

DRAFT CONDITIONS OF CONSENT
Modification Application No. 19/0021

1. Approved Plans and Documents

The development must be undertaken substantially in accordance with the BASIX certificate, details and specifications set out on the following approved plans:

Plan number	Reference	Prepared by	Date
Architectural Plans			
DA03.01 (Revision C)	Proposed Site Plan & Roof Plan	Vic Lake Architects	21.10.19
DA03.02 (Revision C)	Basement 04	Vic Lake Architects	21.10.19
DA03.03 (Revision C)	Basement 03	Vic Lake Architects	21.10.19
DA03.04 (Revision C)	Basement 02	Vic Lake Architects	21.10.19
DA03.05 (Revision C)	Basement 01	Vic Lake Architects	21.10.19
DA03.06 (Revision C)	Ground Floor	Vic Lake Architects	21.10.19
DA03.07 (Revision C)	Level 01	Vic Lake Architects	21.10.19
DA03.08 (Revision C)	Level 02	Vic Lake Architects	21.10.19
DA03.09 (Revision C)	Level 03	Vic Lake Architects	21.10.19
DA03.10 (Revision C)	Level 04	Vic Lake Architects	21.10.19
DA03.11 (Revision C)	Level 05	Vic Lake Architects	21.10.19
DA03.12 (Revision C)	Level 06	Vic Lake Architects	21.10.19
DA03.13 (Revision C)	Level 07	Vic Lake Architects	21.10.19
DA03.14 (Revision C)	Level 08	Vic Lake Architects	21.10.19
DA04.01 (Revision C)	Southern elevation - Boyle Street	Vic Lake Architects	21.10.19
DA04.02 (Revision C)	Eastern Elevation- Eton Street	Vic Lake Architects	21.10.19
DA04.03 (Revision C)	Northern Elevation- Mccubbens Lane	Vic Lake Architects	21.10.19
DA04.04 (Revision C)	Western Elevation- Pedestrian Link	Vic Lake Architects	21.10.19
DA05.01 (Revision C)	Section AA	Vic Lake Architects	21.10.19
DA05.02 (Revision C)	Section BB	Vic Lake Architects	21.10.19
DA05.03 (Revision C)	Section CC- Driveway Ramp Section	Vic Lake Architects	21.10.19
DA06.06 (Revision C)	Apartment Storage 1/2	Vic Lake Architects	21.10.19
DA06.07 (Revision C)	Apartment Storage 2/2	Vic Lake Architects	21.10.19

DA06.21 (Revision C)	Stratum Subdivision	Vic Lake Architects	21.10.19
DA06.23 (Revision C)	Artist Impression 2 Street View Corner Boyle & Eton	Vic Lake Architects	21.10.19
DA06.30 (Revision A)	Laneway Detail Section	Vic Lake Architects	21.10.19
DA06.31 (Revision A)	Planter Sections 1/2	Vic Lake Architects	21.10.19
DA06.32 (Revision A)	Planter Sections 2/2	Vic Lake Architects	21.10.19
Landscape Plans			
L-01D (Revision D)	Landscape Plan-Site Plan	Site Design + Studios	8.10.19
L-02D (Revision D)	Landscape Plan- Ground Floor	Site Design + Studios	8.10.19
L-03D (Revision D)	Landscape Plan- Level 2	Site Design + Studios	8.10.19
L-04D (Revision D)	Landscape Plan- Level 4	Site Design + Studios	8.10.19
L-05D (Revision D)	Landscape Plan- Level 7	Site Design + Studios	8.10.19
L-06D (Revision D)	Landscape Plan- Level 8	Site Design + Studios	8.10.19
Stormwater Plans			
C01 (Revision 1)	Notes & Legends	Greenview Consulting	19.09.18
C02 (Revision 1)	Basement 4 Drainage Plan	Greenview Consulting	19.09.18
C03 (Revision 1)	Basement 3 Drainage Plan	Greenview Consulting	19.09.18
C04 (Revision 1)	Basement 2 Drainage Plan	Greenview Consulting	19.09.18
C05 (Revision 1)	Basement 1 Drainage Plan	Greenview Consulting	19.09.18
C06 (Revision 1)	Ground Floor Drainage Plan	Greenview Consulting	19.09.18
C07 (Revision 1)	Site Stormwater Details Sheet	Greenview Consulting	19.09.18

and any details on the application form and on any supporting information received with the application except as amended by the following conditions.

Note: The following must be submitted to Sutherland Shire Council prior to the commencement of any building or subdivision work.

- i) A Construction Certificate.
- ii) Notification of the appointment of a Principal Certifying Authority and a letter of acceptance from that Principal Certifying Authority.

- iii) Notification of the commencement of building and/or subdivision works with a minimum of 2 days' notice of such commencement.

Under Section 6.5 of the Environmental Planning and Assessment Act 1979, please note that Sutherland Shire Council must be appointed as the Principal Certifying Authority for all subdivision works.

2. Design Changes Required

A. Before Construction

For the purpose of ensuring the provision of adequate privacy within the development the following design changes must be implemented:

- i. The 5.5m wide eastern-most portion of the balcony servicing unit 205 must be deleted as marked on the approved plans, and
- ii. A fixed vertical louvered privacy screen with the blades orientated in a 45 degree direction toward the street, or a opaque glass privacy screen with a minimum height of 1.6m above the finished first floor level of the balcony must be fixed to the western elevation of the balcony servicing unit 204 (as marked).

Details of these design changes must be included in documentation submitted with the application for a Construction Certificate.

3. Public Place Environmental, Damage & Performance Security Bond

A. Before Issuing of any Construction Certificate

Prior to the issue of a Construction Certificate or the commencement of any works on site, whichever occurs first, the person acting on this consent must provide security to Sutherland Shire Council against damage that may be caused to any Council property and/or the environment as a consequence of the implementation of this consent. The security may be provided by way of a deposit with Council or a bank guarantee. A non-refundable inspection/administration fee is included in the bond value.

It is the responsibility of the person acting on this consent to notify Sutherland Shire Council of any existing damage to public areas in the vicinity of the development site by the submission of a current dilapidation report supported by photographs. This information must be submitted to Council at least 2 days prior to the commencement of works.

In the event that the dilapidation report is not submitted 2 days prior to commencement and the public area sustains damage the person acting on this consent may be held liable.

Should any public property and/or the environment sustain damage as a result of the works associated with this consent, or if the works put Council's assets or the environment at risk, Council may carry out any works necessary to repair the damage and/or remove the risk. The costs incurred must be deducted from the bond.

The value of the bond is \$100,000.00.

Note: Bond amount includes a non-refundable administration fee, specified in Council's Schedule of Fees and Charges, which must be paid separately if security is provided by way of a deposit with Council or a bank guarantee.

Use of Bank Guarantee: As bond releases may occur under different timeframes only one bond amount/bond purpose is permitted on a Bank Guarantee. Multiple bonds will require multiple bank guarantees to be lodged.

The Bank Guarantee must also:

- Note Council as the interested party
- Have NO expiry date
- Describe the type of development using the description on the consent
- Include both the address of the development site and the application number
- NOT include the non-refundable administration fee; this must be paid separately.

B. After Occupation

A request for release of the bond may be made to Sutherland Shire Council after all works relating to this consent have been completed. Such a request must be submitted to Council on the 'Bond Release Request Form' signed by the owner or any person entitled to act on the consent and must be accompanied by a current dilapidation report including photographs.

SECTION 94 CONTRIBUTIONS

The following dedication of land and/or monetary contributions have been levied in relation to the proposed development pursuant to Section 94 of the Environmental Planning and Assessment Act 1979.

4. Section 7.11 Contributions - Section 7.11 Development Contribution Plan 2016 - Sutherland/Kirrawee Centre Precinct

A. Before Construction

Pursuant to Section 7.11 of the Environmental Planning and Assessment Act 1979 and Sutherland Shire Council Section 7.11 Development Contribution Plan 2016, a total monetary contribution of \$760,000.00 must be paid to Sutherland Shire Council toward the cost of regional and local public domain works contained in the Works Programme of the Development Contribution Plan.

This contribution has been assessed and calculated in accordance with the Development Contribution Plan on the basis of 42 proposed Residential Flat Units, Apartments etc, with a concession for 4 existing allotments.

Infrastructure & Facilities**Contribution Required**

Local open space and public domain works	\$568,445.70
Regional open space	\$191,554.30

The contribution will be indexed on 1 July in each year in accordance with the Consumer Price Index (All Groups Index) for Sydney.

The formula to index a contribution rate is:

$$\text{New Contribution Rate} = \text{Current Contribution Rate} \times \frac{\text{Current CPI}}{\text{Previous year's CPI}}$$

Payment must be made prior to the issue of the Construction Certificate.

5. Approvals Required under Roads Act or Local Government Act**A. Before Construction**

No occupation or works are to be carried out on public land (including a road or footpath) or access provided over a public reserve adjacent to the development site without approval being obtained from Sutherland Shire Council and the necessary fee paid under the Roads Act 1993 and/or the Local Government Act 1993. These approvals must be to the satisfaction of Council for the required development works and may include but are not limited to the following:

- Frontage works including construction of a driveway, footpath, etc.
- Road openings and restoration to provide services to the development.
- Work Zones and hoardings.
- Skip bins.
- Shoring / anchoring.
- Standing of cranes, concrete pumps, etc.

Note: All Plans and Permits are required to be on site, at all times and may be requested by Council officers at any time.

Note: Approval under the Roads Act or Local Government Act cannot be granted by a Principal Certifying Authority or by a Private Certifier. Failure to obtain approval may result in fines or prosecution.

B. During Works

There must be no occupation or works on public land (including a road or footpath) or access provided over a public reserve adjacent to the development site without approval being obtained from Sutherland Shire Council. Any work on public land must be undertaken strictly in accordance with the relevant approval issued under the Roads Act 1993 and/or the Local Government Act 1993 by Sutherland Shire Council.

6. Design and Construction of Works in Road Reserve (Council Design)

A. Design

Council has determined that the proposed development generates a need for the following works to be undertaken by the applicant in the road reserve. To this end a Detailed Frontage Works application under the Roads Act 1993 must be submitted to Sutherland Shire Council, prior to the release of the Construction Certificate. The form is available on Council's website. A fee applies for the relevant inspections, assessment, coordination, creation of design brief and the issue of permits providing consent to undertake frontage works. The design will be quoted separately by Council's Design Services unit.

This design will generally comply with the approved architectural design drawings and the current website version of Council's Public Domain Design Manual (PDDM) and Public Domain Technical Manual (PDTM) except where modified by/or addressing the following:

- i) Property alignment/ boundary levels - establish the property alignment/ boundary levels and crossing profiles.
- ii) Vehicle Crossings - construct three (3) vehicle crossings and associated laybacks. An entry crossing to the basement car park on Boyle Street, an exit crossing from the basement car park on McCubbens Lane & an entry / exit crossing to the loading bay on McCubbens Lane.
- iii) Redundant Laybacks and Crossings - remove redundant laybacks and vehicle crossings and replace with kerb and gutter (including associated road reconstruction works).
- iv) Road Pavement - remove and reconstruct road pavement as required including the provision for treatment along the frontage of McCubbens Lane to cater for the conflict between the basement exit, loading bay and the SCATL shared zone. This includes provision for new kerb and gutter alignment as required.
- v) Kerb and Gutter - reconstruct any damaged sections of kerb and gutter as required.
- vi) Stormwater Connection - construct new and upgrade existing stormwater infrastructure as required to facilitate the drainage connection from the proposed development to Council's existing piped system on Boyle Street.
- vii) Footpath - construct new footpath pavement across all frontages as required
- viii) Infrastructure Transitions - ensure there are adequate transitions between newly constructed and existing infrastructure as required.
- ix) Street Signage - alter existing and/or install new street signage as required.
- x) Trees - provide street tree planting as required by Council.

- x i) Undergrounding - provide replacement of existing local distribution power lines and other overhead utilities with subsurface utilities
- x ii) Street Lighting - install new street lighting as required.
- x iii) Utility Services - adjust public services infrastructure as required.
- x iv) NBN - the Australian Government has issued a new policy on the provision of telecommunication infrastructure in new developments. The policy is effective from 1 March 2015. Developers are responsible for providing telecommunications infrastructure in their developments. To provide this infrastructure, developers need to contract a carrier to install and operate a telecommunications network.

NBN is the IPOLR (infrastructure provider of last resort) in developments of 100 lots or more within its fixed-line footprint and in new development where its fixed-line network is available, or the NBN rollout has been announced (www.nbnco.com.au/learn-about-the-nbn/rollout-map.html).

If you use NBN, you will need to provide six months' notice before your network needs to be available.

Evidence of the lodgement of this application must be provided to the PCA prior to the release of the Construction Certificate

B. Before Construction

Prior to the release of the Construction Certificate property alignment levels and crossing profiles must be obtained from Sutherland Shire Council.

C. Before Occupation

Prior to the occupation of the building or the issue of an Occupation/Subdivision Certificate the following certification must be provided to Sutherland Shire Council:

- i) The supervising engineer must certify that the road frontage works were constructed in accordance with the development consent and associated approval under the Roads Act 1993 including the approved drawings and specification.

7. Site Management Plan

A. Before Commencement of Works including Demolition

An Environmental Site Management Plan must accompany the Construction Certificate. If demolition is to commence prior to the issue of a Construction Certificate the applicant must submit to Sutherland Shire Council a separate Demolition Site Management Plan. These plans must satisfy the Objectives and Controls of Sutherland Shire Development Control Plan 2015 relating to environmental site management and must incorporate the following throughout demolition and construction:

- i) Safe access to and from the site during construction and demolition.
- ii) Safety and security of the site, road and footpath area including details of proposed fencing, hoarding and lighting.

- iii) Method of loading and unloading excavation machines, building materials.
- iv) How and where, construction materials, excavated and waste materials will be stored.
- v) Methods to prevent material being tracked off the site onto surrounding roadways.
- vi) Erosion and sediment control measures.
- vii) All trees and their protection zones on and around the site identified for retention are to be protected according to Australian Standard AS 4970 - 2009 Protection of Trees on Development Sites using the methods outlined in that Standard.

B. During Works

The site management measures set out in the above plan must remain in place and be maintained throughout the period of works and until the site has been stabilised and landscaped.

C. Before Occupation

Before the issue of any Occupation Certificate, all foundations / materials associated with construction works (that do not form part of the approved works) must be removed. This includes but is not limited to foundations for tower cranes, vehicle access ways, stockpiles, building waste etc.

8. Pre-commencement Inspection

A. Before Works

A Pre-commencement Inspection/meeting is to be convened by the Applicant on-site a minimum 5 days prior to any demolition and/or construction activity and between the hours of 8.00 am and 4.30 pm Monday to Friday. The meeting must be attended by a representative of Council's Public Domain Assets Branch, the Principal Certifying Authority, the builder/site manager of the building/civil construction company and where necessary the supervising engineer. The attendance of the owner is required when it is intended to use more than one builder/principal contractor throughout the course of construction.

The purpose of the meeting is to:

- i) Ensure safe passage for pedestrians, Work and Hoarded Zones are maintained in accordance with Council requirements.
- ii) Check the installation and adequacy of all traffic management devices.
- iii) Confirm that the supervising engineer has a copy of Council's Specification for Civil Works Associated with Subdivisions and Developments.

Note: An inspection fee must be paid to Council prior to the lodgement of the Notice of Commencement. Please refer to Sutherland Shire Councils Adopted Schedule of Fees and Charges.

9. Supervising Engineer

A. Before Construction

The applicant must engage an Accredited Certifier in civil engineering works or a Chartered Civil Engineer to supervise construction of any:

- i) Road frontage works.
- ii) Construction / installation of stormwater drainage.
- iii) Rainwater harvesting and reuse.
- iv) All other works that form part of a subdivision.

The PCA must be informed of the supervising engineer's name and contact details, in writing, prior to the commencement of any construction works.

B. During Construction

The engineer must supervise the works as listed above to ensure compliance with:

- i) All relevant conditions of development consent.
- ii) Any Consent issued under the Roads Act for this development.

C. Before Occupation

The supervising engineer must certify the works required in A. above were undertaken and completed in accordance with the requirements of this Development Consent and to their satisfaction.

10. Internal Driveway, Parking and Manoeuvring

A. Design

The internal driveway profile, parking and manoeuvring areas must be designed in accordance with the approved architectural plans except where modified by the following:

- i) Align with Access and Alignment levels issued by Council's Public Domain Unit.
- ii) All "one way" traffic aisles in the car parking area must be clearly identified by signposting and pavement marking.
- iii) The ingress and egress crossing must be clearly identified by signage.
- iv) The proposed loading and delivery area must be clearly defined with suitable signposting and pavement markings.
- v) The car park must be line marked to accommodate 140 vehicles.
- vi) Provide adequate sight distance for the safety of pedestrians using the footpath area.

- vii) Provide a maximum grade of 5% for the first 3 metres inside the property boundary.
- viii) Comply with AS2890.1(2004) user class 1A, in relation to the design of vehicular access, parking and general manoeuvring for the B85 vehicle.
- ix) The maximum longitudinal grade of the driveway must not exceed 25%.

B. Construction

Certification from an appropriately qualified engineer to the effect that the design requirements of A. above have been met must accompany the Construction Certificate.

C. Occupation

Prior to the occupation of the development or the issue of any occupation certificate a suitably qualified engineer must certify that the works required in A. above were undertaken and completed to their satisfaction and in accordance with the requirements of this Development Consent. This certification must be provided to the PCA and a copy also provided to Council.

D. On-going

The approved parking must be used exclusively for car parking as approved for the life of the development.

11. Basement Car Park Design and Construction

A. Design

The basement car park must be designed in accordance with the approved architectural drawings, subject to the following modifications:

- i) A minimum headroom of 2.2m measured from the parking floor to the underside of any beam, ventilation duct or service conduit, or to the underside of any door including a security door and fittings when those doors are in an open position in accordance with clause 5.3 of AS2890.1.
- ii) Parking bays must not be enclosed, caged or a door provided.
- iii) All parking bays must provide a minimum clear parking envelop in accordance with figure 5.2 of AS2890.1.
- iv) The security door fitted to the car parking area entrance must be independently mounted on rubber pads to prevent vibration noise transmission through the concrete walls and / or columns.

B. Prior to Construction

Certification from a Chartered Civil Engineer or a Registered Surveyor, to the effect that the car park layout and vehicle access-way design has been prepared in accordance with A above must accompany the Construction Certificate.

C. Occupation

Prior to the occupation of the development or the issue of any Occupation Certificate a Chartered Civil Engineer or a Registered Surveyor must certify that the works required in "A" above have been completed to their satisfaction and in accordance with the requirements of this Development Consent. This certification must be provided to the PCA and a copy provided to Council.

D. On-going

The approved parking must be used exclusively for car parking for the life of the development.

12. Stormwater Drainage

A. Design

The stormwater drainage system must be designed in accordance with the approved stormwater drainage design drawing; Australian Standard AS3500.3:2015; the BASIX Certificate issued for this development; Sutherland Shire Environmental Specification - Stormwater Management. Except where modified by the following:

- i) The pipeline within the footpath verge must be a hot dipped galvanised steel hollow section with a minimum wall thickness of 4.0 millimetres or reinforced concrete

B. Before Construction

Certification from an Accredited Certifier in Civil Engineering or a Chartered Civil Engineer, to the effect that the drainage design is to their satisfaction and satisfies the design requirements in A. above must accompany the application for a Construction Certificate.

C. Before Occupation

Prior to the issue of an Occupation Certificate:

- i) A Works-As-Executed drawing (WAED) of the stormwater drainage system must be prepared by a Registered Surveyor. This drawing must detail the alignment of pipelines, pits, the rainwater tanks and the detention facilities. An original or a colour copy must be submitted to Sutherland Shire Council.
- ii) The supervising engineer must certify the WAED of the stormwater drainage system that the stormwater drainage works, rainwater harvesting facility and rainwater reuse systems were constructed to their satisfaction and in accordance with the Development Consent, and Public Domain Technical Manual. Prior to the occupation or use of the building the Applicant / Owner must submit to Council a copy of the aforementioned letter of certification.

D. Ongoing

The operation of all devices or appliances installed within the development approved by this consent as required by conditions pertinent to rainwater harvesting and rainwater reuse must be maintained in good operating order at all times.

Note: Upon submission of the Certified Works-As-Executed drawing for the stormwater drainage system a notation will be added to the Section 10.7 certificate advising future owners that their property is burdened by a stormwater treatment device that must be maintained, serviced and cleaned.

13. Stormwater Treatment

A. Before Construction

Appropriate stormwater treatment measures, selected and designed in accordance with Engineers Australia (2006) Australian Runoff Quality - A guide to Water Sensitive Urban Design, Argue J R (2013) WSUD: Basic Procedures for 'Source Control' of Stormwater - A Handbook for Australian practice, or other relevant industry design guidelines, must be provided as part of the permanent site stormwater quality management system. Details of the design, construction and maintenance must accompany the Construction Certificate.

B. Before Occupation

The work required by A. above must be completed to the satisfaction of the supervising engineer before occupation of the site or the issue of any Occupation Certificate.

C. Ongoing

The stormwater treatment measure must be maintained in accordance with the manufacturers' or designer's specification for the life of the development.

Note: Upon approval of the stormwater management designs a notation will be added to the Section 10.7 certificate in relation to any required stormwater treatment device.

14. Waste Collection

A. Design

- i. The permanent communal garbage and/or recycling storage area must have a smooth impervious floor that is graded to a floor waste. A tap and hose must be provided to facilitate regular cleaning of the bins and all waste water must be discharged to the sewer in accordance with the requirements of Sydney Water. Garbage bins must be designed to prevent the escape of any liquid leachate and must be fitted with a lid to prevent the entry of vermin.
- ii. The residential waste storage room must accommodate at least:
 - a. 21 x 240L garbage bins
 - b. 21 x 240L recycling bins

- iii. The commercial waste storage room must accommodate at least:
 - a. 27 x 240L garbage bins
 - b. 19 x 240L recycling bins
- iv. The applicant must allocate at least 20m² for bulky waste storage within the residential garbage room on basement level 03.
- v. The waste collection point must be designed in accordance with the following requirements:
 - a. A "MRV" sized loading bay must be provided in accordance with AS2890.2 within the subject property for waste collection use.
 - b. The maximum long and cross section grade of the loading bay and temporary bin holding area must be $\pm 5\%$.
 - c. Clear and direct access must be provided from the bin holding areas to the loading bay.

B. Before Construction

Prior to the issue of any Construction Certificate a suitable qualified civil engineer must certify that the waste collection point has been design in accordance with part A. above. A copy of this certification must accompany the Construction Certificate.

C. Before Occupation

Prior to the occupation of the site or the issue of any Occupation Certificate a suitable qualified civil engineer must certify that the waste collection point has been constructed to their satisfaction and in accordance with part A. above. A copy of this certification must accompany the Occupation Certificate.

D. On-going

- i. All ongoing management, maintenance and cleaning of all waste and recycling management facilities, including suitable collection arrangements are the responsibility of the Owner's Corporation/Strata Manager.
- ii. All waste and recycling bins must be stored wholly within the approved permanent communal garbage and/or recycling storage area.
- iii. All waste and recycling bins must be stored wholly within the approved waste storage area.
- iv. Waste collection is to occur via a Medium Rigid Vehicle (MRV) wholly within the site
- v. The aforementioned waste collection requirement shall be adopted as a By-Law in any future Strata Plan.

15. Damage to Adjoining Properties

A. Before Works

To minimise vibration damage and loss of support to buildings / structures and properties in close proximity to the development site, a Geotechnical Engineer's Report must be prepared detailing constraints to be placed on earth moving and building plant and equipment and the method of excavation, shoring, underpinning and support. This report must be provided to the person undertaking the excavation and the Principal Certifying Authority.

B. During Works

The constraints and recommendations of the Geotechnical Engineers Report must be implemented.

16. Public Utilities

This condition is imposed to facilitate the provision of services to the development and reduce conflicts between services and lot boundaries, buildings or associated facilities.

A. Before Construction

Suitable arrangements must be made with all relevant utility service providers to ensure the development is appropriately serviced by electricity, gas, telecommunications (including NBN) and the like, and any necessary underground conduits are provided. The Australian Government has issued a new policy on the provision of telecommunications infrastructure in new development. This policy is effective from 1 March 2015. Developers are responsible for providing telecommunications infrastructure in their developments. To provide this infrastructure, developers need to contract a carrier to install and operate a telecommunications network. NBN is the IPOLR (infrastructure provider of last resort). NBN require 6 months' notice in order to make the network available.

A copy of the agreements/contracts with the utility providers must form part of the supporting construction certificate documentation.

B. Before Occupation/Subdivision

Prior to issue of any Occupation/Subdivision certificate, certification must be provided from each utility service provider/approved agent to the effect that each lot has been serviced to their satisfaction.

Prior to the issue of any Occupation/Subdivision certificate, evidence satisfactory to the Certifying Authority that arrangements have been made for:

- i) The installation of fibre-ready facilities (conduits and pits) to all individual lots and/or premises/dwelling to enable fibre to be readily connected to any premises that is being or may be constructed on those lots. Certification from each carrier/provider must be provided to the PCA that they are satisfied that the fibre ready facilities are fit for purpose.
- ii) The provision of fixed-line telecommunications infrastructure (cables) in the fibre-ready facilities to all individual lots and/or premises/dwellings must be installed and certification from the carrier/provider must be provided to the PCA stating that the infrastructure has been provided and to their satisfaction.
- iii) Installation of gas and/or electricity must be constructed/installed by the utility service provider/approved agent to each allotment. Certification must be provided from each provider/agent stating that all allotments have been serviced to their satisfaction.

- iv) WAE drawings must to be prepared by a registered surveyor detailing location and depth of conduits/pits and connection points/ties within allotments. A copy of the WAE drawings must form part of any Occupation/Subdivision certificate documentation.

Note: Should these requirements result in any significant change to the approved design an application must be made to modify the consent under s.4.55 of the Environmental Planning and Assessment Act.

17. Plan of Subdivision to conform with Development Consent

A. Before Subdivision

The Plan of Subdivision must conform with this development consent.

Prior to the issue of the Stratum Subdivision certificate, the super structure (including all basements and floors) must be constructed.

18. Easements - Subdivision

A. Before Subdivision

Prior to subdivision, easements must be created over the following:

- i) Services.
- ii) Fire egress
- iii) The rights of carriageway within relevant allotment(s).
- iv) Interallotment stormwater drainage
- v) 3.5m wide public pedestrian access way along the western boundary between Boyle Street and McCubbens Lane. Sutherland Shire Council must be the authority to modify/delete/vary this easement.
- vi) Loading Dock, Bin Lift, Motorbike and Bicycle parking must be allocated as a shared facility in any stratum by-laws.

The easements and terms thereof must be created under the provisions of s.88B of the Conveyancing Act, 1919.

19. Endorsement of Linen Plan of Subdivision for Consolidation

A. Before Construction

Prior to the issue of any construction certificate, the Plan of Subdivision for the consolidation of Lot 1 - 4 DP1688 into one lot, must be registered with NSW Land Registry Services.

This will also include the expungement of any redundant easement and/or covenants.

20. Road dedication- McCubbens Lane

A. Before Subdivision

A 2m wide road dedication along the full frontage of McCubbens Lane limited in Stratum must be made to Council prior to the release of any subdivision certificate.

21. Pedestrian Through Block Link

A. Design

The right of footway linking Boyle St with Mccubbens Lane, shall be designed as follows:

- i) The treatment including paving, seating, planting detail etc, must be prepared to the written satisfaction of Council's Manager Traffic & Public Domain Services.
- ii) The design shall be compliant with the Disability Discrimination Act (DDA) and relevant Australian Standards and codes.

B. Ongoing

The pathway shall be accessible on an unrestricted basis to all members of the public.

- i) Ongoing maintenance of the pathway, plants, street furniture and all other associated infrastructure must be undertaken by the Owners Corporation to ensure its ongoing compliance with the relevant standards and codes in order to provide a safe, and fully operational thoroughfare.

22. Landscaping Works

A. Design

The landscaping works must be executed in accordance with the approved Landscape Plan by **Site Design Studios** except where modified by the following:

- i) The width of the awning along the pedestrian pathway between Boyle street and McCubbens Lane must be reduced to a maximum of two (2) meters, to allow adequate room for tree planting to mature. Tree species proposed along the pedestrian pathway must be *Pyrus calleryana*.
- ii) The large leafed Privet "Ligustrum" not identified on the plans in the rear of number 3 Boyle Street, fronting Mccubbens Lane may be removed as an exempt species.
- iii) The most northern tree shown on the Groundfloor plan must be removed as it clashes with the future pedestrian link along Mccubbens Lane.
- iv) The areas noted as 'Landscape Strips' on the Level 7 podium must be removed and the area returned to paving.
- v) Amend the landscape plan in accordance with the approved architectural plans.
- vi) Clearly show on plan existing street trees to be retained including tree numbering in accordance with the arborist report OR provide a separate existing tree plan and schedule.

- vii) Tree Protection Zones (TPZ) and the location of tree protective fencing must be shown on plan for all existing street trees.
- viii) Provide minimum soil depths in planter boxes as follows:
 - 1200mm for large trees.
 - 900mm for small trees and tall shrubs.
 - 600mm low shrubs.
 - 450mm grass and ground covers.
- ix) The level 07 Communal Open Space must be provided with a BBQ and basic kitchen facilities. Furniture in the Communal Open Space must be fixed to meet BCA requirements.
- x) All landscape retaining walls and planter boxes must be constructed in masonry, stone or gabions. Timber is not acceptable.
- xi) Each unit above the ground floor must be provided with a clothes line on a balcony located below balustrade height, with the balustrade treated so that clothes are not readily visible from the street.
- xii) The communal open space areas/ all landscaped areas and all planter boxes on slab must be provided with a water-efficient irrigation system and taps at 25m centres, connected to a pump and the rainwater tank, to enable effective landscape maintenance.
- xiii) To improve coverage and reduce weeds and maintenance, planting densities in all planting areas including planter boxes must achieve a minimum of 4 plants per square metre.
- xiv) To reduce long term maintenance of planting beds turf species must be native grass such as *Zoysia macrantha* 'Nara' or Buffalo grass varieties.

The applicant must engage a suitably qualified Landscape Designer or Landscape Architect to oversee any design changes to the approved Landscape Plan and amendments required above. Details of these design changes must be included in the documentation submitted with the application for a Construction Certificate.

Notes:

A Landscape Designer is a person eligible for membership of the Australian Landscape Designers and Managers and a Landscape Architect is a person eligible for membership of the Australian Institute of Landscape Architects as a Registered Landscape Architect.

If demolition works are to occur prior to the Construction Certificate being issued, tree protection measures must be installed prior to commencement of demolition.

B. Prior to Occupation/Occupation Certificate

The landscape works must be completed in accordance with the approved Landscape Plan and amendments required by 'A' above by persons with a minimum AQF Level III certification in Horticulture or Landscape Construction.

A Final Landscape Inspection must be carried out and a certificate issued by Council's landscape officer prior to occupation or the issue of an Occupation Certificate. This certificate is required to ensure that all tree protection measures, landscaping works, replacement tree planting and the deep soil percentage requirements have been carried out in accordance with 'A' above and other conditions within this consent, that all new indigenous plants on the site and within the road reserve are the correct species and that all trees planted within the road reserve are in accordance with the detailed road frontage design where it forms part of the Roads Act Consent.

To arrange a Final Landscape Inspection please phone 9710-0333 a minimum of 48 hours prior to the required inspection date. An inspection fee will be charged in accordance with the current schedule of rates listed on Council's website. Any secondary inspections will incur a reinspection fee.

C. Ongoing

All landscaping works required by 'A' above must be maintained for 12 months following the final landscape inspection date. Trees required by this condition must be maintained and protected until they are covered by Council's Controls for Preservation of Trees and Bushland Vegetation (SSCDP 2015 Chapter 38).

Any plants found faulty, damaged, diseased or dead shall be replaced with the same species in the same sized container within one month with all costs borne by the owner.

Note: If difficulty is experienced sourcing suitable indigenous plants from other suppliers, plants grown from locally provenance seed may be available from:

Sutherland Shire Council Nursery
345 The Boulevard, Gymea
Ph: 02 9524 5672

23. Tree Retention and Protection

The following condition applies to trees on the adjoining sites (which are potentially affected by the development works), as well as trees on the adjoining Council land that are not approved for removal.

A. Before Works

Prior to the commencement of any demolition, excavation or construction works on site, the following tree protection measures must be put in place and maintained during the course of construction to prevent damage to Council's street trees.

- i) Protective fencing constructed of 1.8m high chain wire mesh supported by robust posts must be installed at a minimum radius of 1.5m from the trunk of the trees in the Public Domain. Signage must be erected on the fence with the following words clearly displayed "TREE PROTECTION ZONE, DO NOT ENTER".

- ii) The tree protection zone within the protective fencing must be mulched with a maximum depth 75mm of suitable organic mulch (woodchips or composted leaf chip mulch) and kept regularly watered for the duration of the works subject to this consent.
- iii) No development or associated activity is permitted within the fenced tree protection zone for the duration of works subject to this consent. This includes vehicular or pedestrian access, sheds, washout areas, excavations, backfilling, installation of services (including stormwater), removal of top soil, stockpiling of soil or building materials.
- iv) Where site access/egress is required over the roots of trees identified for retention and protection, provide hardwood rumble boards over a 200mm thick layer of wood chip.

B. During Construction

- i) The tree protection measures detailed in 'A' above must be maintained during construction.
- ii) A supervising Arborist must be present during any approved hand excavation or under boring works within the Tree Protection Zone (TPZ) of any tree identified for retention and protection and have the authority to direct works to ensure the trees long term preservation;
- iii) A supervising Arborist must strictly supervise that there is no disturbance or severing of roots greater than 30mm diameter and to cleanly cut those roots between 10-30mm in diameter.
- iv) If the tree/s identified for retention in 'A' above are damaged or destabilised during construction then works must cease and Council's Tree Assessment Officer (ph. 9710 0333) must be contacted to assess the tree/s and recommend action to be taken.

24. Supervising Environmental Consultant

A. Before Commencement

The applicant must engage an appropriately qualified, experienced and certified environmental consultant to supervise all aspects of site investigation, remediation, validation and environmental site management as required.

The environmental consultant must be certified by one of the following certification schemes:

- EIANZ 'Certified Environmental Practitioner - Site Contamination' scheme (CEnvP SC).
- Soil Science Australia 'Certified Professional Soil Scientist - Contaminated Site Assessment & Management' scheme (SSA CPSS CSAM).

B. Before Works and issue of any Construction Certificate

The applicant must provide clear evidence of the appointment of the appropriately qualified, experienced and certified environmental consultant to the satisfaction of Sutherland Shire Council,

Manager Environmental Science, prior to the commencement of any works and the issue of any construction certificate.

C. During Works

The certified environmental consultant must supervise all aspects of site investigation, remediation and validation and onsite environmental management to ensure compliance with the approved plans.

25. Supplementary Detailed Site Investigation

A. On Completion of Demolition and Prior to Construction and Issue of Construction Certificate

On completion of demolition of existing buildings and associated structures, further site contamination investigation which includes soil and groundwater sampling, must be undertaken to address the data gaps identified in the “Stage 2 Environmental Site Assessment & Remediation Action Plan, 1-7 Boyle Street, Sutherland” by JK Environments, 16 September 2019 [E32534Prpt].

The further investigation must take the form of a Supplementary Detailed Site Investigation and must be undertaken by an appropriately qualified and experienced environmental consultant under the direction of the supervising environmental consultant.

The environmental consultant must be certified by one of the following certification schemes:

- EIANZ ‘Certified Environmental Practitioner - Site Contamination’ scheme (CEnvP SC).
- Soil Science Australia ‘Certified Professional Soil Scientist - Contaminated Site Assessment & Management’ scheme (SSA CPSS CSAM).

The investigation and reporting must be undertaken in accordance with relevant NSW EPA Guidelines including, but not limited to “Guidelines for Consultants Reporting on Contaminated Sites 2011.” The investigation must also meet the requirements of the National Environment Protection Measure - Assessment of Site Contamination 2013 (NEPM 2013).

The Supplementary Detailed Site Investigation must include an assessment of the suitability of the land for the proposed land use and outline remedial measures that may be required to ensure the site is suitable for the proposed use.

The Supplementary Detailed Site Investigation Report must be submitted to the satisfaction of Sutherland Shire Council, Manager Environmental Science, prior to construction and the issue of any construction certificate.

26. Amended Remedial Action Plan

A. Prior to Construction and the Issue of Construction Certificate

Following the completion and reporting of the Supplementary Detailed Site Investigation, Section 12 of the “Stage 2 Environmental Site Assessment & Remediation Action Plan, 1-7 Boyle Street, Sutherland” by JK Environments, 16 September 2019 [E32534Prpt], must be reviewed by an appropriately qualified and experience environmental consultant to address the results and outcomes of the Supplementary Detailed Site Investigation.

The environmental consultant must be certified by one of the following certificationschemes:

- EIANZ 'Certified Environmental Practitioner - Site Contamination' scheme (CEnvP SC).
- Soil Science Australia 'Certified Professional Soil Scientist - Contaminated Site Assessment & Management' scheme (SSA CPSS CSAM).

A stand-alone amended Remedial Action Plan must then be prepared and reviewed by a NSW EPA accredited site auditor.

As part of the site audit review, the applicant must act in accordance with and comply with any requirements stipulated by the NSW EPA accredited site auditor. The applicant must also modify the amended Remedial Action Plan if required by the NSW EPA accredited site auditor.

The accredited site auditor must provide verification of the suitability of the amended Remedial Action plan in the form of a section B site audit statement or an interim site audit advice.

The site audit statement and the site auditor endorsed Remedial Action Plan, must be submitted to the satisfaction of Sutherland Shire Council, Environmental Science prior to construction and issue of any construction certificate.

27. Site Remediation

A. Prior to Construction/ Issue of Construction Certificate

The site must be remediated in accordance with the amended Remedial Action Plan as certified by the NSW EPA accredited site auditor, under the supervision of the supervising environmental consultant.

Any required variations to the amended Remedial Action Plan, must be notified and approved by the NSW EPA accredited site auditor, prior to implementation.

28. Site Validation

A. Prior to Construction and Issue of Construction Certificate

On completion of site remediation, a Validation Report must be prepared by an appropriately qualified and experienced environmental consultant in accordance with, but not limited to, the NSW EPA 'Guidelines for Consultants Reporting on Contaminated Sites' 2011.

The environmental consultant must be certified by one of the following certificationschemes:

- EIANZ 'Certified Environmental Practitioner - Site Contamination' scheme (CEnvP SC).
- Soil Science Australia 'Certified Professional Soil Scientist - Contaminated Site Assessment & Management' scheme (SSA CPSS CSAM).

The Validation Report must verify that the site has been remediated in accordance with the amended Remedial Action Plan. The validation report must also verify that the site is suitable for the proposed development and land use.

The Validation Report must be reviewed by a NSW EPA accredited site auditor and a Part A1 Site Audit Statement issued to certify that the land is suitable for the proposed development and land use.

The Site Audit Statement must be submitted to the satisfaction of Sutherland Shire Council, Environmental Science prior to construction and issue of any construction certificate.

29. Environmental Management Plan

A. Site Remediation Requirement

If an Environmental Management Plan is required by the site auditor certified Remedial Action Plan; the applicant must create and register a covenant on the title of the land under the provisions of the Conveyancing Act 1919. The covenant must stipulate that the use of the site is subject to the management and maintenance requirements provided in the site auditor endorsed environmental management plan.

The positive covenant must be binding upon the registered proprietors of the subject lots and successors in title. The instrument shall nominate Sutherland Shire Council as the only authority empowered to release, vary or modify the terms of the covenant.

B. Prior to occupation and the issue of any occupation certificate

If required by 'A' above; evidence that the required covenant on the land title has been created, must be provided to the satisfaction of Sutherland Shire Council, Manager Environmental Science, prior to occupation and the issue of any occupation certificate.

30. Contaminated Land - Unexpected Finds

A. During Works

If unexpected soil and/or groundwater contamination is encountered during any works; all work associated with that task must cease and the situation must be promptly evaluated by the supervising environmental consultant. The contaminated soil and/or groundwater must then be managed under the supervision of the supervising environmental consultant, in accordance with relevant NSW Environment Protection Authority (EPA) guidelines.

B. Prior to recommencement of works

If unexpected contaminated soil or groundwater is treated and/or managed onsite; the supervising environmental consultant must verify that the situation was appropriately managed in accordance with relevant NSW EPA guidelines.

The verification documentation must be provided to the satisfaction of the NSW EPA accredited site auditor, prior to the recommencement of any works.

31. Management of Site Soil / Fill Material

A. During Works

i) Disposal of site soils

Any soils to be excavated and disposed of from the site must be analysed and classified by an appropriately qualified and experienced environmental consultant, in accordance with relevant NSW EPA guidelines including the “Waste Classification Guidelines” 2014, prior to off-site disposal.

Excavated material is to be transported to an appropriately licensed waste facility by an EPA licensed waste contractor in accordance with relevant NSW EPA guidelines.

ii) Importation of fill material

Any fill material that is imported onto the site must comprise Virgin Excavated Natural Material (VENM), Excavated Natural Material (ENM) or other suitable material in accordance with the relevant Resource Recovery Exemption issued under the *Protection of the Environment Operations (Waste) Regulation 2014*.

Prior to placing any fill material on the site, appropriate waste classification/ certification documentation that verifies the material is VENM or complies with the requirements of the relevant Resource Recovery Exemption, including ENM, must be provided to the satisfaction of the supervising environmental consultant.

32. Management of Groundwater

A. During Works

- i) Groundwater that is intercepted during works must be managed under the supervision of the supervising environmental consultant.
- ii) Groundwater that requires discharge to Council’s stormwater drainage system must have a pH of between 6.5 and 8, and must not exceed a suspended sediment concentration of 50mg/L.
- iii) The discharge of groundwater to Council’s stormwater drainage system must also be undertaken in accordance with, but not limited to:
 - a. Sutherland Shire Council’s “Environmental Specification - Environmental Site Management 2007”.
 - b. Sutherland Shire Council’s “Environmental Specification - Stormwater Management 2009”.
 - c. ANZECC “Australian and New Zealand Guidelines for Fresh and Marine Water Quality” 2000.
 - d. Managing Urban Stormwater, Soils and Construction, Volume 1, 4th Edition, 2004, Landcom.

33. Car Wash Bays

To prevent contamination of the stormwater drainage system a car-wash bay must be provided on site:

A. Design

The wash-bay must be graded to an internal drainage point and connected to the sewer.

B. Before Construction

Details of the design satisfying 'A' above must accompany the application for a Construction Certificate.

C. Before Occupation

The Principal Certifying Authority must be satisfied that:

- i) 'A' above has been complied with; and
- ii) any discharge to the sewer from the premises is in accordance with the requirements of Sydney Water.

D. Ongoing

All car-wash, engine degreasing and steam cleaning must be conducted in the wash-bay detailed in 'A' above. Wastewater must be treated in accordance with the requirements of Sydney Water.

34. Garbage, Recycling and Waste Storage Area

To ensure the proper storage of waste from the premises:

A. Design

The garbage and recycling storage area must have:

- i) A smooth impervious floor that is graded to a floor waste. All waste water must be discharged to the sewer in accordance with the requirements of Sydney Water.
- ii) A tap and hose to facilitate the regular cleaning of the bins

All Garbage bins must be designed to prevent the escape of any liquid leachate and must be fitted with a lid to prevent the entry of vermin.

B. Before Construction

Details of compliance with 'A' above must form part of the documentation accompanying the applications for a Construction Certificate.

C. Before Occupation

The works must be completed prior to the issue of any Occupation Certificate.

D. Ongoing

All waste and recycling bins must be stored wholly within the approved waste storage area. The bins must be placed in the temporary bin holding facility in the evening prior to pick-up and returned to the storage area as soon as possible after pick-up.

35. External Lighting - (Amenity)

To ensure that any lighting on the site does not cause a nuisance to neighbours or motorists on nearby roads:

A. Design

All lighting must be designed in accordance with Australian Standard AS4282 - Control of the Obtrusive Effects of Outdoor Lighting.

B. Ongoing

All lighting must be operated and maintained in accordance with the Standard above.

36. Noise Control - Residential Air Conditioning Unit / Heat Pump Water Heater / Any other Pump

To minimise the noise impact on the surrounding environment:

A. Design

The equipment must be located, designed and/or acoustically attenuated so that noise emitted does not exceed a sound pressure level of 5dB LAeq (15 minute) above the ambient background level when measured on or within any other residential property boundary.

B. Before Occupation

The equipment must be installed in accordance with the manufacturer's specification and all required noise attenuation measures implemented to ensure that the equipment complies with "A" above.

C. Ongoing

i) All equipment must be operated in accordance with 'A' above.

ii) For air conditioning units / heat pump water heaters:

Between the hours of 10.00pm and 8.00am on weekends and public holidays and 10.00pm and 7.00am any other day, noise emitted must not be heard within any residence with its windows and/or doors open or closed.

- iii) For any other pump:

Between the hours of 8.00pm and 8.00am on weekends and public holidays and 8.00pm and 7.00am any other day, noise emitted must not be heard within any residence with its windows and/or doors open or closed.

- iv) Receipt of a noise complaint from the operation of this equipment will result in the requirement for certification from an acoustic engineer that the equipment is operating in accordance with the requirements of this condition. If the acoustic assessment reveals that the equipment is not operating in accordance with the consent it must make recommendations on what remediation measures are required to bring the equipment into compliance.

NB. Any other pump includes a swimming pool pump, a spa pump, a sump pump, a water cooler that uses a pump any other apparatus or machine for raising, driving, exhausting or compressing fluid by means of a piston, plunger or rotating vanes.

37. Noise Control - Design and Operation (General Use)

To minimise the impact of noise from the development, the use of the premises and all sound producing plant, equipment, machinery, mechanical ventilation system or refrigeration systems:

A. Design

The use of the premises and all plant and equipment must be designed and / or located so that the noise emitted does not exceed an LAeq sound pressure level of 5dB above the ambient background level when measured at the most affected point on or within any residential property boundary.

Note: The method of measurement of sound must be carried out in accordance with Australian Standard 1055.1.

B. Before Occupation

Prior to the occupation of the development or the issue of any Occupation Certificate certification must be provided by a qualified acoustic engineer that all work associated with the installation of the acoustic measures has been carried out in accordance with 'A' above.

C. Ongoing

All plant and equipment must be operated and maintained in accordance with 'A' above.

38. Noise Control - Design of Plant and Equipment (Continual Operation)

To minimise the impact of noise from the development, all sound producing plant, equipment, machinery, mechanical ventilation systems and / or refrigeration systems:

A. Design

All plant and equipment must be designed and / or located so that the noise emitted does not exceed the Project Specific Noise level when measured at the most affected point on or within any residential property boundary.

The Project Specific Noise level must be the most stringent noise level of the Intrusive and Amenity criteria and be calculated in accordance with the provisions of the NSW Environmental Protection Authority Noise Policy for Industry 2017.

Note: The method of measurement of sound must be carried out in accordance with Australian Standard 1055.1.

B. Before Construction

Details of the acoustic attenuation treatment required to comply with 'A' above, must be prepared by a qualified acoustic engineer. These details must accompany the application for a Construction Certificate.

C. Before Occupation

Prior to the occupation of the development or the issue of any Occupation Certificate certification must be provided by a qualified acoustic engineer that all work associated with the installation of the acoustic measures has been carried out in accordance with 'A' above.

D. Ongoing

All plant and equipment must be operated and maintained in accordance with the 'A' above.

39. Building Ventilation

To ensure adequate ventilation for the building:

A. Design

The building mechanical and / or natural ventilation systems must be designed, in accordance with the provisions of:

- i) The Building Code of Australia;
- ii) AS 1668.1 2015;
- iii) AS 1668.2 2012;
- iv) The Public Health Act - 2010;
- v) The Public Health Regulation 2012;
- vi) AS 3666.1 -2011;
- vii) AS 3666.2 -2011; and
- viii) AS 3666.3 -2011.

B. Before Construction

Details of compliance with “A” above must form part of the documentation accompanying the application for a Construction Certificate.

C. Before Occupation

- i) Prior to the occupation of the building or the issue of any Occupation Certificate certification must be provided by a qualified mechanical ventilation engineer that the installation of the ventilation system has been carried out in accordance with ‘A’ above.
- ii) Occupation of the premises must not occur until a registration application has been submitted to Council's Environment and Health Regulation Department for any cooling tower / warm water system

D. Ongoing

The ventilation system must be operated and maintained in accordance with ‘A’ above.

40. Car Park Ventilation

To ensure adequate ventilation for the car park:

A. Design

The car-park must be either mechanically ventilated by a system complying with AS1668.2 -2012 or alternatively, the natural ventilation system must be certified by a qualified mechanical ventilation engineer to the effect that the system is adequate. The certification shall confirm that the system will protect the health of occupants of the car park at any time it is used and satisfies the atmospheric contaminate exposure rates specified in the Worksafe Australia document: Workplace Exposure Standards for Airborne Contaminants.

B. Before Construction

Details of compliance with ‘A’ above must form part of the application for a Construction Certificate.

C. Before Occupation

Prior to the occupation of the building or the issue of any Occupation Certificate certification must be provided by a qualified mechanical ventilation engineer that the installation of the ventilation system has been carried out in accordance with ‘A’ above.

D. Ongoing

The ventilation system must be operated and maintained in accordance with ‘A’ above.

41. Demolition Work

To ensure that demolition of structures is carried out in an environmentally acceptable and safe manner:

A. Before Commencement

If works involve the removal of more than 10 square metres of asbestos material, a bonded asbestos licence is required. A friable asbestos licence is required to remove, repair or disturb any amount of friable asbestos. For further information contact SafeWork NSW.

B. During Works

- i) The demolition of the existing building must be carried out strictly in accordance with Australian Standard 2601 - The Demolition of Structures.
- ii) The applicant must ensure that the demolition contractor has a current public risk insurance coverage for a minimum of \$5 million. A copy of the Policy must be submitted to the Council prior to demolition.

To ensure that the removal and transportation of any asbestos material, regardless of the quantity, is carried out in an environmentally acceptable and safe manner, all work must comply with the following:

- a) Work Health and Safety Act 2011;
- b) Work Health and Safety Regulation 2017;
- c) Safe Work Australia Code of Practice - How to Manage and Control Asbestos in the Workplace;
- d) Safe Work Australia Code of Practice - How to Safely Remove Asbestos;
- e) Protection of the Environment Operations Act 1997; and
- f) Protection of the Environment Operations (Waste) Regulation 2014.

Asbestos waste in any form must be disposed of at a waste facility licensed by the NSW EPA to accept asbestos waste. Any asbestos waste load over 100kg (including asbestos contaminated soil) or 10m² or more of asbestos sheeting must be registered with the EPA on-line reporting tool WasteLocate. More information can be found at <https://wastelocate.epa.nsw.gov.au>.

42. Dilapidation Report - Adjoining Properties

To assist in the resolution of any future disputes about damage to properties adjoining the development site.

A. Before Works

Prior to commencement of any work on site the Applicant or principal contractor must provide dilapidation reports on the adjacent buildings at Nos 49-51 Eton Street & 808 Old Princes Highway, including any basements and ancillary structures. The reports must be provided to the Principal Certifier and to the owners of the properties that are the subject of the report.

The reports must be prepared by a suitably qualified and experienced person, such as a structural engineer.

43. Design Requirements for Adaptable Housing

A. Design

The development must provide 8 units as Adaptable Housing. A report prepared by a suitably qualified Adaptable Housing Specialist must be submitted with the Construction Certificate, demonstrating that the development complies with the requirements of AS4299 - Adaptable Housing. The report must contain a completed checklist (Appendix A - AS4299) demonstrating compliance with the requirements of a Class C Adaptable House.

B. Before Occupation

Prior to the occupation of the development, or this issue of any Occupation Certificate, a suitably qualified Adaptable Housing Specialist must certify that the development has been constructed in accordance with the requirements of "A" above. A copy of this certification must accompany the Occupation Certificate.

44. Design Requirements for Livable Housing

A. Design

The development must provide 4 units as Livable Housing. These units must be designed to the 'Silver Standard' as outlined in the *Livable Housing Design Guidelines* (prepared by Livable Housing Australia).

Details must be included in documentation submitted with the application for a Construction Certificate.

B. Before Occupation

Prior to the occupation of the development, or this issue of any Occupation Certificate, a suitably qualified Livable Housing Specialist must certify that the development has been constructed in accordance with the requirements of "A" above. A copy of this certification must accompany the Occupation Certificate.

45. Verification of Design for Construction - SEPP 65

A. Design

Design verification must be provided by a registered Architect in accordance with the requirements of SEPP 65 stating that the design intent approved by the Development Consent has been maintained in the architectural plans submitted with the Construction Certificate. This design verification must accompany the application for a Construction Certificate.

B. Before Occupation

Prior to the issue of any Occupation Certificate design verification must be provided by a registered Architect in detailing that the development has been completed in accordance with SEPP 65.

46. External Walls and Cladding Flammability

A. Design

The external walls of the building, including attachments, must comply with the relevant requirements of the *National Construction Code (NCC)*. This includes 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

B. Before Construction

Details of compliance with “A” above must form part of the application for a Construction Certificate.

C. Before Occupation

Prior to the occupation of the development, or the issue of any Occupation Certificate, certification, including an appropriate level of detail to demonstrate compliance with the NCC as built, must be provided to the PC by an appropriately accredited professional that external finishes of the building complies with “A” above.

47. Certification Requirement of Levels

A. During Construction

At the following stages of construction:

- i) Prior to the pouring of each floor or roof slab,

A registered surveyor must provide the Principal Certifying Authority with Certification that the stage of structure complies with the development consent in respect of levels.

B. Before Occupation

The certification referred to above must form part of the application for an Occupation Certificate.

48. Sydney Water Requirements & Section 73 Compliance Certificate

A. Before Any Works

Prior to the commencement of any works on site, including demolition or excavation, the plans approved as part of the Construction Certificate must also be approved by Sydney Water. This allows Sydney Water to determine if sewer, water or stormwater mains or easements will be affected by any part of your development. Customers will receive an approval receipt which must be included in the Construction Certificate documentation.

Please refer to the web site www.sydneywater.com.au.

B. Before Occupation / Subdivision Certificate

Prior to the issue of an Occupation Certificate or a Subdivision Certificate a Compliance Certificate under Section 73 of the Sydney Water Act, 1994, must be submitted to Council by the Principal Certifying Authority. Sydney Water may require the construction of works and/or the payment of developer charges. This assessment will determine the availability of water and sewer services, which may require extension, adjustment or connection to the mains.

Sydney Water Advice on Compliance Certificates:

Sydney Water will assess the development and if required will issue a Notice of Requirements letter detailing all requirements that must be met. Applications can be made either directly to Sydney Water or through a Sydney Water accredited Water Servicing Coordinator. Please make early contact with the Coordinator, since building of water / sewer extensions can be time-consuming and may impact on other services as well as building, driveway or landscaping design.

Go to www.sydneywater.com.au/section73 or call 1300 082 746 to learn more about applying through an authorised WSC or Sydney Water.

49. Dial Before You Dig

A. Before Construction

Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please contact Dial Before You Dig at www.1100.com.au or telephone on 1100 before excavating or erecting structures (this is the law in NSW).

It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial before you dig service in advance of any construction or planning activities.

50. Noise Control and Permitted Hours for Building and Demolition Work

A. During Works

To minimise the noise impact on the surrounding environment:

- i) The LAeq sound pressure level measured over a period of 15 minutes when the construction or demolition site is in operation, must not exceed the ambient background level (LA90 15min) by more than 10dB(A) when measured at the nearest affected premises.
- ii) All building and demolition work must be carried out only between the hours of 7.00am and 6.00pm Monday to Friday inclusive, 8.00am and 3.00pm Saturdays. No work must be carried out on Sundays and Public Holidays.

On thirteen (13) occasions, only for the purpose of pouring large floor or roof slabs, work may be carried out on the site from 7.00am to 8pm Monday to Friday, excluding Public Holidays on a week day.

In order to activate the extended hours of operation both Council and affected neighbours must be notified a minimum of 48 hours prior to commencement. Affected neighbours include those in the immediate vicinity, adjacent or adjoining the development site. Notification must be by way of written advice including:

- Date/s the extended hours will be utilised.
- The purpose of the extended hours - pouring large slab.
- Address of the development works / site.
- Contact name and number of appropriate site officer (supervisor or manager) for enquiries.

Notification to Council must include a copy of the letter and a map or list identifying those affected neighbours who have been notified.

51. Toilet Facilities

A. During Works

Toilet facilities must be available or provided at the work site at a ratio of one toilet plus one additional toilet for every 20 persons employed at the site before works begin and must be maintained until the works are completed.

Each toilet must:

- i) be a standard flushing toilet connected to a public sewer, or
- ii) have an on-site effluent disposal system approved under the Local Government Act 1993, or
- iii) be a temporary chemical closet approved under the Local Government Act 1993.

52. Street Numbering and Provision of Letter Box Facilities

A. Before Occupation

- i) Street / unit / shop numbers must be clearly displayed.
- ii) Suitable letterbox facilities must be provided in accordance with Australia Post specifications.
- iii) The dwellings must have the following street address format:
 - The site must be known as 1 Boyle Street, Sutherland
 - The units must be numbered in a hotel style format beginning at unit 201, 202 etc.
 - The commercial tenancies must be known as Shop 1-5/1 Boyle Street Sutherland

53. Car parking Areas

A. Ongoing

To ensure that the car parking area satisfies the demands of the development:

- i) it must be made available on an unrestricted basis and free of charge at all times for employees' and visitors' vehicles

- ii) any parking nominated as visitor parking or common property must be continually available as common property.

54. Car Parking Allocation

A. Before Subdivision

Car parking must be allocated to individual strata lots as part of their unit entitlement.

Parking must be allocated on the following basis:

- Residential dwellings: 77 spaces
- Retail/commercial: 63 spaces
- Loading/servicing: 1 MRV loading bay

The car wash bay must be designated as common property on any strata plan.

B. Ongoing

The car-parking provided must only be used in conjunction with the dwellings and/or tenancies contained within the development and not for any other purpose. This is a restrictive use condition pursuant to s.63 of the Strata Schemes Development Act 2015 and should be noted as such in any future Strata Certificate.

55. Loading and Unloading

To preserve the amenity and ensure the safety of the public:

A. Ongoing

All loading and unloading of vehicles must be carried out within the site and not from the public roadway.

56. Retail/Commercial Tenancy Approvals

This approval does not permit the following, which are required to obtain separate approval (except where exempt and complying development applies):

- a) any use or fitout of the commercial and retail tenancies located on the ground floor and first floor; and
- b) any advertising signage.

The occupation and use of these tenancies must not occur until the development has received final Occupation Certificate.

Future retail/commercial tenancy applications must provide details on how noise impacts on the residential dwellings within the development have been addressed to ensure residential amenity can be maintained.

57. Apartment Storage

A. Before Occupation

To ensure adequate, well designed storage is constructed, storage cabinetry including internal components (i.e. shelves, drawers etc) must be installed, for each apartment in accordance with the volume and location illustrated on the apartment storage plan 1/2 and 2/2, Drawing No. DA06.06 & DA06.07 (Revision C).

In addition to the above, the following must be provided:

- i. Unit 206, 306, 406, 506, and 606 must be provided with a (minimum) 2m³ sized storage cabinet, including internal components (i.e. shelves, drawers etc) in the corridor opposite the front entry door of each apartment as marked on the approved plans.
- ii. Unit 402, 502, 602 and 702 must be provided with an additional (minimum) 0.5m³ storage cabinet, including internal components (i.e. shelves, drawers etc), within the living area of each apartment as marked on the approved plans.

58. Safety and Security

A. Design & On-Going

- i) All security and access control devices installed should meet or exceed Australian Standard 4806. Access to the residential lifts, and the residential parking levels shall be limited to residents and their visitors.
- ii) Security systems and CCTV cameras must be installed in and around the property particularly at all entry / exit points by a licensed security professional, and suitable sign posting shall be placed to deter potential offenders. The security gate fitted to the basement entry must be closed with secure access for resident vehicles.
- iii) All levels of the car park, pedestrian routes, communal areas and entry and exit points must be adequately lit to meet Australian Standard 1158.3.1.
- iv) Lighting must be compatible with the CCTV system.
- v) Exterior fixtures and fittings must be made from robust and vandal resistant materials.
- vi) All graffiti is to be removed within 7 days.
- vii) Emergency evacuation plans shall be implemented and maintained to assist residents and emergency services in the event of an emergency. This plan shall be prominently displayed.

59. Colour and Materials Selection

The external colours and materials specified on the approved plans must not be altered except with the prior approval of Council.

END OF CONDITIONS