

Project Approval

Section 75 of the *Environmental Planning & Assessment Act 1979*

As delegate of the Minister for Planning and Infrastructure under delegation issued on 14 September 2011, the Planning Assessment Commission of New South Wales (the Commission) approves the Project Application referred to in schedule 1, subject to the conditions in schedule 2 and the Statement of Commitments in Schedule 3.

These conditions are required to:

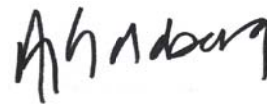
- Prevent, minimise, and/or offset adverse environmental impacts;
- Set standards and performance measures for acceptable environmental performance;
- Require regular monitoring and reporting; and
- Provide for the ongoing environmental management of the project.



Paul Forward
Member of the Commission



Jan Murrell
Member of the Commission



Abigail Goldberg
Member of the Commission

Sydney

19 September 2013

SCHEDULE 1

PART A: PARTICULARS

Application No.:	MP09_0146
Proponent:	Crown Prosha Joint Venture
Approval Authority:	Minister for Planning & Infrastructure
Land:	Eastlakes Shopping Centre, Eastlakes Lot 100 DP 700822 Lots 41 and 42 DP 601517 Lots 3 and 5 DP 248832
Project:	mixed use development incorporating basement car parking, ground floor retail area, and residential development above, communal open space, public domain landscaping and associated infrastructure works.

PART B: NOTES RELATING TO THE DETERMINATION OF MP09_0146

Responsibility for other approvals / agreements

The Proponent is responsible for ensuring that all additional approvals and agreements are obtained from other authorities as relevant, including (but not limited to) State and Federal airports/ aviation authorities.

Appeals

The Proponent has the right to appeal to the Land and Environment Court in the manner set out in the Act and the Regulation.

Legal notices

Any advice or notice to the approval authority shall be served on the Director General.

PART C — DEFINITIONS

In this approval:

Act means the *Environmental Planning and Assessment Act 1979* (as amended).

Advisory Notes means advisory information relating to the approved development but do not form a part of this approval.

Council means Botany Bay City Council

Department means the Department of Planning & Infrastructure or its successors.

Director General means the Director General of the Department or his nominee.

Environmental Assessment means the Environmental Assessment prepared Don Fox Planning 18 July 2012.

FFL means finished floor level

GFA means gross floor area as defined in the Standard Instrument—Principal Local Environmental Plan.

Minister means the Minister for Planning & Infrastructure.

MP No. 09_0146 means the Major Project described in the Proponent's Preferred Project Report.

Preferred Project Report (PPR) means the Preferred Project Report and Response to Submissions prepared by Don Fox Planning dated 14 March 2013 and as amended by information submitted on 8 May 2013.

Proponent means Crown Prosha Joint Venture or any party lawfully acting upon this approval.

Certifying Authority has the same meaning as Part 4A of the Act.

Regulation means the Environmental Planning and Assessment Regulation 2000 (as amended).

Subject Site has the same meaning as the land identified in this Schedule.

End of Schedule 1

SCHEDULE 2

TERMS OF APPROVAL

PART A - ADMINISTRATIVE CONDITIONS

Development Description

- A1 Development approval is granted only to carrying out the development described in detail below:
- demolition and removal of all existing buildings;
 - construction of a mixed use development generally between 2 - 6 storeys above podiums in height except at the corner of Evans Avenue and Racecourse Place, where a maximum height of RL 48.7 AHD applies;
 - maximum ground floor retail and community floor space of 14,404m²;
 - maximum 405 residential apartments with a maximum GFA of 34,636m²;
 - 916 basement car parking spaces over two levels;
 - associated landscaping;
 - associated infrastructure, stormwater and utility works; and
 - stratum subdivision

Development in Accordance with Plans and Documentation

- A2 The development shall be undertaken generally in accordance with:
- the Environmental Assessment dated 12 July 2012 prepared by Don Fox Planning except where amended by the Preferred Project Report dated 14 March 2013 and as amended by information submitted on 8 May 2013, including all associated documents and reports;
 - the Draft Statement of Commitments prepared by Don Fox Planning; and
 - the following drawings:

Architectural Plans by Rice Daubney			
Drawing No	Revision	Name of Plan	Date
DA02	F	Site Plan	07.05.13
DA03	G	Basement Level 2 Plan	15.02.13
DA04	H	Basement Level 1 Plan	07.05.13
DA05	J	Ground Floor Plan	11.09.13
DA06	H	Level 1 Plan	11.09.13
DA07	H	Level 2 Plan	11.09.13
DA08	H	Level 3 Plan	11.09.13
DA09	H	Level 4 Plan	11.09.13
DA10	H	Level 5 Plan	11.09.13
DA11	H	Level 6 Plan	11.09.13
DA12	H	Level 7 Plan	11.09.13
DA13	H	Level 8 Plan	11.09.13
DA14	G	Roof Plan	11.09.13
DA15	E	Building 1 & 1B Layouts	15.02.13
DA16	E	Building 1A Layouts	15.02.13
DA17	F	Building 2 & 3 Layouts	07.05.13
DA18	F	Building 4 & 4A Layouts	07.05.13
DA19	E	Building 5 Layouts	15.02.13
DA20	E	Building 6 & 6A & 1B Layouts	15.02.13

DA21	F	Building 7 Layouts	07.05.13
DA22	E	Elevations Sheet 1 South Site: North and West Elevations	15.02.13
DA23	E	Elevations Sheet 2 South Site: East and South Elevations	15.02.13
DA24	E	Elevations Sheet 3 North Site: East and South Elevations	15.02.13
DA25	E	Elevations Sheet 4 North Site: North and West Elevations	15.02.13
DA26	E	Sections	15.02.13
DA27	E	Sections	15.02.13
DA28	E	Sections	15.02.13
DA45	A	Staging Plan	15.02.13
Landscape Plans by Taylor Bramner			
<i>Drawing No</i>	<i>Revision</i>	<i>Name of Plan</i>	<i>Date</i>
LA01	C	Concept Landscape MasterPlan	28.02.2013
LA02	C	Tree Retention and Removal Plan	28.02.2013
LA03	C	Public Domain Landscape Plan	28.02.2013
LA04	C	Landscape Planning Plan	28.02.2013
LA05	C	Landscape Soil Depths Plan	28.02.2013
LA06	C	Landscape Details Plan	28.02.2013
LA07	C	Landscape Elevations - Barber Avenue	28.02.2013
LA08	C	Landscape Elevations - Evans Avenue	28.02.2013
LA09	C	Landscape Elevation and Section - Gardeners Road	28.02.2013
LA10	C	Landscape Elevations - North Site East and West Elevations	28.02.2013
Stratum Subdivision Plans by Dunlop Thorpe & Co			
<i>Drawing No</i>	<i>Revision</i>	<i>Name of Plan</i>	<i>Date</i>
10116/6	-	Plan of Proposed Subdivision of Lot 3 DP248832, Lot 5 DP 248832, Lot 100 DP 700822 & Lot 41 DP 601517. Sheets 1 - 6	8.02.2013
10116/7	-	Plan of Proposed Subdivision of Proposed Lot 10 being part of Lot 3 DP248832, Lot 5 DP 248832, & Lot 41 DP 601517. Sheets1-5	8.02.2013
Engineering Plans by VDM Consulting			
<i>Drawing No</i>	<i>Revision</i>	<i>Name of Plan</i>	<i>Date</i>
DA010	D	Erosion & Sediment Control	05.03.13
DA011	F	Drainage & Road Modification Layout Sheet 1	26.04.13
DA012	F	Drainage & Road Modification Layout Sheet 2	26.04.13
DA013	F	Drainage & Road Modification Layout Sheet 3	06.05.13
DA014	E	OSD Tank Details	23.04.2013
DA015	D	Catchment Plan, Drainage Data & Results	23.04.2013

except for:

- any modifications which are 'Exempt and Complying Development' as identified in State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 or as may be necessary for the purpose of compliance with the BCA and any Australian Standards incorporated in the BCA; and
- otherwise provided by the conditions of this approval.

Inconsistencies between Documents

- A3 In the event of any inconsistency between conditions of this approval and the drawings/documents referred to above, including the proponent's Statement of Commitments, the conditions of this approval prevail.

Prescribed Conditions

- A4 The proponent shall comply with the prescribed conditions of approval under Clause 98 of the Environmental Planning and Assessment Regulation 2000 in relation to the requirements of the Building Code of Australia.

Compliance with Building Code of Australia

- A5 All new building work must be carried out in accordance with the provisions of the Building Code of Australia (BCA).

Lapsing of Approval

- A6 This approval shall lapse 5 years after the determination date shown in this Instrument of Approval, unless the development has been physically commenced.

Staging

- A7 Where the conditions of this project application approval require approval by others prior to issue of Construction Certificate, commencement of construction or issue of Occupation Certificate, such approval only relates to that specific stage (or stages) of the works.

Community space

- A8 A community space as identified in the ground floor plan (Drawing No DA05 Rev J) shall be provided within the development with street frontage at the edge of the Eastlakes Reserve, at no cost to the Council, that can be used by Council or Council nominated community organisation(s) for community purposes. This is in addition to the Section 94 Contribution provided in Condition B14.

If Council declines to accept the space within 3 months of the offer, the proponent shall prepare an operation management plan for such space in consultation with the Council. The operation management plan shall be approved by the Director General and a copy of the plan provided to Council for information.

End of Part A

PART B – PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

Detailed Drawings

- B1 Detailed construction drawings, specifications, and other supporting documentation required for a Construction Certificate are to be in accordance with the terms of this Project approval and comply with the requirements of the Building Code of Australia.

Design Modifications

- B2 Prior to the issue of the first Construction Certificate, plans and specifications demonstrating incorporation of the following modifications shall be submitted and approved by the Director General.
- (a) Unit sizes shall be amended to meet the requirements of the Residential Flat Design Code;
 - (b) set back the plant rooms at the north-west corner of the northern site at least two metres from the western podium wall alignment;
 - (c) The roof design of Building 2 is to be amended to have a maximum height of RL48.7 AHD;
 - (d) The eastern façade of building 1A is to incorporate further articulation to visually break up walls at the southern and northern ends of the façade. Measures should include the provision of windows and openings in the façade and may also include variations to building massing and building materials and incorporation of balconies where appropriate.
 - (e) A total of 916 basement car parking spaces are to be provided on site;
 - (f) Deletion of wall sign proposed in Gardeners Road frontage, or relocation of the sign to western end of the podium wall above sub-station openings;
 - (g) Redesign Gardeners Road Pylon Sign so that pedestrian views are not obstructed;
 - (h) Northern site
 - Increase the setbacks on the eastern and western sides of the site to provide landscape buffers;
 - Relocate the supermarket and plant adjusted/relocated to reduce the height of boundary walls; and
 - Increase the setback of Building 1A from Gardeners Road.
 - (i) Southern site
 - Widen the footpath on Evans Avenue in front of Building 4;
 - Increase the width of public boardwalk adjacent to the reserve by 2m to 6.5m by moving Building 7 east by 2m;
 - Delete Buildings 6A and 6B;
 - Delete one storey from Building 5; and
 - Delete the western unit from Building 6 to accommodate the eastward moving of Building 7.

A set of amended plans shall be submitted to the Director General for approval within 3 months of this approval. Written evidence of the Director General's approval of amended plans satisfying the above shall be provided to the Certifying Authority.

Amended and Detailed Public Domain Plan

- B3 Amended and detailed Public Domain and Landscape Documentation is required and to be submitted to the Director General for approval. The amended documentation shall include all public domain improvement works associated with the development, located on public land and within the street setback areas. The plan is to be prepared by an urban design specialist/professional to ensure pedestrian oriented, functional, comfortable and socially desirable spaces inclusive of high quality landscape amenity features and is to be prepared in consultation with Council.

The drawings shall include a public domain works landscape plan at 1:100 indicating the proposed treatments for all public frontages of the site. Secondly, detailed public domain works specifications (construction sections and details) must accompany the plan to demonstrate construction methods, techniques and materials. The following shall be addressed in the drawings:

- (a) Further improvements to street tree provision. Location and species of street trees to be determined in consultation with Council. Pot sizes are to be increased to 400 litres where possible to provide super-advanced specimens for enhanced amenity.

- (b) Improved landscaping in addition to the street trees within the eastern elevation setback of Barber Avenue. Awnings and the incorporation of landscaping within the setback to be explored. Design awnings and locations to allow for the strategic location of ground level landscaping to ameliorate buildings, integrate buildings with the streetscape and enhance the pedestrian environment.
- (c) A detailed construction and maintenance regime for the green wall in Barber Avenue.
- (d) Landscaping within the Evans Avenue pedestrian areas is to be enhanced with additional soft landscape elements.
- (e) The small urban space in the north-eastern corner of the southern site needs further design detailing/resolution. Additional trees are possible as well as attention to the blending of the 2 street trees types at the two road frontages.
- (f) A public domain proposal for the Gardeners Road frontage (footpaths, street trees, landscaping). Soil depths to be corrected to match those shown on the architectural plans.
- (g) Provide a public art proposal.
- (h) Detailed specifications for landscape hardworks and landscaping treatments, materials schedule and construction details for footpaths, awnings, street tree pit finishes, tree guards, furniture and so on.
- (i) Details of all lighting to footpath areas fronting the site and to Eastlakes Reserve in the area of the Reserve adjoining the site to improve safety and surveillance of these areas at night.
- (j) Electrical kiosk or fire booster assemblies shall be softened by a built screen and/or landscaping so as not to impact on the public domain.
- (k) Electrical pillars installed by the energy provider are to be unobtrusively located within public footpath areas and not located so as to cause a trip hazard or obstruct foot traffic. Preferably, electrical pillars should be replaced with a sub-surface access pit.
- (l) All service access/pit lids levels shall be adjusted as required by the service provider/Applicant to co-ordinate with final footpath levels and finishes. Pit lid frames shall be purchased and filled with the Council specified unit paver to integrate with the footpath.
- (m) Details of all traffic safety installations within the public domain including warning sign and mirrors.

Written evidence of the Director General's approval of amended plans satisfying the above shall be provided to the Certifying Authority.

- B4** The public domain must be designed and constructed to provide access and facilities for people with a disability in accordance with the Building Code of Australia, and relevant Australian Standards (including amendments). Details are to be supplied in the Construction Certificate. Full details of proposed handrails, tactile ground surface indicators (TGSIs) or the like are to be submitted to Council for review and approval. Details are to be supplied in the Construction Certificate.

Amended Landscape Plan

- B5** Amended landscape documentation is to be submitted and approved by the Director General prior to the issue of a Construction Certificate. The landscape plan by Taylor Brammer, Rev C, dated 28 February 2013 shall be amended to include the following:
- (a) Three additional canopy trees (1 on the northern site and 2 on the southern site) to a mature height of 18 metres be provided to the podium communal open space areas.
 - (b) Landscaping along the entire western edge of the northern podium
 - (c) Sufficient landscape details, sections and specifications are to be provided to detail planter wall finishes, podium planter construction, pavements, finishes, amenity lighting and so on.

Privacy Screening

- B6** Details of the location and design of all proposed window privacy screening is to be detailed on plans prior to the issue of a Construction Certificate. Screening to prevent overlooking is to be provided to all windows in elevations that have the potential to overlook other windows or private open space areas within the applicable building separation distance recommended by the Residential Flat Design Code.

BASIX

- B7 The proponent is to obtain updated BASIX and ABSA Certificates for the development as amended by Condition B2. The requirements and commitments provided in the BASIX Certificate are to be incorporated into the Construction Certificate plans for the development.

Additional Information in relation to Acoustic Matters

- B8 Recommendations made by ViPAC contained in the Acoustic Impact Assessment prepared dated 14 February 2013 and Acoustic Comments – Response to Atkins Acoustics letter dated 30 April 2013 are to be incorporated as part of development approval and construction certificate plans.
- B9 Airborne and structural noise from the loading dock and plant rooms is to be inaudible in residential apartments between 10pm and 7am. Details of acoustic and vibration treatment measures are to be provided prior to the issue of a construction certificate and incorporated in the construction certificate plans.

Additional Information in relation to Traffic Matters

- B10 The proponent shall provide detailed plans of the Racecourse Place/Evans Avenue/Site Access and the Barber Avenue/St Helena Parade/Site Access proposed roundabouts ensuring that sight lines comply with the relevant criteria as noted in Criterion 2 of AUSTROADS “Guide to Road Design Part 4b – Roundabouts” January 2011. The detailed plan shall be certified by a qualified traffic engineer with tertiary qualifications and be the subject of an independent Detailed Design Road Safety Audit conducted by an RMS Accredited Level 3 Road Safety Auditor.
- B11 The Construction Certificate Plans shall incorporate details of the proposed warning sign/light which is activated when a vehicle exits the loading dock. Details of a convex mirror opposite the driveway to aid truck sight distance are also to be incorporated.

Remediation of Land

- B12 A Stage 2 Detailed Site Investigation shall be completed in accordance with the Contaminated Land Management Act 1997 and SEPP55. Following completion of the Stage 2 Detailed Site Investigation, if required a Stage 3 Remedial Action Plan shall be prepared and remediation of the site shall be carried out. Approvals from appropriate government departments where required shall be obtained and full details of the investigation and site remediation are to be submitted to and approved by Botany Bay City Council, in accordance with Section 80(A)2 of the Environmental Planning and Assessment Act 1979 prior to a Construction Certificate being issued for the proposed development. A validation report and site audit statement are also to be provided as necessary prior to issue of a Construction Certificate for the relevant parcel of land.

Groundwater Contamination, Salinity and Acid Sulphate Soils

- B13 The proponent is to engage a suitably qualified environmental consultant to undertake an assessment, including on site sampling and testing, to determine the presence of any groundwater contamination, salinity and/or acid sulphate soils prior to issue of a Construction Certificate. The assessment should identify any measures to remediate any groundwater contamination and construction measures in response to any salinity or acid sulphate soils.

Section 94 Contribution

- B14 A monetary contribution shall be made to Council prior to the issue of a Construction Certificate for a particular stage of building works for which a contribution might be levied. The contributions have been calculated as follows:

	Residential*	SpecialityShop*	Total
Community Facilities	\$924,480	\$10,878	\$935,358
Administration	\$34,240	\$1,764	\$36,004
Open Space & Recreation	\$7,130,480	\$73,290	\$7,203,770
Shopping Centre Improvement (City Wide)	N/A	\$7,896	\$7,896
Transport Management	\$470,800	N/A	\$470,800
Total S94 Contributions			\$8,653,828

**The contribution has been calculated on the basis of 428 apartments and a retail floor area of 15,960m². The total contribution is to be adjusted in accordance with the changes to the overall apartment numbers and/or mix and the reduction in retail floor area to 14,404m² as a result of the modifications required by Condition B2.*

These are contributions under the provisions of Section 94 of the Environmental Planning and Assessment Act, 1979 as specified in the Botany Bay Section 94 Contributions Plan.

Council Fees and Bonds

B15 The applicant must pay the following fees and bonds to Council prior to the issue of a Construction Certificate:-

(a)	Builders Security Deposit	\$51,000.00
(b)	Development Control	\$11,110.00
(c)	Waste Levy	\$15,000.00
(d)	Public Domain Works Maintenance Bond	\$25,000.00
(e)	Landscape Bond	\$40,000.00
(f)	Tree Preservation Bond	\$50,000.00

The proponent is to submit a Public Domain Works Maintenance Bond of \$25,000.00. The duration of the Bond shall be limited to a period of 12 months after Council approval of Final Landscape Inspection of the public works installation. At the completion of the 12 month period the Bond shall be refunded pending a satisfactory inspection by Council. If the public works installation (hard or soft works) were found to be in defect/unsatisfactory, Council will forfeit all or part of the bond to reinstate the works, unless the Applicant elects to undertake this work at their expense.

The Proponent is to enter into an agreement with Council, to be prepared by Council's solicitors, at the Applicant's expense, providing for the lodgement of a bond in the sum of \$40,000.00 for a period of five (5) years after practical completion of landscape works, to ensure establishment and maintenance of the landscaping in accordance with the plan. The lodgement of the bond shall not preclude the Council from initiating legal proceedings, should the landscaping not be established and maintained in accordance with this Consent, and is not intended to limit the period of compliance with the landscaping requirements to five (5) years. The bond may be applied by Council to the establishment and maintenance of the landscaping in accordance with the plan and Council should be entitled to recover any monies expended in excess of the bond in establishing, re-establishing, or maintaining the landscape in accordance with the plan.

The proponent is to note that the bond specified under this condition must be remitted to Council, either in the form of monies held in trust, or as a certified banker's guarantee, together with a sum of \$550 (cash or cheque) for disbursements associated with the preparation of the agreement, prior to the issue of an Occupation Certificate by the Principal Certifying Authority.

The Applicant is to submit payment for a Tree Preservation Bond of \$50,000.00 to ensure protection of existing trees in streets surrounding the site and Eastlakes Reserve from damage during construction. The duration of the Bond shall be limited to a period of 18 months after issue of the Occupation Certificate to allow a reasonable period of time to monitor impact to the trees. At the completion of the 18 month period the Tree Preservation Bond shall be refunded pending a satisfactory inspection by Council

and/or the consultant Arborist. If any tree was found to be in decline, damaged (including roots), dead or pruned without Council permission or, if tree protection measures were not satisfied at any time, then Council will forfeit all, or part thereof, of the bond. The Tree Preservation Bond was calculated using the Thyer Tree Evaluation method.

Long Service Levy

- B16 Documentary Evidence of payment of the Long Service Levy under Section 34 of the Building and Construction Industry Long Service Levy Payments Act 1986 is to be received prior to the issuing of the relevant Construction Certificate for each stage of the development.

Fire Safety

- B17 The development is to incorporate sufficient pedestrian egress and fire brigade intervention facilities such as fire isolated stairs and fire hydrant systems, to ensure the development complies with NSW Fire Brigades requirements. Details are to be demonstrated prior to the issue of the relevant Construction Certificate for each stage of the development.

Stormwater Drainage

- B18 Prior to the extinguishment of existing Council's drainage easements and relocation of Council's drainage pipes in the southern site (all work being at the cost of the proponent), detailed overland flow path analysis shall be submitted to Council for assessment and approval in order to determine the critical flow characteristics (e.g. the potential extent) of the overland flow path and its impact to and by the proposed development. The study shall be prepared by a suitably qualified and experienced civil engineer and shall be in accordance with the current version of Australian Rainfall and Runoff (ARR) and the NSW Floodplain Development Manual. The overland flow path study shall include the following: -

- (a) Catchment plan highlighting full upstream catchment area that generates overland stormwater flows.
- (b) Pre-construction & post-construction detailed hydraulic analysis based on 1 % AEP for the upstream catchment area.
Note: A 50% blockage factor shall always apply to the underground trunk system in the hydraulic analysis.
- (c) A scaled plan view showing the existing and proposed 1% AEP overland flow path extent and levels.
- (d) A longitudinal section (at vertical scale 1:50, horizontal scale to that of plan view) of the drainage system showing existing and proposed surface levels, 1% AEP water levels, hydraulic data and all changes in grade
- (e) Scale 1:50 cross-section details taken at the right angle to the overland flow path with a maximum spacing of every 5m. It shall at least include the following locations:
 - o Immediately at the upstream point of the proposed relocation;
 - o Where the existing and proposed development /structure is closest to the flow path;
 - o Immediately at the downstream point of the proposed relocation; and
 - o Other cross-sections as required where the flow path and/or drainage system being affected.

Note: Cross-sections must show the existing and proposed ground levels, pre- and post development top water levels, hydraulic data and overland flow path extents.

In addition, the following shall also be complied with: -

- (a) All levels shown on drawings and details shall be to the Australian Height Datum (AHD).
- (b) The overland flow path study shall demonstrate that the proposed relocation of Council's drainage pipes will not impede the passage of overland flow to cause a rise (afflux) in the 1% AEP water level in the surrounding area and/or increase the velocities of the overland flow.
- (c) No structures and/or filling are permitted to be erected over the 1 in 100 year ARI overland flow path unless with suitable mitigation measures to be implemented and approved by Council.
- (d) The establishment of 300mm and 100mm freeboard above the 1 % AEP water level for the proposed finished floor level of habitable area and the crest of the ramp to basement car parking area respectively.
- (e) If the velocity - depth product of the overland flow path exceeds 0.4m²/s, suitable open type fencing or other appropriate measures shall be used to restrict access to such areas affected by hazardous overland flows.
- (f) The boundary fence over the estimated extent of the overland flow path must be replaced with open type fencing in order to allow unimpeded passage of overland flow.

- (g) The overland flow path study must be signed by the engineer declaring that the study has been undertaken in accordance with Australian Rainfall and Runoff and the NSW Floodplain Development Manual.

- B19 Prior to the extinguishment of existing Council's drainage easements and relocation of Council's drainage pipes in the southern site, electronic copies of DRAINS modelling to check hydraulic grade lines of the proposed new Council's drainage system shall be submitted and approved by Council.
- B20 Prior to the issue of the relevant Construction Certificate, calculation showing the proposed overflow weirs in the OSD systems having adequate capacity to convey emergency overflow in 1 in 100 year ARI 5-minutes duration storm event from the development to public streets, shall be attached to stormwater management plans.
- B21 Prior to the issue of the relevant Construction Certificate, submerged outlet conditions shall be considered in proposed OSD Tank 2 in the DRAINS modelling and calculations. Electronic copies of DRAINS modelling and calculations to determine the Permissible Site Discharge (PSD) and OSD storage requirements (including consideration of submerged outlet condition) shall be submitted and approved by Council.

Tree Protection

- B22 The following existing trees within the public domain are to be retained:
- (a) All trees on the northern side of Evans Avenue fronting/adjoining the site shown as being retained on Landscape Plan LA02 Rev C,
 - (b) The *Tristaniopsis laurina* Sweeper street trees in Barber Avenue south, and
 - (c) All trees within Eastlakes Reserve adjacent to the site.

These tree,s including their above and below ground structures, must be retained and protected during development. Permission is not granted for the removal or pruning (either canopy or roots) of any of these trees without further consultation between the engaged Consultant Arborist and the City of Botany Bay Council.

In order to ensure that the abovementioned trees are protected during demolition, excavation and construction, and their health and structural stability ensured, a Consultant Arborist AQF Level 5 is to be engaged to

- (a) liaise with Council tree officers regarding their usual requirements for tree protection;
- (b) provide a survey of all existing trees;
- (c) recommend all necessary tree protection measures including
 - i. tree protection zones,
 - ii. pruning or remedial work to trees,
 - iii. any necessary construction or excavation methods; and
 - iv. any necessary amendments to basement design to ensure the longevity of adjoining trees to be retained.

A copy of the report is to be forwarded to Council and all recommended measures are to be incorporated into the Construction Certificate drawings and Construction Environmental Management Plan.

Design of Planters over Slabs

- B23 Planter boxes constructed over a concrete slab shall be built in accordance with the following with details provided prior to the issue of a relevant Construction Certificate:
- (a) Ensure soil depths are in accordance with the plans and details provided with the application. The base of the planter must be screeded to ensure drainage to a piped internal drainage outlet of minimum diameter 90mm, with no low points elsewhere in the planter. There are to be no external weep holes. Turfed areas require a min. 5% cross fall.
 - (b) A concrete hob or haunch shall be constructed at the internal join between the sides and base of the planter to contain drainage to within the planter.
 - (c) Planters are to be fully waterproofed and sealed internally with a proprietary sealing agent and applied by a qualified and experienced tradesman to eliminate water seepage and staining of the external face of the planter. All internal sealed finishes are to be sound and installed to

manufacturer's directions prior to backfilling with soil. An inspection of the waterproofing and sealing of edges is required by the Certifier prior to backfilling with soil.

- (d) Drainage cell must be supplied to the base and sides of the planter to minimize damage to the waterproof seal during backfilling and facilitate drainage. Apply a proprietary brand filter fabric and backfill with an imported lightweight soil suitable for planter boxes compliant with AS 4419 and AS 3743. Install drip irrigation including to lawns.
- (e) Planter boxes shall be finished externally with a suitable paint, render or tile to co-ordinate with the colour schemes and finishes of the building.

Irrigation of Landscaping

B24 To ensure satisfactory growth and maintenance of the landscaping, a fully automatic drip irrigation system is required in all landscape areas, installed by a qualified landscape contractor. The system shall provide full coverage of all planted areas with no more than 300mm between drippers, automatic controller and backflow prevention device and shall be connected to a recycled water source, where provided. Irrigation shall comply with both Sydney Water and Council requirements as well as Australian Standards, and be maintained in effective working order at all times. Details are to be provided prior to the issue of a relevant Construction Certificate.

Surface Finishes

B25 The surface of any material used or proposed to be used for paving of colonnades, thoroughfares, plazas, arcades and the like which are used by the public must comply with AS/NZS 4586:2004 (including amendments) "Slip resistance classification of new pedestrian surface materials". Details to be provided in the relevant Construction Certificate.

Design of Plant and Infrastructure

B26 All building work must be carried out in accordance with the provisions of the Building Code of Australia and.

- (a) All plumbing stacks, vent pipes, stormwater downpipes including balcony drainage and the like shall be kept within the building and suitably concealed from view. This Condition does not apply to the venting to atmosphere of the stack above roof level;
- (b) All air conditioning units shall be effectively insulated and concealed from view; and
- (c) All mechanical plants units shall be appropriately treated to ensure that they are concealed from view; and
- (d) The basement of the building must be designed and built so that on completion, the basement is a "fully tanked" structure, i.e. it is designed and built to prevent the entry of ground water / ground moisture into the inner parts of the basement car park.

Details are to be demonstrated on the relevant Construction Certificate drawings

Dial before you dig

B27 Prior to the issue of any Construction Certificate, the applicant shall contact "Dial Before You Dig on 1100" to obtain a Service Diagram for, and adjacent to, the property. The sequence number obtained from "Dial Before You Dig" shall be forwarded to Principal Certifying Authority. Any damage to utilities/services will be repaired at the applicant's expense.

Lighting

B28 All lighting, including illumination of signage where approved, shall comply with the following:

- (a) Any lighting on the site shall be designed so as not to cause 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.
- (b) All lighting shall comply with AS4282-1997 Control of the obtrusive effects of outdoor lighting; and
- (c) The installation of solar power to external space light poles.

Details shall be submitted to the Principal Certifying Authority prior to the issue of the relevant Construction Certificate.

Construction Management Plans

B29 Prior to the issue of any Construction Certificate, a detailed Construction Traffic Management Plan for the pedestrian and traffic management of the site during construction shall be prepared and submitted to the Principal Certifying Authority and Council. The plan shall:

- (a) be prepared by a RMS accredited qualified person;
- (b) nominate a contact person who is to have authority without reference to other persons to comply with instructions issued by Council's Traffic Engineer or the Police;
- (c) indicate the construction vehicle access points of the site;
- (d) indicate the frequency and spread of truck movements;
- (e) ensure any vehicles accessing the site or carrying out construction activities associated with the development be restricted to 12.5 metres (defined as Heavy Rigid Vehicle in AS2890.2);
- (f) ensure any vehicles associated with the demolition and construction activities associated with works on the southern site enter the site from the south of the roundabout at the intersection of Racecourse Place and Evans Avenue; and
- (g) ensure all traffic (including worker's vehicles) generated from the construction activities shall enter and leave the site in a forward direction

B30 Prior to the issue of any Construction Certificate, a detailed Construction and Environmental Management Plan (CEMP) shall be submitted to the Department and Council for approval of the site works. The CEMP shall address the following:

- (a) The CEMP must be prepared in accordance with *Guideline for the Preparation of Environmental Management Plans* developed by the Department of Planning and Infrastructure (former known as Department of Infrastructure, Planning and Natural Resources).
- (b) All vehicles (including worker's vehicles) associated with site construction activities shall enter and leave the site in a forward direction ONLY;
- (c) All vehicles (including worker's vehicles) associated with site construction activities shall only be allowed to park within the site. No parking of these vehicles shall be allowed on Evans Avenue and Barber Avenue;
- (d) Construction building materials shall be stored wholly within the site;
- (e) Access to adjacent buildings and the pedestrian and vehicular access fronting Evans Avenue, Barber Avenue, Racecourse Place and St Helena Parade shall be maintained at all times. No closure of any road reserve will be permitted without Council approval;
- (f) Under no circumstances (except in an emergency) shall any trucks be permitted to queue and wait on public places, public streets or any road related area (eg. footpath, nature strip, road shoulder, road reserve etc) prior to entering the site;
- (g) Locations of site office, accommodation and the storage of major materials related to the project shall be within the site;
- (h) Protection of adjoining properties, pedestrians, vehicles and public assets shall be implemented at all times;
- (i) Location and extent of proposed builder's hoarding and Works Zones, if there is any, shall be shown on the plan. It should be noted that any Works Zones proposed requires approval from Council; and
- (j) Tree protection management measures for all protected and retained trees shall be implemented at all times.

Car Parking and Access

B31 Prior to the issue of any Construction Certificate which includes basement car parking areas, design certification, prepared by a suitably qualified engineer shall be submitted to Principal Certifying Authority certifying the ramps, turning area and car parking area shown on the construction plans have been designed in accordance with AS 2890.1, AS2890.2 and AS2890.6.

B32 A suitable intercom system linked to all units within the development shall be provided at all vehicle accesses to the development to ensure that visitors to the site can gain access to the visitor parking located within the basement car park. The details of the intercom system shall be submitted prior to the issue of a relevant Construction Certificate and its location and specifications endorsed on the construction drawings.

B33 The applicant shall provide a car park allocation plans that clearly define the resident/retail/disabled/accessible/visitor parking locations and management devices that will control unintended use. Car parking is to be allocated in accordance with the following rates:

- 1 space per studio / 1 bedroom / 2 bedroom unit
- 2 spaces per 3 bedroom / 4 bedroom unit
- 1 visitor space per 5 residential units
- 3.5 spaces per 100m² of gross lettable retail area.

B34 A total of 125 secure bicycle storage spaces as per AS 2890.3 are to be provided.

B35 Electronic signage showing the number of publicly available car spaces shall be provided and clearly visible at each public access point to the basement car parks.

Dilapidation Report

B36 Prior to issue of any Construction Certificate, a dilapidation report on public infrastructure (including Council and public utility infrastructure) and private development adjoining the development site shall be prepared by a suitably qualified person and submitted to Council. The report shall include records and photographs of the following area that will be impacted by the development:

- Evans Avenue
- Barber Avenue
- Gardeners Road
- Eastlakes Reserve
- All properties immediately adjoining the site, including the residential flat buildings at No.16 and 18 Evans, 193 and 195 Gardeners Road.

The applicant shall bear the cost of all restoration works to buildings/ structures and public infrastructure that been damaged during the course the construction. Any damage to buildings/structures, infrastructures, roads, lawns, trees, gardens and the like shall be fully rectified by the applicant/developer, at the applicant/developer's expense.

Excavation

B37 The proposed development will result in substantial excavation that has the potential to affect the foundations of adjoining properties. The proponent shall:-

- (a) seek independent advice from a Geotechnical Engineer on the impact of the proposed excavations on the adjoining properties
- (b) detail what measures are to be taken to protect those properties from undermining during construction
- (c) provide Council with a certificate from the engineer on the necessity and adequacy of support for the adjoining properties.

The above matters shall be completed prior to the issue of the relevant Construction Certificate. All recommendations of the Geotechnical Engineer are to be carried out during the course of the excavation. The proponent must give at least seven (7) days notice to the owner and occupiers of the adjoining allotments before excavation works commence.

Soil and Water Management Plan

B38 A Soil and Water Management Plan (SWMP) shall be prepared in accordance with the Landcom Managing Urban Stormwater – Soils and Construction 4th Edition (2004) and submitted to the Principal Certifying Authority prior to the release of the first Construction Certificate. This plan shall be implemented prior to commencement of any site works or activities. All controls in the plan shall be maintained at all times during the construction works. A copy of the SWMP shall be kept on-site at all times and made available to Council Officers on request.

Service Infrastructure/Utilities

B39 To ensure that utility authorities and Council are advised of any effects to their infrastructure by the development, prior to the issue of a Construction Certificate, the applicant shall:

- (a) Carry out a survey of all utility and Council services within the site including relevant information from utility authorities and excavation if necessary to determine the position and level of services.
- (b) Negotiate with the utility authorities (eg Energy Australia, Sydney Water and Telecommunications Carriers) and Council in connection with: -
 - (i) The additional load on the system; and
 - (ii) The relocation and/or adjustment of the services affected by the construction.

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

- B40 All new service infrastructure/utilities including electrical substations, fire hydrants, gas meters and the like shall be located within the building envelope. Where this is not possible and subject to Council approval such infrastructure shall be located on the subject site and appropriately screened from view. Details of all service infrastructure/utilities are to be approved prior to the issue of the relevant Construction Certificate.
- B41 All existing and new utility services and adjustments to those services relating to the servicing of the approved development including overhead power supply and communication cables located in the adjacent Public Road reserve verge immediately adjoining the subject site are to be placed and/or relocated underground for the full length of the road reserve frontages of the development site at the full cost to the developer.

RMS Requirements

- B42 The Developer is to submit detailed design drawings and geotechnical reports relating to the excavations of the site and support structures directly adjacent to Gardeners road to RMS for assessment (prior to the approval of any Construction Certificate). The Developer is to meet the full cost of the assessment by the RMS. The report would need to address the following key issues:
- The impact of the excavation / rock anchors on the stability of Gardeners Road and detailing how the carriageway would be monitored for settlement.
 - The impact of the excavation on the structural stability of Gardeners Road.
 - Any other issues that may need to be addressed (Contact: Geotechnical Engineer Stanley Yuen on PH 88370246 or Graham Yip on Ph 88370245) for details.
- B43 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.
- B44 All works/regulatory signposting associated with the proposed development shall be at no cost to RMS.

NSW Police Requirements

- B45 Relevant Construction Certificate plans are to demonstrate compliance with the recommendations in the assessment by the NSW Police, dated 11 October 2012. All recommendations in relation to surveillance; lighting; territorial reinforcement; space / activity management; and access control are to be incorporated into the construction certificate plans and implemented in the on-going use of the premises.

Entry areas

- B46 All recessed areas and entry areas are to be flood lit and include CCTV, with details shown on the relevant Construction Certificate plans.

End of Part B

PART C – PRIOR TO CONSTRUCTION

Construction Certificate Required

- C1 Construction Certificates shall be obtained before commencing building work. Building work means any physical activity involved in the construction of a building (with the exception of demolition work). This definition includes the installation of fire safety measures.

Notify Council of Intention to Commence Works

- C2 In accordance with the provisions of Clause 81A(2) of the Environmental Planning and Assessment Act 1979 the person having the benefit of the project approval shall appoint a Certifying Authority and give at least 2 days notice to Council, in writing, of the persons intention to commence the erection of the building.

Complaints Resolution

- C3 Prior to the commencement of construction, the proponent shall develop a Complaints Resolution Procedures to address and respond to complaints during the construction and operation of the Eastlakes Shopping Centre redevelopment. The Complaints Resolution Procedure should incorporate the following:

- (a) Identify a contact person(s) and contact number for receiving from the community;
- (b) Establish a system to receive, track and respond to complaints; and
- (c) Be bound by a charter that is established in conjunction with Council and the community prior to issue of any construction certificate.

The Complaints Resolution Procedure must be approved by Council.

Site Signage

- C4 A sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being carried out:

- (a) stating that unauthorised entry to the work site is prohibited;
- (b) showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours;
- (c) the Development Approval number; and
- (d) the name of the Principal Certifying Authority including an after hours contact telephone number.

Any such sign is to be removed when the work has been completed.

- C5 The name, address and contractor licence number of the licensee who has contracted to carry out the work or the name and permit number of the owner-builder who intends to carry out the work shall be furnished in writing to Council. NB: Should changes be made for the carrying out of the work Council must be immediately informed.

Other Approvals

- C6 Prior to commencement of any works, application(s) shall be made to Council's Customer Services Counter and obtained the following approvals and permits on Council's lands /road reserve under Road Act 1993 and Local Government Act 1993.

- (a) Permit to erect hoarding on or over a public place, including Council's property/road reserve
- (b) Permit to construction works, place and/or storage building materials on footpaths, nature strips
- (c) Permit for roads and footways occupancy (long term/ short term)
- (d) Permit to construct vehicular crossings, footpaths, kerbs and gutters over road reserve
- (e) Permit to open road reserve area, including roads, footpaths, nature strip, vehicular crossing or for any purpose whatsoever, such as relocation / re-adjustments of utility services.
- (f) Permit to place skip/waste bin on footpath and/or nature strip
- (g) Permit to use any part of Council's road reserve or other Council lands
- (h) Permit to stand mobile cranes and/or other major plant on public roads and all road reserve area. It should be noted that the issue of such permits may involve approval from RMS and NSW Police. In some cases, the above Permits may be refused and temporary road closures required instead which may lead to longer delays due to statutory advertisement requirements.

- (i) Permit to establish "Works Zone" on public roads adjacent to the development site, including use of footpath area. Application(s) shall be submitted minimum one (1) month prior to the planned commencement of works on the development site. The application will be referred to the Council's Traffic Engineer for approval, which may impose special conditions that shall be strictly adhered to by the applicant(s).

Copies of the approved permits shall be submitted to the Principal Certifying Authority attesting this condition has been appropriately satisfied.

Note: No works or occupancy shall be carried out in road reserve until permits have been granted from Council's engineers. Any works shown within Council's road reserve or other Council Lands on the development approval plans are indicative only and no approval for these works is given until this condition is satisfied.

Road Works

- C7 Prior to commencement of any works in the road reserve area, the applicant shall obtain written approval, together with a copy of approved engineering plans, construction management plan and construction traffic plans, under Section 138 of *Roads Act 1993* for the civil works to be carried out in public domain. Documentary evidence shall be submitted to the Principal Certifying Authority attesting to this condition has been appropriately satisfied.

All works shall be designed and prepared by suitably qualified civil engineers and landscape architects with relevant qualification in civil engineering and landscape respectively. All costs associated with the design and construction shall be borne by the applicant.

- C8 All works carried out on the public roads shall be inspected and approved by Council's engineer. Documentary evidence of compliance with Council's requirements shall be obtained prior to proceeding to the subsequent stages of construction, encompassing not less than the following key stages:

- (a) Initial pre-construction on-site meeting with Council's engineers to discuss concept and confirm construction details, traffic controls and site conditions/constraints prior to commencement of the construction of the civil works associated with the road widening
- (b) Prior to placement of concrete/ road pavement materials
- (c) Prior to backfilling of proposed stormwater drainage system in the road reserve
- (d) Final inspection

Council's inspection fee will apply to each of the above set inspection key stages. Additional inspection fees may apply for additional inspections required to be undertaken by Council.

Security Fencing

- C9 The site to which this approval relates must be adequately fenced or other suitable measures employed that are acceptable to the Principal Certifying Authority to restrict public access to the site and building works. Such fencing or other measures must be in place before the approved activity commences.

Tree Protection Measures

- C10 All tree protection measures (including tree protection zones (TPZs) recommended in the Arborist's report required by condition B23 must be in place prior to commencement of works. Before any works commence on site the Proponent is required to contact Council for an inspection of the trees to be retained and the TPZ.

Construction Noise Management

- C11 A detailed assessment of construction noise and vibration impacts to the neighbouring premises shall be submitted to the Department and Council for approval prior to the commencement of works. The assessment shall incorporate a Noise and Vibration monitoring program during the demolition and construction period.
- C12 A Construction Noise Management Plan prepared by a suitably qualified person, shall be submitted to Council for approval prior to any work being commenced and complied with during any construction works.

Demolition and Excavation Management

- C13 Prior to the commencement of demolition and/or excavation work the following details must be submitted to and approved by Council
- (a) A Demolition Work Method Statement prepared by a licensed demolisher who is registered with the Work Cover Authority.
 - (b) An Excavation Work Method Statement prepared by an appropriate qualified professional.

Sediment and Erosion Control

- C14 Erosion and sediment control devices shall be installed and in function prior to the commencement of any construction works upon the site in order to prevent sediment and silt from site works (including demolition and/or excavation) being conveyed by stormwater into public stormwater drainage system, natural watercourses, reserves, trees and neighbouring properties. In this regard, all stormwater discharge from the site shall meet the legislative requirements and guidelines. These devices shall be maintained in a serviceable condition at all times.

Contamination Protection Measures

- C15 All materials excavated from the site (fill or natural) shall be classified in accordance with the NSW Department of Environment and Climate Change (DECC) Waste Classification Guidelines (2008) prior to being disposed of to a NSW approved landfill or to a recipient site.
- C16 To prevent contaminated soil being used onsite, all imported fill shall be certified VENM material and shall be validated in accordance with the Office of Environment and Heritage (OEH) approved guidelines to ensure that it is suitable for the proposed development. Imported fill shall be accompanied by documentation from the supplier which certifies that the material has been analysed and is suitable for the proposed land use.
- C17 For any water from site dewatering to be permitted to go to stormwater, the water must meet ANZECC 2000 Water Quality Guidelines for Fresh and Marine Water for the 95% protection trigger values for Freshwater. All testing must be completed by a NATA accredited laboratory. All laboratory results must be accompanied by a report prepared by a suitably qualified and experienced person indicating the water is acceptable to be released into Councils stormwater system.
- C18 For any water from site dewatering to be permitted to go to stormwater, the water must meet ANZECC 2000 Water Quality Guidelines for Fresh and Marine Water for the 95% protection trigger values for Freshwater. All testing must be completed by a NATA accredited laboratory. All laboratory results must be accompanied by a report prepared by a suitably qualified and experienced person indicating the water is acceptable to be released into Councils stormwater system
- C19 Any new information that comes to light during demolition or construction which has the potential to alter previous conclusions about site contamination and remediation must be notified to Council and the accredited certifier immediately

End of Part C

PART D – DURING CONSTRUCTION

Hours of Work

- D1 All demolition and construction work must be restricted to between the hours of 7.00am and 7.00pm Mondays to Fridays (inclusive) and 8.00am to 4.00pm on Saturdays. No work is to be carried out on Sundays or public holidays.

Inspections

- D2 The person having the benefit of this approval is required to notify the Certifying Authority during construction to ensure that the critical stage inspections are undertaken, as required under clause 162A(4) of the *Environmental Planning and Assessment Regulation 2000*.

Surveyor Check of the Building

- D3 In order to ensure compliance with approved plans, a Survey Certificate, prepared to Australian Height Datum, shall be prepared by a Registered Surveyor showing the following: -
- a) at the completion of excavation, prior to the placement of any footings, showing the completed level of the excavation and its relationship to the boundaries;
 - b) prior to placement of concrete at the ground floor level, showing the level of the form work and its relationship to boundaries including relevant footpath and roadway levels;
 - c) prior to placement of concrete at each floor level showing the principal level of the formwork and the intended relationship of the completed works to the boundary;
 - d) prior to roofing, or completion of the highest point of the building showing the anticipated level of the completed work and its relationship to the boundary; and
 - e) at completion, works showing the relationship of the building to the boundary and showing the maximum height of the overall works and the height of the principal roof elements.

Progress certifications in response to points (a) through to (e) shall be provided to the Certifying Authority and Council at the time of carrying out relevant progress inspections. Under no circumstances will work be allowed to proceed should such survey information be unavailable or reveals discrepancies between the approved plans and the proposed works.

All Works to be carried out within the site

- D4 This Consent relates to land in Lot 100 in DP 700822, Lots 3 & 5 in DP 248832 and Lots 41 & 42 in 601517 and as such, building works must not encroach on to adjoining lands or the adjoining Eastlakes Reserve or other public places, other than public domain work required of this consent.
- D5 The applicant shall conduct all construction works and any related deliveries/activities wholly within the site. If any use of Council's road reserve is required, approval and permits shall be obtained from Council.
- D6 Construction operations such as brick cutting, washing tools or brushes and mixing mortar shall not be carried out on park/road reserve or in any other locations which could lead to the discharge of materials into the stormwater drainage system or onto Council's lands.
- D7 Hosing down or hosing/washing out of any truck (concrete truck), plant (e.g. concrete pumps) or equipment (e.g. wheelbarrows) on Council's road reserve or other property is strictly prohibited. Fines and cleaning costs will apply to any breach of this condition.

Erosion, Soil and Water Management

- D8 The vehicular entry/exits to the site must be protected from erosion and laid with a surface material which will not wash into the street drainage system or watercourse.
- D9 Pavement surfaces adjacent to the ingress and egress points are to be swept and kept clear of earth, mud and other materials at all times and in particular at the end of each working day or as directed by Council's Engineer.

- D10 During the construction works, the Council nature strip shall be maintained in a clean and tidy state at all times.
- D11 Shaker pads are to be installed at the exit points to the site to prevent soil material leaving the site on the wheels of vehicles and /or other plant and equipment.
- D12 The Principal Contractor must install and maintain water pollution, erosion and sedimentation controls in accordance with:
- (a) The Soil and Water Management Plan if required under this consent;
 - (b) "Do it Right On Site, Soil and Water Management for the Construction Industry" published by the Southern Sydney Regional Organisation of Councils, 2001; and
 - (c) "Managing Urban Stormwater - Soils and Construction" published by the NSW Department of Housing 4th Edition" ('The Blue Book'). Where there is any conflict The Blue Book takes precedence.

Note: The International Erosion Control Association – Australasia (<http://www.austieca.com.au/>) lists consultant experts who can assist in ensuring compliance with this condition. Where Soil and Water Management Plan is required for larger projects it is recommended that this be produced by a member of the International Erosion Control Association – Australasia.

Note: The "Do it Right On Site," can be down loaded free of charge from Council's website at <http://www.botanybay.nsw.gov.au/council/services/planning/factsheets.htm> further information on sediment control can be obtained from www.ssroc.nsw.gov.au.

Note: A failure to comply with this condition may result in penalty infringement notices, prosecution, notices and orders under the Act and/or the Protection of the Environment Operations Act 1997 without any further warning. It is a criminal offence to cause, permit or allow pollution.

Note: Section 257 of the Protection of the Environment Operations Act 1997 provides inter alia that "the occupier of premises at or from which any pollution occurs is taken to have caused the pollution"

Warning: Irrespective of this condition any person occupying the site may be subject to proceedings under the *Protection of the Environment Operations Act 1997* where pollution is caused, permitted or allowed as the result of their occupation of the land being developed.

- D13 Throughout the construction period, Council's warning sign for soil and water management shall be displayed on the most prominent point of the building site, visible to both the street and site workers. A free copy of the sign is available from Council's Customer Service Counter.
- D14 All vehicles transporting soil, sand or similar materials to or from the site shall cover their loads at all times.

Council Infrastructure

- D15 During Construction and any associated deliveries activities, care must be taken to protect Council's infrastructure, including street signs, footpath, kerb, gutter and drainage pits etc. Protecting measures shall be maintained in a state of good and safe condition throughout the course of demolition, excavation and construction. The area fronting the site and in the vicinity of the development shall also be made safe for pedestrian and vehicular traffic at all times. Any damage to Council's infrastructure (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub-contractors, concrete delivery vehicles) shall be fully repaired in accordance with Council's specification and AUS-SPEC at no cost to Council.

Site Access

- D16 During Construction and any associated deliveries activities, access to the site shall be available in all weather conditions. The area shall be stabilised and protected from erosion to prevent any construction-related vehicles (including deliveries) tracking soil materials onto street drainage system/watercourse, Council's lands, public roads and road-related areas. Hosing down of vehicle tyres shall only be conducted in a suitable off-street area where wash waters do not enter the stormwater system or Council's lands.

Compliance with Construction Management Plans

- D17 During construction and any associated deliveries activities, the applicant shall ensure that all works and measures have been implemented in accordance with following approved plans at all times: -
- (a) Approved Construction Traffic Management Plan; and
 - (b) Approved Construction and Environmental Management Plan.

Acoustic and Vibration Management

- D18 The construction of the premises shall not give rise to transmission of vibration at any affected premises that exceeds the vibration in buildings criteria outlined in the NSW EPA Environmental Noise Control Manual.
- D19 The development is to be constructed to meet the requirements the following construction noise requirements:
- (a) **Construction Noise**
Noise from construction activities associated with the development shall comply with the NSW Environment Protection Authority's Environmental Noise Manual – Chapter 171 and the Protection of the Environment Operations Act 1997
 - (b) **Level Restrictions**
Noise levels are to be in accordance with the NSW OEH Interim Construction Noise Guidelines
 - (c) **Time Restrictions**
Monday to Friday 07:00am to 06:00pm
Saturday 07:00am to 01:00pm
No Construction to take place on Sundays or Public Holidays.
 - (d) **Silencing**
All possible steps should be taken to minimise construction site equipment.

Toilet Facilities

- D20 Toilet facilities are to be provided at or in the vicinity of the work site on which work involves:
- (a) Erection of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site;
 - (b) Each toilet provided:
 - (1) must be standard flushing toilet; and,
 - (2) must be connected:-
 - (1) to a public sewer; or
 - (2) if connection to a public sewer is not practicable to an accredited sewerage management facility approved by the Council; or,
 - (3) if connection to a public sewer or an accredited sewerage management facility is not practicable to some other sewerage management facility approved by the Council.
 - (c) The provisions of toilet facilities in accordance with this clause must be completed before any other work is commenced.

Protection during Excavation

- D21 Excavation, backfilling and construction works must comply with the following:
- (a) All excavations and backfilling shall be executed safely and in accordance with appropriate professional standards; and
 - (b) All excavations shall be properly guarded and protected to prevent them from being dangerous to life or property; and,
 - (c) If the soil conditions require it:-
 - (1) retaining walls associated with the erection or demolition of a building or other approved methods of preventing movement of the soil must be provided and;
 - (2) adequate provision must be made for drainage.
 - (d) Existing structures and or services on this and adjoining properties are not endangered during any excavation or construction work associated with the development. The applicant is to provide details of any shoring, piercing, or underpinning prior to the commencement of any work. The construction shall not undermine, endanger or destabilise any adjacent structures.

- (e) As the development involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:
- (1) Protect and support the adjoining premises from possible damage from the excavation, and
 - (2) Where necessary, underpin the adjoining premises to prevent any such damage.

Managing Emissions

- D22 All possible and practicable steps shall be taken to minimise nuisances to the inhabitants of the surrounding neighbourhood from wind-blown dust, debris, noise, vibration and the like.
- D23 The proponent must engage a private contractor (i.e. street sweeper) to ensure waste and dust generated by the redevelopment are removed from adjoining properties and Council properties such as footpaths and streets on a daily basis.
- D24 All vehicles transport demolition materials from the site must have their loads covered.
- D25 All practicable measures must be taken to ensure that vehicles leaving the site do not deposit mud or debris on the road.

End of Part D

PART E – PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

Occupation Certificate

- E1 Prior to use and occupation of any building an Occupation Certificate must be obtained under Section 109C(1)(c) and 109N of the Environmental Planning and Assessment Act, 1979.

Development in Accordance with Conditions of Approval

- E2 All parking (including accessible, motorcycle, bicycle and car share spaces), landscaping, lighting, public domain works, foot paving, signposting, security measures, drainage and road works shall be provided in accordance with the conditions of approval prior to issue of the relevant Occupation Certificate.

Fire Safety Certificate

- E3 A Fire Safety Certificate (form 15 under the Environmental Planning and Assessment Amendment Regulation 1998) must be furnished to the Certifying Authority and Council for all items listed in the Fire Safety Schedule forming part of this approval for prior to any approval for occupancy/partial occupancy being granted.

Landscape Maintenance Plan

- E4 A Landscape Maintenance Plan is required is required prior to the issue of a relevant Occupation Certificate. The Landscape Maintenance Plan should include the following requirements:
- (a) Regular maintenance and trimming of shrubs and plantings
 - (b) Shrubs and plantings be appropriately maintained to allow for clear lines of sight over the shrubs from pathways and pedestrians areas.
 - (c) All other trees on the site are to be appropriately pruned, trimmed and maintained so that passive surveillance is not compromised and there is no opportunity for climbing of trees to gain access to balconies or units.

Lighting

- E5 All lighting, including illumination of signage where approved, is to comply with the following requirements:
- (a) Lighting is to be designed and installed in accordance with the relevant Australian and New Zealand Lighting Standards. Basement lighting is to comply with Australian Standard AS1680.2 and 28890.1:2004. Lighting is also to be provided on the underside of the building entry awning.
 - (b) A Lighting Maintenance Policy is required to outline the maintenance, monitoring and operation of lighting.
 - (c) reduce power consumption and comply with the relevant Australian and New Zealand Standards for Lighting,
 - (d) Lighting is to be provided to all common areas including all car parking levels, stairs and access corridors, the public outdoor court and communal gardens.
 - (e) Lighting is to be automatically controlled by time clocks and where appropriate, sensors for energy efficiency and a controlled environment for residents.

Site Maintenance Plan

- E6 A Site Maintenance Plan is required to ensure regular maintenance and monitoring of security devices (including security communications devices, card readers) and lighting, lighting and signage.

Stormwater Works

- E7 Prior to issue of any Occupation Certificate repairs to Eastlakes Reserve as a result of the relocation of the Council's drainage pipes are to be made good..

BASIX

- E8 Prior to the issue of the relevant Occupation Certificate, the Certifying Authority is to ensure that the BASIX commitments have been implemented in accordance with the approved BASIX Certificate. Note: Certificates from suitably qualified persons are to be submitted to the Certifying Authority verifying that all BASIX commitments listed have been fulfilled in accordance with the BASIX Certificate.

- E9 Within 7 days of issuing a final Occupation Certificate, the Certifying Authority is required to generate a BASIX Completion Receipt in accordance with the provisions of the EP&A Regulation 2000. The Certifying Authority is to refer to the BASIX Completion Receipt tool at www.basix.nsw.gov.au/administration/login.jsp in order to generate the BASIX Completion Receipt and a printed copy of the receipt is to be placed on the Certifying Authority file.

Drainage Construction

- E10 Prior to the issue of any Occupation Certificate, construction of the stormwater drainage system (including OSD system and pump-out system) of the proposed development shall be completed generally in accordance with the approved stormwater management construction plan(s), Council's 'Guidelines for the Design of Stormwater Drainage Systems within City of Botany Bay', Australian Rainfall & Runoff (AR&R), AS 3500 and BCA. Documentation from a qualified civil engineer shall be submitted to the Principal Certifying Authority certifying that the stormwater drainage system (including OSD systems and pump-out system) has been constructed generally in accordance with the approved stormwater drainage construction plan(s) and accepted practice.
- E11 Prior to the issue of Final Occupation Certificate, maintenance schedule of the stormwater drainage system (including on-site infiltration system and pump-out system) shall be prepared by a qualified engineer and submitted to Principal Certifying Authority. A copy of maintenance schedule shall also be submitted to Council for record purpose.
- E12 In order to ensure that the constructed on-site infiltration system and pump-out system will be adequately maintained, Positive Covenant and Restriction on the Use of Land on the Title under Section 88B/88E(3) of the Conveyancing Act 1919 shall be created in favour of Council as the benefiting authority for the as-built system. The standard wording of the terms of the Positive Covenant and Restriction on the Use of Land are available in Council. The relative location of the systems, in relation to the building footprint, shall be shown on a scale sketch, attached as an annexure to the plans/ forms. Proof of registration shall be submitted to the Principal Certifying Authority prior to the issue of Final Occupation Certificate.

Works on Council Land

- E13 Prior to the issue of any Occupation Certificate, any road pavement disturbed as a result of works relating to the development shall be resurfaced with minimum 50mm AC10 layer of Asphalt to Council's and AUSROADS Guidelines.
- E14 Prior to the issue of any Occupation Certificate, all applications associated with works on Council's land must be made at least 7-10 days prior to the programmed completion of works and all construction must be completed and approved by Council.
- E15 Prior to the issue of Final Occupation Certificate, the following documentation shall be submitted to Council and Principal Certifying Authority attesting this condition has been appropriately satisfied:-
- (a) Written confirmation / completion certificate obtained from Council's engineers;
 - (b) Inspection reports (formwork and final) for the works on public domain and road reserve area obtained from Council's engineer; and
 - (c) A copy of the approved engineering construction plans showing Work-as-Executed details (together with an electronic copy (DWG format)) for all the civil works on public domain and road reserve area. The plan shall be prepared by a registered surveyor.
- E16 Prior to the issue of Final Occupation Certificate, a Certificate of Survey from a Registered Surveyor shall be submitted to the Principal Certifying Authority to the effect that all reduced levels shown upon the approved plans, with relation to drainage, boundary and road reserve levels, have been strictly adhered to.
- E17 The applicant is responsible for the installation and protection of all regulatory / parking / street signs along the Evans Avenue, Barber Avenue, Gardeners Road frontage of the site. Any damaged or missing street signs as a consequence of the development and associated construction works shall be replaced at full cost to the applicant.

- E18 All new street trees shall be installed by a qualified landscape contractor. The trees shall be sourced from a reputable supplier that grows to NATSPEC. A Dial-Before-You-Dig enquiry is required prior to all tree planting. The trees shall be planted in an area measuring 1 metre diameter, backfilled with compost, water holding additive and fertiliser, and mulched with leaf mulch to a depth of 75mm. The trees are to be double staked and tied to industry standards. The Applicant is required to obtain a Council inspection of new trees prior to the maintenance period commencing.
- E19 The Council nature strip shall be suitably replaced in accordance with Council Specification at the completion of construction work and at the Applicant's expense.
- E20 The landscaped areas on the property shall be installed in accordance with the approved landscape documentation, inclusive of the Council amendments above prior issue of an Occupation Certificate.
- E21 The public domain works shall be installed in accordance with the Council approved landscape documentation, inclusive of the requirements above prior issue of an Occupation Certificate.
- E22 It is a condition of approval that the applicant shall, at no costs or expense to Council, comply with the following: -
- (a) Upgrade the public domain where relevant if damaged during construction works associated with the approved development by reconstruction of road pavement, kerb and gutter, footpath, drainage system, street trees, landscaping and any associated works for street frontages (Evans Avenue, Barber Avenue and Gardeners Road) of the site and the area of Eastlakes Reserve adjoining the site. All damage repair works shall be in accordance with specifications and requirements from Council's landscape and engineering sections and the approved civil works construction plans and landscape plans. All the public domain works shall be constructed and completed to Council's satisfaction in accordance with the plan required by Condition B3 prior to the issue of any relevant Occupation Certificate.
 - (b) Replace all the existing above ground electricity and telecommunication cables that service the approved development to underground cables within the site and along the Evans Avenue, Barber Avenue and Gardeners Road frontages of the site in accordance with the guidelines and requirements of the relevant utility authorities. The applicant shall bear all the cost of the construction and installation of the cables and any necessary adjustment works. These works and payments shall be completed prior to the issue of any Occupation Certificate.
 - (c) Provide appropriate and suitable street lighting to the street frontages of the site, so to provide safety and illumination for residents of the development and pedestrians in the area. All street lighting shall comply with relevant electricity authority guidelines and requirements and shall be completed prior to the issue of any Occupation Certificate.

Acoustic Certification

- E23 Prior to the issue of Final Occupation Certificate, the proponent shall obtain a certificate from a suitably Acoustic Consultant, certifying that the development complies with relevant Australian Standard, State and local requirements and ViPAC recommended criteria.

Loading Dock Management

- E24 The applicant shall provide a Loading Dock Management Plan for each loading dock that provides details of the approach/departure routes by large trucks, the days/times of the week that each tenancy can utilise specific docks by truck length. The management plan should have regard to the relevant conditions of this approval and indicate how compliance with the conditions will be ensured through management practices.

Operation Management Plan

- E25 Prior to the issue of any Occupation Certificate, an Operation Management Plan for the Eastlakes Town Centre redevelopment shall be submitted and approved by Council. The Operation Management Plan shall incorporate the following: -
- (a) The maximum size of vehicle making deliveries and accessing to the site associated with the development;
 - (b) The designated traffic delivery route for the northern and southern precincts;
 - (c) The occupier shall ensure that any person employed on the premises shall park their vehicles, if any, in the employee parking area. No employee shall be permitted to park on ground level

- eastern car parking area, common driveway, public streets or any road related areas (eg. footpath, nature strip, road shoulder, road reserve, public carpark etc;
- (d) No deliveries to the premises shall be made direct from a public places, public streets or any road related areas (eg. footpath, nature strip, road shoulder, road reserve, public carpark, service station etc);
 - (e) All vehicles shall be parked in the marked parking bays and all parking bays on-site shall be set aside for parking purpose only and shall not be used for storage of goods or machinery;
 - (f) All vehicles shall enter and exit the site in a forward direction. Manoeuvring movements of vehicles in the car parking area shall be carried out wholly within the site and vehicle manoeuvring area shall be kept clear at all times; and
 - (g) All loading/unloading activities associated with delivery shall be restricted to be carried out on-site only. No deliveries to the premises shall be made direct from public places, public streets or any road related areas (eg. footpath, nature strip, road shoulder, road reserve etc).

Damage to Adjoining Properties

- E26 All damages as a result from site works shall be rectified at the applicant's expense to Council's satisfaction, prior to the issue of Final Occupation Certificate.

Easement in Gross

- E27 Prior to any occupation certificate, an easement for public access in gross for the public to enter, pass, re-pass, use and enjoy the street setbacks areas on Evans Avenue and Barber Avenue and that part of the Market Square equivalent to a footpath width to allow for safe and legal passage of pedestrians is to be registered over the land in favour of Council. The terms of the easement are to be approved by Council.

End of Part E

PART F – DURING OPERATIONS/ POST COMPLETION

Further approvals

- F1 The following shall be the subject of separate Development Applications to Council under Part 4 of the Act (except where exempt and complying development applies):
- (a) Advertising signs – other than the signs detailed and approved as part of this application
 - (b) Retail and commercial fitout – the Proponent shall seek development consent prior to occupation and use of individual tenancies, where required.
 - (c) Strata Subdivision – any proposal to Strata subdivide the development will require separate application to obtain Development Approval for the proposal and subsequent approval of the final Strata Plan and issues of the Strata Certificate by Council.

Note: All future retail and commercial uses within the Eastlakes redevelopment must comply with the approved traffic route and Loading Dock Management Plan.

Fire Safety Statement

- F2 A six-monthly Fire Safety Statement (Form 15A under the Environmental Planning and Assessment Regulation 1994) must be given to Council and the NSW Fire Brigade commencing within 6 months after the date on which Council receives the initial Fire Safety Certificate.

Maintenance of Landscaping and Public Domain

- F3 Landscaping shall be maintained in accordance with the landscape plan and the conditions of this approval to Council satisfaction at all times.
- F4 The public domain works shall be maintained by the Applicant in accordance with the approved landscape documentation and the conditions of this approval to Council's satisfaction for a period of twelve (12) months after Council approval of Final Landscape Inspection, for defects rectification and landscape maintenance. The Landscape Contractor shall be engaged weekly for a minimum period of 52 weeks from Council approval of final completion of the public works installation in order to maintain the landscaping. New street trees planted in accordance with the final approved Public Domain Plan shall be maintained by the Applicant/Owner for 18 months after planting. Maintenance includes twice weekly watering for the first 6 months then weekly watering/or at a greater frequency to sustain adequate growth, annual fertilising, weed removal around the tree base, adjustment of stakes and ties and repair/adjustment of tree pits as required but does not include trimming or pruning street trees at any time. Tree pruning work is undertaken by Council only.
- F5 The ongoing maintenance of the nature strip/footpath shall be undertaken by the occupier/owner. Maintenance includes mowing and watering of grass areas and the maintenance of a good, even coverage at all times and the removal of weeds and rubbish in grass and paved areas.

Waste Management

- F6 All waste and recycling containers shall be stored in the designated waste storage areas. The waste containers are not to be over filled and the lids kept closed at all times except when material is being put in them. The occupier shall be responsible for cleaning the waste storage area, equipment, and waste collection containers.
- F7 The Waste Management Plan for the site prepared by J D MacDonald (Dated April 2012) shall be complied with at all times during demolition works, construction works, and use of the premises.

Stormwater Management

- F8 The stormwater drainage system (including all pits, pipes, absorption, detention structures, treatment devices, infiltration systems and rainwater tanks) shall be regularly cleaned, maintained and repaired in accordance with the maintenance schedule submitted to Council to ensure the efficient operation of the system from time to time and at all times. The system shall be inspected after every rainfall event to remove any blockage, silt, debris, sludge and the like in the system. All solid and liquid waste that is collected during maintenance shall be disposed of in a manner that complies with the appropriate Environmental Guidelines.

Parking and Traffic Management

- F9 All vehicles (including deliveries) shall enter and exit the premises to the public roads in a forward direction. Vehicle turning areas shall be kept clear at all times and no vehicles shall be permitted to park in these areas.
- F10 All parking areas shown on the approved architectural plans shall be set aside for parking purpose only and shall not be used for other purposes, e.g. storage of goods. Vehicle turning areas shall be kept clear at all times and no vehicle is permitted to park in these areas.
- F11 Delivery vehicles associated with the southern site should enter via Racecourse Place, Evans Avenue, Longworth Avenue and Barber Avenue and exit via Barber Avenue, Longworth Avenue, Evans Avenue and Racecourse Place.
- F12 Vehicles accessing the basement car parking area shall be limited to B99 vehicles as defined by AS 2890.1.
- F13 Any furniture removal vehicles or garbage collection trucks assessing the loading/unloading area shall be limited to Medium Rigid Vehicle (MRV) or smaller as defined by AS 2890.2
- F14 The Loading Dock Management Plan shall be complied with at all times during the use of the premises.

Delivery and Waste Vehicle Hours

- F15 To ensure no sleep disturbance to adjoining residents, the loading docks and waste removal/collection are to comply with the following:
- (a) Loading Docks – Daily hour of operations 7am to 9pm
 - (b) Waste removal/collection is to be restricted to Monday to Saturday between 7am and 5pm
 - (c) The roller doors of the southern loading dock must be closed at all times except when delivery trucks enter or leave the dock.
 - (d) No queuing of truck(s) outside the loading docks at any time.

Acoustic Management

- F16 The development must comply with the following noise criteria:
- (a) The operation of all site generated activities, plant and equipment shall not give rise to an equivalent continuous (L_{Aeq}) sound pressure level at any point on any residential property greater than 5dBA above the existing background L_{A90} level (in the absence of the noise under consideration).
 - (b) The operation of all site generated activities, plant and equipment when assessed on any residential property shall not give rise to a sound pressure level that exceed L_{Aeq} 50dBA day time and L_{Aeq} 40dB(A) night time.
 - (c) The operation of all site generated activities, plant and equipment when assessed on any neighbouring commercial/industrial remises shall not give rise to a sound pressure level that exceeds L_{Aeq} 65dB(A) day time/night time.

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

- F17 The proponent shall engage a suitably qualified person to prepare a post noise and traffic survey/report/certificate six (6) months after the issue of the Occupation Certification. This report/survey/certificate is to ascertain whether the traffic and noise generated by the redevelopment meet the recommended level contained in the Preferred Project Report. If traffic and noise generated by the redevelopment exceed the recommended level, corrective actions must be provided and adopted by the proponent

Roller Shutters Prohibited

- F18 Roller shutters to windows and doors (other than loading docks) are not permitted if visible from the street.

Lighting

F19 The lighting of the premises shall be directed so as not to cause nuisance to the owners or occupiers of adjacent/adjoining premises or to motorists on adjoining or nearby roads. All proposed lights shall comply with the Australia Standard AS 4282-1997: Control of the Obtrusive Effects of Outdoor Lighting.

Graffiti Management

F20 All ground level surfaces/walls are to be treated with anti-graffiti coating to minimise potential of defacement. In addition, any graffiti evident on the exterior facades and visible from a public place is to be removed within 2 working days.

Strata Subdivision

F21 Further Strata subdivision of the development shall be the subject of a further Development Application to Council. The Strata Subdivision Application must be accompanied by a formal copy of the By-Laws which shall be in accordance with the plans and documentation approved under this Consent and should also address the following matters:

- (a) Responsibilities with regard to the ongoing maintenance of the building and landscaped areas at the property in accordance with the plans and details approved under Application No: MP 09_0146.
- (b) Responsibilities with regard to the maintenance of artificial features at the property in accordance with the plans and details approved under Application No: MP 09_0146.
- (c) Responsibilities regarding the maintenance of the car wash bays by the Owners Corporation / building owner.
- (d) Responsibilities for ensuring owners and/or tenants have adequate and hygienic disposal and collection arrangements and for ensuring the waste storage area is appropriately maintained and kept in a clean and safe state at all times in accordance with the conditions of this consent.
- (e) Responsibilities to ensure that wastewater and stormwater treatment devices (including drainage systems, sumps and traps) are regularly maintained in order to remain effective. All solid and liquid wastes collected from the devices shall be disposed of in a manner that does not pollute waters and in accordance with the Protection of the Environment Operations Act 1997.
- (f) Responsibilities to ensure that graffiti is removed as soon as practicable. In this regard a graffiti management plan is to be incorporated into the maintenance plan for the development.
- (g) Responsibilities to ensure the appropriate management and operation of the communal building and associated facilities on the site. In this regard it should be noted that:
 - a. hours of operation of the facility shall be limited to between 6.00am and 10.00pm; and
 - b. the use of amplified music is not permitted.
- (h) The Owners Corporation/Executive Committee obligations under clauses 177, 182, 183, 184, 185 and 186 of the Environmental Planning and Assessment Regulation 2000.
- (i) The linen plan must include details of required easements, encroachments, rights of way including footway restriction as to user or positive covenants and include a Section 88B Instrument under the Conveyancing Act, 1919. Council is to be nominated as the only authority permitted to release, vary or modify any easements, encroachments, rights of way, restriction as to user or positive covenants.
- (j) The landscape contractor shall be engaged weekly for a minimum period of 26 weeks from final completion of landscaping for maintenance and defects liability, replacing plants in the event of death, damage, theft or poor performance. After that time monthly maintenance is required.
- (k) New street trees shall be maintained by the Owner/Strata Corporation for 12 months after planting. Maintenance includes watering twice weekly for a period of 4 months min. (or until established) and after that at a frequency to sustain adequate growth, bi-annual feeding with a suitable fertilizer, weed removal and replenishment of the mulched base, but does not include trimming or pruning the trees under any circumstances. Any trees that fail to thrive shall be replaced by the owner/strata corporation to Council's satisfaction at their expense.

End of Part F

ADVISORY NOTES

Sydney Water

- AN1 An application will need to be made to Sydney Water for a Certificate under Part 6, Division 9, Section 73 of the Sydney Water Act, 1994 (Compliance Certificate). Evidence that a Compliance Certificate has been applied for (i.e. Notice of Requirements) will need to be produced to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate. The Section 73 Certificate will need to be submitted to the Certifying Authority prior to the occupation of the development or release of the linen plan.

Requirements of Public Authorities for Connection to Services

- AN2 The proponent shall comply with the requirements of any public authorities (e.g. Energy Australia, Sydney Water, Telstra Australia, AGL, etc) in regard to the connection to, relocation and/or adjustment of the services affected by the construction of the proposed structure. Any costs in the relocation, adjustment or support of services shall be the responsibility of the proponent. Details of compliance with the requirements of any relevant public authorities are to be submitted to the satisfaction of the Certifying Authority prior to the issue of the Construction Certificate.

Compliance with Building Code of Australia

- AN3 The proponent is advised to consult with the Certifying Authority about any modifications needed to comply with the BCA prior to submitting the application for a Construction Certificate.

Disability Discrimination Act

- AN4 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 proponent/owner 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 references AS 1428.1 - Design for Access and Mobility. AS1428 Parts 2, 3 & 4 provides the most comprehensive technical guidance under the Disability Discrimination Act 1992 currently available in Australia.

Commonwealth Environment Protection and Biodiversity Conservation Act 1999

- AN5 The Commonwealth Environment Protection and Biodiversity Conservation Act 1999 provides that a person must not take an action which has, will have, or is likely to have a significant impact on a matter of national environmental significance (NES) matter; or Commonwealth land, without an approval from the Commonwealth Environment Minister.

This application has been assessed in accordance with the New South Wales Environmental Planning & Assessment Act, 1979. The determination of this assessment has not involved any assessment of the application of the Commonwealth legislation. It is the proponent's responsibility to consult Environment Australia to determine the need or otherwise for Commonwealth approval and you should not construe this grant of approval as notification to you that the Commonwealth Act does not have application. The Commonwealth Act may have application and you should obtain advice about this matter. There are severe penalties for non-compliance with the Commonwealth legislation.

End of Schedule 2

SCHEDULE 3
Proponent's Statement of Commitments

Table 6 – Final Statements of Commitment

Commitment Number	Commitment	Timing	Approved by...
Compliance with Plans			
1. Development Plans	The proponent will undertake the development generally in accordance with the architectural plans by Rice Daubney Architects and attached at Appendix 2 to the PPR dated March 2013.	Prior to issue of Construction Certificates	Accredited certifier
2. Gross Floor Area (GFA)	The proponent will limit the floor space of the development to a maximum GFA of 51,832m ² .	Prior to issue of the final Occupation Certificate	Accredited certifier
3. Minimum Apartment Sizes	The Proponent will provide apartments with minimum internal floor areas as follows: Studio 39m ² 1 bedroom 46m ² 2 bedroom 65m ² 3 bedroom 113m ²	Prior to issue of Occupation Certificates for each stage	Accredited certifier
4. Minimum Ceiling Heights	The proponent will provide ceiling heights of 2.7m to all habitable areas of residential apartments and ceiling heights of 2.4m to bathrooms, laundries and kitchens.	Prior to issue of Occupation Certificates for each stage	Accredited certifier

Table 6 – Final Statements of Commitment

Commitment Number	Commitment	Timing	Approved by...
Public Infrastructure			
5. Section 94 contributions/ Works in Kind/ VPA	<p>The proponent will hold discussions with Botany Bay City Council (Council) regarding undertaking works in kind in the vicinity of the site in lieu of payment of section 94 contributions. Such works could include improvements to Eastlakes Reserve and the public domain areas in the vicinity of the development site.</p> <p>If no agreement is reached between Council and the proponent regarding a VPA or works in kind agreement, the proponent will make a contribution towards the upgrade of public services and facilities in accordance with Council's adopted Section 94 Contribution Plan or in accordance with any relevant Section 94E Direction.</p>	<p>Discussions to occur subsequent to issue of any project approval.</p> <p>If works in kind or a VPA are negotiated, details of extent and timing of works to be finalised prior to issue of Construction Certificate for Stage 1.</p> <p>If Section 94 contributions are to be paid, the contribution relevant to that component of the development is to be paid prior to issue of a Construction Certificate for that component of the development</p>	Botany Bay Council and Proponent
Structural Design and Construction			
6. Detailed Structural Designs	The Proponent will undertake the detailed structural design for the development in accordance with the advice from VDM dated 7 February 2013 and attached at Appendix 10 to the PPR dated March 2013.	Prior to issue of Construction Certificates for building works	Accredited certifier
7. Construction	The Proponent will undertake construction works in accordance with the approved detailed structural plans	Prior to issue of Occupation Certificates for each stage	Accredited certifier
Building Height and Form			
8. Obstacle Limitation Height	The proponent will comply with the SAC maximum height limitation of 51m AHD for any building, structure or thing.	During construction and on going	Sydney Airport Corporation
Landscaping			
9. Landscape Design	The proponent will provide landscaping generally in accordance with the landscape plans provided by Taylor Brammer Landscape Architects and attached at Appendix 5 of the PPR dated March 2013.	Prior to issue of Occupation Certificates for each stage	Accredited certifier
10. Tree Protection	The proponent will protect all trees identified in the Arborist report as trees to be retained and protected	During construction	Qualified arborist

Table 6 – Final Statements of Commitment

Commitment Number	Commitment	Timing	Approved by...
11. Public Domain	The proponent will undertake improvements to the public domain areas surrounding the site generally in accordance with the Public Domain Improvement Plan prepared by Taylor Brammer Landscape Architects LA03 Rev C. (Appendix 5 to PPR)	Prior to the issue of an Occupation Certificate of each building	Accredited certifier
Heritage			
12. Excavation	The proponent will engage an archaeologist to prepare briefing documents and a monitoring plan for the excavation phase of the development works.	Prior to issue of the Construction Certificate for site works	Accredited certifier
13. Consultation with Local Aboriginal Land Council	The proponent will consult with the local Aboriginal community in relation to the salvage and/or collection of artefacts should any Aboriginal archaeological sites and/or object be found during excavation.	During excavation works	Local Aboriginal Land Council
Transport and Access			
14. Road works – upgrades	The proponent will upgrade the roundabout intersection of Evans Avenue and Racecourse Place in accordance with the recommendations of the traffic impact assessment by Colston Budd Hunt & Kafes dated July 2012 (Ref. 8226/6) and attached at Appendix 13 of the EAR dated July 2012, as amended by the Response to Traffic Issues dated March 2013 (Ref: TR/8226/jj) and attached at Appendix 6 to the PPR dated March 2013.	Works to be completed prior to issue of an Occupation Certificate for Stage 1	Accredited certifier
15. Car parking	<p>The Proponent will provide the following minimum car parking:</p> <p>North Side Site:</p> <ul style="list-style-type: none"> • Retail car parking spaces – 122 (including 4 accessible spaces) • Residential spaces – 131 (including 4 accessible spaces) • 19 residential motorcycle spaces. <p>South Side Site:</p> <ul style="list-style-type: none"> • Retail car parking spaces – 350 (including 7 accessible spaces). • 2 loading spaces. • 4 retail motorcycle spaces. • Residential spaces – 424 spaces (including 11 accessible spaces) • 2 car wash bays. • 18 retail tenant spaces on B2 	Prior to issue of Occupation Certificates for each stage	Accredited certifier

Table 6 – Final Statements of Commitment

Commitment Number	Commitment	Timing	Approved by...
16. Bicycle parking spaces	Bicycle parking for residents and retail visitors will be provided within both basement levels on both sites. A minimum of 56 bicycle racks for residents and 74 racks for retail visitors will be provided.	Prior to issue of Occupation Certificates for each stage	Accredited certifier
17. Public Transport	The Proponent will provide a taxi stand and passenger drop off area on the southern side of Evans Avenue between Barber Avenue and Eastlakes Reserve.	Prior to issue of the Occupation Certificate for the final stage of Stage 2	Accredited certifier
18. Travel Access Guide	The proponent will prepare a Travel Access Guide for the development in consultation with Council, RMS, Sydney Buses and other relevant stakeholders. The Travel Access Guide will be prepared in accordance with the recommendations of the Transport and Accessibility Impact Assessment attached at Appendix 13 to the EAR dated July 2012.	The Travel Access Guide will be implemented prior to issue of an Occupation Certificate for Stage 1 and will be updated as required prior to the issue of subsequent Occupation Certificates.	Accredited certifier
19. Service Vehicle Management Plan	The proponent will prepare a Service Vehicle Management Plan in order to manage and control service vehicle activity on and around the site. The Service Vehicle Management Plan will be prepared in accordance with the recommendations of the Transport and Accessibility Impact Assessment attached at Appendix 13 to the EA Report dated July 2012.	The Service Vehicle Management Plan will be prepared prior to issue of the first Occupation Certification and will be updated as various stages of the development are completed and occupied.	Accredited certifier
Staging			
20. Development staging	The proponent will ensure that Stage 1 of the development will be wholly self-contained in terms of amenities and facilities for retail tenants and residents.	Prior to occupation of Stage 1.	Accredited certifier
21. Retail development	The retail development on Stage 1 will be completed and operational prior to commencement of works (except early works) on Stage 2	Prior to occupation of retail development on Stage 1 and prior to building construction works commencing on Stage 2.	Accredited certifier
Acoustic			
22. Provisions	The proponent will implement the recommendations of the VIPAC Acoustic Report at Appendix 9 of the PPR.	During demolition, construction and operation of each building.	Accredited certifier

Table 6 – Final Statements of Commitment

Commitment Number	Commitment	Timing	Approved by...
Construction and Environmental Management Plan			
23. Construction Traffic Management Plan	The proponent will implement the Construction Traffic Management Plan prepared by Crown International Holdings Group and included at Appendix 27 of the EAR dated July 2012. The recommendations contained in paragraph 3.63 of the Colston Budd Hunt and Kafes Transport and Accessibility Impact Assessment (Appendix 13 to EAR dated July 2012) and the VIPAC Acoustic Report at Appendix 9 of the PPR will also be adopted as part of the Construction Traffic Management Plan.	During demolition and construction.	Accredited certifier
24. Construction Management Plan	The proponent will undertake all construction works in accordance with the Construction Management Plan prepared by Crown International Holdings Group and included at Appendix 27 of the EAR dated July 2012	Prior to commencement of construction and during construction of each stage of the development.	Accredited certifier
25. Construction and Demolition Waste	The proponent will implement the recommendations contained in the Construction Management Plan prepared by Crown International Holdings Group and included at Appendix 27 of the EAR dated July 2012 regarding construction and demolition waste management.	During demolition and construction	Accredited certifier
Accessibility and Adaptability			
26. Access	The proponent will ensure that the recommendations of the access consultant (as detailed in the report by Accessibility Solutions (NSW) Pty Ltd dated 17 July 2012 and attached at Appendix 19 of the EAR dated July 2012, as amended by the recommendations of the access consultant in the supplementary advice dated 7 March 2013 and attached at Appendix 13 of the PPR dated March 2013) are implemented.	Prior to issue of an Occupation Certificate for each building and final Occupation Certificate	Accredited certifier
27. Adaptable Units	The proponent will provide a minimum of 15 apartments as adaptable units across the completed development. Adaptable dwellings will be distributed throughout the development.	Prior to issue of an Occupation Certificate for the final stage of the development	Accredited certifier

Table 6 – Final Statements of Commitment

Commitment Number	Commitment	Timing	Approved by...
Signage			
28. Signage	All signage will be wholly contained within the signage zones nominated on the approved plans. Details of signage not provided as part of the EAR or PPR will be provided as part of any further development application(s) to occupy particular retail premises	On going	Accredited certifier
Sustainability			
29. BASIX	The proponent will comply with the recommendations of the VIPAC BASIX Assessment report dated 15 February 2013 (Appendix 8 to PPR dated March 2013) in relation to water commitments, thermal comfort and energy usage.	Prior to issue of Occupation Certificates for each stage of the development.	Accredited certifier
30. ESD	The proponent will adopt the recommendations of the ESD report by VIPAC (Reference: 20C-11-0069-TRP-265538-1 dated 5 July 2012) attached at Appendix 18 of the EAR dated July 2012 and the Section J assessment by VIPAC (Reference: 20C-11-0069-TRP-265526-1 dated 5 July 2012) attached at Appendix 18 of the EAR dated July 2012	Prior to issue of Occupation Certificates for each stage of the development	Accredited certifier
Contamination			
31. Environmental site assessment	The proponent will implement the recommendations of the Preliminary Site Investigation report prepared by Environmental Investigation Services, included at Appendix 14 of the EAR dated July 2012.	Prior to commencement of works, including demolition works.	Accredited certifier
Stormwater Management and WSUD			
32. Water Quality Targets	The proponent will meet the water quality targets as set out in the 'MUSIC' report by VDM Consulting. A soil water management plan will be prepared in accordance with Landcom's handbook "Managing Urban Stormwater: Soils and Construction" as recommended in the MUSIC Water Quality Report VDM dated March 2012 and attached at Appendix 25 of the EAR dated July 2012.	Preparation of the soil and water management plan prior to issue of the first Construction Certificates and to be implemented during construction.	Accredited certifier

Table 6 – Final Statements of Commitment

Commitment Number	Commitment	Timing	Approved by...
33. Stormwater management	The proponent will provide OSD in order to manage the flow rate of stormwater discharge from the site and development as detailed in the Stormwater Management report by VDM Consulting included at Appendix 25 of the EAR dated July 2012 and as modified by the plans prepared by VDM Consulting and attached at Appendix 10 of PPR	To be implemented during construction.	Accredited certifier
34. Rainwater reuse	The proponent will provide rainwater storage tanks with a minimum capacity of 140,000 litres. Rainwater will be used for car washing, irrigation and potentially toilet flushing and laundry activities.	To be implemented during construction and prior to issue of Occupation Certificates.	Accredited certifier
Waste Management			
35. Waste management	The proponent will prepare and implement an Operational Waste Management Plan for the development. The Operational Waste Management Plan will address matters such as use of compactors, bins strategy, identified collection areas and timing of collection, etc.	Prior to issue of first Occupation Certificate for the development and to be updated as various stages of the development are completed and occupied.	Accredited certifier
Geotechnical Considerations			
36. Dilapidation Reports	The proponent will prepare dilapidation reports on adjoining buildings located within a distance of 2H of the excavation perimeter where H is the depth in metres of the proposed excavation, in accordance with the recommendation of the Preliminary Geotechnical Assessment by Jeffery and Katauskas dated 31 May 2004 (Appendix 23 of EAR)	Prior to excavation or demolition	Accredited certifier
37. Groundwater issues	The proponent will undertake construction of the basement levels in accordance with the recommendations of the Geotechnical Assessment by Jeffery and Katauskas dated 31 May 2004 included at Appendix 23 of the EAR dated July 2012.	During construction of each stage	Accredited certifier

Table 6 – Final Statements of Commitment

Commitment Number	Commitment	Timing	Approved by...
Security			
38. Security Strategy	The proponent will prepare a Security Strategy for the development in accordance with the recommendations of the Harris Crime Prevention Services report dated 3 May 2012 and attached at Appendix 21 of the EAR dated July 2012. This strategy will be prepared in consultation with relevant stakeholders including the local police, Council, public transport service providers, retail owners and tenants, residents and the local community.	The Security Strategy will be prepared prior to the issue of Occupation Certificates for each stage of the development and implemented following completion of the development. The strategy will be updated as various stages of the development are completed and occupied.	Accredited certifier
Sydney Airport Corporation			
39. Airspace	The proponent will consult with and obtain the approval of Sydney Airport Corporation prior to installing any construction cranes on the site that may encroach the prescribed airspace of 51 metres AHD at the site.	Prior to commencement of construction	SAC and Accredited certifier

End of Schedule 3
