**Deferred Commencement Conditions**

1. **Deferred Commencement - Drainage -** Pursuant to Section 4.16(3) of the Environmental Planning and Assessment Act 1979, this consent will not operate until such time as the following requirements are satisfied:
* Evidence (and verification by Council) of payment of the $1,000,000 (as appropriately indexed) monetary contribution to Georges River Council as required under the Voluntary Planning Agreement executed on 26 August 2019.

Documentary evidence as requested, or the above information must be submitted within thirty six (36) months of the granting of this deferred commencement consent. Commencement of the Consent cannot commence until written approval of the submitted information has been given by Council.

Subject to the above being satisfied, development consent be issued, subject to the following conditions:

**Conditions of consent**

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

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Description** | **Reference No.** | **Date** | **Revision** | **Prepared by** |
| Cover Page | DA-001-001 | 18.3.2021 | E | Turner Architects |
| Drawing List | DA-001-002 |  | E | Turner Architects |
| Location Plan | DA-010-020 | 18.3.2021 | E | Turner Architects |
| Site Analysis | DA-010-030 | 18.3.2021 | E | Turner Architects |
| Context and Analysis Urban Analysis | DA-010-040 | 18.3.2021 | E | Turner Architects |
| Demolition Plan | DA-010-050 | 18.3.2021 | E | Turner Architects |
| Roof Level  | DA-110-001 | 18.3.2021 | G | Turner Architects |
| Basement 04 | DA-110-004 | 12.4.2021 | H | Turner Architects |
| Basement 03 | DA-110-005 | 14.4.2021 | J | Turner Architects |
| Basement 02 | DA-110-006 | 12.4.2021 | H | Turner Architects |
| Basement 01 | DA-110-007 | 20.4.2021 | I | Turner Architects |
| Lower Ground Level  | DA-110-008 | 12.4.2021 | H | Turner Architects |
| Upper Ground Level  | DA-110-009 | 26.4.2021 | I | Turner Architects |
| Level 01 | DA-110-010 | 14.4.2021 | I | Turner Architects |
| Level 02 | DA-110-020 | 14.4.2021 | I | Turner Architects |
| Level 03 | DA-110-030 | 14.4.2021 | I | Turner Architects |
| Level 05 | DA-110-050 | 14.4.2021 | I | Turner Architects |
| Level 06 | DA-110-060 | 14.4.2021 | I | Turner Architects |
| Level 07 | DA-110-070 | 14.4.2021 | I | Turner Architects |
| Level 08 | DA-110-080 | 26.4.2021 | J | Turner Architects |
| Level 09 | DA-110-090 | 14.4.2021 | I | Turner Architects |
| Level 10 | DA-110-100 | 14.4.2021 | I | Turner Architects |
| Level 11 | DA-110-110 | 14.4.2021 | I | Turner Architects |
| Level 12 | DA-110-120 | 14.4.2021 | I | Turner Architects |
| Level 13-15 | DA-110-130 | 14.4.2021 | I | Turner Architects |
| Level 16-18 | DA-110-160 | 14.4.2021 | I | Turner Architects |
| Level 19 | DA-110-190 | 14.4.2021 | I | Turner Architects |
| Level 20 | DA-110-200 | 14.4.2021 | I | Turner Architects |
| North ElevationBuildings A & B | DA-210-101 | 18.3.2021 | F | Turner Architects |
| East ElevationBuildings B, C & D | DA-210-201 | 18.3.2021 | F | Turner Architects |
| East Elevation Building A | DA-210-202 | 18.3.2021 | F | Turner Architects |
| South Elevation Building D | DA-210-301 | 18.3.2021 | F | Turner Architects |
| South Elevation Building C | DA-210-302 | 18.3.2021 | F | Turner Architects |
| West ElevationForest RoadBuildings B, C & D | DA-210-401 | 18.3.2021 | F | Turner Architects |
| West Elevation Building A | DA-210-402 | 18.3.2021 | F | Turner Architects |
| SectionsBuildings A & B | DA-310-010 | 18.3.2021 | F | Turner Architects |
| SectionsBuilding C and Central Park  | DA-310-030 | 18.3.2021 | F | Turner Architects |
| SectionsBuilding D | DA-310-040 | 18.3.2021 | F | Turner Architects |
| Ramp Sections 01 | DA-350-010 | 18.3.2021 | E | Turner Architects |
| Ramp Sections 02 | DA-350-020 | 18.3.2021 | A | Turner Architects |
| Proposed Built Envelope within LEP Height Plane Extents | DA-710-010 | 18.3.2021 | E | Turner Architects |
| Proposed Height of Buildings Comparison  | DA-710-020 | 18.3.2021 | E | Turner Architects |
| Proposed Height of Buildings Detail | DA-710-025 | 18.3.2021 | E | Turner Architects |
| Apartment Amenity Ground Floor to level 03 | DA-720-000 | 18.3.2021 | E | Turner Architects |
| Apartment Amenity Level 05 to Level 08 | DA-720-050 | 18.3.2021 | E | Turner Architects |
| Apartment Amenity Level 09 to Level 12 | DA-720-090 | 18.3.2021 | E | Turner Architects |
| Apartment Amenity Level 13 to roof  | DA-720-130 | 18.3.2021 | E | Turner Architects |
| Communal open space  | DA-730-010 | 18.3.2021 | E | Turner Architects |
| Waste Diagrams Basement 04 | DA-750-004 | 12.4.2021 | A | Turner Architects |
| Waste Diagrams Basement 03 | DA-750-005 | 12.4.2021 | A | Turner Architects |
| Waste Diagrams Basement 02 | DA-750-006 | 12.4.2021 | A | Turner Architects |
| Waste Diagrams Basement 01 | DA-750-007 | 12.4.2021 | A | Turner Architects |
| Waste Diagrams Lower Level | DA-750-008 | 12.4.2021 | A | Turner Architects |
| Waste Diagrams Upper Ground Level | DA-750-009 | 12.4.2021 | A | Turner Architects |
| GFA Diagrams Basement 02 to Upper Ground Floor  | DA-770-002 | 26.4.2021 | F | Turner Architects |
| GFA Diagrams Level 01 to Level 05 | DA-770-002 | 18.3.2021 | E | Turner Architects |
| GFA Diagrams Level 06 to Level 09 | DA-770-050 | 26.4.2021 | F | Turner Architects |
| GFA Diagrams Level 10 to Level 15 | DA-770-090 | 18.3.2021 | E | Turner Architects |
| GFA Diagrams Level 16 to Roof | DA-770-170 | 18.3.2021 | E | Turner Architects |
| Adaptable and Living Plans – 1 bed | DA-810-002 | 18.3.2021 | F | Turner Architects |
| Adaptable and Living Plans – 2 bed | DA-810-004 | 18.3.2021 | F | Turner Architects |
| Adaptable and Living Plans – 3 bed | DA810-005 | 18.3.2021 | F | Turner Architects |
| Materials and Finishes board  | DA-890-001 | 18.3.2021 | E | Turner Architects |
| Forest Road South 3D view | DA-900-001 | 18.3.2021 | E | Turner Architects |
| Forest Road North 3D view | DA-900-002 | 18.3.2021 | E | Turner Architects |
| Roberts Lane3D view | DA-900-003 | 18.3.2021 | E | Turner Architects |
| Central Park 3D view  | DA-900-004 | 18.3.2021 | E | Turner Architects |
| Landscape Plan Ground floor site plan  | 001 | 18.3.2021 | D | Urbis |
| Landscape Plan Communal Roof top Plan  | 002 | 18.3.2021 | D | Urbis |
| Landscape Plan Ground Floor Section A | 003 | 18.3.2021 | C | Urbis |
| Landscape Plan Ground Floor Section B | 004 | 18.3.2021 | C | Urbis |
| Landscape Plan Ground Floor Section C | 005 | 18.3.2021 | C | Urbis |

Note: Any variation to the development as approved must only be undertaken in accordance with any applicable Exempt, Complying Development or an Approved Development Consent as outlined under the Environmental Planning and Assessment Act 1979.

1. **Voluntary Planning Agreement** – The terms of the Voluntary Planning Agreement between the Georges River Council and Prime Hurstville Pty Limited (Developer), which was executed on 26 August 2019 are to be complied with.
2. **Fit out of commercial premises -** No approval is granted for the use or fit-out of any of the commercial premises. Separate Development consent for the use and fit out of each commercial tenancy is required prior to the occupation of any commercial component of the development.
3. **Signage -** A separate application shall be submitted to Council prior to the erection of any signage unless the proposed signage is ‘exempt development’ under *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* or any other applicable environmental planning instrument.

4A. **Bridge notation** - The notation ‘line of bridge’ as shown on the upper ground floor plan drawing number DA-110-009 is to be deleted from the plans.

**Separate Approvals Required Under Other Legislation**

1. **Vehicular Crossing - Major Development -** The following vehicular crossing and road frontage works will be required to facilitate access to and from the proposed development site:
2. Construct a full width – (boundary to kerb) footpath in paving material for the full length of the frontage of the site along Forest Road and Durham Street and a 1.5 metre wide footpath along Roberts Lane in accordance with Council’s Specifications applying at the time construction approval is sought.
3. The thickness and design of the driveway shall be in accordance with Council’s Specifications applying at the time construction approval is sought.
4. Construct a new 150mm high concrete kerb with 450mm wide gutter for the full frontage(s) of the site in accordance with Council’s Specifications for kerb and guttering, applying at the time construction approval is sought.
5. Any existing vehicular crossing and/or laybacks which are redundant must be removed. The kerb and gutter, any other footpath and turf areas shall be restored at the expense of the applicant. The work shall be carried out in accordance with Council’s specification, applying at the time construction approval is sought. Constructing a vehicular crossing and/or footpath requires separate approval under Section 138 of the Roads Act 1993, prior to the commencement of those works.
6. Driveway crest levels are to be in compliance with the recommendations provided by Flooding Advice (4.0 – Driveway Stormwater Levels Checks (table 2) – prepared by Martens Consulting Engineers, dated 14 August 2020.
7. **Building - Hoarding Application** Prior to demolition of the buildings on the site, or the commencement of work above ground level, a separate application for the erection of an ‘A class’ (fence type) or a ‘B class’ (overhead type) hoarding or ‘C type’ scaffold, in accordance with the requirements of SafeWork NSW,must be erected along that portion of the footways/roadway where the building is within 3 metres of the street boundary. An application for this work under Section 68 of the Local Government Act 1993 and the Roads Act 1993 must be submitted for approval to Council.

The following information is to be submitted with a Hoarding Application under Section 68 of the Local Government Act 1993 and Section 138 of the Roads Act 1993:

1. A site and location plan of the hoarding with detailed elevation, dimensions, setbacks, heights, entry and exit points to/from the site, vehicle access points, location of public utilities, electrical overhead wire protection, site management plan and builders sheds location.
2. Hoarding plan and details that are certified by an appropriately qualified engineer; and
3. The payment to Council of a footpath occupancy fee based on the area of footpath to be occupied and Council's Schedule of Fees and Charges (available on our website) before the commencement of work; and
4. A Public Risk Insurance Policy with a minimum cover of $20 million in relation to the occupation of and works within Council's road reserve, for the full duration of the proposed works, must be obtained a copy provided to Council. The Policy is to note Council as an interested party.
5. The application must be endorsement by the Roads & Maritime Services (RMS) as the hoarding is located within 100m of an intersection with traffic lights. For assistance you should contact the DA unit at RMS and speak to Hans on 8849 2076. Or email hans.pilly.mootanah@rms.nsw.gov.au to obtain concurrence for the hoarding structure.
6. **Below Ground anchors Information to be submitted with S68 Application under LGA 1993 and S138 Application under Roads Act 1993** - In the event that the excavation associated with the basement carpark is to be supported by the use of below ground (cable) anchors that are constructed under Council’s roadways/footways, an application must be lodged with Council under Section 68 of the [Local Government Act 1993](http://www.legislation.nsw.gov.au/#/view/act/1993/30) and the [Roads Act 1993](http://legislation.nsw.gov.au/#/view/act/1993/33) for approval, prior to commencement of those works. The following details must be submitted.
7. That cable anchors will be stressed released when the building extends above ground level to the satisfaction of Council.
8. The applicant has indemnified Council from all public liability claims arising from the proposed works, and provide adequate insurance cover to the satisfaction of council.
9. Documentary evidence of such insurance cover to the value of $20 million.
10. The applicant must register a non-terminating bank guarantee in favour of Council in accordance with Council’s fees and charges.

The guarantee will be released when the cables are stress released. In this regard it will be necessary for a certificate to be submitted to Council from a structural engineer at that time verifying that the cables have been stress released.

1. That in the event of any works taking place on Council’s roadways/footways adjoining the property while the anchors are still stressed, all costs associated with overcoming the difficulties caused by the presence of the ‘live’ anchors will be borne by the applicant.
2. **Section 138 Roads Act 1993 and Section 68 Local Government Act 1993** - Unless otherwise specified by a condition of this consent, this Development Consent does not give any approval to undertake works on public infrastructure.

Separate approval is required under Section 138 of the Roads Act 1993 and/or Section 68 of the Local Government Act 1993 for any of the following activities carried out in, on or over a public road (including the footpath) listed below.

An application is required to be lodged and approved prior to the commencement of any of the following works or activities;

(a) Placing or storing materials or equipment;

(b) Placing or storing waste containers or skip bins;

(c) Erecting a structure or carrying out work

(d) Swinging or hoisting goods over any part of a public road by means of a lift, crane or the like;

(e) Pumping concrete from a public road;

(f) Pumping water from the site into the public road;

(g) Constructing a vehicular crossing or footpath;

(h) Establishing a “works zone”;

(i) Digging up or disturbing the surface of a public road (e.g. Opening the road for the purpose of connections to utility providers);

(j) Stormwater and ancillary works in the road reserve;

(k) Stormwater and ancillary to public infrastructure on private land; and

(l) If any excavation is to be supported by the use of below ground (cable) anchors that are constructed under Council’s roadways/footways.

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

The relevant Application Forms for these activities can be downloaded from Council’s website www.georgesriver.nsw.gov.au. For further information, please contact Council’s Customer Service Centre on (02) 9330 6400.

1. **Road Opening Permit** - A Road Opening Permit must be obtained from Council, in the case of local or regional roads, or from the RMS, in the case of State roads, for every opening of a public road reserve to access services including sewer, stormwater drains, water mains, gas mains, and telecommunications before the commencement of work in the road.
2. **Road Occupancy Licence (Transport for NSW Condition)**- A Road Occupancy Licence (ROL) should be obtained from Transport Management Centre for any works that may impact on traffic flows on the surrounding state road network during construction activities. A ROL can be obtained through <https://myrta.com/oplinc2/pages/security/oplincLogin.jsf>.

**Requirements of Concurrence, Integrated & Other Government Authorities**

1. **Transport for NSW (TfNSW) -** The proposed development shall be carried out in accordance with the following requirements as detailed in their concurrence letter Ref No SYD20/01020/4 dated 23 April 2021:

The Traffic Control Signal (TCS) at the intersection of Forest Road / Wright Street / Durham Street shall be designed to meet TfNSW requirements. TCS plans shall be drawn by a suitably qualified person and endorsed by a suitably qualified practitioner.

The submitted design shall be in accordance with Austroads Guide to Road Design in association with relevant TfNSW supplements (available on www.tfnsw.nsw.gov.au). The certified copies of the TCS design and civil design plans shall be submitted to TfNSW for consideration and approval prior to the release of a Construction Certificate and commencement of road works. Please send all documentation to development.sydney@transport.nsw.gov.au. TfNSW fees for administration, plan checking, civil works inspections and project management shall be paid by the developer prior to the commencement of works. The developer will be required to enter into a Works Authorisation Deed (WAD) for the abovementioned works.

1. **Approval from WaterNSW**- The development consent holder must apply to WaterNSW for a Water Supply Work approval after development consent has been issued by Council and before the commencement of any work or activity.

A completed application form must be submitted to WaterNSW together with any required plans, documents, application fee, security deposit or bank guarantee (if required) and proof of Council’s development consent. Finalisation of an approval can take up to eight (8) weeks from the date the application and all required supporting documentation is received.

Application forms are available from the WaterNSW website at: www.waternsw.com.au > Customer Services > Applications & Fees.

Notes

1. An extraction limit will be determined by the Department of Planning, Industry and Environment following a further hydrogeological assessment and included on the conditions applied to the authorisation for the dewatering activity.
2. Detailed information required to permit the hydrogeological assessment to be carried out is to be provided by the applicant otherwise the issue of the authorisation will be subject to delay.
3. The authorisation will be issued for the purpose of temporary construction dewatering only and it does not constitute any form of approval for ongoing pumping of groundwater from basement levels after the building is issued an occupation certificate.
4. **WaterNSW General Terms of Approval-** The General Terms of Approval issued by WaterNSW do not constitute an approval under the Water Management Act 2000. The development consent holder must apply to WaterNSW for the relevant approval after development consent has been issued by Council and before the commencement of any work or activity.

Dewatering

1. Groundwater shall not be pumped or extracted for any purpose other than temporary construction dewatering at the site identified in the development application.
2. An authorisation under the relevant water legislation, such as a Water Access Licence (WAL), shall be obtained for the take of groundwater as part of the activity. For avoidance of doubt, these terms do not represent ay authorisation for the take of groundwater, nor do they constitute the grant, or the indication of an intention to grant, any required WAL.
3. An authorisation under he relevant water legislation, such as an Approval, is also required for the works involved in extracting the groundwater. For avoidance of doubt, these terms do not represent any authorisation for the construction or installation of such works.
4. The relevant works must not be carried out, installed or operated until a specialist hydrogeological assessment has been completed by the Department of Planning Industry and Environment, which concludes that adequate arrangements are in force to ensure that no more than minimal harm will be done to any water source, or its dependent ecosystems, as a consequence of the construction or use of the proposed water management work
5. The design and construction of the building must prevent any take of groundwater after the authorisation has lapsed by making any below-ground levels that may be impacted by any water table fully watertight for the anticipated life of the building. Waterproofing of below-ground levels must be sufficiently extensive to incorporate adequate provision for unforeseen high water table elevations to prevent potential future inundation
6. Sufficient permanent drainage shall be provided beneath and around the outside of the watertight structure to ensure that natural groundwater flow is not impeded and: a. any groundwater mounding at the edge of the structure shall be at a level not greater than 10 % above the level to which the water table might naturally rise in the location immediately prior to the construction of the structure; and b. any elevated water table is more than 1.0 m below the natural ground surface existent at the location immediately prior to the construction of the structure; and c. where the habitable part of the structure (not being footings or foundations) is founded in bedrock or impermeable natural soil then the requirement to maintain groundwater flows beneath the structure is not applicable
7. Construction methods and material used in and for construction shall be designed to account for the likely range of salinity and pollutants which may be dissolved in groundwater, and shall not themselves cause pollution of the groundwater.
8. The Applicant is bound by the above terms and any other terms and conditions of the subsequent authorisation(s) required for the extraction of groundwater and the associated works under the relevant water legislation.
9. Measurement and monitoring arrangements to the satisfaction of WaterNSW are to be implemented. Weekly records of the volumes of all groundwater pumped and the quality of any water discharged are to be kept and a completion report provided after dewatering has ceased. Records of groundwater levels are to be kept and a summary showing daily or weekly levels in all monitoring bores provided in the completion report.
10. Following cessation of the dewatering operations and prior to the surrender of any associated authorisation, the applicant shall submit to WaterNSW the completion report which shall include: a. detail of the volume of water taken, the precise periods and location of water taken, the details of water level monitoring in all of the relevant bores; and b. The location and construction of groundwater extraction works that are decommissioned c. a water table map depicting the aquifer's settled groundwater condition and a comparison to the baseline conditions; and d. a detailed interpreted hydrogeological report identifying all actual resource and third party impacts, including an assessment of altered groundwater flows and an assessment of any subsidence or excessive settlement induced in nearby buildings and property and infrastructure
11. The Department of Planning, Industry and Environment and Water has determined that an authorisation to account for the temporary and transient impacts on groundwater systems associated with the proposed development for up to twelve months is required (to be issued by WaterNSW).
12. All required monitoring and reporting arrangements are to be designed to demonstrate the activity meets due diligence with respect to the Water Management Act 2000, the relevant water sharing plan(s) and the NSW Aquifer Interference Policy during construction and occupation phases of the building.
13. At the time of application for a Construction Certificate, the developer must be able to demonstrate to the consent authority that an authorisation for the pumping of groundwater for temporary construction dewatering has been obtained for the relevant groundwater source from which water is being taken.
14. At the time of application for an Occupation Certificate, the developer must be able to demonstrate to the consent authority that any unexpected groundwater pumping (resulting from poor construction methods, materials or inadequate waterproofing) has been authorised by a water access licence purchased for the relevant groundwater source from which water is being taken and must be able to demonstrate no impact on neighbouring sites or the integrity of the aquifer.
15. All monitoring data collected for the development and all monitoring and management reports are to be provided in electronic format (tabulated and raw corrected data) to the Department of Planning, Industry and Environment and Water.
16. A specialist Site Hydrogeology Report prepared and certified by a qualified, experienced and practising hydrogeologist must be provided to enable the Department of Planning Industry and Environment to carry out the assessment that includes, but is not limited to, the following:

Pre-development (existing) conditions in the form of a baseline monitoring record and comprehensive groundwater system description:

1. site and neighbouring area stratigraphy, formation description, site groundwater levels, groundwater flow paths, site aquifer and aquitard (if relevant) hydraulic characterization.
2. groundwater quality and specific consideration of groundwater potentially affected by contamination from surrounding land uses or acid sulfate soils where they are found to exist.
3. neighbouring users, groundwater dependent ecosystems, water bodies and other relevant features within a one kilometre radius of the subject site.
4. the above site information must not date more than six months prior to the date of lodgement of the development application to account for climate trends and maintain the currency of groundwater data.

Excavation phase (during dewatering), in the form of a comprehensive impact prediction description as well as a monitoring and management strategy:

1. predicted impacts (extent, magnitude and duration) that are developed through numerical groundwater modelling.
2. corresponding trigger levels (levels, quality, flow, volume and ground surface settlement) to manage any potential impacts.
3. construction techniques and approaches that will be used to prevent any ongoing groundwater pumping at the same time as not causing any obstruction to natural groundwater behaviour.
4. details of monitoring (groundwater levels, quality as required, rate of inflows, metered pumping).
5. where a risk of ground settlement is identified due to the proposed dewatering, the proponent is to provide a program of monitoring, trigger and responses to Council (Note while it is the Proponents responsibility to identify the risk, the Department recommends that Council enforce this requirement for all applications in all high risk areas which includes sand formations or other unconsolidated ground).

Post-excavation phase (during aboveground construction) in the form of a comprehensive post-dewatering impact review:

1. collation of monitoring records.
2. analysis of actual impacts compared to predicted impacts, noting that some impacts may be delayed.
3. magnitude and extent of potential long-term effects from the completed structure.
4. arrangements for reporting (measurements, technical analysis and future predictions) to the relevant authority.

Occupational phase (after building completion) in the form of an annual groundwater monitoring plan:

1. monthly monitoring to demonstrate the magnitude of groundwater pumping after construction, either through satisfactory photographic and documented evidence of no visible seepage into the building or, if inflows cannot be prevented, measured flow rates into all pump-out sumps.

1. recording arrangements to document ongoing compliance, event-based notification of unexpected groundwater take to the relevant authority and annual reporting arrangements.
2. **Utility Arrangements** - Arrangements are to be made with utility authorities in respect to the services supplied by those authorities to the development. The owner shall bear the cost of any relocation or modification required to any Public Utility Authority assets including telecommunication lines & cables and restoring any footpath, roadway and any other Council assets damaged due to works at, near or associated with the site
3. **Electricity Supply to development** - All existing overhead power lines within or at the immediate street frontage to the development site shall be relocated underground to Energy Australia standards and specifications. If not practicable to relocate the power line underground, arrangements shall be made with Energy Australia to place the conduit to carry those power lines underground so that they can be utilised at a later date by Energy Australia. In this regard all associated costs shall be borne by the applicant
4. **Trade Waste Agreements -** A Trade Waste Agreement with Sydney Water may be required. Details of any work required to comply with the agreement must be detailed on the plans lodged with the Construction Certificate. If no trade waste agreement or grease trap is required, a letter from Sydney Water to this effect must be submitted with the application for the Construction Certificate.
5. **Sydney Water - Tap in TM -** The approved plans must be submitted to a Sydney Water Tap inTM to determine whether the development application will affect Sydney Water’s sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met. The approved plans will be appropriately endorsed. For details please refer to ‘Plumbing, building and developing’ section of Sydney Water’s web site at www.sydneywater.com.au then see ‘Building’, or telephone 13000 TAP IN (1300 082 746). The Certifying Authority must ensure that a Tap inTM agent has appropriately stamped the plans prior to the issue of the Construction Certificate.
6. **Notice of Requirements for a Section 73 Certificate** - A Notice of Requirements of what will eventually be required when issuing a Section 73 Compliance Certificate under the Sydney Water Act 1994 <http://legislation.nsw.gov.au/> must be obtained from Sydney Water Corporation. Application must be made through an authorised Water Servicing Co-ordinator. Please refer to the ‘Plumbing, building and developing’ section of the web site [www.sydneywater.com.au](http://www.sydneywater.com.au) <http://www.sydneywater.com.au> then refer to ‘Providers’ under ‘Developing’ or telephone 13 20 92 for assistance.

Following application, a ‘Notice of Requirements’ will advise of water and sewer infrastructure to be built and charges to be paid. Please make early contact with the Co-ordinator, as it can take some time to build water/sewer pipes and this may impact on other services and building, driveway or landscape design.

The Notice of requirements must be submitted prior to the commencement of work. A Section 73 Compliance Certificate will be required at the completion of development in accordance with further conditions.

1. **Department of Infrastructure, Regional Development and Cities -** In accordance with The Airports (Protection of Airspace) Regulations 1996, regulation 14(1) (b), by the Department of Infrastructure, Regional Development and Cities imposes the following conditions on any approval:
	1. The building **must not exceed** a maximum height of 128 **metres AHD, this includes** all lift over-runs, vents, chimneys, aerials, antennas, lightning rods, any rooftop garden plantings, exhaust flues etc.
	2. Building C must be obstacle lit by low density steady red lighting during the hours of darkness at the highest point of the building. Obstacle lights are to be arranged to ensure the building can be observed in a 360 degree radius as per Chapter 9, Division 4 of the Civil Aviation Safety Regulations 1998 – Part 139 (Aerodromes) manual of Standards 2019 (the MOS).
	3. If at any time after the height of the building has reached 121 metres AHD, the crane(s) used to construct the building are removed and no other crane(s) are in place then the proponent **must arrange** for the highest point of the building to be obstacle lit with low intensity steady red lighting during the hours of darkness. The obstacle lights **must be arranged** to ensure the lighting can be observed in a 360 degree radius as per Chapter 9, Division 4 of the MOS.
	4. The Proponent **must ensure** the obstacle lighting is monitored. For detailed requirements for the monitoring of obstacle lights within the aerodrome’s OLS refer to Chapter 9, Division 4, section 9.36 of the MOS.
	5. The proponent **must ensure** obstacle lighting is maintained in serviceable condition and any outage immediately notified to SACL.
	6. Following completion of the building, the Proponent must advise SACL, in writing:
* That the future owner(s)/manager(s) of the building **have been informed** of their **obligation to maintain** the obstacle lighting in accordance with conditions of this approval; and
* The contact details of the person/position **responsible for the maintenance** of the obstacle lighting. These details **must be reviewed regularly** and kept up to date.
	1. Separate approval **must be sought** under the Regulations for any equipment (i.e. cranes) required to construct the building. 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) must be obtained prior to any commitment to construct.
	2. The Proponent must report all permanent obstacles 100 metres or more above ground level or that penetrate the OLS to the Aeronautical Information Service provider, Airservices Australia by emailing VOD@airservicesaustralia.com or telephoning (02) 6268 5622
	3. On completion of construction of the building, the applicant must provide Georges River Council andthe airfield design manager with a written report from a certified surveyor on the finished height of the building.

Breaches of approval conditions are subject to significant penalties under Sections 185 and 187 of the Act.

**Prior to the Issue of a Construction Certificate**

1. **Communal Open Space -** A Plan of Management (POM) for use of rooftop open space must be submitted to and approved by the PCA prior to the issue of any Construction Certificate, with a copy stamped as received by the PCA provided to Council. The POM must outline the:
2. hours of use of the rooftop communal open space which shall be restricted to between 8am to 10pm;
3. maximum number of 50 users at any one time;
4. provisions that no amplified music to be played; and
5. identify other measures to ensure that the amenity and safety of persons within the development and in nearby existing and future development is maintained.
6. Location and type of signage to be installed in the building to notify residents and visitors in respect to the use of this space.
7. The approved POM shall be incorporated into the Owners Corporation by-laws in any future Strata subdivision and a sign in the front entry of the building shall be included to ensure the use of this space is monitored and understood by all occupants.

The development must be carried out in accordance with this POM at all times.

20A. **Communal Open Space – Upper Ground Floor** - A Plan of Management (POM) is to be prepared for the communal open space located on the upper ground floor, to regularise the use of this area between private residents and the public. The POM must be submitted to the PCA prior tot the issue of any construction certificate, with a copy stamped as received by the PCA provided to Council..

The POM must outline the following:

* Hours of use of the upper ground floor communal open space is to be restricted to between 7am and 10pm.
* Location and type of signage to be installed in the upper ground floor communal open space area to notify residents and visitors in respect to the use of this area.
* Identify measures to ensure that the amenity and safety of persons within the development and in nearby existing and future development is maintained.
* There is to be no consumption of alcohol and there is to be no smoking within the upper ground floor communal open space area.

The development must be carried out in accordance with the POM at all times.

1. **Public Domain Plans –** The applicant is required to submit Public Domain Plans which are to consist of full civilengineering drawings to Australian Standards. These plans are to be inclusive of new kerbing long sections, cross sections, driveway, drainage, paved footpath, landscape and tree pits and in accordance with Council’s “Public Domain Streetscape Works Specification.”

The Public Domain Plans are to show all requirements of the “Part Landmark Square Precinct, Hurstville Planning agreement.”

The Public Domain works shall be constructed in accordance with the approvals and specifications issued under the “Application for Driveway Crossing and Associated Works on Council Road Reserve” Roads Act 1993 Section 138 Approval issued by Council’s Assets and Infrastructure Division. Applications to be made at the Georges River Council Customer Service Centre.

The Plan must be approved by Council’s Assets and Infrastructure Division prior to issue of Construction Certificate. In this regard it is recommended the applicant liaise with Councils Assets and Infrastructure staff prior to preparing the public domain works design criterion.

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

1. **Fees to be paid** - The fees listed in the table below must be paid in accordance with the conditions of this consent and Council’s adopted Fees and Charges applicable at the time of payment (available at [www.georgesriver.nsw.gov.au](http://www.georgesriver.nsw.gov.au)).

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

Please contact Council prior to the payment of Section 7.11 Contributions to determine whether the amounts have been indexed from that indicated below in this consent and the form of payment that will be accepted by Council.

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

A summary of the fees to be paid are listed below:

|  |  |
| --- | --- |
| **Fee Type** | **Fee** |
| **GENERAL FEES** |
| Long Service Levy (to Long Service Corporation) Or, provide evidence of Payment direct to the Long Service Corporation. See https://portal.longservice.nsw.gov.au/bci/levy/  |
| Builders Damage Deposit | **$208,167.12**(Calculation is based on $1236 per metre of street frontage as follows: Durham Street – 35.13mForest Road – 71.61mRoberts Lane – 61.68) |
| Inspection Fee for Refund of Damage Deposit | **$742.00** |
| **DEVELOPMENT CONTRIBUTIONS** |
| Hurstville Section 94 Development Contributions Plan 2012 - Residential (Community Facilities) | **$484,766.80** |
| Hurstville Section 94 Development Contributions Plan 2012 - Residential (Open Space, Recreation, Public Domain) | **$3,427,647.58** |
| Hurstville Section 94 Development Contributions Plan 2012 - Non-Residential Hurstville City Centre (Public Domain) | **$725,029.85** |
| **Total S94 Contributions** | **$4,637,444.23** |

**General Fees**

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

**Development Contributions**

The Section 94 contribution is imposed to ensure that the development makes adequate provision for the demand it generates for public amenities and public services within the area.

Indexation

The above contributions will be adjusted at the time of payment to reflect changes in the cost of delivering public amenities and public services, in accordance with the indices provided by the relevant Section 94 Development Contributions Plan.

Timing of Payment

The contribution must be paid and receipted by Council prior to the release of the Construction Certificate.

* If no construction certificate in respect of the erection of any building to which the consent relates has been issued on or before 25 September 2022, the monetary contribution must be paid before the issue of the first construction certificate after that date for any such building.

Note: Prior to the issue of any Occupation Certificate, written confirmation from Council’s delegate that all outstanding s7.11 contributions have been paid, is to be obtained and provided to the satisfaction of the PCA.

Further Information

A copy of the *all current Development Contributions Plans* may be inspected or a copy purchased at Council’s offices (Georges River Civic Centre, MacMahon Street, Hurstville and Kogarah Library and Service Centre, Kogarah Town Square, Belgrave Street, Kogarah) or viewed on Council’s website [www.georgesriver.nsw.gov.au](http://www.georgesriver.nsw.gov.au).

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

(a) Pay Council, before the issue of the Construction Certificate, a damage deposit for the cost of making good any damage caused to any Council property as a result of the development: **$208,167.12** (Not inclusive of drainage works).

(b) Pay Council, before the issue of the Construction Certificate, a non-refundable inspection fee (for two inspections) to enable assessment of any damage and repairs where required: **$742.00**

(c) Submit to Council, before the commencement of work, a dilapidation report of the condition of the Council nature strip, footpath and driveway crossing, or any area likely to be affected by the proposal.

At the completion of work Council will review the dilapidation report and the Works-As-Executed Drawings (if applicable) and inspect the public works.

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

1. **Low reflectivity roof** - Roofing materials must be low glare and reflectivity. Details of finished external materials including colours and texture must be provided to the Certifying Authority.
2. **Acoustic requirements for timber flooring** - If timber flooring is installed within the development, then appropriate insulation between floors shall be implemented to exceed the minimum sound attenuation
3. **Wind Mitigation Report -** The recommendations in the Pedestrian Wind Environment Report WF560-01F02 (REV0) -WS Report prepared by Wind Tech and dated 21 August 2020 shall be included as part of the Construction Certificate Plans.
4. **Driveway access/sight lines -** Driveway access to comply with figure 3.3-Minimum Sight Lines for Pedestrian Safety as per AS 2890.1:2004 of the Australian Standard for off-street car parking. Figure 3.3 specifies the minimum sight lines for pedestrian safety along a circulation driveway or domestic driveway.

Any wall or fence or solid object on either side of the driveway/vehicular crossing where it meets the Council’s road reserve at the boundary must comply with sight distance requirements stipulated in the *Australian Standards AS2890.1*

In the instance of multi storey car park and to prevent vehicles from running over the edge of a raised platform or deck of a multi-story car park, barriers in accordance to AS2890.1:2004 section 2.4.5.3 need to be installed.

1. **SEPP 65 Design Verification Statement -** A design verification statement, prepared by a qualified designer, shall be submitted to the Certifying Authority verifying that the plans and specifications achieve or improve the design quality of the development for which development consent was granted, having regard to the design quality principles set out under Schedule 1 of *State Environmental Planning Policy No 65 – Design Quality of Residential Flat Development*
2. **Pre-Construction Dilapidation Report - Private Land** - A professional engineer specialising in structural or geotechnical engineering shall prepare a Pre-Construction Dilapidation Report detailing the current structural condition of adjoining premises including but not limited to:
3. All neighbouring buildings likely to be affected by the excavation as determined by the consulting engineer.
4. All properties along Roberts Lane
5. Properties along Forest Road adjacent to the development site.

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

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

Should the owners of properties (or their agents) refuse access to carry out inspections, after being given reasonable written notice, this shall be reported to Council to obtain Council’s agreement to complete the report without access. Reasonable notice is a request for access in no sooner than 14 days between 8.00am-6.00pm.

1. **Stormwater System-** The submitted stormwater plans as described in the table below have been assessed as a concept plan only.

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Description** | **Reference No.** | **Date** | **Revision** | **Prepared by** |
| General Sites and Locality Plan | C01 | 12.4.2021 | C | Intrax Consultants  |
| Drainage layout Plan – Basement 1 | C02 | 12.4.2021 | C | Intrax Consultants  |
| Drainage Layout Plan – Lower Ground | C03 | 12.4.2021 | C | Intrax Consultants  |
| Drainage Layout – Upper ground drainage  | C04 | 12.4.2021 | C | Intrax Consultants  |
| Drainage details 1  | C05 | 12.4.2021 | C | Intrax Consultants  |
| Drainage details 2 | C06 | 12.4.2021 | B | Intrax Consultants  |
| Drainage layout Plan Basement 4 | C07 | 12.4.2021 | A | Intrax Consultants  |

Final detailed plans of the drainage system, prepared by a professional engineer specialising in hydraulic engineering, shall be submitted for approval with the Construction Certificate.

1. All stormwater shall drain by gravity to the Council’s kerb inlet pit located in Forest Road in accordance with the Australian Standard AS/NZS 3500.3: 2015 (as amended).
2. Stormwater drainage plans including pipe sizes, type, grade, length, invert levels, dimensions and types of drainage pits prepared by a professional engineer who specialises in Hydraulic Engineering in accordance with the Australian Institute of Engineers Australian Rainfall and Runoff (1987) and Council's Stormwater Drainage Guidelines, shall accompany the application for the Construction Certificate.
3. Details of all the drainage works within the public domain area must be submitted to Council’s Assets and Infrastructure unit for approval.

Design details and certifications shall be submitted for approval with the Construction Certificate application.

**Stormwater Systems with Basement**

1. The underground basement car park must pump to and all other stormwater must drain by gravity to:
2. the upper level of the new kerb inlet pit required to be constructed directly in front of the development site.

The design of the proposed drainage system must be prepared by a professional engineer who specialises in hydraulic engineering and be submitted for approval with the Construction Certificate application.

**Protection of basement from inundation of stormwater waters**

1. The construction of the building shall be designed to conform to the recommendations and conclusions of Geotechnical Investigation Report (Report No GS7995-1A) dated 14 August 2020 by Aargus Geotechnical Engineering in regard to the protection of the underground basement from possible inundation by surface waters.
2. Evidence from a professional engineer who specialises in hydraulic engineering that this design requirement has been adhered to shall be submitted with the Construction Certificate application.
3. **On Site Detention-** The final detailed plans of the drainage system, prepared by a professional engineer specialising in hydraulic engineering, shall be submitted for approval with the Construction Certificate.

An onsite detention (OSD) facility designed by a professional engineer who specialises in Hydraulic engineering must be designed, approved and installed.

The required OSD storage requirements and permissible discharge are to be calculated in accordance with Table 3 of Council’s Stormwater Management Policy.

Overflow from the OSD tank must directed to the street drainage system.

The OSD facility shall be designed to meet all legislated safety requirements and child proof safety fencing around the facility must be provided where the OSD facility is open or above ground when the design peak storage depth is greater than 300mm. A durable metal plate or similar sign is to be placed at the OSD facility and must bear the words:

"BEWARE: This is an on-site detention basin/tank for rainwater which could overflow during heavy storms."

Full details shall accompany the application for the Construction Certificate.

Council’s stormwater policy can be obtained from the following link:

[**https://www.georgesriver.nsw.gov.au/StGeorge/media/Documents/Council/Governance/Codes%20and%20Policies/Pol-073-01-Stormwater-Management-Policy-July-2020.pdf**](https://www.georgesriver.nsw.gov.au/StGeorge/media/Documents/Council/Governance/Codes%20and%20Policies/Pol-073-01-Stormwater-Management-Policy-July-2020.pdf)

1. **Detailed Stormwater Drainage Design** - The submitted stormwater plans has been assessed as a concept plan only. A detailed drainage design supported by a catchment area plan and drainage calculations (including a Hydraulic Grade Line Analysis) must be submitted with the Construction Certificate application.
2. **Compliance with Flood Study -**The development shall be designed to conform to the recommendations and conclusions of the submitted flooding Advice prepared by Martens & Associates Pty Ltd, dated 14 August, 2020

This shall include, but not be limited to, any recommendations for the following:

1. Minimum floor levels, driveway crest levels
2. Site regrading
3. Protection of the basement from inundation of surface waters
4. **Pump-Out System Design for Stormwater Disposal** - The design of the pump-out system for storm water disposal will be permitted for drainage of basement areas only, and must be designed in accordance with the following criteria:

(a) The pump system shall consist of two pumps, connected in parallel, with each pump being capable of emptying the holding tank at the rate equal to the rate of inflow for the one-hour duration storm. The holding tank shall be capable of holding one hour’s runoff from a one-hour duration storm of the 1 in 20 year storm;

(b) The pump system shall be regularly maintained and serviced, every six (6) months; and

(c) Any drainage disposal to the street gutter from a pump system must have a stilling sump provided at the property line, connected to the street gutter by a suitable gravity line.

Details and certification of compliance from a professional engineer specialising in civil engineering shall be provided for approval with the Construction Certificate application.

1. **Stormwater Drainage Plan Details -** Stormwater drainage plans including pipe sizes, type, grade, length, invert levels, dimensions and types of drainage pits prepared by a professional engineering specialising in hydraulic engineering shall be submitted with the Construction Certificate application.

These plans shall be prepared in accordance with the Australian Institute of Engineers Australian Rainfall and Runoff (1987) and Council's Stormwater Management Policy.

36A. **Contamination** – Prior to the issue of any Construction Certificate for above ground building works, the site must be remediated in accordance with the recommendations of the approved Remediation Action Plan (RAP) prepared by ERM Services Australia Pty Ltd dated 20 August 2020 and the Detailed Site Investigation Report (DSI) prepared by DLA Environmental Services dated March 2017.

1. The applicant must engage an appropriately qualified and experienced supervising environmental consultant to supervise all aspects of site remediation and validation. The environmental consultant must supervise all aspects of the remediation and validation works in accordance with the approved Remediation Action Plan.
2. Any reports relating to contamination must be prepared, or reviewed and approved by an appropriately qualified and certified environmental consultant. The front cover of the report must include the details of the consultant’s certification.
3. Any new information which comes to light during remediation, demolition or construction works which has the potential to alter previous conclusions about site contamination must be immediately notified to Council and the Principal Certifying Authority in writing.
4. Any variations to the approved Remediation Action Plan must be prepared, or reviewed and approved by an appropriately qualified and certified environmental consultant, and submitted to Council prior to the commencement of such work.

36B**. Site Validation Report –** Prior to the issue of any Construction Certificate for above ground building works, a Validation report shall be prepared in accordance with the requirements of the EPA (2020) Guidelines for Consultants Reporting on Contaminated Sites and the EPA (2017) Guidelines for the NSW Site Auditor Scheme and provided to Council and the PCA.

The Validation Report will confirm that the site has been remediated to a suitable standard and in accordance with the process stipulated in the Remediation Action Plan prepared by ERM Services Australia Pty Ltd dated 20 August 2020 and that the site is suitable for the proposed use.

The Validation Report must be prepared, or reviewed and approved by an appropriately qualified and certified environmental consultant. The front cover of the report must include the details of the consultant’s certification.

36C.**Notice of Completion and monitoring Report -** After completion of all Remediation works and prior to the issue of any Construction Certificate for above ground building works, a Notice of completion of remediation work must be submitted to Council in accordance with clause 17(2) of the SEPP 55 and the Notice must address all requirements listed in Clause 18 of SEPP 55.

Where a full clean-up is not feasible, or on-site containment of contamination is proposed, the need for an ongoing monitoring program should be assessed. If a monitoring program is needed, it should detail the proposed monitoring strategy, parameters to be monitored, monitoring locations, frequency of monitoring, and reporting requirements.

1. **Driveway Construction Plan Details** - Detailed engineering plans for the driveway shall be submitted with the Construction Certificate application for approval that show:

(a) Longitudinal and cross sections, gradients, access onto the proposed lots, type of construction materials designed in accordance with Council's Subdivision standards and AS/NZS2890.1-2004.

(b) Suitable underground provision for the supply of all relevant services to the proposed lots (proposed position of pipes and conduits).

(c) The full length of the driveway designed with a minimum 150mm thick reinforced concrete and minimum of 3m wide pavement/kerb face to kerb face width, and a non-slip surface.

1. **Council Property Shoring** - Prior to the issue of the Construction Certificate, plans and specifications prepared by a professional engineer specialising in practising structural engineering must detail how Council’s property shall be supported at all times.

Where any shoring is to be supporting, or located on Council’s property, certified structural engineering drawings detailing; the extent of the encroachment, the type of shoring and the method of removal, shall be included on the plans. Where the shoring cannot be removed, the plans must detail that the shoring will be cut to 150mm below footpath level and the gap between the shoring and any building shall be filled with a 5MPa lean concrete mix.

1. **Stormwater Drainage Application -** This Development Consent does not give approval to undertake works on public infrastructure. A separate approval of a Stormwater Drainage Application is required under Section 138 of the Roads Act 1993 and/or Section 68 of the Local Government Act 1993 to undertake:
2. Stormwater & ancillary works in the road reserve. This includes connections to council.
3. Stormwater & ancillary to public infrastructure on private land

The Stormwater Drainage Application approval must be obtained and evidence of the approval provided to the Certifying Authority prior to the issue of the Construction Certificate.

The Application Form for this activity can be downloaded from Council’s website [www.georgesriver.nsw.gov.au](http://www.georgesriver.nsw.gov.au). For further information, please contact Council’s Customer Service Centre on (02) 9330 6400.

1. **Car parking layout** **(Transport for NSW Condition)** - The layout of the proposed car parking areas associated with the subject development (including, driveways, grades, turn paths, sight distance requirements in relation to landscaping and/or fencing, aisle widths, aisle lengths, and parking bay dimensions) should be in accordance with AS 2890.1-2004, AS2890.6-2009 and AS 2890.2-2018. Parking Restrictions may be required to maintain the required sight distances at the driveway.
2. **Bicycle parking (Transport for NSW Condition)** -Bicycle Parking should be provided in accordance with AS2890.3.
3. **Fire Safety Measures** - Prior to the issue of a construction certificate a list of the essential fire safety measures that are to be provided in relation to the land and any building on the land as a consequence of the building work must accompany an application for a construction certificate, which is required to be submitted to either Council or a PCA. Such list must also specify the minimum standard of performance for each essential fire safety measure included in the list. The Council or PCA will then issue a Fire Safety Schedule for the building.
4. **Vibration Damage** - To minimise vibration damage and loss of support to the buildings in close proximity to the development, any excavation is to be carried out by means of a rock saw and if available, in accordance with the guidelines of the Geotechnical Engineer’s report.

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

1. **Slip Resistance** - All pedestrian surfaces in areas such as foyers, public corridors, common areas, stairs and ramps as well as floor surfaces in all wet rooms including in any residential units must have slip resistance classifications, as determined using test methods in either wet or dry conditions, appropriate to their gradient and exposure to wetting. The classifications of the new pedestrian surface materials, in wet or dry conditions, must comply with AS/NZS4586:2013 - Slip Resistance Classifications of New Pedestrian Materials and must be detailed on the plans lodged with the application for the Construction Certificate.
2. **Access for Persons with a Disability** - Access and or sanitary facilities for persons with disabilities must be provided to the premises/building in accordance with the requirements of the Premises Standards, the Building Code of Australia, and AS 1428.1. Details must be submitted with the Construction Certificate Application for approval.

In regard to the above, pedestrian access throughout basement levels shall be highlighted and sign posted to safeguard access and egress.

In the event that full compliance cannot be achieved the services of an accredited access consultant is to be obtained to determine alternative methods of compliance, such a report must be submitted to and endorsed by the Certifying Authority prior to the issue the construction certificate.

1. **Acoustic Requirements**

**Compliance with submitted Acoustic Report**

The Construction Certificate plans shall demonstrate compliance with the Acoustic Report submitted and approved by Council, titled Landmark square, Hurstville – Development Application Acoustic Assessment prepared by Acoustic Logic and dated 18/08/2020.

**Acoustic Report - General Operation of Premises**

The proposed use of the premises and the operation of all plant and equipment shall not give rise to an ‘offensive noise’ as defined in the [Protection of the Environment Operations Act 1997](http://www.legislation.nsw.gov.au/#/view/act/1997/156) (as amended) and [Regulations](http://www.legislation.nsw.gov.au/#/view/regulation/2008/40).

An Acoustic Report shall be prepared by a suitably qualified acoustic consultant demonstrating that the operation of the premises and plant equipment shall not give rise to a sound pressure level at any affected premises that exceeds the background LA90, 15 min noise level, measured in the absence of the noise sources under consideration by more than 5dB. The source noise level shall be assessed as an LAeq, 15 min in accordance with the NSW Environment Protection Authority’s [NSW Industrial Noise Policy](http://www.epa.nsw.gov.au/resources/noise/ind_noise.pdf).

1. **Regulated system – Details and Fit out -** Details of the regulated system (cooling towers and warm water system) must be submitted to the PCA for approval. Such details must demonstrate compliance with the following:
2. [Public Health Act 2010](http://www.legislation.nsw.gov.au/#/view/act/2010/127) **(as amended).**
3. [Public Health Regulation 2012](http://www.legislation.nsw.gov.au/#/view/regulation/2012/311) **(as amended).**
4. **AS/NZS 3666.1:2002Air-handling and water systems of buildings -Microbial control-Design, installation and commissioning (as amended).**
5. **Food Premises -** The following information shall be provided and shown on the Construction Certificate Plans:
6. Plans and Specifications

Details of the construction and fit out of food premises must be submitted to Council’s Environmental Health Officer. The plans and specifications must demonstrate compliance with the:

1. [Food Act 2003](http://www.legislation.nsw.gov.au/#/view/act/2003/43) **(as amended)**
2. [Food Regulation 2015](http://www.legislation.nsw.gov.au/#/view/regulation/2015/622) **(as amended)**
3. **Food Standards Code as published by Food Standards Australia**
4. **New Zealand and Australian Standard AS4674:2004 Design, Construction and fit out of food premises (as amended)**
5. **Sydney Water – trade Waste Section.**

Environmental Health Officers’ must advise in writing that the plans and specification are considered satisfactory prior to the issue of any Construction Certificate.

1. **Crime Prevention**- In line with the recommendations of the NSW Police Force, the following are to accompany the Construction Certificate application:
2. The development is to provide Closed-Circuit Television (CCTV) cameras within and around the development. A Closed-Circuit Television plan is to be prepared in that regard.
3. Strict adherence to the provided ‘Crime Risk Assessment Report’.
4. The system must record continuously at all times.
5. Recordings must be in a digital format and at a minimum of ten frames per second (10 fps).
6. Any recorded image must specify the time and date of the recorded image.
7. The systems cameras must cover the following areas
	1. All entry and exit points on the premises
	2. The footpath immediately adjacent to the premises
	3. All publicly accessible areas (other than toilets) within the premises.
	4. Throughout the underground car park to monitor activities around these areas
8. **Lighting in and around the Site**- Lighting must be installed in and around the property to increase visibility during the hours of darkness. Lighting must comply with the relevant Australian Standard.
9. **Commonwealth Disability (Access to Premises) Standard** - The Commonwealth Disability (Access to Premises - Buildings) Standards 2010 (the Premises Standards) applies to all applications (i.e. Construction Certificate). This requires any new building, part of a building and the affected part of the existing building to comply with the Premises Standards, the Building Code of Australia and AS 1428.
10. **Geotechnical report** - The applicant must submit a Geotechnical Report, prepared by a professional engineer specialising in geotechnical engineering who holds the relevant Certificate of accreditation as required under the Building Professionals Act 2005 in relation to dilapidation reports, all site works and construction. This is to be submitted before the issue of the Construction Certificate and is to include:

(a) Investigations certifying the stability of the site and specifying the design constraints to be placed on the foundation, any earthworks/stabilization works and any excavations.

(b) Dilapidation Reports on the adjoining properties including, but not limited to adjoining properties prior to any excavation of site works. The Dilapidation Report is to include assessments on, but not limited to, the dwellings at those addresses and any external paths, grounds etc. This must be submitted to the PCA and the adjoining residents as part of the application for the Construction Certificate. Adjoining residents are to be provided with the report five (5) working days prior to any works on the site.

(c) On-site guidance by a vibration specialist during the early part of excavation.

(d) Measures to minimise vibration damage and loss of support to other buildings. Where possible any excavation into rock is to be carried out with tools such as rock saws which reduce vibration to adjoining buildings and associated structures. Where a hydraulic hammer is to be used within 30 metres of any building (other than a path or a fence) the report shall detail the maximum size of hammer to be used and provide all reasonable recommendations to manage impacts.

(e) Sides of the excavation are to be piered prior to any excavation occurring to reinforce the walls of the excavation to prevent any subsidence to the required setbacks and neighbouring sites.

1. **Construction Traffic Management Plan -** A Construction Traffic Management Plan detailing but not limited to the following:
2. Construction vehicle routes;
3. Anticipated number of trucks per day;
4. Anticipated number of staff per day
5. Hours of construction;
6. Duration of construction;
7. Traffic Control Plans to manage construction vehicles;
8. Access arrangements; and
9. Proposed traffic measures to minimise impacts of construction vehicles must be submitted for the approval of Council’s Traffic Engineer. Council’s Traffic Engineers must specify in writing that they are satisfied with the Traffic Management Plan prior to the issue of the Construction Certificate.
10. **Waste Room Design and Construction** - The construction certificate drawing shall show the waste room containing the following to minimise odours, deter vermin, protect surrounding areas, and make it a user-friendly and safe area:
	* 1. waste room floor to be sealed;
		2. waste room walls and floor surface is flat and even;
		3. all walls painted with light colour and washable paint;
		4. equipment electric outlets to be installed 1700mm above floor levels;
		5. light switch installed at a height of 1.6m.
		6. The bin storage rooms will be mechanically exhausted as required by AS

1668.2;

* + 1. waste rooms must be well lit (sensor lighting required);
		2. optional automatic odour and pest control system installed to eliminate all pest
		3. types and assist with odour reduction - this process generally takes place at building handover - building management make the decision to install;
		4. all personnel doors are hinged and self-closing;
		5. waste collection area must hold all bins - bin movements should be with ease of access;
		6. conform to the Building Code of Australia, Australian Standards and local laws; and childproofing and public/operator safety shall be assessed and ensured.
		7. Occupational Health and Safety issues such as slippery floors in waste rooms and the weight of the waste and recycling receptacles will need to be monitored.
		8. Cleaners or other on-site personnel will monitor the bin storage area and all spills will be attended to immediately by cleaners.
1. **Waste Handling Systems** - All waste handling equipment and systems used in conjunction with the provision of waste and recycling services shall be manufactured, installed and maintained in accordance with any applicable regulatory requirements, relevant Australian Standards, and relevant manufacturer’s specifications.
2. **Site Management Plan** - A Site Management Plan must be submitted with the application for a Construction Certificate, and include the following:

(a) location of protective site fencing;

(b) location of site storage areas/sheds/equipment;

(c) location of building materials for construction, e.g. stockpiles

(d) provisions for public safety;

(e) dust control measures;

(f) method used to provide site access location and materials used;

(g) details of methods of disposal of demolition materials;

(h) method used to provide protective measures for tree preservation;

(i) provisions for temporary sanitary facilities;

(j) location and size of waste containers/skip bins;

(k) details of proposed sediment and erosion control measures;

(l) method used to provide construction noise and vibration management;

(m) construction and demolition traffic management details.

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

1. **Traffic Design Certificate**- A detailed “design” certificate from an experienced and qualified traffic engineer with tertiary qualifications is to be submitted to and approved by the Principal Certifying Authority confirming the following:
2. The car parking layout and loading areas associated with the development (including, driveway grades, headroom clearance turn paths, aisle widths, aisle lengths and parking bay dimensions) should be in accordance with AS2890.1:2004, AS2890.6:2009 and AS2890.2:2018.
3. Bicycle parking associated with the development is provided in accordance with AS2890.3 design requirements.
4. Driveway access complies with Figure 3.3 of AS2890.1:2004 minimum sight lines for pedestrian safety.
5. All vehicles shall enter and exit the premises in a forward direction;
6. **Erosion & Sedimentation Control** - Erosion and sediment controls must be provided to ensure:

(a) Compliance with the approved Erosion & Sediment Control Plan

(b) Removal or disturbance of vegetation and top soil is confined to within 3m of the approved building area (no trees to be removed without approval)

(c) All clean water runoff is diverted around cleared or exposed areas

(d) Silt fences, stabilised entry/exit points or other devices are installed to prevent sediment from entering drainage systems or waterways

(e) All erosion and sediment controls are fully maintained for the duration of demolition, excavation and/or development works

(f) Controls are put into place to prevent tracking of sediment by vehicles onto adjoining roadway

(g) All disturbed areas are rendered erosion-resistant by turfing, mulching, paving or similar

(h) Compliance with Managing Urban Stormwater - Soils and Construction (Blue Book) produced by Landcom 2004.

These measures are to be implemented prior to the commencement of work (including demolition and excavation) and must remain until works are completed and all exposed surfaces are landscaped/sealed.

1. **Allocation of street addresses**- In order to comply with AS/NZS 4819:2011 Rural and Urban Addressing, the NSW Addressing User Manual (Geographical Names Board of NSW) and Georges River Council’s requirements, the street address for the subject development must be allocated as advised by Georges River Council.
2. **Car Wash Bays** - Plans and specifications of the car washing system which has been approved by Sydney Water must be submitted with the application for the Construction Certificate.

All car washing bays shall be contained within a roofed and bunded car wash bay with pre-treatment approved by Sydney Water. The water from the car wash bay must be graded to a drainage point and connected to sewer.

If alternative water management and disposal options are proposed (i.e. where water is recycled, minimised or reused on the site), detailed plans and specifications of the water recycling system must be submitted with the application for the Construction Certificate for approval.

1. **Materials and Finishes** - Any proposed cladding to the building shall be constructed of fire resistant materials which comply with the requirements of the National Construction Code (NCC) 2019 Volume (1) One Building Code of Australia (BCA). Details of the proposed materials and finishes are to be detailed on the construction certificate drawings and shall be to the satisfaction of the PCA.
2. **Dedication of Land** – The applicant at no cost to Council shall dedicate a 3m wide strip of land for widening part of Roberts Lane in accordance with the requirements as specified in the voluntary planning agreement (VPA). The laneway dedication is to be clearly identified and annotated on the plans lodged with the application for any construction certificate.
3. **Structural details** - Engineer's details prepared by a practising Structural Engineer being used to construct all reinforced concrete work, structural beams, columns and other structural members. The details are to be submitted to the Principal Certifying Authority for approval prior to construction of the specified works.

A copy shall be forwarded to Council where Council is not the PCA.

1. **Waste Management Plan** - A Waste Management Plan incorporating all requirements in respect of the provision of waste storage facilities, removal of all materials from the site that are the result of site clearing, extraction, and, or demolition works and the designated Waste Management Facility shall be submitted to the Certifying Authority prior to the issue of any Construction Certificate.
2. **NBN Connection -** Prior to the issue of the Subdivision or Construction Certificate in connection with a development, the developer (whether or not a constitutional corporation) is to provide evidence satisfactory to the Certifying Authority that arrangements have been made for:
3. the installation of fibre-ready facilities to all individual lots and/or premises in a real estate development project so as to enable fibre to be readily connected to any premises that is being or may be constructed on those lots. Demonstrate that the carrier has confirmed in writing that they are satisfied that the fibre ready facilities are fit for purpose; and
4. the provision of fixed-line telecommunications infrastructure in the fibre-ready facilities to all individual lots and/or premises in a real estate development project demonstrated through an agreement with a carrier.

(Note real estate development project has the meanings given in section 372Q of the Telecommunications Act).

1. **Landscape Plans** – All landscape works shall be carried out in accordance with the approved landscape plans and specifications, drawn by Urbis for Aoyuan International, Drawing No 001 & 002 Rev D and 003, 004 & 005 Rev C and dated 18 March, 2021. The landscaping shall be maintained in accordance with the approved plans in perpetuity, subject to the following -
2. The proposed tree and plant species, pot/ bag size and quantities of plants shall be reflected as shown upon plan views and in accordance with the proposed plant schedule upon the landscape plan.
3. The applicant must engage a reputable nursery grower and supplier to have all trees and plants contract grown early within the building phase to ensure that the proposed trees, plant species, quantities and sizes are guaranteed at the time of landscape planting and implementation.
4. Fully integrated automatic irrigation system installed as per Australian Standards to irrigate all plants, garden beds and all trees.
5. All trees proposed upon the approved landscape plan shall comply with AS 2303 – 2018, *Tree Stock for Landscape use* and *NATSPEC Specifying Trees: a guide to assessment of tree quality (2003)*, and be planted and maintained in accordance with Councils standard specification.
6. If the planted trees and plants are found to be faulty, damaged, dying or dead within twelve (12) months of planting then they must be replaced with the same species. If the trees are found dead before they reach a height where they are protected by Councils Tree Management Controls, they must be replaced with the same species and pot/bag size;
7. **Tree Removal & Replacement** - **Tree removal**
8. Tree removal

Permission is granted for the removal of the following trees and in accordance with the Arborist Report provided by Urban Arbor, dated 24th July 2020:

|  |  |  |
| --- | --- | --- |
| **Tree Species** | **Number of trees** | **Location** |
| T1 – *Robinia pseudoacacia* | X1 | Councils street tree fronting Durham St |
| T2 – *Corymbia maculata* | X1 | Within site, rear lane way location |
| T3 – *Callistemon viminalis* | X1 | Within site, rear lane way location |
| T4 – *Pittosporum undulatum* | X1 | Within site, rear lane location |
| T5 - *Callistemon viminalis* | X1 | Within site, rear lane way location |
| T6 *– Banksia integrifolia* | X1 | Within site, rear lane way location |
| T7 - *Callistemon viminalis* | X1 | Within site |
| T8 – *Callistemon citrinus* | X1 | Within site |

General Tree Removal Requirements

1. All tree removal shall be carried out by a minimum certificate Level 3, Licenced and insured Tree Surgeon/Arborist to ensure that removal is undertaken in a safe manner and complies with the AS 4373-2007 - Pruning of Amenity Trees and Tree Works Industry Code of Practice (Work Cover NSW 1.8.98).
2. No trees are to be removed on the site or neighbouring properties without the prior written approval of Council.

Street Tree Removal / Replacement by Council –

1. A maximum of seventeen (17) street trees of species to be determined (number is subject to public domain approval) must be provided in accordance with the Public Domain Plan Approval.
2. Council shall be appointed to remove and plant all tree/s on public land. All costs associated with the removal of the tree/s and the planting of replacement trees shall be met by the applicant. Fees and charges outlined in the table below are subject to change and are set out in the current version of Council's ‘Schedule of Fees and Charges’, applicable at the time of payment.
3. The fees must be paid in accordance with the conditions of this consent. The fee payable is to ensure that the development makes adequate provision for the demand it generates for public amenities and public services within the area.
4. The fees payable will be adjusted at the time of payment to reflect changes in the cost of delivering public amenities and public services, in accordance with the indices provided by the relevant conditions set out in this consent.

|  |  |  |
| --- | --- | --- |
| **Fee Type – Tree planting on public land** | **Number of trees** | **Amount per tree** |
| Administration Fee, tree planting and maintenance  | X17 | $452.00 |
| Cost of tree removal – One tree | To be determined |
| Cost of Stump Grinding – One tree | To be determined |

**Prior to the Commencement of Work (Including Demolition & Excavation)**

1. **Dilapidation Report on Public Land – Major Development Only -** Prior to the commencement of works (including demolition and excavation), a dilapidation report must be prepared for the Council infrastructure adjoining the development site, including:
2. Foot paths , Kerb and gutter and roadways
3. Stormwater drainage pits and pipes

The report must include the following:

1. Photographs showing the existing condition of the road pavement fronting the site,
2. Photographs showing the existing condition of the kerb and gutter fronting the site,
3. Photographs showing the existing condition of the footpath pavement fronting the site,
4. Photographs showing the existing condition of any retaining walls within the footway or road, and
5. Closed circuit television/video inspection (in DVD format) of public stormwater drainage systems fronting, adjoining or within the site, and
6. The full name and signature of the structural engneer
7. The Dilapidation Report must be prepared by a qualified structural engineer. The report must be provided to the PCA and a copy provided to the Council.

The Dilapidation Report must be prepared by a professional engineer. The report must be provided to the PCA and a copy provided to the Council. The report is to be supplied in electronic format in Word or PDF. Photographs are to be in colour, digital and date stamped.

**Note:** Council will use this report to determine whether to refund the damage deposit after the completion of works.

1. **Structural Engineers Details – Supporting Council road/footway-** Prior to the commencement of work in connection with the excavation of the site associated with the basement carpark, structural engineer’s details relating to the method of supporting Council’s roadways/footways must be submitted to the satisfaction of Council.
2. **Demolition & Asbestos** - The demolition work shall comply with the provisions of Australian Standard AS2601:2001 - Demolition of Structures, NSW Work Health & Safety Act 2011 and the NSW Work Health & Safety Regulation 2011. The work plans required by AS2601:2001 shall be accompanied by a written statement by a suitably qualified person that the proposals contained in the work plan comply with the safety requirements of the Standard. The work plans and the safety statement shall be submitted to the PCA prior to the commencement of works.

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

All demolition work including the removal of asbestos, shall be undertaken in accordance with the Demolition Code of Practice (NSW Work Cover July 2015).

Note: Copies of the Act, Regulation and Code of Practice can be downloaded free of charge from the SafeWork NSW website: [www.SafeWork.nsw.gov.au](http://www.SafeWork.nsw.gov.au).

1. **Demolition Notification Requirements** - The following notification requirements apply to this consent:

(a) The developer /builder must notify adjoining residents five (5) working days prior to demolition. Such notification is to be a clearly written note giving the date demolition will commence, contact details of the developer/builder, licensed asbestos demolisher and the appropriate regulatory authority. Notification is to be placed in the letterbox of every premises (including every residential flat or unit, if any) either side and immediately at the rear of the demolition site.

(b) Five (5) working days prior to demolition, the developer/builder is to provide written notification to Council advising of the demolition date, details of the SafeWork licensed asbestos demolisher and the list of residents advised of the demolition.

(c) On demolition sites where buildings to be demolished contain asbestos, a standard commercially manufactured sign containing the words “DANGER ASBESTOS REMOVAL IN PROGRESS” measuring not less than 400mm x 300mm is to be erected in a prominent visible position (from street frontage) on the site. The sign is to be erected prior to demolition work commencing and is to remain in place until such time as all asbestos material has been removed from the site to an approved waste facility.

1. **Dial before your dig** - The applicant shall contact “Dial Before You Dig on 1100” to obtain a Service Diagram prior to the issuing of the Construction Certificate. The sequence number obtained from “Dial Before You Dig” shall be forwarded to the Principal Certifying Authority (PCA) and Council for their records.
2. **Compliance with the Detailed Site Investigation-** Prior to the commencement of any work, other than demolition or excavation in association with the remediation of the site, a Site Audit Report and Site Audit Statement are to be submitted to Council. These documents must clearly state that the site is suitable for the proposed use.

Note: The Applicant must comply with clauses 17 ‘Guidelines and notices: all remediation work’ and clause 18 ‘Notice of completion of remediation work’ under [State Environmental Planning Policy No.55—Remediation of Land](http://www.legislation.nsw.gov.au/#/view/EPI/1998/520).

Note: Words and expressions used in these conditions have the same meaning as in the [Contaminated Land Management Act 1997](http://www.legislation.nsw.gov.au/#/view/act/1997/140)*.*

1. **Demolition work involving asbestos removal** - Work involving bonded asbestos removal work (of an area of more than 10 square metres) or friable asbestos removal work must be undertaken by a person who carries on a business of such removal work in accordance with a licence under clause 458 of the Work Health and Safety Regulation 2011.
2. **Utility Arrangements** - Arrangements are to be made with utility authorities in respect to the services supplied by those authorities to the development. The cost associated with the provision or adjustment of services within the road and footway areas is to be at the applicant’s expense.

**During Construction**

1. **Physical connection of Stormwater to site-** No work is permitted to proceed above the ground floor slab level of the building until there is physical connection of the approved stormwater drainage system from the land the subject of this consent to Council's stormwater system in the street as indicated on the approved drainage plans.
2. **Cost of work to be borne by the applicant -** The applicant shall bear the cost of all works associated with the construction of the development that occurs on Council property. Care must be taken to protect Council's roads, including the made footway, kerbs, etc., and, where plant and vehicles enter the site, the footway shall be protected against damage by deep-sectioned timber members laid crosswise, held together by hoop iron straps and chamfered at their ends. This construction shall be maintained in a state of good repair and condition throughout the course of construction.
3. **Obstruction of Road or Footpath -** The use of the road or footpath for the storage of any building materials, waste materials, temporary toilets, waste or skip bins, or any other matter is not permitted unless separately approved by Council under Section 138 of the [Roads Act 1993](http://www.legislation.nsw.gov.au/#/view/act/1993/33) and/or under Section 68 of the [Local Government Act 1993](http://www.legislation.nsw.gov.au/#/view/act/1993/30). Penalty infringement Notices may be issued for any offences and severe penalties apply.
4. **Road Opening Permit -** A Road Opening Permit must be obtained from Council for every opening of a public road reserve to access services including sewer, water mains, gas mains, connecting of stormwater to the kerb and telecommunication. This is for any work that involves excavation through or within a public road, kerb and gutter, and or the public footway between the road and the property boundary. The permit is to be lodged prior to the commencement of works. Additional approval is required from Roads and Maritime Services for works on a State Road.
5. **Structural Certificate During Construction** - The proposed building must be constructed in accordance with details designed and certified by the practising qualified structural engineer. All structural works associated with the foundations, piers, footings and slabs for the proposed building must be inspected and structurally certified for compliance by an independent practising geotechnical and structural engineer. In addition a Compliance or Structural Certificate, to the effect that the building works have been carried in accordance with the structural design, must be submitted to the Principal Certifying Authority at each stage of Construction or prior issue of the Occupation Certificate
6. **Registered Surveyors Report - During Development Work** - A report must be submitted to the PCA at each of the following applicable stages of construction:

(a) Set out before commencing excavation.

(b) Floor slabs or foundation wall, before formwork or commencing brickwork.

(c) Completion of Foundation Walls - Before any construction of flooring, detailing the location of the structure relative to adjacent boundaries and floor levels relative to the datum shown on the approved plans.

(d) Completion of Floor Slab Formwork - Before pouring of concrete/walls construction, detailing the location of the structure relative to adjacent boundaries and floor levels relative to the datum shown on the approved plans. In multi-storey buildings a further survey must be provided at each subsequent storey.

(e) Completion of any Roof Framing - Before roof covered detailing eaves/gutter setback from boundaries.

(f) Completion of all Work - Detailing the location of the structure (including eaves/gutters) relative to adjacent boundaries and its height relative to the datum shown on the approved plans. A final Check Survey must indicate the reduced level of the main ridge.

Work must not proceed beyond each stage until the PCA is satisfied that the height and location of the building is proceeding in accordance with the approved plans.

1. **Hazardous or Intractable Waste – Removal and Disposal-** Hazardous or intractable waste arising from the demolition or construction process shall be removed and disposed of in accordance with the requirements of SafeWork NSW and the NSW Environment Protection Authority and with the provision of:
* Work Health and Safety Act 2011 (NSW) (as amended);
* Work Health and Safety Regulation 2011 (as amended);
* Protection Of the Environment Operations Act 1997 (NSW) (as amended); and
* Protection of the Environment Operations (Waste) Regulation 2014 (as amended)
1. **Utility Arrangements (Transport for NSW Condition)** - The developer shall be responsible for all public utility adjustment/relocation works, necessitated by the above work and as required by the various public utility authorities and/or their agents.
2. **Demolition and Construction Vehicles** **(Transport for NSW Condition)** - All demolition and construction vehicles are to be contained wholly within the site and vehicles must enter the site before stopping.
3. **Development Engineering - Public Utility and Telecommunication Assets** - The owner shall bear the cost of any relocation or modification required to any Public Utility Authority assets including telecommunication lines and cables and restoring any footpath, roadway and any other Council assets damaged due to works at, near or associated with the site.
4. **Site sign - Soil & Erosion Control Measures** - Prior to the commencement of works (including demolition and excavation), a durable site sign, issued by Council in conjunction with this consent, must be erected in a prominent location on site. The site sign warns of the penalties which apply to pollution, storing materials on road or footpath and breaches of the conditions relating to erosion and sediment controls. The sign must remain in a prominent location on site up until the completion of all site and building works.
5. **Hours of construction for demolition and building work** - Any work activity or activity associated with the development consent that requires the use of any tools (including hand tools) or any power operated plant and machinery that creates noise on or adjacent to the site shall not be performed, or permitted to be performed, except between the hours of 7.00 am to 5.00 pm, Monday to Saturday inclusive. No work or ancillary activity is permitted on Sundays, or Public Holidays.

Note: A penalty infringement notice may be issued for any offence.

1. **Ground levels and retaining walls** - The ground levels of the site shall not be excavated, raised or filled, or retaining walls constructed on the allotment boundary, except where indicated on approved plans or approved by Council.
2. **Waste Management Facility** - All materials removed from the site as a result of demolition, site clearing, site preparation and, or excavation shall be disposed of at a suitable Waste Management Facility. No vegetation, article, building material, waste or the like shall be ignited or burnt.

Copies of all receipts for the disposal, or processing of all such materials shall be submitted to the PCA and Council, where Council is not the Principal Certifying Authority.

1. **Damage within Road Reserve and Council Assets** - The owner shall bear the cost of restoring any footpath, roadway and any other Council assets damaged due to works at, near or associated with the site. This may include works by Public Utility Authorities in the course of providing services to the site.
2. **Public Utility and Telecommunication Assets -**The owner shall bear the cost of any relocation or modification required to any Public Utility Authority assets including telecommunication lines & cables and restoring any footpath, roadway and any other Council assets damaged due to works at, near or associated with the site

**Prior to the issue of the Occupation Certificate**

1. **BASIX Certificate** - All energy efficiency measures as detailed in the approved BASIX Certificate in the plans approved with the Development Consent, must be implemented before issue of any Occupation Certificate.
2. **BASIX Compliance Certificate** - A Compliance Certificate must be provided to the PCA regarding the implementation of all energy efficiency measures as detailed in the approved BASIX Certificate before any Occupation Certificate is issued.
3. **Payment of S7.11 and S7.12 Contributions** - Prior to the issue of any Occupation Certificate, written confirmation from Councils delegate that all outstanding s7.11 and s7.12 contributions have been paid, is to be obtained and provided to the satisfaction of the PCA.
4. **Section 73 Compliance Certificate** - A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be submitted to the PCA prior to theissue of the Occupation/Subdivision Certificate.
5. **Median island construction** - On Forest Road, the developer will need to liaise with Council’s Traffic Section and Design Section to construct a median island to restrict the development to left in left out along the Forest Road vehicular access to the proposed development as approved by the Local Traffic Advisory Committee
6. **Acoustic Certification** – Prior to the issue of any Occupation Certificate, a suitably qualified acoustic consultant shall certify that the operation of the premises and plant equipment shall not give rise to a sound pressure level at any affected premises that exceeds the acoustic criteria established by the Acoustic Report required by a condition of this consent. The development shall at all times comply with these noise levels post occupation.
7. **Acoustic Compliance –** Prior to the issue of any Occupation Certificate, a report prepared by a suitably qualified acoustic consultant must be submitted to the PCA certifying that the construction has incorporated the recommendations in the DA Acoustic Report titled Landmark square, Hurstville – Development Application Acoustic Assessment prepared by Acoustic Logic and dated 18/08/2020.
8. **Noise from roof top mechanical plant and equipment – CBD only -** Noise from the operation of rooftop mechanical, equipment, ancillary fittings, machinery, mechanical ventilation system and / or refrigeration systems must not exceed *background noise* when measured at the nearest lot boundary of the site. Where noise sensitive receivers are located within the site, noise from the operation of mechanical plant and equipment must not exceed background noise when measured at the nearest strata, stratum or community title boundary.

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

1. **Acoustic Compliance – General Operation of Premises-** The proposed use of the premises and the operation of all plant and equipment shall not give rise to an ‘offensive noise’ as defined in the [Protection of the Environment Operations Act 1997](http://www.legislation.nsw.gov.au/#/view/act/1991/60) (as amended) and [Regulations](http://www.legislation.nsw.gov.au/#/view/regulation/2012/409).

A suitably qualified person shall certify that the operation of the plant equipment shall not give rise to sound pressure level at any affected premises that exceeds the background LA90, 15 min noise level, measured in the absence of the noise sources under consideration by more than 5dB. The source noise level shall be assessed as an LAeq, 15 min in accordance with the [NSW Environment Protection Authority’s “NSW industrial Noise Policy](http://www.epa.nsw.gov.au/resources/noise/ind_noise.pdf).

Certification must be submitted to the PCA prior to the issue of any Occupation Certificate.

1. **Certification – Air handling systems (including water cooling system, hot water systems and warm water system)-** Certification by a suitably qualified person engineer ‘*2012* must be submitted to the PCA prior to the issue of any occupation certificate verifying that the air handling system has been installed in accordance with:
2. [Public Health Act 2010](http://www.legislation.nsw.gov.au/#/view/act/2010/127) **(as amended)**
3. [Public Health Regulation 2012](http://www.legislation.nsw.gov.au/#/view/regulation/2012/311) **(as amended)**
4. **AS/NZS 3666.1:2011 *Air-handling and water systems of buildings -Microbial control -Design, installation and commissioning***
5. **Food Premises – Inspections & Registration -** Prior to the issue of any Occupation Certificate or occupation or use of any food premises:
6. **An inspection of the fit out of the Food Premises must be arranged with Council's Environmental Health Officer;**
7. **A satisfactory final inspection must have been undertaken by Council's Environmental Health Officer; and**
8. **The Food Premises must notify and register its business details with Georges River Council as required under section 100 of the** [Food Act 2003](http://www.legislation.nsw.gov.au/#/view/act/2003/43)**.**
9. **Registration – Water cooling and warm water systems -** The applicant must register the regulated systems with Council and provide the PCA with evidence of registration pursuant to Clause 12 of the [Public Health Regulation 2012](http://www.legislation.nsw.gov.au/#/view/regulation/2012/311) (as amended prior to the issue of an Occupation Certificate.
10. **Restriction to User and Positive Covenant for On-Site Detention Facility** - A Restriction on Use of the Land and Positive Covenant shall be created and registered on the title of the property, which places the responsibility for the maintenance of the on-site stormwater management system on the owners of the land. The terms of the instrument are to be in accordance with Council’s standard terms and restrictions which are as follows;

**Restrictions on Use of Land**

*The registered proprietor shall not make or permit or suffer the making of any alterations to any on-site stormwater management system which is, or shall be, constructed on the lot(s) burdened without the prior consent in writing of Georges River Council. The expression “on-site stormwater management system” shall include all ancillary gutters, pipes, drains, walls, kerbs, pits, grates, tanks, chambers, basins and surfaces designed to manage stormwater quantity or quality including the temporary detention or permanent retention of stormwater storages. Any on-site stormwater management system constructed on the lot(s) burdened is hereafter referred to as “the system”.*

Name of Authority having the power to release, vary or modify the Restriction referred to is Georges River Council.

**Positive Covenants**

*1. The registered proprietor of the lot(s) hereby burdened will in respect of the system:*

*a) keep the system clean and free from silt, rubbish and debris*

*b) maintain and repair at the sole expense of the registered proprietors the whole of the system so that if functions in a safe and efficient manner*

*c) permit the Council or its authorised agents from time to time and upon giving reasonable notice (but at any time and without notice in the case of an emergency) to enter and inspect the land for the compliance with the requirements of this covenant*

*d) comply with the terms of any written notice issued by the Council in respect of the requirements of this covenant within the time stated in the notice.*

*2. Pursuant to Section 88F(3) of the Conveyancing Act 1919 the Council shall have the following additional powers:*

*a) in the event that the registered proprietor fails to comply with the terms of any written notice issued by the Council as set out above the Council or its authorised agents may enter the land with all necessary materials and equipment and carry out any work which the Council in its discretion considers reasonable to comply with the said notice referred to in part 1(d) above*

*b) the Council may recover from the registered proprietor in a Court of competent jurisdiction:*

*i. any expense reasonably incurred by it in exercising its powers under subparagraph (i) hereof. Such expense shall include reasonable wages for the Council’s employees engaged in effecting the work referred to in (i) above, supervising and administering the said work together with costs, reasonably estimated by the Council, for the use of materials, machinery, tools and equipment in conjunction with the said work.*

*ii. legal costs on an indemnity basis for issue of the said notices and recovery of the said costs and expenses together with the costs and expenses of registration of a covenant charge pursuant to section 88F of the Act or providing any certificate required pursuant to section 88G of the Act or obtaining any injunction pursuant to section 88H of the Act. Name of Authority having the power to release vary or modify the Positive Covenant referred to is Georges River Council.*

1. **Maintenance Schedule - On-site Stormwater Management** - A Maintenance Schedule for the proposed on-site stormwater management measures is to be prepared and submitted to Council. The Maintenance Schedule shall outline the required maintenance works, how and when these will be done and who will be carrying out these maintenance works.
2. **Requirements prior to the issue of the Occupation Certificate-** The following shall be completed and or submitted to the PCA prior to the issue of the Occupation Certificate:
3. All the stormwater/drainage works shall be completed in accordance with the approved Construction Certificate plans prior to the issue of the Occupation Certificate.
4. The internal driveway construction works, together with the provision for all services shall be completed in accordance with the approved Construction Certificate plans prior to the issue of the Occupation Certificate.
5. Construct any new vehicle crossings required.
6. Replace all redundant vehicle crossing laybacks with kerb and guttering, and replace redundant concrete with turf.
7. Section 73 (Sydney Water) Compliance Certificate for the Subdivision shall be issued and submitted to the PCA prior to the issue of the Occupation Certificate.
8. Work as Executed Plans prepared by a Registered Surveyor and certified by a practicing drainage engineer when all the site engineering works are complete shall be submitted to the PCA prior to the issue of the Occupation Certificate.
9. The construction of the proposed kerb inlet pit and 450mm diameter RCP pipe shall be completed in accordance with the conditions and specifications of the Section 68 Activity Approval.
10. **Line marking of parking spaces** - Parking spaces shall be clearly designated (sign posted and marked on ground) and line marked prior to the issuing of an Occupation Certificate. Signage, pavement symbols 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*.
11. **Major Development** - Internal driveways and parking spaces are to be adequately paved with concrete or bitumen, or interlocking pavers to provide a dust-free surface. All car parking spaces are to be line marked in accordance with AS1742, ‘Australian Standard Manual of Uniform Traffic Control Devices’ and the relevant guidelines published by the RMS*.*
12. **SEPP 65 Design Verification Statement** - The PCA must not issue any Occupation Certificate to authorise a person to commence occupation of the residential flat development unless the PCA has received a design verification , being a statement in which the qualified designer verifies that the residential flat 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 the design quality principles set out in Part 2 of *State Environmental Planning Policy No 65—Design Quality of Residential Flat Development*.
13. **Voluntary Planning Agreement** - The terms of the Voluntary Planning Agreement between the Georges River Council and Prime Hurstville Pty Ltd (Developer) which was executed on 26 August 2019 shall be completed and implemented. Confirmation by Council that the terms have been effected and are satisfactory shall be obtained from Georges River Council prior to the issue of any Occupation Certificate (OC) to the satisfaction of the Council.
14. **Vehicular crossing & Frontage work – Major development**- The following road frontage works shall be constructed in accordance with the specifications issued under the ‘Application for Driveway Crossing and Associated Works on Council Road Reserve’ approval issued by Council’s Assets and Infrastructure Division:
15. Construct a full width – boundary to kerb footpath in paving material for the full length of the frontage of the site in Forest Road and Durham Street and the construction of a 1.5m wide footpath along Roberts Lane in accordance with Council’s Specifications for footpaths.
16. The thickness and design of the driveway shall be in accordance with Council’s Specifications applying at the time construction approval is sought.
17. Construct a new 150mm high concrete kerb with 450mm wide gutter for the full frontage of the site in accordance with Council’s Specifications for kerb and guttering, applying at the time construction approval is sought.
18. Any existing vehicular crossing and/or laybacks which are redundant must be removed. The kerb and gutter, any other footpath and turf areas shall be restored at the expense of the applicant.  The work shall be carried out in accordance with Council’s specification, applying at the time construction approval is sought.

A private contractor shall carry out the above work, at the expense of the applicant and in accordance with Council’s Specification for Driveway Crossings and Associated Works. The driveway and road frontage works are to be completed before the issue of the Occupation Certificate.

1. **Traffic Certification**- An “as built” certificate from an experienced and qualified traffic engineer with tertiary qualifications is to be submitted to and approved by the Principal Certifying Authority confirming the following:
2. The car parking layout and loading areas associated with the development (including, driveway grades, headroom clearance turn paths, aisle widths, aisle lengths and parking bay dimensions) has been constructed in accordance with AS2890.1:2004, AS2890.6:2009 and AS2890.2:2018.
3. Bicycle parking associated with the development is provided in accordance with AS2890.3 design requirements.
4. Driveway access complies with Figure 3.3 of AS2890.1:2004 minimum sight lines for pedestrian safety.
5. All vehicles shall enter and exit the premises in a forward direction;
6. Parking spaces shall be clearly line marked prior to the issuing of an Occupation Certificate.  Signage, pavement symbols and line marking shall comply with *Australian Standards, AS1742, Manual of Uniform Traffic Control Devices* where required.
7. **Consolidation of Site** - The site shall be consolidated into one allotment and by a Plan of Consolidation being prepared by a Registered Surveyor. This Plan shall be registered at the NSW Land and Property Information prior to the issue of a final occupation certificate.
8. **Completion of Major Works** - Prior to the issue of a Final Occupation Certificate, the following works must be completed at the applicant’s expense to the satisfaction of Council’s Engineering Services section:

(a) Stormwater pipes, pits and connections to public stormwater systems within the road related area;

(b) Driveways and vehicular crossings within the road related area;

(c) Removal of redundant driveways and vehicular crossings;

(d) New footpaths within the road related area;

(e) Relocation of existing power/light pole

(f) Relocation/provision of street signs

(g) New or replacement street trees;

(h) New footway verges, where a grass verge exists, the balance of the area between the footpath and the kerb or site boundary over the full frontage of the proposed development must be turfed. The grass verge must be constructed to contain a uniform minimum 75mm of friable growing medium and have a total cover of turf predominant within the street.

(i) New or reinstated kerb and guttering within the road related area; and

(j) New or reinstated road surface pavement within the road.

Council’s Assets and Infrastructure Section must advise in writing that the works have been completed to their satisfaction prior to the issue of the Occupation Certificate. Note: The damage deposit paid to Council will not be released until the works have been completed to Council’s satisfaction.

1. **Traffic Control Devices** - The internal road network, pedestrian facilities and parking facilities (including visitor parking and employee parking) shall be designated and line marked in accordance with Australian Standard - AS1742, Manual of Uniform Traffic Control Devices.

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

1. **Dilapidation Report on Public Land**– Upon completion of works, a follow up dilapidation report must be prepared for the items of Council infrastructure adjoining the development site:
2. Footpaths, kerb and gutter
3. Drainage Infra-structure

The dilapidation report must be prepared by a professional engineer specialising in structural engineering, and include:

1. Photographs showing the condition of the road pavement fronting the site
2. Photographs showing the condition of the kerb and gutter fronting the site
3. Photographs showing the condition of the footway including footpath pavement fronting the site
4. Photographs showing the condition of retaining walls within the footway or road
5. Closed circuit television/video inspection (in DVD format) of public stormwater drainage systems fronting, adjoining or within the site, and
6. The full name and signature of the professional engineer.

The report must be provided to the PCA and a copy provided to the Council. The reports are to be supplied in electronic format in Word or PDF. Photographs are to be in colour, digital and date stamped.

NOTE: Council will use this report to determine whether or not to refund the damage deposit.

Council’s Assets and Infrastructure Division must advise in writing that the works have been completed to their satisfaction prior to the issue of an Occupation Certificate.

1. **Allocation of car parking spaces –** Car parking associated with the development is to be allocated as follows:
2. Residential dwellings: 313 car parking spaces
3. Residential visitors and Commercial/Retail: 141 car parking spaces
4. Hotel Spaces: 22 car parking spaces.
5. **Stormwater drainage works – Works As Executed-** Prior to the issue of the Occupation Certificate, storm water drainage works are to be certified by a professional engineer specialising in hydraulic engineering, with Works-As-Executed drawings supplied to Council detailing:
6. Compliance with conditions of development consent relating to stormwater;
7. The structural adequacy of the On-Site Detention system (OSD);
8. That the works have been constructed in accordance with the approved design and will provide the detention storage volume and attenuation in accordance with the submitted calculations;
9. Pipe invert levels and surface levels to Australian Height Datum;
10. Contours indicating the direction in which water will flow over land should the capacity of the pit be exceeded in a storm event exceeding design limits.
11. **Consolidation of Site with extra requirements** - The site shall be consolidated into one allotment and a Plan of Consolidation prepared by a Registered Surveyor and submitted to Council with an application for a Subdivision Certificate.

This Plan shall create the following:

1. A Positive Covenant shall be created over the on-site detention facility using Section 88B of the Conveyancing Act 1919, with the covenant including the following wording:

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

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

The 88B instrument shall be submitted to Council for endorsement by Council’s Authorised Officer (with a copy of the consolidation plan for Council records).

The Plan of Consolidation shall be registered at the NSW Land and Property Information prior to the issue of a final occupation certificate.

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

(a) That the measure has been assessed by a person (chosen by the owner of the building) who is properly qualified to do so.

(b) That as at the date of the assessment the measure was found to be capable of functioning at a standard not less than that required by the attached Schedule.

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

1. **Slip Resistance** - At completion of work an in-situ (on-site) test, in wet and dry conditions, must be carried out on the pedestrian floor surfaces used in the foyers, public corridors/hallways, stairs and ramps as well as the floor surfaces in wet rooms in any commercial/retail/residential units to ascertain the actual slip resistance of such surfaces taking into consideration the effects of grout, the gradients of the surface and changes from one material to another. The in-situ test must be carried out in accordance with AS/NZS 4663:2002. Proof of compliance must be submitted with the application for the Occupation Certificate for approval.
2. **Electricity Supply** - Evidence shall be provided demonstrating that the development has been connected to Ausgrid (or relevant electricity provider).
3. **Allocation of street addresses** - All street addresses are to be allocated in accordance with AS/NZS 4819:2011 Rural and Urban Addressing & the NSW Addressing User Manual (Geographical Names Board of NSW) and Georges River Council’s requirements.
4. **Completion of Landscape Works** –
5. All landscape works and fees payable for Councils street tree planting must be completed before the issue of the Final Occupation Certificate and to the satisfaction of Councils Tree Management Officers and in accordance with approved landscape plans and specifications, drawn by Urbis for Aoyuan International, Drawing No 001 & 002 Rev D and 003, 004 & 005 Rev C and dated 18 March, 2021.
6. A certificate of compliance for the planting of all trees and shrubs proposed for the site. An AQF 5 Horticulturist shall be engaged and in writing certify that all trees have been planted as per landscape plan and specifications and forwarded to the PCA – Principal Certifying Authority, to form compliance.
7. **Restriction on user and positive covenant** - Prior to the issue of any Occupation Certificate, the submission of documentary evidence is required of the creation of a positive covenant on the title of the Site pursuant to section 88 *Conveyancing Act 1919* (NSW) addressing the following matters:
8. Notation of Consent granted through Sydney South Planning Panel to undertake demolition and construction works associated with the breakout wall between any future basement of 53 Forest Road and the subject Site, subject to the issue of the relevant and required Construction and Occupation Certificates
9. The creation of a right of carriageway to enable unimpeded vehicular access, fire egress, support, common space and garbage/waste services through the basement of the Site, the subject of this application and the breakthrough of any future connecting basement walls to access the adjoining site at 53 Forest Road, Hurstville to the benefit of the owners of the property at 53 Forest Road, Hurstville.
10. No Occupation Certificate associated with the development work the Site under DA2020/0352 is to be issued until the works and requirements of (a) and (b) above have been constructed and effected.

**Note:** This Development Consent provides approval for the physical works required to create the openings for unimpeded vehicular access, fire egress, support, common space and garbage/waste services between the adjoining property 53 Forest Road, Hurstville and the Site, as shown on the approved plans at Condition 1.

1. **Public pedestrian pathway -** Prior to the issue of any occupation certificate, public pedestrian pathways shall be constructed as shown in plan DA - 110-009 Upper Ground Level Rev I dated 26/04/2021 prepared by Turner Studio and in accordance with the requirements as set out in the voluntary planning agreement (VPA)..
2. **Creation of Positive Covenant for the pedestrian site link** – A public easement and public positive covenant shall be created over the public through site links in terms to the satisfaction of Council to ensure their provision and maintenance.

Registration of an instrument under s88B of the Conveyancing Act 1919 to create easements in gross favour of the Council on terms generally in accordance with Hurstville Development Control Plan No 2 – City Centre as amended from time to time and the terms at Schedule 4 in the voluntary planning agreement (VPA) allowing for public access to and from and across and through the Land:

* To and from Forest Road (minimum 6 metres wide) to Roberts Lane,
* To and from Durham Street to Roberts Lane, and
* To and from Durham Street and Forest Road at the north western part of the land

In the location to the Council’s satisfaction generally shown as ‘A’, ‘B’, ‘C’, ‘D’ and the ‘Central Plaza’ on the easement Plan.

The positive covenant shall include the following wording:

*"It is the responsibility of the Owner's Corporation to keep the pedestrian through site link connecting Forest Road and the central courtyard accessible to the public at all times, they are to be clean and well-lit and be of a surface that provides access for all which is to be maintained in an efficient working condition. The pedestrian links shall not be modified in any way without the prior approval of Georges River Council."*

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

1. **Dedication of Land –** The applicant at no cost to Council, shall dedicate a 3m wide strip of land from the gutter line of Roberts Lane to the boundary of the site for road widening purposes extending the part of Roberts Lane frontage as identified in Section 8.2.4.3 of HDCP No 2 and the voluntary planning agreement (VPA). This strip shall be dedicated as road widening on a plan of subdivision prepared by a Registered Surveyor and must be submitted to Council with an application for a Subdivision Certificate and shown on the consolidated allotment plan**.** The submission of documentary evidence of the formal dedication of land being 3m from the gutter line to the allotment boundary for site frontage along Roberts Lane for the purpose of road widening of part of Roberts Lane is to be provided to Georges River Council and must also be part of the Public Domain Plan for the development. The road widening is to ensure appropriate access and egress from the laneway to the subject site. Appropriate documentary evidence is to be submitted to the Principal Certifier and Council (if Council is not the Principal Certifier).

**Stratum Subdivision Conditions**

1. **Stratum – Completion of Site Works prior to the issue of the Subdivision Certificate -** The structures of the building(s) shall be completed to the stage that all the boundaries and easement limitations of the proposed Stratum Lots can be physically defined on the Final Subdivision Plan. This stage of the building(s) shall be constructed in accordance with the approved plans and conditions of Development Consent No. DA2020/0352 and any subsequent approved revisions under Section 4.55 of the [Environmental Planning & Assessment Act 1979](http://www.legislation.nsw.gov.au/#/view/act/1979/203)*.*
2. **Stratum – Final Subdivision Plan Requirements -** A final Subdivision Plan shall be prepared by a Registered Surveyor and shall create the following easements:
3. Easements for Support and shelter over each lot to benefit other lots.
4. Easements to Drain Water over each lot to benefit other lots.
5. Easements for Services over each lot to benefit other lots.
6. Various Rights of Access over each lot to benefit other lots.
7. Rights to Use Fire Stairs over each lot to benefit other lots. These Rights shall be created over all Fire Exits and Stairways if necessary.
8. Easements for Overhang.
9. Easements for Signage.
10. Rights to Use Loading Area.
11. Easements for Stormwater Detention Facilities.
12. Easement for Electricity Purposes
13. Any other required Easements

If any of the abovementioned easements cannot be created suitable provisions shall be provided in the Building Management Statement for the Scheme.

1. **Final subdivision Requirements – Car Space Numbering -** Each car space shall be renumbered correctly on site in accordance with the strata plan lot numbering.
2. **Maintenance Schedule – On-site Stormwater Management -** A Maintenance Schedule for the proposed on-site stormwater management measures is to be prepared and submitted to Council. The Maintenance Schedule shall outline the required maintenance works, how and when these will be done and who will be carrying out these maintenance works.

**Operational Conditions (On-Going)**

1. **Communal Open Space –** The use of the roof top communal open space area is to be in accordance with the approved Plan of Management (POM) at all times.

133A. **Communal Open Space – Upper Ground Floor** - The use of the communal open space area located on the upper ground floor is to be in accordance with the Plan of Management (POM) at all times.

1. **Crime Prevention**- In line with the recommendation of the NSW Police Force, the premise is to always operate as per the following:
2. The CCTV system must continuously record and operate at all times.
3. Recordings must be in a digital format and at a minimum of ten frames per second (10 fps).
4. Any recorded image must specify the time and date of the recorded image.
5. The systems cameras must cover the following areas
6. All entry and exit points on the premises
7. The footpath immediately adjacent to the premises
8. All publicly accessible areas (other than toilets) within the premises.
9. Throughout the underground car park to monitor activities around these areas
10. Lighting in and around the Site- Lighting devices must be in operation in and around the property to increase visibility during the hours of darkness. Lighting must comply with the relevant Australian Standard.

The premise is to always operate as per the approved Crime Risk Assessment and Security Management Plan.

1. **Noise Control** - The use of the premises must not give rise to the transmission of offensive noise to any place of different occupancy. Offensive noise is defined in the Protection of the Environment Operations Act 1997 (as amended).
2. **Maintenance of Sound attenuation -** Sound attenuation must be maintained in accordance with the Acoustic Report titled Landmark square, Hurstville – Development Application Acoustic Assessment prepared by Acoustic Logic and dated 18/08/2020.
3. **Food Premises – maintenance of food premises** - The food premises must be maintained in accordance with the [Food Act 2003](http://www.legislation.nsw.gov.au/#/view/act/2003/43) (as amended), [Food Regulation 2015](http://www.legislation.nsw.gov.au/#/view/regulation/2015/622) (as amended); the Food Standards Code as published by Food Standards Australia & New Zealand and Australian Standard AS 4674-2004: *Construction and fit out of food premises (as amended)*.
4. **Food premises – garbage odour** - A waste contractor shall be engaged to remove all waste from the garbage storage area on a regular basis so that no overflow of rubbish will occur. Practical measures are also to be taken to ensure that odour emission from the garbage storage area does not cause offensive odour as defined under the provision of the [Protection of the Environment Operations Act, 1997](http://www.legislation.nsw.gov.au/#/view/act/1997/156) (as amended).
5. **Food Premises – Storage of waste – used cooking oil** - Used oil shall be contained in a leak proof container and stored in a covered and bunded area prior to off-site disposal. Copies of receipts for the disposal of used cooking oil shall be kept on-site and made available to Council Officers upon request.
6. **Final Acoustic Report – Verification of Noise Report** - Within three months from the issue of an Occupation Certificate, an acoustic assessment is to be carried out by an appropriately qualified acoustic consultant, in accordance with the [EPA's Industrial Noise Policy](http://www.epa.nsw.gov.au/resources/noise/ind_noise.pdf) and submitted to Council for consideration. This report should include but not be limited to, details verifying that the noise control measures as recommended in the acoustic report titled Landmark square, Hurstville – Development Application Acoustic Assessment prepared by Acoustic Logic and dated 18/08/2020 are effective in attenuating noise to an acceptable noise level and that the use is not calculated to give rise to ‘offensive noise’ as defined under the provision of the [Protection of the Environment Operation Act 1997](http://www.legislation.nsw.gov.au/#/view/act/1997/156) (as amended).
7. **Smoke Area – Prohibition of live bands, amplified music or speakers** - There shall be no live bands, amplified music or speakers permitted to perform in the smoke area at any time.
8. **Operation of Air Handling Systems** - The occupier must operate air handling systems in compliance with Part 2 of the [Public Health Regulation 2012](http://www.legislation.nsw.gov.au/#/view/regulation/2012/311) (as amended).

Where there is any change in the air handling system the occupier must register the changes in the regulated systems with Council.

Water cooling systems must be certified annually by a competent person as being an effective process of disinfection under the range of operating conditions that could ordinarily be expected.

1. **Lighting - General Nuisance** - Any lighting on the site shall be designed so as not to cause a nuisance to other residences in the area or to motorists on nearby roads and to ensure no adverse impact on the amenity of the surrounding area by light overspill or glare. Flashing, moving or intermittent lights or signs are prohibited.
2. **Activities and storage of goods outside buildings** - There shall be no activities including storing or depositing of any goods or maintenance to any machinery external to the building with the exception of waste receptacles.
3. **Maximum vehicle size** - No vehicle larger than a Medium Rigid Vehicle (MRV) as defined in AS 2890.2: 2018 (Australian Standard for off street commercial vehicle facilities) is to be permitted to access the development for the purpose of loading or unloading of goods and/or services.
4. **Deliveries** - No deliveries to the premises shall be made direct from a public place or street inclusive of footpaths, nature strip, roadway and car parks.
5. **Deliveries** – No deliveries and/or waste removal to/from the site shall take place between 10pm and 6am, 7 days a week.
6. **Service Deliveries** – Service vehicle access to the development is to be outside of school peak times, being 8.00am-9.30am and 2.30pm- 4.00pm on Monday to Friday.
7. **Loading and unloading areas** - All loading and unloading of vehicles in relation to the use of the premises shall take place wholly within the dedicated loading/unloading areas, which is wholly within the site.
8. **Visitors Parking** - All allocated car parking spaces shall be freely available for the visitors of the proposed development.
9. **Entering & Exiting of vehicles** - All vehicles shall enter and exit the site in a forward direction.
10. **Entering and Exiting on Durham Street** - All vehicles entering or exiting the development on Durham Street must be restricted to left in left out. The vehicular and loading access on Durham Street must have signs installed in a visible location within the development instructing drivers that they must turn left only out of the development.
11. **Forest Road signage** – On Forest Road the vehicular access must have signs installed in a visible location in the development instructing drivers that they must turn left only out of the development
12. **Annual Fire Safety Statement** - The owner of the building premises must ensure the Council is given an annual fire safety statement in relation to each essential fire safety measure implemented in the building. The annual fire safety statement must be given:

(a) Within 12 months after the date on which the fire safety certificate was received.

(b) Subsequent annual fire safety statements are to be given within 12 months after the last such statement was given.

(c) An annual fire safety statement is to be given in or to the effect of Clause 181 of the Environmental Planning and Assessment Regulation 2000.

(d) A copy of the statement is to be given to the Commissioner of Fire & Rescue NSW, and a further copy is to be prominently displayed in the building.

1. **Maintenance of Landscaping** –
2. All trees and plants forming part of the landscaping must be maintained. Maintenance includes watering, weeding, removal of rubbish from tree bases, fertilising, pest and disease control, replacement of dead or dying plants and other operations required to maintain healthy trees, plants and turfed areas.
3. A copy of the Hurstville City Council’s Tree Removal and Pruning Guidelines and Kogarah City Council, Street Tree Management Strategy, Masterplan, and Tree Management Policy 2019, can be downloaded from Council’s website [www.georgesriver.nsw.gov.au](http://www.georgesriver.nsw.gov.au)
4. **Amenity of the neighbourhood** - The implementation of this development shall not adversely affect the amenity of the neighbourhood or interfere unreasonably with the comfort or repose of a person who is outside the premises by reason of the emission or discharge of noise, fumes, vapour, odour, steam, soot, dust, waste water, waste products, grit, oil or other harmful products.
5. **Outdoor Lighting** - To avoid annoyance to the occupants of adjoining premises or glare to motorist on nearby roads, outdoor lighting must comply with AS 4282-1997: Control of the obtrusive effects of outdoor lighting.
6. **Responsibility of Strata/Building Manager** - Movement of bins around the site is the responsibility of the Stata/Building Manager or a delegated contractor (such as cleaners).

It is the responsibility of the Stata/Building Manager or a delegated contractor to clean and maintain waste chutes to maintain a sanitary environment. It is also the responsibility of the Stata/Building Manager or a delegated contractor to monitor fill levels of all bins in each designated bin storage area/chute discharge room and rotate these for servicing using bin lift equipment at the site. The Stata/Building Manager or a delegated contractor will also be responsible for monitoring the fill levels of bulky waste in the designated bulky waste storage areas.

The Strata/Building Manager shall also be responsible for maintaining all equipment, systems, facilities and storage areas used in conjunction with the provision of waste management services in accordance with all applicable regulatory requirements and relevant health and environmental standards

1. **Waste Management** - The provision of all residential, public and commercial waste services are to be provided as per the approved Waste Management Plan prepared by Waste Audit and Consultancy Services dated April 2021. The Body Corporate/Strata Manager will be responsible for overseeing the provision of waste services in accordance with the approved WMP and relevant legislation, including maintaining bins in a clean and sanitary manner utilising the equipment provided as per the WMP (bin wash, bin lift etc).

Chute discharge rooms will be provided for each building and contain track systems as per the WMP and architectural plans. Chute discharge rooms will only be accessible by authorised building or cleaning staff and must be secured by lock and key. Chute discharge rooms will be required to store bin numbers for each building and access must be by double door (or appropriate roller door if space requires) to enable the movement of 1100L bins in/out of the room, while chutes and tracks operate and bins remain stored in the discharge room.

Chutes are to be installed and maintained as per manufacturers instruction and in order to maintain safe and hygienic infrastructure for resident’s use.

Residential bulky and bin store areas must not be accessible by retail or commercial tenancies. Residential bulky waste and bin store areas must be secured under lock and key, and only accessible by authorised persons (caged areas are suitable for temporary bin storage areas, with keys made available to Council to enable servicing).

Any green waste (garden organics) generated onsite will be required to be removed from the site immediately by a landscaping or gardening contractor and disposed of at a licensed waste facility able to accept green waste.

Onsite access for Council provided waste collection services has been enabled for residential collections. Participation in and use of the on-property collection service is subject to site Risk Assessment and safe access by Councils waste collection contractor, determined both prior to the service commencing, and/or as required during on-going waste collection services provided to the property. Once a site is operational, Council reserves the right to cancel the on-property collection service at any time, with notice provided in writing to the Strata/Building Manager as relevant.

In the event of cancellation of the on-property service and/or in the event that Council is unable to provide collection services, the Strata/Building Manager will be responsible for arranging bin and bulky waste through a private waste collection contractor, at cost to the Strata and residents, to provide waste collection services onsite.

Kerbside presentation of bins and bulky waste is not permitted and all bins and waste from the development must be stored onsite at all times.

The site will not receive waste collection services more frequently than 3 days per week, in an effort to maintain amenity and reduce noise/odour issues in surrounding areas.

**Operational Requirements Under the Environmental Planning & Assessment Act 1979**

1. **Requirement for a Construction Certificate** - The erection of a building must not commence until a Construction Certificate has been issued.
2. **Appointment of a PCA** - The erection of a building must not commence until the applicant has:

(a) appointed a PCA for the building work; and

(b) if relevant, advised the PCA that the work will be undertaken as an Owner -Builder.

If the work is not going to be undertaken by an Owner - Builder, the applicant must:

(a) appoint a Principal Contractor to undertake the building work. If residential building work (within the meaning of the Home Building Act 1989) is to be undertaken, the Principal Contractor must be a holder of a contractor licence; and

(b) notify the PCA of the details of any such appointment; and

(c) notify the Principal Contractor of any critical stage inspections or other inspections that are required to be carried out in respect of the building work.

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

1. **Notification Requirements of PCA** - No later than two days before the building work commences, the PCA must notify:

(a) the consent authority and the Council (if not the consent authority) of his or her appointment; and

(b) the applicant of the critical stage inspections and other inspections that are to be carried out with respect to the building work.

1. **Notice of Commencement** - The applicant must give at least two days notice to the Council and the PCA of their intention to commence the erection of a building.

A Notice of Commencement Form is attached for your convenience.

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

Where Georges River Council has been appointed as the PCA, 48 hours notice in writing, or alternatively 24 hours notice by facsimile or telephone, must be given when specified work requiring inspection has been completed.

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

Only the PCA appointed for the building work can issue the Occupation Certificate.

**Prescribed Conditions**

1. **Clause 97A – BASIX Commitments** - This Clause requires the fulfilment of all BASIX Commitments as detailed in the BASIX Certificate to which the development relates.
2. **Clause 98 - Building Code of Australia & Home Building Act 1989** - Requires all building work to be carried out in accordance with the Building Code of Australia. In the case of residential building work to which the Home Building Act 1989 relates, there is a requirement for a contract of insurance to be in force before any work commences.
3. **Clause 98A - Erection of Signs** - Requires the erection of signs on site and outlines the details which are to be included on the sign. The sign must be displayed in a prominent position on site and include the name and contact details of the PCA and the Principal Contractor.
4. **Clause 98B – Home Building Act 1989** - If the development involves residential building work under the Home Building Act 1989, no work is permitted to commence unless certain details are provided in writing to Council. The name and licence/permit number of the Principal Contractor or Owner Builder and the name of the Insurer by which work is insured under Part 6 of the Home Building Act 1989.
5. **Clause 98E - Protection & support of adjoining premises** - If the development involves excavation that extends below the level of the base of the footings of a building on adjoining land, this prescribed condition requires the person who benefits from the development consent to protect and support the adjoining premises and where necessary underpin the adjoining premises to prevent any damage.
6. **Clause 98E - Site Excavation** - Excavation of the site is to extend only to that area required for building works depicted upon the approved plans. All excess excavated material shall be removed from the site.

All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards.

All excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property.

If the soil conditions require it, retaining walls associated with the erection or demolition of a building or other approved methods of preventing movement of the soil shall be provided and adequate provision shall be made for drainage.

**END CONDITIONS**

**NOTES/ADVICES**

1. **Review of Determination** - Section 8.2 of the Environmental Planning and Assessment Act confers on an applicant who is dissatisfied with the determination of the application the right to lodge an application with Council for a review of such determination. Any such review must however be completed within 6 months from its determination. Should a review be contemplated sufficient time should be allowed for Council to undertake public notification and other processes involved in the review of the determination.

Note: Review provisions do not apply to Complying Development, Designated Development, State Significant Development, Integrated Development or any application determined by the Sydney South Planning Panel or the Land & Environment Court

1. **Appeal Rights** - Part 8 (Reviews and appeals) of the Environmental Planning and Assessment Act 1979 confers on an applicant who is dissatisfied with the determination of the application a right of appeal to the Land and Environment Court of New South Wales.
2. **Lapsing of Consent** - This consent will lapse unless the development is physically commenced within 5 years from the Date of Operation of this consent, in accordance with Section 4.53 of the Environmental Planning and Assessment Act 1979 as amended.
3. **Access to NSW Legislation (Acts, Regulations and Planning Instruments)** – NSW Legislation can be accessed free of charge at [www.legislation.nsw.gov.au](http://www.legislation.nsw.gov.au).
4. **Long Service Levy** - The Long Service Corporation administers a scheme which provides a portable long service benefit for eligible workers in the building and construction industry in NSW. All benefits and requirements are determined by the Building and Construction Industry Long Service Payments Act 1986. More information about the scheme and the levy amount you are required to pay to satisfy a condition of your consent can be found at http://www.longservice.nsw.gov.au.

The required Long Service Levy payment can be direct to the Long Service Corporation via their web site https://online.longservice.nsw.gov.au/bci/levy. Payments can only be processed on-line for the full levy owing and where the value of work is between $25,000 and $6,000,000. Payments will be accepted for amounts up to $21,000, using either MasterCard or Visa.

1. **Compliance with Access, Mobility and AS4299** - Adaptable Housing - Should the Council be appointment as the PCA, the Construction Certificate Application must be accompanied by detailed working plans and a report or a Certificate of Compliance from an Accredited Access Consultant certifying that the building design and access to the adaptable units complies with Council’s DCP and AS 4299 Adaptable Housing.
2. **Underground Cables**- 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. Should ground anchors be required in the vicinity of the underground cables, the anchors must not be installed within 300mm of any cable, and the anchors must not pass over the top of any cable.

1. **Noise** - Noise related conditions- Council will generally enforce noise related conditions in accordance with the Noise Guide for Local Government (<http://www.environment.nsw.gov.au/noise/nglg.htm>) and the Industrial Noise Guidelines (<http://www.environment.nsw.gov.au/noise/industrial.htm>) publish by the Department of Environment and Conservation. Other state government authorities also regulate the Protection of the Environment Operations Act 1997.

Useful links relating to Noise:

(a) Community Justice Centres - free mediation service provided by the NSW Government ([www.cjc.nsw.gov.au](http://www.cjc.nsw.gov.au)).

(b) Department of Environment and Conservation NSW, Noise Policy Section web page ([www.environment.nsw.gov.au/noise](http://www.environment.nsw.gov.au/noise)).

(c) New South Wales Government Legislation home page for access to all NSW legislation, including the Protection of the Environment Operations Act 1997 and the Protection of the Environment Noise Control Regulation 2000 ([www.legislation.nsw.gov.au](http://www.legislation.nsw.gov.au)).

(d) Australian Acoustical Society - professional society of noise-related professionals ([www.acoustics.asn.au/index.php](http://www.acoustics.asn.au/index.php)).

(e) Association of Australian Acoustical Consultants - professional society of noise related professionals ([www.aaac.org.au](http://www.aaac.org.au)).

(f) Department of Gaming and Racing - ([www.dgr.nsw.gov.au](http://www.dgr.nsw.gov.au)).

1. **Food Premises** - Information on Australian Standards can be obtained from [www.standards.com.au](http://www.standards.com.au)

Guidelines and Food Safety Standards may be obtained by contacting the Food Standards Australia New Zealand Authority at foodstandards.gov.au or the NSW Food Authority on 1300 552 406, email: contact@foodauthority.nsw.gov.au or by visiting the website [www.foodauthority.nsw.gov.au](http://www.foodauthority.nsw.gov.au)

Notification of Food Business under Section 100 of the [Food Act 2003](http://www.legislation.nsw.gov.au/#/view/act/2003/43) requires the proprietor of a food business to give written notice, in the approved form, before conducting a food business. Penalties apply for failure to comply.

1. **Acoustical Engineer Contacts & Reference Material-** Further information including lists of Acoustic Engineers can be obtained from:
2. Australian Acoustical Society—professional society of noise-related professionals ([www.acoustics.asn.au](http://www.acoustics.asn.au))
3. Association of Australian Acoustical Consultants—professional society of noise related professionals ([www.aaac.org.au](http://www.aaac.org.au))
4. NSW Industrial Noise Policy – Office of Environment & Heritage ([www.environment.nsw.gov.au](http://www.environment.nsw.gov.au))
5. **Disability Discrimination Act** - This application has been assessed in accordance with the Environmental Planning and Assessment Act 1979. No guarantee is given that the proposal complies with the Disability Discrimination Act 1992. The applicant is responsible to ensure compliance with this and other anti-discrimination legislation. The Disability Discrimination Act 1992 covers disabilities not catered for in the minimum standards called up in the Building Code of Australia which refers to AS1428.1-Design for Access and Mobility.
6. **FR NSW comments** - Prior to the issue of a Construction Certificate the applicant may be required, under Clause 144 of the Environmental Planning & Assessment Regulation 2000 to seek written comment from FR NSW about any Fire Engineered Solution developed to meet the performance requirements for external combustible cladding.

The applicant is also advised to seek written advice from FR NSW on the location and construction of the proposed Fire Control Centre Facility, the location of the Fire Indicator/Mimic Panels and the location, use and installation of Hydrants/Sprinkler Booster facilities.

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

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

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

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

1. **Council appointed as the PCA** - Should the Council be appointed as the PCA in determining the Construction Certificate, the building must comply with all the applicable deemed to satisfy provision of the BCA. However, if an alternative fire solution is proposed it must comply with the performance requirements of the BCA, in which case, the alternative solution, prepared by an appropriately qualified fire consultant, accredited and having specialist qualifications in fire engineering, must justifying the non-compliances with a detailed report, suitable evidence and expert judgement.

In this regard, detailed construction plans and specifications that demonstrate compliance with the above requirements of the BCA, in which case, including in relation to the provision of egress and the protection of openings etc must be submitted with the Construction Certificate Application.

1. **Energy Efficiency Provisions -** Should Council be appointed as the PCA, a report prepared and endorsed by an Energy Efficiency Engineer or other suitably qualified person must be submitted, detailing the measures that must be implemented in the building to comply with Section J of the BCA. The proposed measures and feature of the building that facilitate the efficient use of energy must be identified and detailed on the architectural plans. At completion of the building and before the issue of an Occupation Certificate, a certificate certifying that the building has been erected to comply with the energy efficiency provisions must be submitted to the PCA.

Energy efficiency provisions relate only to new building work or the installation of new measure. Existing building fabric and measures may not be upgraded.

1. **Stratum Subdivision**
2. A Subdivision Certificate cannot be issued unless all relevant conditions of the development consent that are to be satisfied prior to the issue of the Subdivision Certificate have been complied with.
3. Council will check the consent conditions on the relevant subdivision consent. Failure to submit the required information will delay endorsement of the plan of subdivision.
4. Plans of subdivision, Administration Sheets, Section 88B Instruments and copies must not be folded.
5. All Subdivision Plans, Deposited Plan Administration Sheets and Section 88B Instruments shall be submitted to Council enclosed in a protective cardboard tube (to prevent damage during transfer).
6. Certification from the Registered Surveyor that all services (including but not limited to stormwater drainage, gas, electricity, telephone cable) as constructed or to be constructed are/will be contained within each lot or within the necessary easements to accommodate such services.
7. **Site Safety Fencing** - Site fencing must be erected in accordance with SafeWork Guidelines, to exclude public access to the site throughout the demolition and/or construction work, except in the case of alterations to an occupied dwelling. The fencing must be erected before the commencement of any work and maintained throughout any demolition and construction work.

A demolition licence and/or a high risk work license may be required from SafeWork NSW (see [www.SafeWork.nsw.gov.au](http://www.SafeWork.nsw.gov.au)).

1. **Stormwater & Ancillary Works - Applications under Section 138 Roads Act and/or Section 68 Local Government Act 1993** - To apply for approval under Section 138 of the Roads Act 1993 and/or Section 68 Local Government Act 1993:

(a) Complete the Stormwater Drainage Application Form which can be downloaded from Georges River Council’s website at www.georgesriver.nsw.gov.au.

(b) In the Application Form, quote the Development Consent No. (e.g. DA2018/0\*\*\*) and reference this condition number (e.g. Condition 23)

(c) Lodge the application form, together with the associated fees at Council’s Customer Service Centre, during business hours. Refer to Council’s adopted Fees and Charges for the administrative and inspection charges associated with stormwater applications.

The developer must meet all costs of the extension, relocation or reconstruction of any part of Council’s drainage system (including design drawings and easements) required to carry out the approved development.

The preparation of all engineering drawings (site layout plans, cross sections, longitudinal sections, elevation views together with a hydraulic grade analysis) and specifications for the new stormwater drainage system to be arranged by the applicant. The design plans must be lodged and approved by Council prior to the issue of a Construction Certificate.

NOTE: A minimum of four weeks should be allowed for assessment.