsequent application within the staged works.
- b) **The total cumulative floor space for Precinct D shall not exceed the maximum: 97,087m². This figure excludes horizontal corridors and lobbies on all levels and above ground parking where it is sleeved by active uses.**
- c) The floor plate of each tower within Blocks B and C in Precinct D shall comply with Part 5.3.3 (i) of the Homebush Bay West Development Control Plan (Amendment No. 1) 2013.
- d) **Each block forming part of the Concept Plan shall be subject of a separate development application.**
- e) **The design of Block B shall incorporate the following requirements to optimise the amenity of the park:**
 - (i) **There shall be no building overhang (with the exception of an awning) across the 3m wide pathway located to the east of the tower on Block B**
 - (ii) **A minimum 1.5m slab set down for soil media is to be provided above the basement carpark within the park on Block B**
- f) **The road layouts shall be designed in the manner indicated on the Public Domain Alignment Plan - Project S12088 Drawing A02.006 Issue D dated 20.11.2018 prepared by Bates Smart.**

Reason: To ensure consistency with Division 2A of the EP&A Act 1979.

(C) INSERT CONDITION 5A TO READ AS FOLLOWS:

5A. NSW Water General Terms of Approval

1. A Water Supply Work Approval from WaterNSW must be obtained prior to commencing dewatering activity on the proposed site. Please complete an Application for approval for water supply works. and/or water use.
2. An application for a Water Supply Works Approval will only be accepted upon receipt of supporting documentation, and payment of the applicable fee (see Application fees for New or amended Works and/or Use Approvals). The information required for the processing of the water supply work application may include preparation of a dewatering management plan. Please refer to checklist attached.
3. If approved, the Approval will be issued for a period of up to 24 months to cover the dewatering requirements during the construction phase. It will include conditions to ensure that impacts are acceptable and that adequate monitoring and reporting procedures are carried out. The Approval will be issued subject to the proponent meeting requirements of other agencies and consent authorities. For example, an authorisation by either Sydney Water or the local Council, depending where the water will be discharged. If contaminants are likely, or are found to be present in groundwater, and are being discharged to stormwater, including high salinities, a discharge licence under the Protection of the Environment Operations Act 1997 (NSW) may also be required.
4. WaterNSW prefers "tanking" (ie. total water proofing below the seasonal high water table) of basement excavations, and avoids the ongoing extraction of groundwater after the initial construction phase. It is also advised to adopt measures to facilitate movement of groundwater post construction (eg. a drainage blanket behind the water-proof membrane).
5. If the basement is not "tanked", the proponent will require a Water Access Licence (WAL) and need to acquire groundwater entitlements equivalent to the yearly ongoing take of groundwater. Please note: Acquiring groundwater entitlements could be difficult, and may cause delay in project completion. If a WAL is required, please complete an Application for a new water access licence with a zero share component.

Reason: To ensure the general terms of approval of NSW Water Integrated Approval are incorporated.

(D) MODIFY CONDITION 6 TO READ AS FOLLOWS:

6. Issuing of Construction Certificates – Controlled Activity Approval

The Construction Certificate will not be issued over any part of the site requiring a controlled activity approval or Water Supply Work Approval and if required, a Water Access Licence until a copy of the approval/s have been provided to Council.

Reason: To ensure the appropriate approvals are obtained from the Department of Industry (Land and Water) and Water NSW where required prior to the issuing of a Construction Certificate.

(E) **ADD CONDITION 7A TO READ AS FOLLOWS:**

7A. Car Parking Requirements – future development applications

Car parking for the redevelopment of the site shall be provided as per the following requirements unless otherwise agreed to by Council:

(a) The following car parking rates will apply to all future development applications:

| Development Usage | Car Parking Provision (minimum) | Car Parking Provision (maximum) |
|--------------------------|--|---|
| Residential - 1 bedroom | 1.0 space per apartment | 1.0 space per apartment |
| Residential – 2 bedroom | 1.0 space per apartment | 1.25 spaces per apartment |
| Residential - 3 bedroom | 1.0 space per apartment | 2.0 spaces per apartment |
| Residential - Visitor | 1 space per 8 apartments | 1 space per 8 apartments |
| Car Share | 1 space per 200 apartments | N/A |
| Any other land use | Car parking rates to be determined in accordance with the Homebush Bay West DCP 2004, Auburn DCP 2010, or RMS Guide for Traffic Generating Development, whichever is applicable. | |

- (b) All parking for residential apartment and retail/commercial use (with the exception of a maximum 50% of residential visitor spaces) is to be contained within the respective development block.
- (c) A maximum 50% of the required visitor parking spaces is authorised to be accommodated on street within the site.
- (d) Motorcycle and bicycle parking to be provided in accordance with the Homebush Bay West DCP 2004.
- (e) On-street parking provision within the site is to be time restricted. Details of the parking restrictions are to be illustrated on civil design plans submitted for the future development applications. A separate application is required to be submitted for the proposed parking restrictions to Council's Traffic and Transport Services section for consideration by the Parramatta Traffic Committee for approval. The owner of the road is to enter into an agreement with Council for parking enforcement prior to the issue of an occupation certificate for each future development application.
- (f) On-street parking spaces are to be provided in accordance with AS 2890.5. The proposed zebra crossings are to be removed from the Civil Works Package. Details are to be illustrated on plans submitted for the future development applications.

Reason: To confirm the car parking requirements for the future development of the site.

(F) **MODIFY CONDITION 8 TO READ AS FOLLOWS:**

8. Landscaping

Each future stage is to be supported by a comprehensive landscape plan, prepared by a suitably qualified landscape architect demonstrating compliance with the Homebush Bay West Development Control Plan 2004 (as amended) and the Homebush Bay West Public Domain Manual 2005 **and generally in accordance with the Landscape Master Plan prepared by Arcadia dated October 2018.**

Note: Minor variations to the above may be supported with the approval of Council.

Reason: To ensure a landscape framework which reflects the different scale and function of public streets and functions is provided.

(G) MODIFY CONDITION 10 TO READ AS FOLLOWS:

10. Remediation – future development applications

Any future development application associated with the construction and use of the site(s) shall incorporate the remediation of the site in accordance with the recommendations of the Remediation Action Plan (Project 85836.03) prepared by Douglas Partners dated 21.09.2018.

Where the remedial action has been carried out, a validation report must be submitted to Council and the Principal Certifying Authority stating that the objectives in the RAP have been achieved and the land is remediated to a standard suitable for the proposed land use.

Reason: To ensure the site is suitable for the proposed development.

(H) ADD CONDITION 13A TO READ AS FOLLOWS:

13A. Dual Water Reticulation Piping – future development applications

All future development applications for the buildings on Blocks A to D inclusive shall provide utility services including dual water reticulation piping (lilac pipes) to enable connection to future recycled water via the Sydney Olympic Park Water Reclamation and Management Scheme (WRAMS) or other future Sydney Water recycled water system. The dual reticulation (dual pipe) system is to be installed of sufficient size and capacity to supply all potable and non-potable water uses for the building including single connection point at the boundary of the site for connection to a future recycled water scheme. Details are to be included in the relevant Construction Certificates.

Note: SOPA recycled water main infrastructure currently exists along Hill Road adjoining the site ready for connection.

Reason: To provide for dual water reticulation on the site and improve the sustainability measures of the development.

ADVISORY NOTES

The following information is provided for your assistance to ensure compliance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2000, other relevant legislation and Council's policies and specifications. This information does not form part of the conditions of development consent pursuant to Section 4 of the Act.

Apartment Design Guide Assessment

The detailed plans contained within the approved documentation are noted as being indicative only for the purposes of general assessment of the concept plan. All future developments are expected to comply with the requirements of the Apartment Design Guide. It is noted that certain matters such as communal open space will need further investigation to comply with the minimum guideline requirements, such as incorporating the provision of rooftop communal open space areas. Any areas of non-compliance will be considered on a merit basis during the detailed assessment of future development applications.

Ausgrid Requirements

Any future development application is to comply with the following Ausgrid requirements, unless otherwise notified in writing by Ausgrid:

(a) Method of Electricity Connection

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

(b) 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 style and;
- site conditions or other issues that may impact on the method of supply.

Please direct the developer to Ausgrid's website, www.ausgrid.com.au about how to connect to Ausgrid's network.

(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

Underground Cables

There are existing underground electricity network assets in Hill Rd. 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.

Should ground anchors be required in the vicinity of the underground cables, the anchors must not be installed within 300mm of any cable, and the anchors must not pass over the top of any cable.

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

Substation

There are existing electricity substation assets S3281 that requires removal for the allocation of the proposed buildings onsite.

The substation ventilation openings, including substation duct openings and louvered panels, must be separated from building air intake and exhaust openings, natural ventilation openings and boundaries of adjacent allotments, by separation distances which meet the requirements of all relevant authorities, building regulations, BCA and

Australian Standards including AS 1668.2: The use of ventilation and air-conditioning in buildings - Mechanical ventilation in buildings.

In addition to above, Ausgrid requires the substation ventilation openings, including duct openings and louvered panels, to be separated from building ventilation system air intake and exhaust openings, including those on buildings on adjacent allotments, by not less than 6 metres. Any portion of a building other than a BCA class 10a structure constructed from non combustible materials, which is not sheltered by a non-ignitable blast-resisting barrier and is within 3 metres in any direction from the housing of a kiosk substation, is required to have a Fire Resistance Level (FRL) of not less than 120/120/120. Openable or fixed windows or glass blockwork or similar, irrespective of their fire rating, are not permitted within 3 metres in any direction from the housing of a kiosk substation, unless they are sheltered by a non-ignitable blast resisting barrier.

The development must comply with both the Reference Levels and the precautionary requirements of the Draft Radiation Protection Standard for Exposure Limits to Electric and Magnetic Fields 0 Hz - 3 kHz (ARPANSA, 2006).

For further details on fire segregation requirements refer to Ausgrid's Network Standard 141.

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

Pre-lodgement Process

It is strongly recommended that applicants arrange a pre-lodgement meeting (and pre-lodgement design review) with Council prior to lodging a development application for the future development of the blocks on the site. Experience shows that delays in the processing of development applications often occur as a result of inadequate information being submitted or a lack of understanding about the relevant local development controls.

Council officers will provide formal feedback, identify key issues and provide guidance where possible. The meetings are not intended to investigate every detail covered in the formal development assessment process or pre-empt the outcome of your development application.