

**SYDNEY EASTERN CITY PLANNING PANEL
COUNCIL ASSESSMENT REPORT**

Panel Reference	2018ECI011
DA Number	DA-2018/1013/2
LGA	Bayside Council
Proposed Development	<p>Section 4.55(2) Application to modify Development Consent No. 2018/1013 as follows:</p> <p>Modification Application 2018/1013/2 – Section 4.55 (2) to modify the approved development to include an additional seven (7) x one bedroom apartments and amend additional conditions as outlined in the report.</p>
Street Address	141 O’riordan Street, Mascot
Applicant/Owner	Karimbla Construction Services (NSW) Pty Ltd/ Karimbla Properties (No. 39) Pty Ltd
Date of DA lodgement	2 and 22 October 2018
Number of Submissions	Nil
Recommendation	<p>It is RECOMMENDED that the Panel resolve, pursuant to Section 4.56 of the <i>Environmental Planning and Assessment Act 1979</i> in respect of Development Consent No. DA-2018/1013/2 (as amended) for the construction of a residential flat building at 141 O’Riordan Street, Mascot, to:</p> <ol style="list-style-type: none"> 1. Approve Modification Application 2018/1013/2 for modification to a range of conditions including amended plans that allow for the introduction of 7 additional apartments
Regional Development Criteria (Schedule 4A of the EP&A Act)	Section 4.55(2) Application to modify development consent DA-2018/1013 as determined by the Sydney Central Eastern Planning Panel, pursuant to Clause 21 of State Environmental Planning Policy (State and Regional Development) 2011
List of all relevant s79C(1)(a) matters	<ul style="list-style-type: none"> • Environmental Planning & Assessment Act 1979, Part 4 – Development Assessment & Schedule 7 of the SEPP- State and Regional Development 2011 which regional panels may be authorised to exercise consent authority functions of councils • Environmental Planning & Assessment Regulation 2000, Part 6 – Procedures relating to Development Applications • State Environmental Planning Policy (Infrastructure) 2007 • State Environmental Planning Policy No. 55 – Remediation of Land • State Environmental Planning Policy 2004 (BASIX); • State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development • Botany Bay Local Environmental Plan 2013 <ul style="list-style-type: none"> ○ Botany Development Control Plan 2013
List all documents submitted with this report	No additional documentation other than report and plans

for the Panel's consideration	
Report prepared by	Lincoln Lawler – Senior Development Assessment Planner
Report date	14 January 2019

Summary of s79C matters

Have all recommendations in relation to relevant s79C matters been summarised in the Executive Summary of the assessment report? **Yes**

Legislative clauses requiring consent authority satisfaction

Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report?
e.g. Clause 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the relevant LEP **Not Applicable**

Clause 4.6 Exceptions to development standards

If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report? **Not Applicable**

Special Infrastructure Contributions

Does the DA require Special Infrastructure Contributions conditions (S94EF)?
Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions **Not Applicable**

Conditions

Have draft conditions been provided to the applicant for comment? **Yes**
Note: in order to reduce delays in determinations, the Panel prefer that draft conditions, notwithstanding Council's recommendation, be provided to the applicant to enable any comments to be considered as part of the assessment report

Key Issues

The key issue with the application is that an additional seven (7) apartments are proposed and changes to respective unit mix. There is no additional gross floor area or additional car parking proposed. Further, the modification includes proposed amendments in relation to relevant occupation certificate, gas and water on balconies and landscape edging.

The Section 4.55(2) application has been assessed in accordance with the relevant requirements of the *Environmental Planning and Assessment Act 1979* and is recommended for approval, subject to conditions of consent.

Recommendation

That the Panel resolve pursuant to Section 4.55(2) of the *Environmental Planning and Assessment Act 1979*, in respect of Development Consent No. DA-2018/1013 for the construction of a residential flat building at 141 O'Riordan Street, Mascot that:

- 1 Condition 1 be amended which relates to the plans modified as part of the subject application;
- 2 Condition 23 – delete as an updated plan negates the requirement for a layby.

- 3 Condition 29A insert additional S711 contribution relating to additional units.
- 4 Condition 62 – in relation to gas and water provision on balconies.
- 5 Condition 66 – Amend the condition to reflect reference to Haran Street
- 6 Condition 80 – Amend to reflect Site Image landscape plan
- 7 Condition 86 – amend to reflect a range of edging materials for landscaping
- 8 Condition 97, 98, 101 amend to include reference to “Relevant “ occupation certificate
- 9 Condition 120 – delete requirement for owners to look after Council’s land.

BACKGROUND

Approved Development under DA-2018/1013

The Development Application 2018/1013 approved the detailed design of one 13-storey residential flat building containing a total of 104 residential units, basement parking for 118 cars and 8999sqm of gross floor area and associated excavation, earthworks and landscaping.

Built Form

The development is broken up as follows:

Basement Levels

The approved building has two basement levels, with the lowest level being at RL 2.7. The basement levels, combined, provide for a total of 106 car parking spaces. The basement areas will also provide for plant and storage facilities. Vehicle access to the basement will be via the vehicle crossing at Haran Street.

Ground Floor Level

The Ground Floor Level will provide for a total of five residential apartments.

Various areas of plant are also proposed at this level, along with the waste storage and collection Space.

Level 1 - 9 residential apartments are included for this level, some with private courtyards adjacent to communal open space

Communal open space is also approved at this level, which will be accessible to all residents.

Levels 2 - 9 residential apartments are included in this level following the same layout as Level 1

Level 3 -11 - 9 residential apartments are included in this level with a slight modification in the apartment layouts on the floor plate.

Level 12 – 7 residential apartments all with access to the next level

Rooftop Terraces

Each of the top floor units will have direct access to a private rooftop garden space. These areas will accommodate additional private open space to those top floor units. These areas are to incorporate BBQ facilities and storage rooms.

Apartment Mix

A breakdown of the apartment mix is as follows:

41 x 1 bedroom units - 39%

31 x 2 bedroom units - 30%

32 x 3 bedroom units - 31%

Car Parking and Servicing

The development includes two levels of car park. Details of the car parking are as follows:

Total number of car parking spaces associated with the site: **118 spaces**

This is further broken up as follows:

Ground

- 12 visitor spaces at grade (including 2 shared service vehicle spaces.)

Basement 1 –

- 9 visitor spaces
- 31 residential spaces
- 7 Accessible spaces

Basement 2

- 1 Visitor space
- 53 Residential spaces
- 4 Accessible spaces

Service Vehicles: 2 service space shared with visitor

Loading dock at grade

Car Wash Bay: 1 space (Conditioned)

DESCRIPTION OF PROPOSED MODIFICATIONS

Modification Application DA 2018/1013/2 - As Amended

Council received the subject Section 4.55(2) application to modify Development Consent No. DA 2018/1013/2 to make internal and external changes resulting in amended unit mix.

The proposal seeks to make internal reconfiguration to provide the amended unit mix as shown which will also result in amended window placement to the north elevation. Essentially what was previously approved as 3 bedroom apartments become two, 1 bedroom apartments occupying the same floor plate. The proposed unit mix is 51 x 1 bedroom (46%), 39 x 2 bedrooms (35%) and 31 x 3 bedroom (19%) apartments.

The proposed unit mix changes the demand for car parking very slightly, however it is proposed to remain the same in terms of overall numbers.

On 21 November 2018, the applicant sought an amendment of DA-2018/1013/2, the applicant amended the application so it now incorporates all of the changes outlined in DA-2018/1013/3.

In addition, the applicant seeks to amend various conditions including requirements in relation to undergrounding of services, landscaping maintenance, dilapidation report requirements, location of gas booster and fire booster assembly.

On 11 February 2018, the applicant amended the modification to reflect changes to the following conditions:

- Condition 1 be amended which relates to the plans modified as part of the subject application;
- Condition 23 – delete as an updated plan negates the requirement for a layby.
- Condition 29A insert additional S711 contribution relating to additional units.
- Condition 62 – in relation to gas and water provision on balconies.
- Condition 66 – Amend the condition to reflect reference to Haran Street
- Condition 80 – Amend to reflect Site Image landscape plan
- Condition 86 – amend to reflect a range of edging materials for landscaping
- Condition 97, 98, 101 amend to include reference to “Relevant “ occupation certificate
- Condition 120 – delete requirement for owners to look after Council’s land.

Site location and context

The site is legally described as Lot 1 in DP 739565 and the site is known at 141 O’Riordan Street, Mascot and as 1-3 Haran Street Mascot. The site is located on the south western corner of the intersection of O’Riordan Street and Haran Street. The intersection of O’Riordan Street, Carinya Ave sits to the north east of the subject site.

The site is irregular in shape with the side boundaries provided with a northeast-southwest orientation. The site has an area of 2324 sqm. The northern boundary of the site, adjoining Haran Street, has a length of 53.95 metres, the eastern boundary adjoining O’Riordan Street has a length of approximately 42.965 metres, the western boundary a length of 44.635 metres and the southern boundary has a length of 54.155 metres. The site has a minor fall of approximately 1 metre from the north-western corner to both the east and the south.

The site is currently subject to excavation and construction activity as the applicant has commenced the build under the existing approvals. Three trees on the north east corner of the site are retained.

The site lies within the Mascot Station Town Centre Precinct. The precinct is located in close proximity to major regional road networks, Sydney Airport and Port Botany.

Shallow Groundwater is present in this locality.



Figure 1. Locality map of the subject site

Description of the locality

Adjacent to the west of the subject site is 5 Haran Street, which is a residential flat building of 9 storeys containing 30 units and 47 underground car spaces. This development was approved on appeal. Further to the west is linear park, which benefits from an approval relating to its upgrade to include park facilities for the local population. To the north of the site is a thirteen storey residential flat building containing 125 apartments and four levels of basement car parking.

Immediately adjacent to the south are two narrow lots with a frontage to O'Riordan Street known at 143 and 145 O'Riordan Street. This contains a dwelling. The site further to the south, at the corner of John Street, contains a part single part double storey commercial buildings. Opposite the site to the north east across O'Riordan Street is an existing low density neighborhood characterized by single and two storey dwellings, whilst the recent Meriton Suites at 200 Coward Street is located to the south east across O'Riordan Street.

Outside of the Mascot Station Town Centre there is a mixture of land uses. To the north of the precinct is the southern end of the City of Sydney local government area. This area primarily consists of industrial/commercial land uses and large scale buildings. Further west of the precinct are industrial lands that are intersected by Alexandria Canal, which runs in a north to south direction and defined the boundary between the Bayside and City of Sydney local government areas,

Statutory Considerations

SECTION 4.55(2) CONSIDERATIONS (previously Section 96(2))

In accordance with Section 4.55(2), a consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the Court and subject to and in accordance with the regulations, modify the development consent if:

- a) *it is satisfied that the development to which the consent as modified related is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all), and;*
- b) *it has consulted with the relevant Minister, public authority or approval body (within the meaning of Division 4.8) in respect of a condition imposed as a requirement of a concurrence to the consent or in accordance with the general terms of an approval proposed to be granted by the approval body and that Minister, authority or body has not, within 21 days after being consulted, objected to the modification of that consent, and*
- c) *it has notified the application in accordance with:*
 - (i) the regulations, if the regulations so require, or*
 - (ii) a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and*
- d) *it has considered any submissions made concerning the proposed modification within the period prescribed by the regulations or provided by the development control plan, as the case may be.*

The development, as modified, will remain substantially the same development for which Development Consent No. 2018/1013 was granted by the Sydney Eastern City Planning Panel and will have minimal environmental impacts. The overall footprint of the building remains largely the same as approved and the intensity and impact related to car parking and traffic generation are similar.

(a) Substantially the same development

The Section 4.55(2) Modification Application relates to amendments to include an additional 7 residential apartments with no changes to car parking, gross floor area or resultant Floor Space Ratio as discussed through the report

The proposed modifications do not seek to alter the description, use and nature of the residential flat building proposal.

(b) Consultation with the relevant Minister, public authority or approval body

The original application was integrated development due to interference with the groundwater of the botany sands aquifer. The proposed modifications do not alter the basement or the approved interference and as such it was not required to undertake consultation in accordance with the clause.

(c) Notification

In accordance to the above, the Section 4.56 application was notified to surrounding neighbours.

DA 2018/1013/2 was notified from 5 October 2018 to 9 November 2018.

DA2018/1013/3 was notified from 24 October 2018 to 9 November 2018.

(d) Submissions

There were no submissions as the application was not notified.

Given the modification applications and respective material have not been altered, and in accordance with Part 2 of the BBDCP 2013, there was no renotification required in particular regard to combining the modification applications into DA 2018/1013/2.

SECTION 4.15 CONSIDERATIONS (previously section 79c)

The relevant matters for consideration pursuant to Section 4.15 are addressed as follows:

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

State Environmental Planning Policy 65- Design Quality of Residential Apartment Development

The modifications have been assessed against SEPP 65 and the ADG. The primary application was lodged under the ADG. The modifications do not trigger any non-compliance with the SEPP or the guidelines (other than what was previously approved). The amendments proposed to the building have been supported by a design verification statement prepared by Nick Byrne of DKO Architecture who advises that he directed the design in the letter dated 13 September 2018.

Other ADG matters – The proposed modifications comply with the requirements of the ADG in regards to the following:

- Unit sizes – 1 bedroom as 52 sqm proposed
- Balcony sizes – 9sqm proposed.
- Cross Ventilation – 60%
- Communal open space or deep soil – no change.
- Car parking – no change

Botany Bay Local Environmental Plan 2013

The subject site is zoned B4 Mixed use in accordance with the provisions of the Botany Bay Local Environmental Plan (BBLEP) 2013.

The proposed modifications will be consistent with the objectives of the BBLEP 2013 with regard to development in the B4 zone. There are no changes proposed to the development standards.

Botany Bay Development Control Plan 2013

The proposed modifications will comply to the same extent with the provisions and objectives of the DCP as the original development consent and will not impact

significantly upon the visible external appearance of the development when viewed from the public domain areas.

Relevant Development Control Clause	Comment	Complies
3A Parking and Access 3A.2. Parking Provisions of Specific Uses Residential 51x 1 bed @ 0.6/unit = 31 39 x 2 bed @ 0.9/unit = 36 21 x 3 bed @ 1.4/unit = 30 Visitor – 1/5 dwellings =23 spaces Total spaces 97 car spaces Note: No requirement for car wash bays	A total of 120 spaces including visitor parking is required. The applicant proposed 117 spaces in total with 120 space required.	No – Shortfall of 3 visitor spaces. Given the location is within walking distance of the train station and the frequent bus services along Botany Road, the shortfall of 3 spaces is considered acceptable in this instance.
4C.4.1 Dwelling Mix and Layout For development with ten or more apartments, the following unit mix control will apply: (i)A maximum of 25% of apartments are to be Studio and 1 Bedroom; (ii)All 2 Bedroom apartments are to satisfy the amenity controls for Family Apartments; and (iii)All 3+ Bedroom apartments are to satisfy the amenity controls for Family Apartments. See Part 4C.5.2 - Family Friendly Apartment Buildings	The proposal contains the following unit mix: 51 x 1 bed (46%) - variation 39 x 2 bed (35%) 21 x 3 bed (19%) Total 111 units The approved breakdown of the apartment mix is as follows: 41 x 1 bedroom units - 39% 31 x 2 bedroom units - 30% 32 x 3 bedroom units - 31%	No – Refer to Note 1
Solar access Living rooms and POS for at least 70% of apartments (and in neighbouring development) to achieve 2 hours between 9am and 3pm	The development was approved with 55%, rounded from 54.8% achieved (57 out of 104 apartments) The proposed modification sees 60 of 111 apartments receiving at least 2 hours of solar access. This equates to 54.05%	No – Refer to Note 2

Note 1 – Unit Mix

In accordance with Part 4C.5.1 of the BBDCP 2013, the total number of studio and one bedroom apartments must not exceed 25% of the total apartments within the development. The development proposes 46% (previously 39%) 1 bedroom apartments including 1 bedroom plus studies, 35% (previously 30%) x 2 bedroom apartments and 19% (previously 31%) 3 bedroom apartments. The departure equates to an additional 23 x 1 bedroom apartments.

The ADG recommends that an appropriate unit mix should take into consideration the distance to public transport, employment, and education centres, the current market demands and projected future demographic trends and the demand for social and affordable housing.

The subject site is located within the Mascot Station Precinct, in close proximity to services, employment opportunities and public transport. The control is there to allow for dwelling choice where it would not ordinarily be provided by the market. The noncompliance is supported as the 1 bedroom unit mix is reflective of current market trends and the development provides a mix of apartment types with a number of 3 bedroom apartments to reflect market demand. It should be further noted that unit sizes comply with the Council's minimum unit sizes in the ADG and are expected to provide a good level of internal amenity to future occupants.

Note 2: Solar Access

Objective 4A-1 of the ADG requires living rooms and private open space areas of at least 70% of apartments in a building to receive a minimum of 2 hours of direct sunlight between 9am to 3pm mid-winter.

The solar access plans as lodged indicate that 66 of the 111 apartments (54.05%) will receive the minimum 2 hours with 26 of 111 receiving less than 2 hours of solar access but still receiving some solar access. 25 of the 111 (23%) receive no solar access.

It should also be noted that the approved development to the north at 2-4 Haran Street overshadows the majority of the northern façade such that solar access is not available to a large component of the northern oriented dwellings on the subject site.

The applicant has also demonstrated that if the development control plan envelopes were adhered to in this instance, then significantly less apartments would receive the required solar access amount. This has been done through an analysis of the façade that receives solar access with an average of 27% of the façade received solar access between the hours of 9am and 3pm mid-winter with the proposed scheme versus an average of 20% of the façade of the DCP envelope.

The original application was approved with a percentage of 54.80% which was rounded to 55% for reporting. The proposed modifications see 66 of the 111 apartments or 54.05% of the apartments receive the required solar access. Whilst it is still 54% given the small percentage change of 0.75% (roughly 0.8 of an apartment) it is considered an additional non compliance through the modification that requires assessment.

Additionally, the original application proposed 23 of the 104 apartments having no direct sunlight which results in a total of 22% thereby not complying with the maximum number of apartments with no direct sunlight of 15%.

The proposed modifications see that 25 of 111 apartments having no direct sunlight which results in 23 %, therefore not complying with the maximum number of apartments with no direct sunlight of 15%. An additional 1% (roughly 1.11 of an apartment) is the additional non compliance proposed.

Consideration has been given to the Land & Environment Court planning principle on the impact on solar access of neighbours (Parsonage vs Ku-ring-gai (2004) NSWLEC 347) and as amended by (The Benevolent Society vs Waverley Council (2010) NSWLEC 1082) is addressed as follows:

- *The ease with which sunlight access can be protected is inversely proportional to the density of development. At low densities there is a reasonable expectation that a dwelling and some of its open space will retain its existing sunlight.*

(However, even at low densities there are sites and buildings that are highly vulnerable to being overshadowed). At higher densities sunlight is harder to protect and the claim to retain it is not as strong.

Comment: given the small percentage increase from that approved, the original justification is still deemed valid. The site is located in a high density residential and mixed use area which is currently undergoing redevelopment. The proposal involves construction of one tower with a height of 13 storeys. The proposal is consistent with the height of surrounding developments in the area.

Due to the location of the site and the building envelopes approved within the Mascot Station Town Centre Masterplan, the departure from the building envelopes control to achieve a better solar access given the existing context (as described above), it is expected that a high density built form will be achieved as a result of the proposal.

- *The amount of sunlight lost should be taken into account, as well as the amount of sunlight retained.*

Comment: The proposed solar access for the development, at 54.05% is a small variation to that already approved for the site. As discussed in the original report, the proposed development will overshadow the northern side of the development site to the south but it has been demonstrated that this will not affect the ability of the development sites to the south to achieve a compliant solar access rate.

- *Overshadowing arising out of poor design is not acceptable, even if it satisfies numerical guidelines. The poor quality of a proposal's design may be demonstrated by a more sensitive design that achieves the same amenity without substantial additional cost, while reducing the impact on neighbours.*

Comment: It is acknowledged that the proposed development does exceed the maximum FSR control under the BBLEP 2013. However, the FSR remains unchanged as a result of amending the three bedroom units as approved by introducing 2 x 1 bedroom units in the same footprint. As considered and approved, the communal open space of the neighbouring properties and development potential complies with the minimum 2 hours in mid-winter, the plans do not require amendment to reduce the FSR and height. The subject site allows adequate building separation between the buildings on the site and the surrounding buildings. The building envelopes in terms of their location and orientation were set within Part 9A of the BBDCP 2013, and the applicant generally complies with the footprint with departures in regards to building heights to achieve an improved solar access result. As discussed above, the subject development proposal does not comply with the minimum solar requirement in mid-winter to the apartments and communal open space, however given the existing context, the orientation of the site and the improvement achieved from the existing and activated approval for the site, the overall design of the buildings does not contribute unreasonable overshadowing and is supported by Council.

- *For private open space to be assessed as receiving adequate sunlight, regard should be had of the size of the open space and the amount of it receiving sunlight. Self-evidently, the smaller the open space, the greater the proportion of it requiring sunlight for it to have adequate solar amenity. A useable strip adjoining the living area in sunlight usually provides better solar amenity, depending on the size of the space. The amount of sunlight on private open space should ordinarily be measured at ground level but regard should be had to the size of the open space as, in a smaller private open space, sunlight falling on seated residents may be adequate.*

Comment: The private open space areas for the subject site are defined as balcony spaces. Similar to the 54% of units that receive the minimum 2 hours of sunlight, the balconies have been orientated to gain the most exposure of sunlight. Therefore, the

amount of achievable sunlight to the private areas is acceptable in the context of the site.

The communal open area of the neighbouring development site to the south can achieve either rooftop or podium level communal open space in a complaint scheme.

- *Overshadowing by fences, roof overhangs and changes in level should be taken into consideration. Overshadowing by vegetation should be ignored, except that vegetation may be taken into account in a qualitative way, in particular dense hedges that appear like a solid fence.*

Comment: Overshadowing is not proposed by fences, roof overhangs or by vegetation. The overshadowing is caused by the built form.

- *In areas undergoing change, the impact on what is likely to be built on adjoining sites should be considered as well as existing development.*

Comment: This particular discussion point has been addressed throughout the assessment of solar access and the original report discussed the impacts to the development site to the south. These points are still valid given the location of the proposed changes are located on the northern façade.

The area has and is undergoing redevelopment from industrial/commercial warehouses/ residential to mixed use and residential development. The subject site is one of the last few sites within Mascot Station that is undeveloped. It is expected that the site would be developed for the purposes of a mixed use development with a height of approximately 13 storeys. The proposed height of 13 storeys is similar to approved and constructed residential flat building immediately to the north and within the visual catchment of the site. It is anticipated that any development on the site will overshadow the southern neighbouring properties and the overshadowing cast by the proposal is discussed above.

Considering the above discussion, the solar amenity of the proposed development in comparison to the existing approved development and that of development sites to the immediate south of the site is acceptable.

Assessment of Proposed Condition Amendments

The following table shows a history of Council's assessment of all modifications proposed. However it is noted that the applicant has modified the application to reduce the number of amendments sought as identified in the report

Cond.	Proposed amended condition	Justification for amendments	Council Comment	Applicants final amendments
6(c)	All telecommunication and utility services are to be placed underground along the Street frontages. The extent of works required in order to achieve this outcome may involve works beyond the frontage of the development site. Plans are to be prepared and certified by a suitably qualified Electrical Design Consultant for decommissioning the existing network and constructing the new network; and are to be submitted to, and approved by Council and relevant utility authorities, prior to commencement of telecommunication and utility services works.	The conditions require all telecommunication and utility services to be placed underground along street frontages. Whilst there is no objection to place the services underground fronting the subject site, there can be no agreement to undergrounding services fronting other redevelopment sites, which is the case next door. Consultant advice has been received in relation to undergrounding of wires in front of the subject site – in order to underground wires in front of the subject site, extensive undergrounding is required to take place beyond the subject site frontages (to the south, and then across the road through to Carinya Avenue). Undergrounding to this extent is considered unreasonable as it benefits other landowners in the area	Disagree – The applicant provided to Council on 19 November 2018 a certified Ausgrid design, that indicates the the undergrounding extent is to the northern side of Haran Street. Undergrounding across O’Riordan Street to Carinya Ave does not form part of the design submitted by Meriton. Whilst works are required beyond the site, it is understood these are needed to facilitate the undergrounding. I.e. there is no loss of nexus. Further Part 9 A of BBDCP 2013, in particular control 9A.5 Public Domain	Applicant agrees to retain

Cond.	Proposed amended condition	Justification for amendments	Council Comment	Applicants final amendments
6(g)	All telecommunication and utility services are to be placed underground along the flowing streets. The extent of works required in order to achieve this outcome may involve works beyond the frontage of the development site. Plans are to be prepared and certified by a suitably qualified Electrical Design Consultant for decommissioning the existing network and constructing the new network, and are to be submitted to, and approved by Council and relevant utility authorities, prior to commencement of work.	<p>In accordance with Section 4.17 of the Environmental Planning and Assessment Act (EPAA) 1979 and numerous court cases, the imposition of conditions must be related to the proposed development. Undergrounding of wires in this location are not related to any specific Local Environmental Plan or Development Control Plan provisions. There was also no consideration under Section 4.15 of the EPAA 1979.</p> <p>There is also no Section 7.11 (S94) Contribution Plan costing by Council that could enable the receipt of a credit for works undertaken in front of other development sites or across the road to Carinya Avenue.</p> <p>As Council does not have a mechanism to reimburse wires being placed underground fronting properties not related to the subject site, there are no planning reasons as to why this should occur.</p> <p>Conditions related to undergrounding of wires must be deleted. Alternatively, if Council can find a mechanism to offer reimbursement for underground wires not related to the subject site, then undertaking of the works would be considered acceptable.</p>	<p>Works, control 9 specifies “All existing above ground service cables, including power lines, telecommunications cables and other similar services (“overhead service cables”) in the streets adjacent to and within the confines of the development site will be placed underground at no cost to the Council. Applicants are to discuss with Council all such proposed works to be carried out in conjunction with a development application at Pre-Development Application stage.”</p>	Applicant agrees to retain

Cond.	Proposed amended condition	Justification for amendments	Council Comment	Applicants final amendments
23	Prior to the issue of the Construction Certificate, amended plans be submitted to Council that indicate that the widening of the vehicular carriageway identified as carriageway widening (condition 40 of consent DA 15/88 on Plan No. Da 201 revision M, shall be deleted. (Inserted by Panel)	<p>The condition requires amended plans to include a widening of Haran Street to take into a previous layback that was to provide for a garbage truck to collect residential waste from the site. Plans were amended during the DA process to remove garbage truck verge area and have waste collection from within the site so as to have no garbage bins on the road reservation. Plans were amended accordingly, except for the ground floor plan, which is now attached for approval – refer to Annexure 2 in the Statement of Environmental Effects.</p> <p>The condition is to be deleted.</p>	Agree – This condition can now be deleted as an amended DA201 Rev S, Plan was submitted to Council on 11 February 2019, Through its removal additional on street car parking can be accommodated within Haran Street.	Applicant agrees (Amended Plan) Submitted.

Cond.	Proposed amended condition	Justification for amendments	Council Comment	Applicants final amendments
37	<p><i>Prior to the issue of any Construction Certificate, at the proposed point of construction site entry, photographic survey showing the existing conditions of Council's and RMS infrastructure shall be submitted to Council and Principal Certifying Authority. The survey shall detail the physical conditions and identify any existing damages to the roads, kerbs, gutters, footpaths, driveways, street trees, street signs and any other Council assets fronting the property and extending to a distance of 50m from the development to the extent of the O'Riordan Street and Haran Street frontages of the site. Failure to do so may result in the applicant/developer being liable for any construction related damages to these assets. Any damage to Council's infrastructure during the course of this development shall be restored at the applicant's cost.</i></p>	<p>The condition requires a dilapidation report to extend 50m past the site. This is considered unreasonable. The wear and tear of O'Riordan St cannot be confined to solely one development site. O'Riordan Street is heavily used by trucks from many other developers and West Connex for example. It is unacceptable to impose sole responsibility on the applicant for undertaking repair works to the roads that are caused by other users. The condition must be reworded to be only the frontages of O'Riordan Street and Haran Street.</p>	<p>Disagree. – Council has received the construction certificate prepared by City Plan Services Pty Ltd dated 18 January 2019. Given the wording of the existing condition. This has to have been satisfied in order to the Construction Certificate to be issued.</p>	<p>Applicant agrees to retain</p>

Cond.	Proposed amended condition	Justification for amendments	Council Comment	Applicants final amendments
43	<p><i>Prior to the release of the relevant Construction Certificate, the following required section(s) are to be submitted to and approved by the Principal Certifying Authority:</i></p> <p>a) <i>At least eleven (11) accessible car parking spaces shall be provided and clearly marked as specified in Australian Standards AS 2890.6, SEPP 65 Design Code and Council requirements;</i></p> <p>b) <i>All off street accessible parking shall have access to the adjacent road(s) and to the communal open space as per Australian Standards AS 2890.6 and Council requirements, and</i></p> <p>c) b) <i>All Accessible parking spaces shall be located within close proximity and easy access to the lift systems proposed for the building as per A52890.6 and AS4299.</i></p>	<p>This condition requires all off street accessible parking to have access to the communal open space. This requirement cannot be achieved for residential flat buildings with basement car parking. Communal open space or the accessible parking spaces cannot be located next to each other. The condition is to be deleted as was achieved with Pagewood UB3 consent.</p>	<p>Disagree – The access to adjacent roads and communal open space is achieved through the utilisation of lifts within the development to provide equitable access. Removing this condition is not in the public interest.</p>	<p>Applicant agrees to retain</p>

Cond.	Proposed amended condition	Justification for amendments	Council Comment	Applicants final amendments
44	<p>Prior to the issue of the relevant Construction Certificate, to ensure that utility authorities and Council are advised of any effects to their infrastructure by the development, the applicant shall:</p> <p>1. Carry out a survey of all utility and Council services within the site including relevant information from utility authorities and excavation if necessary to determine the position and level of services;</p> <p>2. Negotiate with the utility authorities (eg AusGrid, Sydney Water, Telecommunications Carriers and Council in connection with:</p> <p>i) The additional load on the system; and</p> <p>ii) The relocation and/or adjustment of the services affected by the construction.</p> <p>3. As part of this development, all above ground utilities on O'Riordan Street and Haran Street, adjacent to development, shall be relocated underground in accordance with Ausgrid and any other affected and relevant service provider. This undergrounding includes the removal of at least the two Ausgrid poles numbered K001750 and K001751, and</p> <p>4. At least two (2) new Ausgrid lighting poles shall be erected on the O'Riordan Street frontage, or as otherwise directly specified by Council/Ausgrid/RMS. All new lighting poles and associated underground infrastructure shall be</p>	Refer condition 6 in this table for justification.	Disagree Refer to Condition 6 Commentary for the reasoning for not deleting this condition.	

Cond.	Proposed amended condition	Justification for amendments	Council Comment	Applicants final amendments
54	Prior to the issue of the relevant Construction Certificate, any electrical kiosk, fire booster assembly or similar utilities must be located in an unobtrusive location away from vehicle and pedestrian entrances to the property and not within the landscaped street setback. The utilities must be screened by a built screen enclosure and/or landscaping so as not to reduce the visual amenity of the development or the streetscape and public domain. The location of, and screening treatment surrounding these utilities is to be approved by the Principal Certifying Authority prior to their installation. Fire booster assemblies should be housed within the external face of the building structure and screened from view from the public domain area.	Location of services is governed by the authorities, especially kiosks and fire boosters. The PCA is instructed by the authorities where these items go. Delete condition or require suitable screening where permitted by the relevant authority.	Disagree - The applicants construction certificate, includes a fire report prepared by AED Fire Pty Ltd Reference F1013-50 FER Rev 04 that indicates that the fire hydrant and sprinkler booster have been relocated to O'Riordan Street outside the dripline of the trees. There is no information in relation to the Gas regulator location, with the absence of this information, the condition shall remain	Applicant agrees to retain

Cond.	Proposed amended condition	Justification for amendments	Council Comment	Applicants final amendments
60	<p><i>Prior to the issue of the relevant construction certificate, amended plans shall be provided to the principal Certifying Authority indicating the OSD Basin being relocated to the communal open space and fire booster assembly and gas mains shall be relocated to be out of that are located in the dripline of the trees and located in a more discrete location to maintain a suitable streetscape shall be supervised by a certified arborist.</i></p>	<p>Fire boosters and gas mains cannot be located in the communal open space areas. These must be provided towards the front of the property as per authority requirements. The OSD is located in the basement as is normal practice for all the applicant's developments and recent approvals. An arborist can be made available on site to ensure trees being retained are not harmed.</p>	<p>Agree - The amended plans now indicated that the OSD basin that was located on the street frontage of O'Riordan Street has now been removed.</p> <p>Disagree - The applicants construction certificate, includes a fire report prepared by AED Fire Pty Ltd Reference F1013-50 FER Rev 04 that indicates that the fire hydrant and sprinkler booster have been relocated to O'Riordan Street outside the dripline of the trees. There is no information in relation to the Gas regulator location, with the absence of this information, the condition shall remain</p>	<p>Applicant agrees to retain</p>
62	<p><i>Prior to the issue of the relevant construction certificate, the architectural plans shall be amended to include gas (where available) and water tap connections to each balcony.</i></p>	<p>There has been no requirement to provide water and gas outlets for other approvals to date with Bayside Council. Water and gas outlets are provided to ground floor court yards and upper level units where demand exists. The provision to all units is not warranted as the demand is not there. Not every resident uses this facility, and the Apartment Design Guidelines list this water and gas outlets as a guide – not as a criterion. The condition is to be deleted.</p>	<p>Disagree – The additional amenity afforded through water and gas provision allows proper maintenance and utilisation of balcony areas.</p> <p>In this instance, Council is amenable to water only on any balcony from a main living room/kitchen.i.e the main balcony.</p> <p>The applicant has suggested that the gas be provided to top and bottom apartments. Council is amenable to this.</p>	

Cond.	Proposed amended condition	Justification for amendments	Council Comment	Applicants final amendments
66	<p><i>Inspections must be conducted by Council's Engineer at the following occasions:</i></p> <ul style="list-style-type: none"> a) <i>Formwork inspection of driveway layback and adjacent kerb and gutter prior to laying of concrete,</i> b) <i>Formwork inspection of Council's kerb and gutter prior to laying of concrete,</i> c) <i>Formwork inspection of Council's footpath prior to laying of concrete,</i> d) <i>Inspections of the Banks Avenue road reserve prior and during the construction of the new road pavement,</i> e) <i>Final inspection of driveway layback and adjacent kerb and gutter,</i> f) <i>Final inspection of Council's kerb and gutter,</i> g) <i>Final inspection of Council's footpath,</i> h) <i>Final Inspection of new road pavement on Haran Street.</i> 	<p>Condition 66(d) requires inspection of Banks Avenue road reserve for construction of new road pavement. There is no Banks Avenue. The condition is to be deleted.</p> <p>Condition 66(h) assumes new road pavement on Haran Street. The garbage truck layback has been removed from this application, as the approved development provides for internalised garbage collection to within the site and not along public pedestrian areas. There will be no road works to Haran Street and the condition is to be deleted.</p>	<p>Agree – to amend (d) – Inspections of the Banks Ave Road Reserve and replace with Haran Street.</p>	<p>Applicant agrees to retain condition expect for Banks Ave in 66(d)</p>
80	<p><i>Landscaping shall be installed in accordance with the approved Sturt Noble Site Image landscape plans only stamped by Council's Landscape Architect and dated prior to the issue of a Construction Certificate. (This amended plan supercedes the original landscape plan).</i></p>	<p>The wrong Landscape architect is stated in this condition. Submitted landscape plans were by Site Image. The condition needs to be amended.</p>	<p>Agreed</p>	<p>Applicant agrees to retain</p>

Cond.	Proposed amended condition	Justification for amendments	Council Comment	Applicants final amendments
85	<i>All new street trees shall be installed prior to completion of the staged development. All tree planting work is to be completed and protective fencing, being 1.8 metre chainlink fence, erected around the trees for protection prior to the commencement of construction <u>for above ground works.</u></i>	The condition is not worded correctly. The condition should read "Protective 1.8m fence erected around existing street trees for protection are to be installed prior to the commencement of construction for above ground works".	Disagree - This condition is irrelevant as the works are above ground and protection of trees have been installed on the site.	Applicant agrees to retain
86	<i>A raised concrete edge shall be installed around the landscape areas to contain soil and mulch finishes from spilling out onto adjoining pavements. The edge shall be raised a minimum of 150mm above the adjoining pavement. Timber retaining edges are unsuitable.</i>	This condition is too specific and does not take into consideration alternative design solutions for retaining soil from paths. The Council will have an opportunity to review the landscape documentation that has been prepared in accordance with Condition 58 of the consent.	No justification for non compliance with DCP and technical guideline called up through controls, however specifying the finish does not allow for other methods of providing edging other than concrete and not timber.	Applicant agrees to amendment

Cond.	Proposed amended condition	Justification for amendments	Council Comment	Applicants final amendments
87	<p>a) Planter boxes constructed over a concrete slab shall be built in accordance with the following requirements:</p> <p>b) Ensure soil depths in accordance with Council's Landscape DCP. The base of the planter must be screeded to ensure drainage to a piped internal drainage outlet of minimum diameter 90mm, with no low points elsewhere in the planter. There are to be no external weep holes.</p> <p>c) A concrete hob or haunch shall be constructed at the internal join between the sides and base of the planter to contain drainage to within the planter.</p> <p>d) Planters are to be fully waterproofed and sealed internally with a proprietary sealing agent and applied by a qualified and experienced tradesman to eliminate water seepage and staining of the external face of the planter. All internal sealed finishes are to be sound and installed to manufacturer's directions prior to backfilling with soil. An inspection of the waterproofing and sealing of edges is required by the Certifier prior to backfilling with soil.</p> <p>e) Drainage coll must be supplied to the base and sides of the planter to minimize damage to the waterproof seal during backfilling and facilitate drainage. Apply a proprietary brand filter fabric and backfill with an imported lightweight soil suitable for planter boxes compliant with AS</p>	<p>This condition is too specific and is unnecessary given that the Council will have an opportunity to review the landscape documentation that has been prepared in accordance with Condition 58 of the consent.</p>	<p>No justification for non-compliance with DCP and technical guideline which is called up through controls..</p>	<p>Applicant agrees to retain</p>

Cond.	Proposed amended condition	Justification for amendments	Council Comment	Applicants final amendments
95	Prior to the issue of an Occupation Certificate, the underground placement of all low and/or high voltage street electrical mains in that section of the street/s adjacent to the development, and associated services and the installation of underground supplied street lighting columns, shall be carried out at the applicant's expense, to the satisfaction of the asset owner. The works shall be completed in accordance with Ausgrid's requirements and approved electrical design.	Refer condition 6 in this table for justification.	Disagree – refer to discussion above.	Applicant agrees to retain
97	Prior to the issue of the Occupation Certificate, all <u>relevant</u> works within the road reserve, which are subject to approval pursuant to Section 138 of the Roads Act 1993, shall be completed and accepted by Council.	No issue is raised to the condition, only the reference to “all works within the road reserve”. This needs to change to “all relevant works within the road reserve”. The change is to reflect only the works we are undertaking.	Agree Condition to be amended as per applicant's request.	Condition to be amended as agreed.

Cond.	Proposed amended condition	Justification for amendments	Council Comment	Applicants final amendments
98	<p>Prior to the issue of any <u>the relevant</u> Occupation Certificate, the applicant shall carry out the following works, at no cost or expense to Council:</p> <p>a) On Haran Street and O'Riordan Street, adjacent to development, remove redundant driveway crossovers and replace with any required tree planting and public domain improvements as specified by Council in accordance with Council's Infrastructure Specifications, and</p> <p>b) On Haran Street and O'Riordan Street, adjacent to development, demolish existing concrete footpath and construct new footpath as per Council's Infrastructure and Landscape Architect specifications. New paving shall be installed by the applicant and at the applicant's expense, and</p> <p>c) On Haran Street and O'Riordan Street, adjacent to development, reconstruct existing kerb and gutter for the full length of the property in accordance with Council's and RMS Infrastructure Specifications, and</p> <p>d) On O'Riordan Street, adjacent to development, construct new kerb inlet pit(s) and stormwater pipe(s), connecting to existing RMS stormwater infrastructure, to RMS and Council infrastructure specifications, and</p> <p>e) Deleted by Panel;</p> <p>f) Deleted by Panel</p>	<p>To take into account staging of construction and staging of occupation, the condition timing needs to change to read – “Prior to the relevant Occupation Certificate”.</p>	<p>Agree</p> <p>Condition to be amended as per applicant's request.</p>	<p>Condition to be amended as agreed.</p>

Cond.	Proposed amended condition	Justification for amendments	Council Comment	Applicants final amendments
101	<p>Prior to the issue of any <u>the relevant</u> Occupation Certificate(s), the following documentation shall be submitted to Council and Principal Certifying Authority attesting this condition has been appropriately satisfied:-</p> <p>a) Inspection reports (formwork and final) for the works on the public domain and the road reserve shall be obtained from RMS representative and Council's engineer; and</p> <p>b) A copy of the approved engineering construction plans showing Work-as-Executed details (together with an electronic copy (DWG format)) for all the civil works on public domain and road reserve area. The plan shall be prepared by a registered surveyor.</p>	To take into account staging of construction and staging of occupation, the condition timing needs to change to read – “Prior to the relevant Occupation Certificate”.	<p>Agree</p> <p>Condition to be amended as per applicant's request.</p>	Condition to be amended as agreed.
120	<p>Council's footway (area between property boundary and street kerb) is to be kept clean, tidy, washed and maintained at the applicant's expense.</p>	Delete. The Applicant does not look after/ maintain the property to kerb boundary after occupation. The applicant does not own the property, and does not undertake maintenance of public domain areas after occupation. This condition has been deleted on other projects.	<p>Agree</p> <p>Condition to be amended as per applicant's request.</p>	Condition to be amended as agreed.

Cond.	Proposed amended condition	Justification for amendments	Council Comment	Applicants final amendments
122	The landscaped areas on the property shall be maintained in accordance with the approved landscape documentation, the conditions of development approval and Council's Landscape DCP at all times. The Landscape Contractor shall be engaged weekly for a minimum period of 26 weeks from completion of the landscape installation to maintain the landscaping. After that time regular maintenance is required.	Once occupation has occurred, landscape contractors are not engaged as ownership becomes the responsibility of the new owners/body corporate. Delete the condition.	Disagree , The consent and its ongoing operation runs with the land and any subsequent owners. If the applicant decides to sell the development, this requirement is passed onto the new owners. It is recommended to amend the condition The relevant owners/ owner's corporation and /or body corporate shall ensure <i>The landscaped areas on the property shall be maintained in accordance with the approved landscape documentation, the conditions of development approval and Council's Landscape DCP at all times. The Landscape Contractor shall be engaged weekly for a minimum period of 26 weeks from completion of the landscape installation to maintain the landscaping. After that time regular maintenance is required.</i>	Applicant agrees to retain
124	The landscaped areas on the property shall be maintained in a clean and tidy state and with a dense, even coverage of plants to Council's satisfaction, and in accordance with conditions of consent and Council's Landscape DCP, at all times.	Requires the ongoing landscaping compliance by body corporates into perpetuity. Not a reasonable consent. Delete the condition.	Disagree , The consent and its ongoing operation runs with the land and any subsequent owners. If the applicant decides to sell the development, this requirement is passed onto the new owners.	Applicant agrees to retain

Further Discussion with Applicant Regarding Conditions.

Council portrayed to the applicant on 8 February 2019 that a meeting was required to discuss the conditions.

On Monday 11 February 2019, the applicant provided the following comments in regards to the conditions and amended the application as follows.

*“Condition 6(c) – Agree – retain condition.
Condition 6(g) – Agree - retain condition.
Condition 23 – Agree (amended plan attached).
Condition 37 – Agree – retain condition.
Condition 43 - Agree – retain condition.
Condition 44 - Agree – retain condition.
Condition 54 - Agree – retain condition.
Condition 60 - Agree – retain condition.
Condition 62 – Refer below.
Condition 66 - Agree – retain condition except for (d) which refers to Banks Avenue.
Condition 80 - Agree – retain condition (Change to Site Image)
Condition 85 - Agree – retain condition
Condition 86 – Refer below
Condition 87 - Agree – retain condition
Condition 95 - Agree – retain condition
Condition 97 – Condition to be amended as agreed.
Condition 98 - Condition to be amended as agreed.
Condition 101 - Condition to be amended as agreed.
Condition 120 - Condition to be amended as agreed.
Condition 122 – Agree - Retain Condition.
Condition 124 – Agree - Retain Condition.*

Condition 62 – Meriton provides gas and water outlets to the ground floor terraces, upper floor units and roof top terraces. The requirement for the Water and gas outlets are a design guide under Objective 4E-3 of the Apartment Design Guideline and is not a prescriptive requirement. A Department of Planning Circular, which I have attached, specifically states that Council’s must treat Development Applications as a guide and not as strict rules.

In addition to this, the approved plans show seating and barbecue facilities in the communal open space area, which is considered adequate enough (see attached). Not every owner/tenant wants a barbeque or water outlet on a balcony

Fire protection consultants are also nervous about balconies in high rise development having so many fire potential fire sources.

As you can see, a balanced approach has been provided to this development with a proportion of barbeques and water outlets to balconies, which is considered a reasonable request.

Condition 86 – Refers to the requirement of 150mm raised edged. I bring to your attention that Council’s landscape officer is relaxed with removing such conditions. I refer you to Pagewood Urban Block 3 that is going to the panel meeting on the 12 February 2019, where the exact condition is being deleted, amongst other landscape conditions that seem to be merely placed on consents as standard procedure.

In conclusion, we have primarily agreed to all of the Council items except for Condition 62, which we have half met, and Condition 86 which seems in conflict with other approved sites”

In regards to Condition 62, the applicant provided commentary on 11 February 2019 from their fire engineer which is repeated as follows:

“AED Fire have been engaged by Meriton to provide Fire Engineering Services for the development located at 133 to 141 O’Riordan Street, Mascot.

We understand that Meriton propose removing the requirement to provide gas bayonet fittings to all balconies and request AED Fire’s comment on this in relation to fire engineering.

The provision of a reticulated gas supply through each residential sole occupancy unit with a bayonet fitting on each balcony does increase the combustible load to each Sole Occupancy Unit and, in the event of a fire within that a unit, the rupture of the gas reticulation could add appreciably to the severity of a fire in the fire affected unit.

In relation to the Fire Engineering we have no objection to the removal of the gas fittings and believe that the removal of the gas reticulation will reduce the combustible load accordingly.”

Council Comment:

From the above commentary, Council can only conclude that gas reticulation even within sole occupancy units is an issue as *in the event of a fire within that a unit, the rupture of the gas reticulation could add appreciably to the severity of a fire in the fire affected unit.*

Council could impose a condition to ensure no gas reticulation to any sole occupancy unit, including the kitchen. This however would be deemed fanciful, however this is what is being sought.

Council maintains its position in that water to main balconies i.e from a living room, kitchen, etc should include the amenity of cleaning and enhance the opportunity for plants to be grown on balconies.

Gas connections are deemed to be not as essential due to the alternative availability of gas bottle barbecue.

As such Council accepts that the gas connection is provided on the top and ground floors and water tap is provided to all balconies.

(b) Likely impacts

The proposed modifications of unit numbers and mix have been assessed through the relevant assessment controls discussed in this report.

It is considered that the proposed amendment will have no significant adverse environmental, social or economic impacts on the locality. The proposed modifications will have no additional environmental impacts beyond those addressed in this report and those identified in the assessment and determination of DA-2018/1013.

(c) Suitability of the site

The suitability of the site was addressed in the original approval of DA-2018/1013.

(d) Submissions

No objections were received.

(e) The public interest.

The proposed amendments will have no significant adverse impact upon the public interest.

Other Matters

Additional Section 7.11 Development Contributions.

The addition of 5 additional apartments in accordance with the S7.11 plan requires the following

7 x 1 bed apartments x \$26,569.69 (Ministerial cap of \$20,000)

= \$140,00.00

CONCLUSION

The Section 4.55(2) Application seeks to modify Development Consent No. 2018/1013 which approved the demolition and construction of a residential flat building development.

The development, as modified, is substantially the same development as that originally approved. The proposed modification will not alter the bulk and scale of the building or character of the development, and will continue to ensure the development is carried out in an orderly manner. Therefore, it is recommended that the Panel approve the proposed modifications to the proposal.

SCHEDULE OF CONSENT CONDITIONS**GENERAL CONDITIONS**

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

Plans	Author	Dated / Received by Council
DA001 – Cover Page Rev F	DKO Architecture	Dated 13 July 2018; Received 23 July 2018
DA102 – Site Plan Rev F	DKO Architecture	Dated 13 July 2018; Received 23 July 2018
DA 201 – Ground Floor Rev M REV MA	DKO Architecture	Dated 13 July 2018; Received 23 July 2018 Dated 11/10/2018
DA 202 – Level 1 Rev J REV M	DKO Architecture	Dated 21 August 2018; Received 21 August 2018 Dated 7 September 2018
DA 203 Level 2 Rev M REV P	DKO Architecture	Dated 21 August 2018; Received 21 August 2018 Dated 7 September 2018
DA 204 Level 3 Rev H REV K	DKO Architecture	Dated 21 August 2018; Received 21 August 2018 Dated 7 September 2018
DA 205 Level 4 Rev M REV P	DKO Architecture	Dated 21 August 2018; Received 21 August 2018 Dated 7 September 2018
DA 206 Level 12 Rev M	DKO Architecture	Dated 21 August 2018; Received 21 August 2018
DA 206 Level 5-7 Rev H	DKO Architecture	Dated 7 September 2018
DA 207 Roof terraces Rev K	DKO Architecture	Dated 13 July 2018; Received 23 July 2018
DA 207 Levels 8-11 Rev C	DKO Architecture	Dated 7 September 2018
DA 208 Roof Rev J	DKO Architecture	Dated 13 July 2018; Received 23 July 2018
DA 208 Levels 8-11 Rev P	DKO Architecture	Dated 7 September 2018
DA 209 Basement 1 Rev K	DKO Architecture	Dated 13 July 2018; Received 23 July 2018
DA 209 Roof Terraces Rev O	DKO Architecture	Dated 7 September 2018
DA 210 Basement 2 Rev K	DKO Architecture	Dated 13 July 2018; Received 23 July 2018
DA 211 Level 5-11 Rev E	DKO Architecture	Dated 21 August 2018; Received 21 August 2018
DA 301 North Elevation Rev I REV J	DKO Architecture	Dated 13 July 2018; Received 23 July 2018 Dated 7 September 2018
DA 302 South Elevation Rev I	DKO Architecture	Dated 13 July 2018; Received 23 July 2018
DA 303 East Elevation Rev I	DKO Architecture	Dated 13 July 2018; Received 23 July 2018
DA 304 West Elevation Rev J	DKO Architecture	Dated 2 August 2018; Received 23 July 2018

DA 305 Section A, Rev G	DKO Architecture	Dated 13 July 2018; Received 23 July 2018
DA 306 Section B Rev G	DKO Architecture	Dated 13 July 2018; Received 23 July 2018

Reference Document(s)	Author	Dated / Received by Council
DA Access Report Ref: MTN-040	Wall to Wall	Dated 1 February 2018; Received 9 February 2018
Development Application Acoustic Report Ref: 20180028.1/1601A/R0/TA	Acoustic Logic	Dated 16 January 2018; Received 9 February 2018
Arboricultural Impact Assessment Report	Jacksons Nature Works	Dated 30 January 2018; Received 9 February 2018
Thermal Comfort and BASIX Assessment Ref: 18/0410 Rev B Rev E including Amended Basix – certificate number 895976M_05	Efficient Living	Dated 31 January 2018; Received 9 February 2018 Dated 7 March 2019
Construction Management Plan- Rev 1	Meriton Property Services Pty Ltd	Dated January 2018; Received 9 February 2018
Crime Risk and Security Report	Meriton Property Services Pty Ltd	Dated 23 January 2018; Received 9 February 2018
SEPP 65 Design report	DKO Architecture	Dated 5 February 2018; Received 9 February 2018
SEPP 65 Design Verification Statement	DKO Architecture	Dated 25 January 2018 Received 9 February 2018
Amended SEPP 65 Design Verification	DKO Architecture	Dated 13 September 2018
Geotechnical Investigation Report	Douglas Partners	Dated October 2014 Received 9 February 2018
Quantity Surveying Cost Report	Steven Wehbe	Dated 15 January 2018; Received 9 February 2018
Site Surveys Drawing 22308 Rev B	B and P Surveys	Dated 15 November 2017; Received 9 February 2018
Apartment Design Guide Report	DKO Architecture	Dated 25 January 2018 Received 9 February 2018
Statement of Environmental Effects	Meriton Property Services Pty Ltd	Dated 31 January 2018; Received 9 February 2018
Waste Management Plan Rev A	Elephants Foot Waste Compactors Pty Ltd	Dated 29/01/2018; Received 9 February 2018
Qualitative Wind Assessment Report Number 610.17846-R01	SLR	Dated 24 January 2018; Received 9 February 2018
Clause 4.6 variation to vary FSR development standard	Meriton Property Services Pty Ltd	Dated 18 July 2018; Received 23 July 2018
Stormwater Plans Drawings DAc015 and DAC020, Rev B	At&I	Dated 2 February 2018; Received 9 February 2018
Traffic and Transport Report Job No 258-00	ARUP	Dated 30 January 2018 Received 9 February 2018
DA 402 – Eye of the Sun Diagrams Rev F	DKO Architecture	Dated 13 July 2018; Received 23 July 2018
DA 403 – Overshadowing June 22 of -143-147 O’Riordan, Rev B	DKO Architecture	Dated 13 July 2018; Received 23 July 2018
DA405 Eye of the sun diagram June 22, -143-147	DKO Architecture	Dated 13 July 2018; Received 23 July 2018

O’Riordan, Rev B		
DA501 – SEPP 65 Solar Access Rev G REV H	DKO Architecture	Dated 13 July 2018; Received 23 July 2018 Dated 7 September 2018
DA502 – SEPP 65 Compliance Rev F REV G	DKO Architecture	Dated 13 July 2018; Received 23 July 2018 Dated 7 September 2018
DA503 – SEPP 65 GFA Rev G	DKO Architecture	Dated 13 July 2018; Received 23 July 2018
DA504 – SEPP 65 Adaptable apartments Rev F	DKO Architecture	Dated 13 July 2018; Received 23 July 2018
DA506 – SEPP 65 Unit Mix Rev A	DKO Architecture	Dated 13 July 2018; Received 23 July 2018

- 2 This Consent relates to land in Lot 1 in DP 739565 and, as such, building works must not encroach on to adjoining lands or the adjoining public place.
- 3 The consent given does not imply that works can commence until such time that:
 - a) Detailed plans and specifications of the building have been endorsed with a Construction Certificate by:
 - i) The consent authority; or,
 - ii) An accredited certifier; and,
 - b) The person having the benefit of the development consent:
 - i) Has appointed a principal certifying authority; and
 - ii) Has notified the consent authority and the Council (if the Council is not the consent authority) of the appointment; and,
 - iii) The person having the benefit of the development consent has given at least 2 days notice to the council of the persons intention to commence the erection of the building.
- 4 All building work must be carried out in accordance with the provisions of the Building Code of Australia.
- 5 Pursuant to clause 97A(3) of the Environmental Planning & Assessment Regulation 2000, it is a condition of this development consent that all the commitments listed in each relevant BASIX Certificate for each building in the development are fulfilled.
 - a) Note:

Relevant BASIX Certificate means:

 - i) A BASIX Certificate that was applicable to the development when this development consent was granted (or, if the development consent is modified under Section 4.55 of the Act, a BASIX Certificate that is applicable to the development when this development consent is modified); or
 - ii) If a replacement BASIX Certificate accompanies any subsequent application for a construction certificate, the replacement BASIX Certificate.
 - iii) BASIX Certificate has the meaning given to that term in the Environmental Planning and Assessment Regulation 2000.

- a) Deleted by Panel
- b) In designing the street tree layout, the consultant shall check and ensure that all new street trees are positioned such that there are no conflicts with the proposed street lights, utilities and driveway accesses. The proposed street lights will have priority over the street trees. All costs associated with the removal of existing street trees, where required, will be borne by the Developer.
- c) All telecommunication and utility services are to be placed underground along the Street frontages. The extent of works required in order to achieve this outcome may involve works beyond the frontage of the development site. Plans are to be prepared and certified by a suitably qualified Electrical Design Consultant for decommissioning the existing network and constructing the new network; and are to be submitted to, and approved by Council and relevant utility authorities, prior to commencement of telecommunication and utility services works.
- d) Street trees are to be provided in accordance with the Botany Street Tree Master Plan 2014.
- e) In designing the street tree layout, the consultant shall check and ensure that all new street trees are positioned such that there are no conflicts with the proposed street lights, utilities and driveway accesses. The proposed street lights will have priority over the street trees. All costs associated with the removal of existing street trees, where required, will be borne by the Developer.
- f) An experienced Landscape Contractor shall be engaged to undertake all landscaping public domain work and shall be provided with a copy of both the approved landscape drawing and the conditions of approval to satisfactorily construct the landscape to Council requirements. The contractor shall be engaged weekly for a minimum period of 52 weeks from final completion of landscaping for maintenance and defects liability, replacing plants in the event of death, damage, theft or poor performance. After that time regular and ongoing maintenance is required.
- g) All telecommunication and utility services are to be placed underground along the flowing streets: The extent of works required in order to achieve this outcome may involve works beyond the frontage of the development site. Plans are to be prepared and certified by a suitably qualified Electrical Design Consultant for decommissioning the existing network and constructing the new network; and are to be submitted to, and approved by Council and relevant utility authorities, prior to commencement of work.

CONDITIONS IMPOSED BY AN EXTERNAL AUTHORITY

Where relevant, the following external authority conditions apply:

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

- a) 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:

- i) The existing network can support the expected electrical load of the development
- ii) A substation may be required on-site, either a pad mount kiosk or chamber style and;
- iii) 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.

- b) 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.
- c) All proposed vegetation underneath overhead power lines and above underground cables must comply with the requirements of ISSC 3 Guideline For Managing Vegetation Near Power Lines.
- d) There are existing overhead electricity network assets in Banks Ave. 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 to the positioning and operating 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

Based on the design of the development provided, it is expected that the “as constructed” minimum clearances will not be encroached by the building development. However it remains the responsibility of the developer and relevant contractors to verify and maintain these clearances onsite.

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.

- e) There are existing underground electricity network assets in Banks Ave. 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.

8 The following conditions are imposed by **Civil Aviation Safety Authority (CASA)**:

- a) The building must not exceed a maximum height of 52.9 metres AHD, inclusive of all lift over-runs, vents, chimneys, aerials, antennas, lightning rods, any roof top garden plantings, exhaust flues etc.

- b) The proponent must ensure obstacle lighting arrangements have a remote monitoring capability, in lieu of observation every 24 hours, to alert SACL reporting staff of any outage. For detailed requirements for obstacle monitoring within the OLS of an aerodrome, refer to subsection 9.4.10 of the MOS Part 139.
- c) Separate approval must be sought under the Regulations for any cranes required to construct the buildings. Construction cranes may be required to operate at a height significantly higher than that of the proposed controlled activity and consequently, may not be approved under the Regulations. Therefore it is advisable that approval to operate construction equipment (i.e. cranes) should be obtained prior to any commitment to construct.
- d) At the completion of the construction of the building, a certified surveyor is to notify (in writing) the airfield design manager of the finished height of the building.

9 The following conditions are imposed by **Water NSW**:

- a) 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.
- b) 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.
- c) 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.
- d) Water NSW 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).
- e) 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.

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

- a) 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 prior to the issue of a Construction Certificate.

- b) All demolition and construction vehicles are to be contained wholly within the site. All vehicles must enter the site before stopping as a construction zone will not be permitted on O'Riordan Street.
- c) A Road Occupancy Licence should be obtained from Transport Management Centre for any works that may impact on traffic flows on O'Riordan Street during construction activities.
- d) Detailed design plans and hydraulic calculations of any changes to the stormwater drainage system are to be submitted to Roads and Maritime for approval, prior to the commencement of any works.

Details should be forwarded to:
The Sydney Asset Management
Roads and Maritime Services
PO Box 973 Parramatta CBD 2124.

A plan checking fee will be payable and a performance bond may be required before Roads and Maritime approval is issued. With regard to the Civil Works requirement please contact the Roads and Maritime Project Engineer, External Works Ph: 8849 2114 or Fax: 8849 2766.

- e) The developer is to submit design drawings and documents relating to the excavation of the site and support structures to Roads and Maritime for assessment, in accordance with Technical Direction GTD2012/001. The developer is to submit all documentation at least six (6) weeks prior to commencement of construction and is to meet the full cost of the assessment of Roads and Maritime. Details should be submitted to Project Engineer, External Works, Sydney Asset Management, Roads and Maritime Services, PO Box 973, Parramatta CBD 2124 Telephone 8849 2114.

If it is necessary to excavate below the level of the base of the footings of the adjoining roadways, the person acting on the consent shall ensure that the owner/s of the roadway is/are given at least seven (7) days notice of the intention to excavate below the base of the footings. The notice is to include complete details of the work.

- f) All works and regulatory signposting associated with the proposed development are to be at no cost to Roads and Maritime.
- g) All buildings and structures, together with any improvements integral to the future use of the site, are to be wholly within the freehold property (unlimited in height or depth) along the O'Riordan Street boundary.

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

- a) Sydney Water Servicing

A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water. The proponent is advised to make an early application for the certificate, as there may be water and wastewater pipes to be built that can take some time. This can also impact on other services and buildings, driveways or landscape designs. Applications must be made through an authorised Water Servicing Coordinator. For help either visit www.sydneywater.com.au > Plumbing, building and developing > Developing > Land development or telephone 13 20 92.

- b) Building Plan Approval

The approved plans must be submitted to the Sydney Water Tap in online service to determine whether the development will affect any Sydney Water sewer or water main, stormwater drains and/or easement, and if further

requirements need to be met. The Sydney Water Tap in online self-service replaces our Quick Check Agents as of 30 November 2015.

The Tap in service provides 24/7 access to a range of services including:

- Building plan approvals
- Connection and disconnection approvals
- Diagrams
- Trade waste approvals
- Pressure information
- Water meter installations
- Pressure boosting and pump approvals
- Changes to an existing service or asset e.g. relocating or moving an asset

Sydney Waters Tap In online service is available at:

<http://sydneywater.com.au/SW/plumbing-building-developing/building/sydney-water-tap-in/index.htm>

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

- 12 A dilapidation report, including a photographic survey prepared by a Practising Structural Engineer, shall be undertaken of all properties and/or Council infrastructure, including but not limited to all footpaths, kerb and gutter, stormwater inlet pits, and road carriageway pavements, in the vicinity which could be potentially affected by the construction of this development. Any damage caused to other properties during construction shall be rectified. A copy of the dilapidation survey and an insurance policy that covers the cost of any rectification works shall be submitted to the Accredited Certifier (AC) or Council prior to Commencement of Works. The insurance cover shall be a minimum of \$10 million.
- 13 Prior to commencement of any works, application(s) shall be made to Council's Customer Services Counter and obtained the following approvals and permits on Council's property/road reserve under Road Act 1993 and Local Government Act 1993: - (It should be noted that any works shown within Council's road reserve or other Council Lands on the development approval plans are indicative only and no approval for these works is given until this condition is satisfied.)
 - a) Permit to erect hoarding on or over a public place, including Council's property/road reserve,
 - b) Permit to construction works, place and/or storage building materials on footpaths, nature strips,
 - c) Permit to install temporary ground anchors in public land,
 - d) Permit to discharge ground water to Council's stormwater drainage system,
 - e) Permit for roads and footways occupancy (long term/ short term),
 - f) Permit to construct vehicular crossings, footpaths, kerbs and gutters over road reserve,

- g) Permit to open road reserve area, including roads, footpaths, nature strip, vehicular crossing or for any purpose whatsoever, such as relocation / re-adjustments of utility services,
 - h) Permit to place skip/waste bin on footpath and/or nature strip, and
 - i) Permit to use any part of Council's road reserve or other Council lands.
- 14 Erosion and sediment control devices shall be installed and in function prior to the commencement of any construction works upon the site in order to prevent sediment and silt from site works (including demolition and/or excavation) being conveyed by stormwater into public stormwater drainage system, natural watercourses, bushland, trees and neighbouring properties. In this regard, all stormwater discharge from the site shall meet the legislative requirements and guidelines. These devices shall be maintained in a serviceable condition AT ALL TIMES throughout the entire construction phases of the development and for a minimum one (1) month period after the completion of the development, where necessary.
- 15 Toilet facilities are to be provided at or in the vicinity of the work site on which work involves:
 - a) demolition and construction of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site;
 - b) Each toilet provided:
 - i) must be standard flushing toilet; and,
 - ii) must be connected:
 - to a public sewer; or
 - if connection to a public sewer is not practicable to an accredited sewerage management facility approved by the Council; or,
 - if connection to a public sewer or an accredited sewerage management facility is not practicable to some other sewerage management facility approved by the Council.
 - c) The provisions of toilet facilities in accordance with this condition must be in place before work commences.
- 16 This Consent shall not preclude the demolisher from giving notice to other statutory authorities, such as Sydney Water Corporation, WorkCover, etc.
- 17 Prior to the commencement of any works, the site to which this approval relates must be adequately fenced or other suitable measures employed that are acceptable to the Principal Certifying Authority to restrict public access to the site and building works. Such fencing or other measures must be in place before the approved activity commences.
- 18 A Soil and Water Management Plan (SWMP) shall be prepared in accordance with the Landcom *Managing Urban Stormwater – Soils and Construction* 4th Edition (2004). All management measures recommended and contained within the Soil and Water Management Plan (SWMP) shall be implemented in accordance with the *Landcom Managing Urban Stormwater – Soils and Construction* 4th Edition (2004). This plan shall be implemented prior to commencement of any site works or activities. All controls in the plan shall be maintained at all times. A copy of the SWMP shall be kept on-site at all times and made available to Council Officers on request.
- 19 For any water from site dewatering to be permitted to go to the stormwater, the water must meet ANZECC 2000 Water Quality Guidelines for Fresh and Marine Water for

the 95% protection trigger values for marine water. The results of all testing must be completed by a NATA accredited laboratory. All laboratory results must be accompanied by a report prepared by a suitably qualified person indicating the water meets these guidelines and is acceptable to be released into council's stormwater system. If it is not acceptable, details of treatment measures to ensure that the water is suitable for discharge to council's stormwater shall be provided in this report. Reports shall be provided to council prior to discharge of any groundwater to the stormwater system.

- 20 To ensure that relevant engineering and water quality provisions are met during the period of dewatering for construction, prior to any water from site dewatering to be permitted to go to stormwater a permit to discharge to the stormwater shall be obtained from Council. Dewatering shall not commence until this is issued by Council.
- 21 A Traffic Management Plan shall be included as part of the Roads Act Approval for road and drainage works to be carried out within public road reserves in strict compliance with the requirements of current Australian Standard 1742.3 (Traffic Control Devices for Works on Roads) and current RMS Traffic Control at Work Sites manual. Any persons preparing such traffic control layout plans shall be RMS accredited.
- 22 If an excavation associated with the proposal extends below the level of the base of the footings of a building and/or structure and/or road on an adjoining allotment of land or the common boundary fence the person causing the excavation to be made:
 - a) Must preserve and protect the building/ fence from damage; and,
 - b) If necessary, underpin and support such building in an approved manner;
 - c) Must at least be 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of the intention to do so to the owner of the adjoining allotment of land and, furnish particulars of the excavation to the owner of the building being erected or demolished;
 - d) Existing structures and or services on this and adjoining properties are not endangered during any demolition excavation or construction work associated with the above project. The applicant is to provide details of any shoring, piling, or underpinning prior to the commencement of any work. The construction shall not undermine, endanger or destabilise any adjacent structures.
 - e) If the soil conditions required it:
 - i) Retaining walls associated with the erection of a building (swimming pool) or other approved methods of preventing movement or other approved methods of preventing movement of the soil must be provided and:-
 - ii) Adequate provision must be made for drainage.

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

- 23 ~~Prior to the issue of the Construction Certificate, amended plans be submitted to Council that indicate that the widening of the vehicular carriageway identified as carriageway widening (condition 40 of consent DA-15/88 on Plan No. Da 201 revision M, shall be deleted. (Inserted by Panel) (Deleted –DA-2018/1013/2)~~
- 24 Prior to the issue of the relevant Construction Certificate, construction plans are to show that all study rooms are to have a window in accordance with the requirements under SEPP 65 and the ADG.
- 25 The building shall be constructed in accordance with *AS2021- 2000: Acoustics, Aircraft Noise Intrusion, Building Siting and Construction* and consideration of Road Noise from O'Riordan Street, the details of which must be prepared by a practicing professional acoustical consultant. The report shall be submitted to Principal

certifying authority prior to the release of the Construction Certificate and the building plans endorsed with the required acoustical measures.

The measures required in the acoustical assessment report prepared by Acoustic Logic, dated 16/01/2018, Report reference number 20180028.1/1601A/R0/TA shall be undertaken in accordance with the provisions of AS 2021 - 2000: Acoustics - Aircraft Noise Intrusion - Building Siting and Construction to establish components of construction to achieve indoor design sound levels in accordance with Table 3.3 of AS2021 - 2000 shall be incorporated into the construction of the building.

The work detailed in the report includes:

- Appropriate acoustic glazing to stated windows and doors,
- Detailed roof and ceiling construction,
- Wall and ceiling corner details and,
- External door specification,
- Acoustically treated mechanical ventilation.

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

26 Prior to the issue of the relevant construction certificate, a reflectivity report shall be submitted to and approved by the Principal Certifying Authority demonstrating the reflectivity from the building does not exceed 20%.

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

- a) 1 Bedroom apartments 6m³
- b) 2 Bedroom apartments 8m³
- c) 3 Bedroom apartments 10m³

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

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

- | | | |
|----|----------------------------|---------------------------------|
| a) | Development Control | \$13,583.00 |
| b) | Footpath Crossing Deposit | \$295,200.00 (See below) |
| c) | Section 7.11 Contributions | \$647,152.47 (See below) |
| d) | Long Service Levy | See below |

29 Prior to the issue of any Construction Certificate related to DA 2018/1013, the payment of a monetary contribution of an additional **\$647,152.47** in accordance with Council's amended Section 94 Contributions Plan 2016. This consent generates a total contribution of \$2,080,000.00, however a credit has been applied of \$1,432,847.53.

The Section 7.11 Contribution fees are subject to annual review and the current rates are applicable for the financial year in which the consent is granted. If the contribution is paid in a later financial year the fee applicable at the time will be required to be paid.

Prior to the issu

29A Prior to the issue of any Construction Certificate or amended Construction Certificate related to DA 2018/1013/2 the payment of a monetary contribution of

an additional \$140,000.00 in accordance with Council's amended Section 94 Contributions Plan 2016. This consent generates a total contribution of \$2,180,000.00, however a credit has been applied of \$1,432,847.53.

The Section 7.11 Contribution fees are subject to annual review and the current rates are applicable for the financial year in which the consent is granted. If the contribution is paid in a later financial year the fee applicable at the time will be required to be paid.

(Inserted DA-2018/1013/2)

- 30 Prior to the issue of any construction certificate, provide evidence that the following has been completed. Sampling and analysis of soil at the site for asbestos shall be undertaken and any exceedances managed and remediated in accordance with the National Environment Protection (Assessment of Site Contamination) Measure 2013 and all relevant NSW EPA Guidelines. This assessment and management shall be completed prior to any disturbance of soil or excavation on the site. Details of sampling and analysis and the proposed management of any exceedances shall be provided to Council.
- 31 Prior to the issue of any construction certificate Due to the time elapsed since the Phase 2 investigation, undertake additional site investigations for impacts from groundwater from the adjoining petrol station and asbestos in soils on the site. This shall be completed by a suitably qualified and experienced environmental consultant in accordance with:
- a) NSW Office of Environment and Heritage (OEH) 'Contaminated Sites – Guidelines for Consultants Reporting on Contaminated Sites';
 - b) NSW Environment Protection Authority (NSW EPA) approved guidelines under the Contaminated Land Management Act 1997; and
 - c) State Environmental Planning Policy 55 (SEPP55) – Remediation of Land;
- and shall be provided to the Principal Certifying Authority and Bayside Council for written concurrence prior to the issue of any Construction Certificate.
- 32 If required, following completion of the additional assessment, a Remedial Action Plan shall be prepared and remediation of the site shall be carried out. Approvals from appropriate government departments where required shall be obtained and full details of the investigation and site remediation are to be submitted to Bayside Council in accordance with the Environmental Planning and Assessment Act 1979 prior to any Construction Certificate being issued for the proposed development.
- 33 Prior to the issue of any construction certificate, the plans shall be amended to reflect the change in apartment layouts of apartment 103, 203, 304, 404, 504-1104, 1203 these changes are reflected in the plans approved which are dated 21 August 2018. A copy of the plans shall be submitted to the Council and Principal Certifying Authority.
- 34 Prior to the issue of any Construction Certificate, the required Long Service Levy payable under Section 34 of the Building and Construction Industry Long Service payments Act 1986 must be paid. The Long Service Levy is payable at 0.35% of the total cost of the development, however, this is a State Government fee and can change without notice.
- 35 Prior to the issue of any Construction Certificate, the applicant shall contact "Dial Before You Dig" to obtain a utility service diagram for, and adjacent to the property. The sequence number obtained from "Dial Before You Dig" shall be forwarded to Principal Certifying Authority. All utilities within the work zone shall be protected during construction.

Any adjustments or damage to public utilities/services as a consequence of the development and associated construction works shall be restored or repaired at the applicant's expense.

- 36 Prior to the issue of any Construction Certificate, the applicant shall lodge a Builder's Damage Deposit and Performance Bond of **\$295,200.00** (GST Exempt) by way of cash deposit or unconditional bank guarantee to Council against possible damage to Council's asset during the course of the building works. The deposit will be refunded subject to inspection by Council 12 months after the completion of all works relating to the proposed development and Final Occupational Certificate has been issued.
- 37 Prior to the issue of any Construction Certificate, at the proposed point of construction site entry, photographic survey showing the existing conditions of Council's and RMS infrastructure shall be submitted to Council and Principal Certifying Authority. The survey shall detail the physical conditions and identify any existing damages to the roads, kerbs, gutters, footpaths, driveways, street trees, street signs and any other Council assets fronting the property and extending to a distance of 50m from the development. Failure to do so may result in the applicant/developer being liable for any construction related damages to these assets. Any damage to Council's infrastructure during the course of this development shall be restored at the applicant's cost.
- 38 Prior to the issue of any Construction Certificate, a Construction Management Program shall be submitted to the Principal Certifying Authority prior to the issue of a Construction Certificate. The program shall detail:
- a) The proposed method of access to and egress from the site for construction vehicles, including access routes through the Council area and the location and type of temporary vehicular crossing for the purpose of minimising traffic congestion and noise in the area, with no access across public parks or public reserves being allowed,
 - b) The proposed phases of construction works on the site and the expected duration of each construction phase,
 - c) The proposed order in which works on the site will be undertaken, and the method statements on how various stages of construction will be undertaken,
 - d) The proposed manner in which adjoining property owners will be kept advised of the timeframes for completion of each phase of development/construction process,
 - e) The proposed method of loading and unloading excavation and construction machinery, excavation and building materials, formwork and the erection of any part of the structure within the site. Wherever possible mobile cranes should be located wholly within the site,
 - f) The proposed areas within the site to be used for the storage of excavated materials, construction materials and waste containers during the construction period,
 - g) The proposed method/device to remove loose material from all vehicles and/or machinery before entering the road reserve, any run-off from the washing down of vehicles shall be directed to the sediment control system within the site,
 - h) Proposed protection for Council and adjoining properties, and
 - i) The location and operation of any on site crane. Please note that a crane may require prior approval from Sydney Airports Corporation.

- j) The location of any Construction Zone (if required) approved by Council's Traffic Committee, including a copy of that approval.
- k) The methodology to control dust on site.
- l) The location of any Construction Zone (if required) approved by Council's Traffic Committee, including a copy of that approval.
- m) Obtain Permits required under this consent.

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

- a) be prepared by a RMS accredited consultant,
- b) nominate a contact person who is to have authority without reference to other persons to comply with instructions issued by Council's Traffic Engineer or the Police, and
- c) if required, implement a public information campaign to inform any road changes well in advance of each change. The campaign may be required to be approved by the Traffic Committee.

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

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

- a) All driveways/access ramps/vehicular crossings shall conform with Australian Standards AS 2890.1 and Council requirements including but not limited to Section 8(v) of the DCP Stormwater Management Technical Guidelines, and
- b) For commercial developments, the applicant shall provide longitudinal sections along the extremities and the centre line of each internal driveway/access ramp at a scale of 1:25. These long sections shall extend from the horizontal parking area within the property to the centre line of the roadway. The sections shall also show the clear height from the ramp to any overhead structure.

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

- a) All driveways/access ramps/vehicular crossings shall conform with Australian Standards AS 2890.1 and Council requirements including but not limited to Section 8(v) of the DCP Stormwater Management Technical Guidelines, and
- b) A suitably qualified engineer shall design and certify the driveway access from Haran Street to the development to ensure that stormwater from the road reserve is not directed into the basement structure, a suitable crest shall be provided to ensure flows are not directed into the basement structure, and
- c) The applicant shall provide longitudinal sections along the extremities and the centre line of each internal driveway/access ramp at a scale of 1:25. These long sections shall extend from the horizontal parking area within the

property to the centre line of the roadway. The sections shall also show the clear height from the ramp to any overhead structure.

- 42 Prior to the release of the relevant Construction Certificate, the following required section(s) are to be submitted to and approved by the Principal Certifying Authority:
- a) All driveways/access ramps/vehicular crossings shall conform with Australian Standards AS 2890.1 and Council requirements including but not limited to Section 8(v) of the DCP Stormwater Management Technical Guidelines,
 - b) All service vehicles shall enter the property front in front out,
 - c) Demonstrate safe headroom clearance of 4.5m is achieved in the driveway entrance and along the along the travel path, parking and manoeuvring areas of a Medium Rigid Vehicle (MRV), including Council's Garbage Truck,
 - d) Swept path analysis shall be provided for manoeuvring of commercial vehicles, and
 - e) A longitudinal section plotting headroom clearance above driveway access is to be provided for assessment.
- 43 Prior to the release of the relevant Construction Certificate, the following required section(s) are to be submitted to and approved by the Principal Certifying Authority:
- a) At least eleven (11) accessible car parking spaces shall be provided and clearly marked as specified in Australian Standards AS 2890.6, SEPP 65 Design Code and Council requirements;
 - b) All off street accessible parking shall have access to the adjacent road(s) and to the communal open space as per Australian Standards AS 2890.6 and Council requirements, and
 - c) All Accessible parking spaces shall be located within close proximity and easy access to the lift systems proposed for the building as per AS2890.6 and AS4299.
- 44 Prior to the issue of the relevant Construction Certificate, to ensure that utility authorities and Council are advised of any effects to their infrastructure by the development, the applicant shall:
- a) Carry out a survey of all utility and Council services within the site including relevant information from utility authorities and excavation if necessary to determine the position and level of services,
 - b) Negotiate with the utility authorities (eg AusGrid, Sydney Water, Telecommunications Carriers and Council in connection with:
 - i) The additional load on the system, and
 - ii) The relocation and/or adjustment of the services affected by the construction.
 - c) As part of this development, all above ground utilities on O'Riordan Street and Haran Street, adjacent to development, shall be relocated underground in accordance with Ausgrid and any other affected and relevant service provider. This undergrounding includes the removal of at least the two Ausgrid poles numbered K001750 and K001751, and
 - d) At least two (2) new Ausgrid lighting poles shall be erected on the O'Riordan Street frontage, or as otherwise directly specified by Council/Ausgrid/RMS. All new lighting poles and associated underground infrastructure shall be

constructed satisfying V2 lighting requirements any other requirements as specified by Council, RMS and any other affected service provider,

- e) All underground and above ground infrastructure shall be constructed as specified by Ausgrid, RMS, Council and any other affected service provider. The location of the new electrical pillars, new lighting poles, any new pits and trenches for utilities shall be confirmed with Council prior to the issue of the Construction Certificate,

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

45 Prior to the issue of the relevant Construction Certificate, detail design and construction plans in relation to stormwater management and disposal system for the development shall be submitted to the Principal Certifying Authority and Council for approval. The detail drawings and specifications shall be prepared by a suitably qualified and experienced civil engineer and to be in accordance with Council's Development Control Plan 'Stormwater Management Technical Guidelines' (SMTG), AS/NSZ 3500 – Plumbing and Drainage Code and the BCA. All drawings shall correspond with the approved architectural plans. The detailed design plans shall incorporate but not be limited to the following:

- a) An On-Site Detention System (OSD) shall be designed according to Part 6 of the SMTG. It should be noted that OSD systems shall be designed to detain the stormwater runoff from the site for all storm events up to and including **1 in 100 year ARI storm and permissible site discharge (PSD) shall be based on 1 in 5 year ARI peak flow generated from the site under the "State of Nature" condition (i.e. the site is totally grassed/turfed), rather than pre-development condition**,
- b) The OSD systems storage area shall be fully enclosed with at least two (2) 900x900mm sealed access grates provided for maintenance and emergency overflow shall be provided with a capacity to handle events greater than the 100 year ARI storm that does not endanger the lives of the residents or the public, and
- c) The OSD system is to discharge to a new grated surface inlet pit in the O'Riordan Street frontage adjacent to the development, with a new piped stormwater connection provided to existing RMS stormwater infrastructure. Hydraulic grade line analysis of the new stormwater infrastructure will be required. All new stormwater infrastructure (pit & pipe sizing, location(s), cover etc.) shall be designed as specified by RMS, and
- d) Incorporate a Stormwater Quality Improvement system to ensure compliance with Section 16 of Botany Bay's SMTG,
- e) The water quality improvement system and WSUD strategy proposal shall be designed to capture and treat at least 85% flows generated from the site.
- f) A WSUD Strategy and MUSIC model must be prepared and submitted to Council for the development. The MUSIC model must be prepared in line with the Draft NSW MUSIC Modelling Guidelines (Sydney Metro CMA). Sydney's Water's requirements are that the water quality improvement should meet or exceed the target as described in the "Botany Bay & Catchment Water Quality Improvement Plan" which was prepared by the Sydney Metropolitan Catchment Management Authority in April 2011, and
- g) Basement drainage shall be provided for the collection and removal of stormwater from all basement levels. The design is to comply with Botany DCP Part 10 Section 7 and AS/NZS 3500.3:2015, details of the pump out system shall be shown on the stormwater management plans, and

- h) The pump out system from the basement carpark shall discharge to the on-site stormwater detention (OSD) system, and
- i) A minimum capacity 10000L of Rainwater Tank(s) shall be provided for the site. Overflow from the rainwater tank shall be directed to the site drainage system. The rainwater tank(s) shall service the landscaped areas on site.
- j) Detailed calculations including computer modelling supporting the proposal.

All plans and documentation shall be certified by a suitably qualified engineer as specified in Botany DCP Part 10 Section 2.1.

- 46 Prior to the issue of the relevant Construction Certificate, at least one (1) car wash bays are to be provided. The visitor space adjacent to the service bays can be utilised for this purpose. A tap shall be provided along with a sign fixed to the wall saying 'Visitor Car Space and Car Wash Bay'. The car wash bay must be bunded in accordance with AS1940 – 1993 and AS/NZS 4452 – 1997 with direct connection to the sewer in accordance with a Sydney Water trade waste agreement.
- 47 Prior to the issue of the relevant Construction Certificate, a civil design plan must be prepared by a suitably qualified engineer and be approved by Bayside Council's Public Domain department for all frontage works that are required to be constructed within the public domain. A Public Domain Frontage Works application shall be submitted to Council for the works to be assessed, approved and a design brief provided, the form details can be found on the Bayside Council website. The frontage works shall be in accordance with any Council town centre plans, standard design drawings and specifications. Preliminary consultation with Council public domain department is highly recommended.
- 48 Prior to the issue of the relevant construction certificate, A Public Domain Frontage Works application shall be submitted separately to Council, with Civil and Landscape works plans. Street trees are to be provided in accordance with the Botany Street Tree Master Plan 2014.
 - a) O'Riordan Street verge strip shall be planted with three (3) Angophora Costata
 - b) Haran Street verge strip shall be planted with two (2) Lophostermon confertus (Box Brush)
 - c) Trees provided shall conform to NATSPEC guide. Tree planting specifications as follow:
 - i) Pot size supplied shall be not less than 200 Litre. P
 - ii) Planting distance approximately 8 meters, along strip between footpath and kerb. Three (3) meters away from driveways.
 - iii) Height above container 3.5meters, calliper at 300mm greater than 60mm, with a clear trunk height of 1.5 meters.
 - iv) Trees supplied shall be healthy and vigorous, free of pest and disease, free from injuries.
 - v) Root barriers shall be specified to be installed in all street trees along kerb. Root barriers shall be installed as far as possible of trees. Ensure 50mm of root barrier is left above finished ground height. Root barrier shall be minimum 2 meters long to each side. Root barriers shall be installed alongside the landscape element to be protected in accordance with manufacturer's recommendations.

- vi) Mulching- Mulched shall conform to AS4454 and free of deleterious extraneous matter such as soil, weeds, wood slivers, stones. Mulch shall be along all strip between kerb and footpath to a depth of 75mm, when plants are installed, clear of all plant stems, and rake to an even surface flush with the surrounding finished levels.
 - vii) Stakes and Ties- Three stakes (3) of 50 x 50 x 2500mm of durable hardwood, straight, free from knots or twists, pointed at one end. Provide ties fixed securely to the stakes, 50mm hessian webbing installed around the stakes and stem in a figure of eight pattern and stapled to the stakes.
 - viii) Two hold point inspections are required: prior planting trees to ensure plant stock is suitable and post planting.
- 49 If required, the subsurface structure shall be designed with a water proof retention system (i.e. tanking and waterproofing) to a level that provides adequate provision for the future fluctuation of the water table. This subsurface structure is required to be designed with consideration of uplift due to water pressure and “flotation” (buoyancy) effects. All subsoil drainage around this subsurface structure must allow free movement of groundwater around the structure, but must not be connected to the internal drainage system. The design of subsurface structure, tanking and waterproofing, and subsoil drainage shall be undertaken by a suitably experienced Chartered Professional Engineer(s). Design details and construction specifications shall be included in the documentation accompanying the Construction Certificate.
- 50 The construction methodology, parameters, and recommendations prepared by Douglas partners, project 84531, dated October 2014, shall be implemented and relied upon during the preparation of the construction certificate documentation and the construction of the proposed development.
- 51 The external walls of the building including attachments must comply with the relevant requirements of the National Construction Code (NCC). Prior to the issue of a Construction Certificate, the Principal Certifying Authority and Principal Certifying Authority must:
- a) Be satisfied that suitable evidence is provided to demonstrate that the products and systems proposed for use or used in the construction of external walls including finishes and claddings such as synthetic or aluminium composite panels comply with the relevant requirements of the NCC; and
 - b) Ensure that the documentation relied upon in the approval processes include an appropriate level of detail to demonstrate compliance with the NCC as proposed and as built.
- 52 Prior to the issue of the relevant Construction Certificate, details on the mechanical plant and equipment to be submitted to the Principal Certifying Authority. The report must:
- a) identify each item of plant and equipment;
 - b) the following additional criteria adopted by Bayside Council:
 - i) The operation of all plant and equipment shall not give rise to an equivalent continuous (LAeq) sound pressure level at any point on any residential property greater than 5dB(A) above the existing background LA90 level (in the absence of the noise under consideration).

- ii) The operation of all plant and equipment when assessed on any residential property shall not give rise to a sound pressure level that exceeds LAeq 50dB(A) day time and LAeq 40 dB(A) night time.
- iii) The operation of all plant and equipment when assessed on any neighbouring commercial/industrial premises shall not give rise to a sound pressure level that exceeds LAeq 65dB(A) day time/night time.
- iv) For assessment purposes, the above LAeq sound levels shall be assessed over a period of 10-15 minutes and adjusted in accordance with EPA guidelines for tonality, frequency weighting, impulsive characteristics, fluctuations and temporal content where necessary.

Note "sensitive" positions should be selected to reflect the typical use of a property (i.e. any outdoor areas for day and evening but closer to the façade at night time), unless other positions can be shown to be more relevant.

- 53 Prior to the issue of the relevant Construction Certificate, plans and specifications for the storage room for waste and recyclable materials shall be submitted to the Principal Certification Authority. The garbage and recycling storage area shall be adequately ventilated, roofed and screened from public view. The floor shall be made of an impervious surface, drained to sewer and include a dry arrestor pit with a removable basket. Washing facilities shall be provided within close proximity to the garbage and recycling storage area.
- 54 Prior to the issue of the relevant Construction Certificate, any electrical kiosk, fire booster assembly or similar utilities must be located in an unobtrusive location away from vehicle and pedestrian entrances to the property and not within the landscaped street setback. The utilities must be screened by a built screen enclosure and/or landscaping so as not to reduce the visual amenity of the development or the streetscape and public domain. The location of, and screening treatment surrounding these utilities is to be approved by the Principal Certifying Authority prior to their installation. Fire booster assemblies should be housed within the external face of the building structure and screened from view from the public domain area.
- 55 Design verification is required to be submitted from a qualified designer to confirm the development is in accordance with the approved plans and details and continues to satisfy the design quality principles in State Environmental Planning Policy No. 65 Design Quality of Residential Apartment Development.
- 56 Design certification, prepared by a suitably qualified engineer shall be submitted to Principal Certifying Authority certifying the car parking area shown on the construction plans has been designed in accordance with AS 2890.1, AS2890.2, and AS2890.6.
- 57 A suitable intercom system linked to all units within the development shall be provided at the vehicle entrance to the development to ensure any visitors to the site can gain access to the visitor parking in the car parking area. The details of the intercom system shall be submitted to Principal Certifying Authority and its location and specifications endorsed on the construction drawings.
- 58 Prior to the issue of the relevant construction certificate, Landscape documentation shall be submitted to council for approval including, but not be limited to the following information:
 - a) A planting plan at 1:100 showing all plant locations/groupings and plant centres/species. There is to be a dense layered planting scheme consisting of trees, shrubs and groundcovers in all of these areas.
 - b) Elevated planter box sectional details and drainage details. All planter box depths and dimensions shall be in accordance with Council's DCP and capable of supporting medium and large trees.

- c) Trees shall be used extensively throughout the site. Trees must be an appropriate species to ameliorate buildings and enhance open spaces.
- d) Increase the quantity of medium-large canopy tree planting within the setbacks to ameliorate the development and add amenity and screening to the site and adjoining southern boundary. Street setback trees are to be evergreen and supplied at a minimum 200 litres pot size.
- e) All deep areas to include canopy trees where feasible to mitigate the loss of existing mature trees on site and to provide a level of amelioration to the buildings.
- f) Indicate the location of all basement structures relative to the landscape areas.
- g) Specifications detailing soil and mulch finishes, root barriers, irrigation, edging and other landscape handworks such as retaining walls, steps, planter walls, feature walls, skateboard restrictions, tree pits, tree grates, tree guards, tree pit treatments, in accordance with council's Public Domain specifications.
- h) Areas of paving, schedule of materials, edge treatments, tactile and sectional construction details.
- i) Details of all fencing, privacy screening, arbors and the like- elevations and materials, impacting or visible to public domain areas.
- j) Details of all other hardscape landscape elements such as street furniture, pedestrian amenity lighting, bins, bollards. Location to be clearly identified on plan. Provide sectional construction details and elevations.
- k) To ensure satisfactory growth and maintenance of the landscaping, a fully automatic drip irrigation system is required in all landscape areas, installed by a qualified landscape contractor. Irrigation shall comply with both Sydney Water and Council requirements as well as Australian Standards, and be maintained in effective working order at all times.

- 59 Trees shall be used extensively throughout the site – particularly in the setbacks. Trees must be of an appropriate scale to complement and scale with the building form and to pedestrianize landscaped open spaces. Trees to be predominantly native, evergreen species using open canopy evergreens or selected deciduous for solar penetration. Additional medium to small trees shall be provided along the setback at the corner of Haran St & O'Riordan Street.

Common area shall include canopy trees on slab, depth of soil shall allow growth of canopy trees in some areas.

- 60 Prior to the issue of the relevant construction certificate, amended plans shall be provided to the principal Certifying Authority indicating the OSD Basin being relocated to the communal open space and fire booster assembly and gas mains shall be relocated to be out of the dripline of the trees and located in a more discrete location to maintain a suitable streetscape.

- 61 Prior to the issue of the relevant Construction Certificate, an application for Property Address Allocation and associated fee is required to be submitted to Council. Determination of address numbers are in accordance with AS/NZS 4819:2011 Rural and Urban Addressing Standard and Section 5.2 of the NSW Address Policy.

The form is available for download at:

<https://www.bayside.nsw.gov.au/services/development-construction/building-or-altering-property/commonly-used-forms>

The general principles of addressing in NSW are described in the NSW Addressing User Manual, Ch.6 Addressing Principles. The manual is available for download at:

http://www.gnb.nsw.gov.au/_data/assets/pdf_file/0007/199411/2018_NSW_Addressng_User_Manual.pdf

The numbering (sub-addresses) of the individual units in multi-level sites should be consistent with Australian Standards AS/NZS 4819:2011 Rural and Urban Addressing Standard & NSW Addressing User Manual.

Developers of multi-level buildings are required to submit their schedule of addresses to Council for addressing approval prior to registration of the subdivision plan.

- 62 Prior to the issue of the relevant construction certificate, the architectural plans shall be amended to include gas (where available) **to the top floor and ground floor apartments** and water tap connections to each **main** balcony **accessed from a living room/ kitchen/dining room. (Amended DA-2018/1013/2)**

CONDITIONS WHICH MUST BE SATISFIED DURING WORKS

- 63 Construction operations shall comply with the following:
- a) The applicant shall conduct all construction works and any related deliveries/activities wholly within the site. If any use of Council's road reserve is required, approval and permits shall be obtained from Council.
 - b) Construction operations such as brick cutting, washing tools or brushes and mixing mortar shall not be carried out on park/road reserve or in any other locations which could lead to the discharge of materials into the stormwater drainage system or onto Council's lands.
 - c) Hosing down or hosing/washing out of any truck (concrete truck), plant (eg concrete pumps) or equipment (eg wheelbarrows) on Council's road reserve or other property is strictly prohibited. Fines and cleaning costs will apply to any breach of this condition.
 - d) Pavement surfaces adjacent to the ingress and egress points are to be swept and kept clear of earth, mud and other materials at all times and in particular at the end of each working day or as directed by Council's Engineer.
 - e) Concrete trucks and trucks used for the transportation of building materials or similar, shall not traffic soil cement or other materials onto the road reserve. Hosing down of vehicle tyres shall be conducted in a suitable off-street area where wash waters do not enter the stormwater system or enter Council's land.
 - f) The vehicular entry/exits to the site must be protected from erosion and laid with a surface material which will not wash into the street drainage system or watercourse.
 - g) All vehicles transporting soil, sand or similar materials to or from the site shall cover their loads at all times.
- 64 Vibration levels induced by the demolition activities shall not exceed levels listed in Standard DIN 4150-3 (1999-02), *Structural vibration Part 3 – Effects of vibration on structures Table 12-7*. The operation of plant and equipment must not give rise to the transmission of vibration nuisance or damage to other premises. Prior to commencement a specific vibration monitor shall be set up to monitor and record the vibration levels affecting surrounding buildings.
- 65 Vibration monitoring equipment must be installed and maintained, under the supervision of a professional engineer with expertise and experience in geotechnical engineering, between any potential source of vibration and any building identified by the professional engineer as being potentially at risk of movement or damage from settlement and/or vibration during the excavation and during the removal of any excavated material from the land being developed.

If vibration monitoring equipment detects any vibration at the level of the footings of any adjacent building exceeding the peak particle velocity adopted by the

professional engineer as the maximum acceptable peak particle velocity an audible alarm must activate such that the principal contractor and any sub-contractor are easily alerted to the event.

Where any such alarm triggers all excavation works must cease immediately.

Prior to the vibration monitoring equipment being reset by the professional engineer and any further work recommencing the event must be recorded and the cause of the event identified and documented by the professional engineer.

Where the event requires, in the opinion of the professional engineer, any change in work practices to ensure that vibration at the level of the footings of any adjacent building does not exceed the peak particle velocity adopted by the professional engineer as the maximum acceptable peak particle velocity these changes in work practices must be documented and a written direction given by the professional engineer to the principal contractor and any sub-contractor clearly setting out required work practice. A copy of any written direction required by this condition must be provided to the Principal Certifier within 24 hours of any event.

Where there is any movement in foundations such that damaged is occasioned to any adjoining building or such that there is any removal of support to supported land the professional engineer, principal contractor and any sub-contractor responsible for such work must immediately cease all work, inform the owner of that supported land and take immediate action under the direction of the professional engineer to prevent any further damage and restore support to the supported land.

66 Inspections must be conducted by Council's Engineer at the following occasions:

- a) Formwork inspection of driveway layback and adjacent kerb and gutter prior to laying of concrete,
- b) Formwork inspection of Council's kerb and gutter prior to laying of concrete,
- c) Formwork inspection of Council's footpath prior to laying of concrete,
- d) Inspections of the ~~Banks Avenue~~ **Haran Street** road reserve prior and during the construction of the new road pavement,
- e) Final inspection of driveway layback and adjacent kerb and gutter,
- f) Final inspection of Council's kerb and gutter,
- g) Final inspection of Council's footpath,
- h) Final Inspection of new road pavement on Haran Street.

(Amended DA-2018/1013/2)

67 During demolition, excavation and construction, care must be taken to protect Council's infrastructure and surrounding buildings, including street signs, footpath, kerb, gutter and drainage pits etc. Protecting measures shall be maintained in a state of good and safe condition throughout the course of demolition, excavation and construction. The area fronting the site and in the vicinity of the development shall also be make safe for pedestrian and vehicular traffic at all times. Any damage to Council's infrastructure and surrounding buildings (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub-contractors, concrete delivery vehicles) shall be fully repaired in accordance with Council's specification and AUS-SPEC at no cost to Council.

68 During demolition, excavation, construction and deliveries, access to the site shall be available in all weather conditions. The area shall be stabilised and protected from erosion to prevent any vehicles (including deliveries) tracking soil materials onto

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

- 69 During construction, the applicant shall ensure that all works and measures have been implemented in accordance with approved Traffic Management Plan and Construction Management Plan at all times.
- 70 Any material containing asbestos found on site during the demolition process shall be removed and disposed of in accordance with:
- a) SafeWork NSW requirements. An appropriately licensed asbestos removalist must complete all asbestos works if they consist of the removal of more than 10m² of bonded asbestos and/or any friable asbestos.
 - b) Protection of the Environment Operations Act 1997.
 - c) Protection of the Environment Operations (Waste) Regulation 2014.
 - d) NSW Environment Protection Authority Waste Classification Guidelines 2014.
- 71 The development is to be constructed to meet the following construction noise requirements:
- a) Construction Noise
 - i) Noise from construction activities associated with the development shall comply with the NSW Environment Protection Authority's Interim Construction Noise Guideline and the Protection of the Environment Operations Act 1997.
 - b) Level Restrictions
 - i) Construction period of 4 weeks and under:
 - 1 The L10 sound pressure level measured over a period of not less than 15 minutes when the construction site is in operating must not exceed the background level by more than 10dB(A).
 - ii) Construction period greater than 4 weeks and not exceeding 26 weeks:
 - 1 The L10 sound pressure level measured over a period of not less than 15 minutes when the construction site is in operating must not exceed the background level by more than 10 dB(A).
 - c) Time Restrictions
 - i) Monday to Friday 07:00am to 06:00pm;
 - ii) Saturday 07:00am to 03:00pm
 - iii) No Construction to take place on Sundays or Public Holidays.
 - d) Silencing
 - i) All possible steps should be taken to silence construction site equipment.
- 72 The principal contractor or owner builder must install and maintain water pollution, erosion and sedimentation controls in accordance with:
- a) The Soil and Water Management Plan if required under this consent;
 - b) "Managing Urban Stormwater - Soils and Construction" (2004) ('The Blue Book'); and
 - c) Protection of the Environment Operations Act 1997.

- 73 Any new information that comes to light during demolition or construction which has the potential to alter previous conclusions about site contamination and remediation must be notified to Council and the accredited certifier immediately. All work on site shall cease until the council is notified and appropriate measures to assess and manage the contamination in accordance with any relevant NSW EPA adopted guidelines is completed by an appropriately qualified and experienced environmental consultant.
- 74 All remediation work must be carried out in accordance with:
- a) NSW Office of Environment and Heritage (OEH) 'Contaminated Sites – Guidelines for Consultants Reporting on Contaminated Sites';
 - b) NSW Environment Protection Authority (NSW EPA) guidelines under the Contaminated Land Management Act 1997;
 - c) State Environmental Planning Policy 55 (SEPP55) – Remediation of Land; and
 - d) the Remedial Action Plan 'Updated Remediation Action Plan - Proposed Mixed Use / Medium Density Residential Zone, *Part Lot 1 in D.P. 776089, Westfield Drive, Eastgardens, NSW*' prepared by Douglas Partners, Project 71631.12, dated September 2013.
- 75 For any water from site dewatering to be permitted to go to the stormwater system, the water must meet ANZECC 2000 Water Quality Guidelines for Fresh and Marine Water for the 95% protection trigger values for Marine Water. All testing must be completed by a NATA accredited laboratory. All laboratory results must be accompanied by a report prepared by a suitably qualified and experienced person indicating the water is acceptable to be released into Councils stormwater system. If it is not acceptable, details of treatment measures to ensure that the water is suitable for discharge to council's stormwater shall be provided in this report. Reports shall be provided to council prior to discharge of any groundwater to the stormwater system.
- 76 All materials excavated from the site (fill or natural) shall be classified in accordance with the NSW Environment Protection Authority (EPA) Waste Classification Guidelines (2014) prior to being disposed of to a NSW approved landfill or to a recipient site.
- 77 To prevent contaminated soil being used onsite and to ensure that it is suitable for the proposed land use, all imported fill shall be appropriately certified material and shall be validated in accordance with the:
- a) Office of Environment and Heritage (OEH) approved guidelines; and
 - b) Protection of the Environment Operations Act 1997; and
 - c) Protection of the Environment Operations (Waste) Regulation 2014.
- All imported fill shall be accompanied by documentation from the supplier which certifies that the material has been analysed and is suitable for the proposed land use.
- 78 Results of the monitoring of any field parameters such as soil, surface water, dust or noise measurements shall be made available to Council Officers on request throughout the remediation and construction works.
- 79 Landscape construction should be carried out by a qualified landscape contractor to ensure that adequate standards of workmanship are achieved. Landscape contractors who are members of the Landscape Contractors Association of NSW should be engaged.

80 Landscaping shall be installed in accordance with the approved ~~Sturt-Noble~~ **Site Image** landscape plans only stamped by Council's Landscape Architect and dated prior to the issue of a Construction Certificate. (This amended plan supercedes the original landscape plan). (**Amended DA-2018/1013**)

81 In accordance with councils DCP, the following activities are prohibited beneath the canopy drip line of any tree required to be retained and protected unless otherwise approved under the development consent/plans:

- a) Excavations and trenching (with exception of the approved foundations and underground services);
- b) Ripping or cultivation of soil;
- c) Mechanical removal of vegetation;
- d) Soil disturbance or movement of natural rock;
- e) Soil level changes including the placement of fill material (excluding and suspended floor slab);
- f) Movement and storage of plant, equipment & vehicles;
- g) Erection of site sheds;
- h) Affixing of signage or hoardings to trees;
- i) Storage of building materials, waste and waste receptacles;
- j) Disposal of waste materials and chemicals including paint, solvents,

In accordance with AS 4970 – 2009, inspections shall be conducted by the Project Arborist in accordance with the following key milestones:

Prior to any work commencing on-site (including demolition, earthworks or site clearing) and following installation of tree protection fences, tags and trunk protection; During any excavations, building works and any other structure within the TPZ of the tree to be retained & protected, including any landscape works; A minimum of every month during the construction phase from Commencement to issue of the Occupation Certificate; and Following completion of the building works.

The Project Manager shall be responsible to notify the Project Arborist prior to any works within the Tree Protection Zones of protected tree within a minimum of 24 hours' notice.

82 If adjustment or connection to existing subsurface services or utilities within the road verge or the road carriageway is required, **all work** must be undertaken under the supervision and direction of Council's Tree Management Officer so as not to impact or harm the existing street tree. NOTE: Services may require re-routing at the Applicant's expense to ensure tree root protection. New overhead electrical property service wires shall located so that it is outside the tree canopy. No canopy pruning will be permitted for service wires.

83 The Council nature strip shall be repaired and/or replaced in accordance with Council Specification at the completion of all construction work at the Applicant's expense.

84

- a) An experienced Landscape Contractor shall be engaged to undertake the landscaping work and shall be provided with a copy of both the approved landscape drawing and the conditions of approval to satisfactorily construct the landscape to Council requirements.
- b) The contractor shall be engaged weekly for a minimum period of 13 weeks from final completion of landscaping for maintenance and defects liability, replacing plants in the event of death, damage, theft or poor performance. After that time regular and ongoing maintenance is required.

85 All new street trees shall be installed prior to completion of the staged development. All tree planting work is to be completed and protective fencing, being 1.8 metre chainlink fence, erected around the trees for protection prior to the commencement of construction.

- 86 A raised ~~concrete~~ edge shall be installed around the landscape areas to contain soil and mulch finishes from spilling out onto adjoining pavements. The edge shall be raised a minimum of 150mm above the adjoining pavement. Timber retaining edges are unsuitable. **(Amended DA-2018/1013/2).**
- 87 Planter boxes constructed over a concrete slab shall be built in accordance with the following requirements:
- a) Ensure soil depths in accordance with Council's Landscape DCP. The base of the planter must be screeded to ensure drainage to a piped internal drainage outlet of minimum diameter 90mm, with no low points elsewhere in the planter. There are to be no external weep holes.
 - b) A concrete hob or haunch shall be constructed at the internal join between the sides and base of the planter to contain drainage to within the planter.
 - c) Planters are to be fully waterproofed and sealed internally with a proprietary sealing agent and applied by a qualified and experienced tradesman to eliminate water seepage and staining of the external face of the planter. All internal sealed finishes are to be sound and installed to manufacturer's directions prior to backfilling with soil. An inspection of the waterproofing and sealing of edges is required by the Certifier prior to backfilling with soil.
 - d) Drainage cell must be supplied to the base and sides of the planter to minimize damage to the waterproof seal during backfilling and facilitate drainage. Apply a proprietary brand filter fabric and backfill with an imported lightweight soil suitable for planter boxes compliant with AS 4419 and AS 3743. Install drip irrigation including to lawns.
 - e) Finish externally with a suitable paint, render or tile to co-ordinate with the colour schemes and finishes of the building.

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

- 88 All applications associated with works on Council's land must be made at least 7-10 days prior to the programmed completion of works and all construction must be completed and approved by Council.
- 89 Prior to the issue of the relevant Occupation Certificate, the floor surface of the entry, dining room and kitchen floor and internal storage areas are to be water-resistant for all two and three bedroom apartments.
- 90 Prior to the issue of an Occupation Certificate for occupation or use of residential flat development, a design verification statement shall be submitted to the PCA from a qualified designer certifying that the development achieves the design quality of the development as shown in the plans and specifications in respect of which the construction certificate was issued, having regard to Schedule 1 of *State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development*.
- 91 The public area of the residential parts of each building must be designed by a practicing Interior Designer or other appropriately qualified person and include (but not limited to) colour schemes, artwork surface finishes, timber mid rails/skirting boards etc.
- 92 Prior to the issue of the relevant Occupation Certificate, car parking is to be allocated as follows:
- a) Minimum 97 residential spaces

- b) 21 residential visitor spaces
 - c) 1 car wash bay (shared with 1 visitor or service bay)
 - d) 2 service bay and /or visitor
- 93 Prior to the issue of the relevant Occupation Certificate, at least 11 bicycle spaces are to be provided in the car park. Consideration on having bike racks close to the lobby entries is encouraged.
- 94 Any damage not shown in the photographic survey submitted to Council before site works have commenced will be assumed to have been caused by the site works (unless evidence to prove otherwise). All damages as a result from site works shall be rectified at the applicant's expense to Council's satisfaction, prior to occupancy of the development and release of damage deposit.
- 95 Prior to the issue of an Occupation Certificate, the underground placement of all low and/or high voltage street electrical mains in that section of the street/s adjacent to the development, and associated services and the installation of underground supplied street lighting columns, shall be carried out at the applicant's expense, to the satisfaction of the asset owner. The works shall be completed in accordance with Ausgrid's requirements and approved electrical design.
- 96 Prior to the issue of the relevant Occupation Certificate, documentation from a practising civil engineer shall be submitted to the Principal Certifying Authority certifying that the stormwater drainage system has been constructed generally in accordance with the approved stormwater management construction plan(s) and all relevant standards.
- 97 Prior to the issue of the Occupation Certificate, all **relevant** works within the road reserve, which are subject to approval pursuant to Section 138 of the Roads Act 1993, shall be completed and accepted by Council. **(Amended DA-2018/1013/2)**
- 98 Prior to the issue of ~~the relevant any~~ Occupation Certificate, the applicant shall carry out the following works, at no cost or expense to Council:
- a) On Haran Street and O'Riordan Street, adjacent to development, remove redundant driveway crossovers and replace with any required tree planting and public domain improvements as specified by Council in accordance with Council's Infrastructure Specifications, and
 - b) On Haran Street and O'Riordan Street, adjacent to development, demolish existing concrete footpath and construct new footpath as per Council's Infrastructure and Landscape Architect specifications. New paving shall be installed by the applicant and at the applicant's expense, and
 - c) On Haran Street and O'Riordan Street, adjacent to development, reconstruct existing kerb and gutter for the full length of the property in accordance with Council's and RMS Infrastructure Specifications, and
 - d) On O'Riordan Street, adjacent to development, construct new kerb inlet pit(s) and stormwater pipe(s), connecting to existing RMS stormwater infrastructure, to RMS and Council infrastructure specifications, and
 - e) Deleted by Panel
 - f) Deleted by Panel
- (Amended DA-2018/1013/2)**
- 99 The work to Haran Street/ O'Riordan Street public footpath shall be constructed in accordance with approved Public Domain Plan and Council specifications. The footpath dimensions, location, paver type and construction methods shall be in accordance with this specification only. Pavers shall be ordered accounting for adequate lead time for manufacture.

Construction hold points and Council inspections are required at the following points:

- a) after formwork installation and to prior pouring the concrete blinding slab,
- b) at the commencement of paving works, and
- c) at final completion.

Council approval of public domain works is required prior issue of an Occupation Certificate.

- 100 All vehicular crossings are to be constructed prior to the issuing of an Occupation Certificate (or the completion of work or the use of the building), the applicant shall make a separate application to Council's Customer Service Counter to construct a new eleven (11) metre wide concrete layback to serve as the new driveway crossing facilitating the development. A minimum of one (1.0) metre of kerb and gutter either side of the driveway layback shall be replaced to enable the correct tie-in with the existing kerb and gutter. All vehicular crossings, which were shown on submitted plans, shall be in the correct location. All redundant vehicular crossings shall be removed and replaced to fit the main footpath cross-section. If any applicant wants to retain an existing vehicular crossing an application still has to be submitted with the matter highlighted. The footway area must be restored by turfing.
- 101 Prior to the issue of ***the relevant*** any Occupation Certificate(s), the following documentation shall be submitted to Council and Principal Certifying Authority attesting this condition has been appropriately satisfied:-
- a) Inspection reports (formwork and final) for the works on the public domain and the road reserve shall be obtained from RMS representative and Council's engineer; and
 - b) A copy of the approved engineering construction plans showing Work-as-Executed details (together with an electronic copy (DWG format)) for all the civil works on public domain and road reserve area. The plan shall be prepared by a registered surveyor.
- (Amended DA-2018/1013/2)***
- 102 Prior to the issue of an Occupation Certificate, the Principal Certifier must ensure that the vehicle access and off street parking facilities have been constructed in accordance with the approved construction plans, AS/NZS 2890.1, AS2890.2 and AS/NZS 2890.6, line marked and all signage relating to car parking erected. Certification must be provided by a suitably qualified engineer, certifying the design of the completed works. The car parking area is to be clearly and appropriately marked/signposted indicating all the vehicular movements on the site. The internal road network, pedestrian facilities and parking facilities (including visitor parking and parking for persons with disabilities) shall be clearly designated, sign posted and line marked prior to the issuing of an Occupation Certificate. Signage and line marking shall comply with Australian Standards, AS1742, Manual of Uniform Traffic Control Devices and NSW Road Transport (Safety and Traffic Management) Regulations 1999.
- 103 The applicant is responsible for the installation and protection of all regulatory/ parking / street signs fronting the property. Any damaged or missing street signs as a consequence of the development and associated construction works shall be replaced at full cost to the applicant prior to the issue of an Occupation Certificate.
- 104 All vehicles shall enter and exit the site in a forward direction at all times. A plaque with minimum dimensions 500mm x 400mm shall be permanently fixed to a prominent place near the primary vehicular entrance to the site, approved by the principal certifier, stating the following: "All vehicles shall enter and exit the site in a forward direction at all times. All waste collection for the site shall be wholly undertaken on the site and not within the Haran Street road reserve".
- 105 Prior to the issue of the Occupation Certificate, a restriction on Use of Land and Positive Covenant(s) shall be imposed on the development. The following covenants

shall be imposed under Section 88(E) of the Conveyancing Act 1919 and lodged with the NSW Land and Property Information:

- a) Positive Covenant and Restriction on Use of Land for On-Site Detention System. Refer to Appendix B of the SMTG for suggested wording, and
- b) Positive Covenant and Restriction on Use of Land for Pump-out System. Refer to Appendix B of the SMTG for suggested wording, and
- c) Positive Covenant and Restriction on Use of Land for Stormwater Quality Improvement Device. Refer to Appendix C of the SMTG for suggested wording.

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

- 106 Prior to the issue of the Final Occupation Certificate, the Principal Certifying Authority is to ensure all units within the development are connected to an intercom system located at the vehicle entrance to the car parking area to ensure visitors to the site can access the visitor parking.
- 107 Street numbers shall be clearly displayed with such numbers being of contrasting colour and adequate size and location for viewing from the footway and roadway. Details of street numbering shall be submitted to Council for approval in accordance with the NSW Addressing Policy prior to the issue of the Occupation Certificate. Application fees apply.
- 108 A report prepared by a qualified air quality/mechanical engineer certifying that the mechanical ventilation/exhaust system as installed complies in all respects with the design and operation standards of AS 1668 – Mechanical Ventilation and Air Conditioning Codes, and the relevant provisions of the Protection of the Environment Operations Act 1997 shall be submitted to Council within 21 days of the installation of the system and prior to the occupation of the premises.
- 109 Evidence of a Sydney Water permit or consent for discharge of wastewater to the sewer shall be submitted to the Principal Certifying Authority prior to the issue of the interim Occupation Certificate. Where a permit or consent may not be required from Sydney Water certification shall be provided verifying that any discharges to the sewer will meet specific standards imposed by Sydney Water.
- 110 At the completion of landscaping on the site, the Applicant is required to obtain a Certificate of Compliance from the Landscape Consultant to certify that the landscaping has been installed in accordance with the Council approved landscape plan. The Certificate is to be submitted to Bayside Council prior to the Issue of an Occupation Certificate.
- 111 Prior to release of the Occupation Certificate the developer must submit to the Principal Certification Authority an acoustic report to verify that the measures stated in the approved acoustic report have been carried out and certify that the construction meets the above requirements. The report must be prepared by a qualified practicing acoustic engineer (who is a member of either the Australian Acoustical Society or the Association of Australian Acoustical Consultants).
- 112 The public domain and Council footpath area shall be upgraded with new paving, street furniture and street tree planting, to be installed by the applicant at the applicant's expense. All improvements shall be in accordance with the approved Public Domain plan and Council Landscaping and Engineering specifications and requirements, and shall be constructed and complete prior to the issue of an Occupation Certificate.

- 113 Prior to the issue of the Occupation Certificate, a site works review is required demonstrating:
- a) Extent and minimum dimensions of the site dedicated to landscaping comply with the Detailed landscaping plans
 - b) All detailed works comply with detailed schedules and specifications included in the detailed landscape plans
 - c) Any modifications to the design were an equivalent or better solutions to the requirements of the detailed landscape plans and do not affect the ability of the landscape treatment to achieve the design intent.
 - d) Site cultivation, quality and depth of soil and mulches as a minimum complies with Council specifications and standards.
 - e) Drainage of all open space and soft landscaping complies with detailed landscape plans and to Council standards
- 114 Prior to the issue of the Occupation Certificate, the following applies for landscape works specification for construction documents:
- a) The Specification is to be read in conjunction with the Landscape Drawing Set, all other Consultant's documentation and revisions. Discrepancies are to be noted and clarified through a 'Request For Information' prior to construction. Allowance is to be made for all specified products. Equivalent alternatives to be documented when required and updated on As-Builts. All Australian Standards nominated in this Specification are to be the current issue.
- 115 Prior to the Issue of Occupation Certificate is to read:
- i) That before entering a purchase/lease/occupancy agreement, or individual units are on-sold, all tenants and occupiers of the development are to be advised by the owner of the building that residents are not eligible to participate in on-street resident parking schemes.
 - ii) Prior to the issue of the occupation certificate, a sign to this effect shall be located in a prominent place, to Council's satisfaction, such as a directory board or notice board, where it can easily be observed and read by persons entering the building.
 - iii) Where a building is to be Strata Subdivided, a condition should be placed in the by-laws advising residents that they are not eligible to participate in on-street resident parking schemes.
- 116 Prior to use and occupation of the building an Occupation Certificate must be obtained under Section 109C(1)(c) and 109M of the Environmental Planning and Assessment Act 1979.

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

- 117 The rooftop terraces are not to be enclosed as habitable space.
- 118 The operation of the development and movements of vehicles shall comply with the following requirements:
- a) All vehicles (including deliveries and garbage collection) shall enter and exit the site in a forward direction;
 - b) Loading and unloading activities associated with the delivery shall take place wholly within the dedicated loading areas;

- c) All garbage collection activities shall take place and be wholly undertaken within the site in the dedicated garbage collection area;
- d) All manoeuvring movements of vehicles shall be carried out wholly within the site and vehicle manoeuvring area shall be kept clear at all times;
- e) The maximum size of vehicle accessing the service bay shall be limited to 8.8m long Medium Rigid Vehicle (MRV) (as denoted in AS2890.2).

119 The stormwater drainage system (including all pits, pipes, absorption, detention structures, treatment devices, infiltration systems and rainwater tanks) shall be regularly cleaned, maintained and repaired to ensure the efficient operation of the system from time to time and at all times. The system shall be inspected after every rainfall event to remove any blockage, silt, debris, sludge and the like in the system. All solid and liquid waste that is collected during maintenance shall be disposed of in a manner that complies with the appropriate Environmental Guidelines. The water from the rainwater tank should not be used for drinking, the rainwater tank shall be routinely de-sludged and all contents from the de-sludging process disposed:

- a) Solids shall be disposed to the waste disposal, and
- b) De-sludged liquid shall be disposed to the sewer.

~~120 Council's footway (area between property boundary and street kerb) is to be kept clean, tidy, washed and maintained at the applicant's expense.~~

(Deleted DA-2018/1013/2)

121 Any BBQ area shall be managed in a manner so as to not adversely impact the amenity of the surrounding residents.

122 The landscaped areas on the property shall be maintained in accordance with the approved landscape documentation, the conditions of development approval and Council's Landscape DCP at all times. The Landscape Contractor shall be engaged weekly for a minimum period of 26 weeks from completion of the landscape installation to maintain the landscaping. After that time regular maintenance is required.

123 The automatic drip irrigation system shall be repaired and maintained in working order and in accordance with the approved landscape plan at all times.

124 The landscaped areas on the property shall be maintained in a clean and tidy state and with a dense, even coverage of plants to Council's satisfaction, and in accordance with conditions of consent and Council's Landscape DCP, at all times.

125 New street trees shall be maintained by the Applicant for the duration of the landscape bond period after planting. Maintenance includes periodic watering at a frequency to sustain adequate growth, annual feeding and weed removal but does not include trimming or pruning of the trees under any circumstances.

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

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

- 128 All intruder alarms shall be fitted with a timing device in accordance with the requirements of Regulation 12A of the Noise Control Act, 1975, and AS2201, Parts 1 and 2 - 1978 Intruder alarm systems.
- 129 A person must not cause or permit an air conditioner to be used on residential premises in such a manner that it emits noise that can be heard within a habitable room in any other residential premises (regardless of whether any door or window to that room is open):
- a) Before 8 am or after 10 pm on any Saturday, Sunday or public holiday, or
 - b) Before 7 am or after 10 pm on any other day.
- 130 The use of the premises shall not give rise to any of the following when measured or assessed at “sensitive” positions within any other property. These “sensitive” positions should be selected to reflect the typical use of a property (ie any outdoor areas for day and evening but closer to the façade at night time), unless other positions can be shown to be more relevant.

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

The operation of all plant and equipment when assessed on any neighbouring commercial/industrial premises shall not give rise to a sound pressure level that exceeds LAeq 65dB(A) day time/night time.

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