

Modification of Project Approval

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

As delegate of the Minister for Planning, I modify the Project Approval referred to in Schedule 1, subject to the conditions in Schedule 2.



Marcus Ray
Group Deputy Secretary
Planning and Assessment

Sydney

18 June

2020

SCHEDULE 1

Project Approval:	MP 09_0146 granted by the Planning Assessment Commission on 19 September 2013
For the following:	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.
Proponent:	Crown Prosha Joint Venture
Approval Authority:	Minister for Planning
The Land:	Eastlakes Shopping Centre Eastlakes Lot 100 DP 700822 Lot 41 and 42 DP 601517 Lot 3 and 5 DP 248832 <u>Lots 30 and 31, DP 1246820</u>
Modification:	MP 09_0146 MOD 4: design changes to the North Site and redesign of the South Site, including an increase in building heights, floor space and changes to design, additional non-residential uses, changes to public domain and tree removal.

SCHEDULE 2

The above approval is modified as follows:

- (a) Schedule 2 Part A – Administrative Conditions - Condition A1 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the struckout words/numbers as follows:

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–~~8~~ **4 -10** storeys above podiums in height;
 - ground floor retail, **commercial, medical centre, childcare, leisure** and community floor space of ~~14,594~~ **19,283** m²;
 - maximum ~~425~~**490** residential apartments with a maximum GFA of ~~36,228~~**60,469** m²;
 - ~~980~~**1204** basement car parking spaces;
 - associated landscaping;
 - associated infrastructure, stormwater and utility works; and
 - stratum subdivision
- (b) Schedule 2 Part A – Condition A2 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the struckout words/numbers as follows:

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 assessment documents and reports;
 - the Draft Statement of Commitments prepared by Don Fox Planning and amended by Urbis dated 28 February 2018; and
 - *Section 75W Modification (MOD 2) of Project Approval MP09_0146 – Eastlakes Shopping Centre, Eastlakes* prepared by Urbis and dated 18 September 2017 as amended by Response to Bayside Council – Eastlakes Shopping Centre Mod 2 prepared by Urbis dated 30 October 2017
 - *Section 75W Modification (MOD 3) of Project Approval MP09_0146 – Eastlakes Shopping Centre, Eastlakes* prepared by Urbis and dated 4 January 2018 as amended by *Section 75W Modification (MOD 3) of Project Approval MP09_0146 – Eastlakes Shopping Centre, Eastlakes* prepared by Urbis dated 1 February 2018
 - *Environmental Assessment Report Section 75W Modification Eastlakes Shopping Centre, Eastlakes* prepared by Urbis and dated July 2017 as amended by *Response to Submissions – Eastlakes Shopping Centre Mod 1* prepared by Urbis dated 21 November 2017 and *Response to DP&E Request for additional information – Mod 1 to MP09_0146 Eastlakes Shopping Centre* prepared by Urbis and dated 5 March 2018 and *Response to DP&E Request for additional information – Mod 1 to MP09_0146 Eastlakes Shopping Centre* prepared by Urbis and dated 28 March 2018 and additional information submitted on 11 May 2018
 - **Modification Report (MOD 4) prepared by Urbis and dated August 2018 as amended by the Response to Submissions prepared by Urbis and dated 14 October and Supplementary Response to Submissions prepared by Urbis and dated 23 March 2020**
 - the following drawings:

Architectural Plans by Rice Daubney			
Drawing No	Revision	Name of Plan	Date
DA02	J	Site Plan	19.10.15
DA03	J	Basement Level 2 Plan	19.10.15
DA04	K	Basement Level 1 Plan	19.10.15

DA05	O	Ground Floor Plan	19.10.15
DA06	N	Level 1 Plan	12.11.15
DA07	M	Level 2 Plan	12.11.15
DA08	M	Level 3 Plan	12.11.15
DA09	M	Level 4 Plan	12.11.15
DA10	L	Level 5 Plan	19.10.15
DA11	L	Level 6 Plan	19.10.15
DA12	L	Level 7 Plan	19.10.15
DA13	L	Level 8 Plan	19.10.15
DA14	K	Roof Plan	19.10.15
DA15	H	Building 1 & 1B Layouts	19.10.15
DA16	I	Building 1A Layouts	12.11.15
DA17	I	Building 2 & 3 Layouts	19.10.15
DA18	H	Building 4 & 4A Layouts	19.10.15
DA19	G	Building 5 Layouts	19.10.15
DA20	G	Building 6 & 6A Layouts	19.10.15
DA21	I	Building 7 Layouts	19.10.15
DA22	I	Elevations sheet 1 South Site: North and West Elevations	19.10.15
DA23	I	Elevations Sheet 2 South Site: East and South Elevations	19.10.15
DA24	I	Elevations Sheet 3 North Site: East and South Elevations	12.11.15
DA25	I	Elevations Sheet 4 North Site: North and West Elevations	19.10.15
DA26	H	Sections	19.10.15
DA27	H	Sections	19.10.15
DA28	H	Sections	19.10.15
DA45	A	Staging Plan	15.02.13

Except as amended by the following plans for the northern site:

Architectural Plans by FJMT			
<i>Drawing No</i>	<i>Revision</i>	<i>Name of Plan</i>	<i>Date</i>
S75W130002	07	Ground Floor	28.03.2018
S75W130003	10	Podium Level Floor Plans	09.05.2018
S75W130004	05	Building 1B Floor Plans	14.07.2017
S75W130005	06	Basement 2	10.11.2017
S75W130006	05	Basement 1	10.11.2017
S75W130007	03	Elevations	14.07.2017
S75W130008	06	Elevations	27.03.2018
S75W130009	05	Sections	27.03.2018
S75W130010	03	Adaptable Units	29.06.2017
S75W130011	04	Area Schedule	17.11.2017
S75W130015	01	Basement 3	10.11.2017

Landscape Plans by Taylor Bramner			
<i>Drawing No</i>	<i>Revision</i>	<i>Name of Plan</i>	<i>Date</i>
LA01	D	Concept Landscape MasterPlan	03.01.2018
LA02	D	Tree Retention and Removal Plan	03.01.2018
LA03	D	Public Domain Landscape Plan	03.01.2018
LA04	D	Landscape Planning Plan	03.01.2018
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	D	Landscape Elevations- Evans Avenue	03.01.2018
LA09	C	Landscape Elevation and Section – Gardeners Road	28.02.2013
LA10	C	Landscape Elevations- North Site East and West Elevations	28.02.2013

Except as amended by the following plans for the northern site:

Landscape Plans by Turf Design Studio			
---------------------------------------	--	--	--

<i>Drawing No</i>	<i>Revision</i>	<i>Name of Plan</i>	<i>Date</i>
L-DA-01	D	Ground Floor Landscape Plan	11.05.2018
L-DA-02	D	Podium Landscape Plan	11.05.2018
L-DA-03	D	Planting Plan	11.05.2018
L-DA-04	D	Soil Depth Plan	11.05.2018
L-DA-05	D	Sections	11.05.2018
L-DA-06	D	Typical Details	11.05.2018
L-DA-07	D	Materials	11.05.2018

<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. Sheets 1-5	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

South Site Architectural Plans by FJMT

<i>Drawing No</i>	<i>Revision</i>	<i>Name of Plan</i>	<i>Date</i>
2000.00	M03	Site Plan	23.03.20
2000.B1	M03	Basement 1	23.03.20
2000.B2	M03	Basement 2	23.03.20
2000.B3	M03	Basement 3	23.03.20
2000.B4	M03	Basement 4	23.03.20
2000.0GF	M03	Ground Level	23.03.20
2000.01	M03	Level 1 Lower Podium	23.03.20
2000.02	M03	Level 2 Upper Podium	23.03.20
2000.03	M03	Level 3	23.03.20
2000.04	M03	Level 4	23.03.20
2000.05	M03	Level 5	23.03.20
2000.06	M03	Level 6	23.03.20
2000.07	M03	Level 7	23.03.20
2000.08	M03	Level 8	23.03.20
2000.09	M03	Level 9	23.03.20
2000.10	M03	Level 10	23.03.20
2000.11	M03	Level 11	23.03.20
2000.12RF	M03	Roof Plan	23.03.20
3000.01	M03	East & West Elevation	11.10.19
3000.02	M03	North & South Elevation	11.10.19
3000.03	M03	Internal Elevations	23.03.20
4000.01	M03	Longitudinal Section	23.03.20
4000.02	M03	Cross Section	23.03.20

North Site Architectural Plans by FJMT

<i>Drawing No</i>	<i>Revision</i>	<i>Name of Plan</i>	<i>Date</i>
S75W130001	04	Site Plan	21.03.20
S75W130002	12	Ground Floor	21.03.20
S75W130003	16	Podium Level Floor Plans	06.04.20
S75W130004	05	2 nd to 4 th Floor	06.04.20

S75W130005	05	5 th Floor	06.04.20
S75W130006	05	6 th Floor	06.04.20
S75W130007	04	7 th Floor	21.03.20
S75W130008	03	8 th Floor	21.03.20
S75W130009	04	Roof	21.03.20
S75W130010	10	Basement 1	21.03.20
S75W130011	12	Basement 2	21.03.20
S75W130012	07	Basement 3	21.03.20
S75W130013	06	Elevation North	21.03.20
S75W130014	06	Elevation South	21.03.20
S75W130015	05	Elevations East	21.03.20
S75W130016	06	Elevation West	21.03.20
S75W130017	06	Elevations	21.03.20
S75W130018	06	Elevations	21.03.20
S75W130019	05	Sections	21.03.20
S75W130022	06	Adaptable Units	21.03.20
South Site Landscape Plans by Taylor Brammer			
<u>Drawing No</u>	<u>Revision</u>	<u>Name of Plan</u>	<u>Date</u>
00	D	COVER SHEET AND MATERIAL SCHEDULE	03.01.2018
03	D	GROUND FLOOR	11.10.2019
04	D	GROUND FLOOR AND EAT STREET	11.10.2019
05	C	LEVEL 1 LOWER PODIUM	09.10.2019
06	C	LEVEL 1 COMMUNAL LANDSCAPE AREA	09.10.2019
07	C	LEVEL 1 KIDS PLAY AREA, GREEN WALL, COMMUNAL BBQ AND SHELTER	09.10.2019
08	C	LEVEL 2 UPPER PODIUM	09.10.2019
09	C	LEVEL 2 SWIMMING POOL AREA AND OCULI	09.10.2019
10	C	LEVEL 2 RESIDENT TERRACES	09.10.2019
11	C	LEVEL 5 RESIDENT TERRACES	09.10.2019
12	C	LEVEL 7 RESIDENT TERRACES	09.10.2019
13	C	LEVEL 8 RESIDENT TERRACES	09.10.2019
14	C	LEVEL 9 RESIDENT TERRACES	09.10.2019
15	C	SECTIONS	09.10.2019
16	C	SECTIONS	09.10.2019
17	C	GROUND FLOOR PLANTING PLAN 1/3	09.10.2019
18	C	GROUND FLOOR PLANTING PLAN 2/3	09.10.2019
19	D	GROUND FLOOR PLANTING PLAN 3/3	09.10.2019
20	C	LEVEL 1 LOWER PODIUM PLANTING PLAN 1/2	09.10.2019
21	C	LEVEL 1 LOWER PODIUM PLANTING PLAN 2/2	09.10.2019
22	C	LEVEL 2 UPPER PODIUM PLANTING PLAN 1/2	09.10.2019
23	C	LEVEL 2 UPPER PODIUM PLANTING PLAN 2/2	09.10.2019
24	C	LEVEL 5 PLANTING PLAN	09.10.2019
25	C	LEVEL 7 PLANTING PLAN	09.10.2019
26	C	LEVEL 8 PLANTING PLAN	09.10.2019
27	C	LEVEL 9 PLANTING PLAN	09.10.2019
29	C	TYPICAL PLANTING SPECIES	09.10.2019
30	D	PLANTING SCHEDULE	09.10.2019
31	C	LEVEL 1 LOWER PODIUM MATERIALS PLAN	09.10.2019
32	C	LEVEL 2 UPPER PODIUM MATERIALS PLAN	09.10.2019
33	C	LEVEL 1 LOWER PODIUM GROWING MEDIA DEPTH PLAN	09.10.2019

<u>34</u>	<u>C</u>	<u>LEVEL 2 UPPER PODIUM GROWING MEDIA DEPTH PLAN</u>	<u>09.10.2019</u>
<u>35</u>	<u>C</u>	<u>LEVEL 5 & 7 GROWING MEDIA DEPTH PLANS</u>	<u>09.10.2019</u>
<u>36</u>	<u>C</u>	<u>LEVEL 8 & 9 GROWING MEDIA DEPTH PLANS</u>	<u>09.10.2019</u>
<u>37</u>	<u>C</u>	<u>TYPICAL DETAILS</u>	<u>09.10.2019</u>
<u>38</u>	<u>C</u>	<u>TYPICAL DETAILS</u>	<u>09.10.2019</u>
<u>39</u>	<u>C</u>	<u>TYPICAL DETAILS</u>	<u>09.10.2019</u>
<u>40</u>	<u>C</u>	<u>TYPICAL DETAILS</u>	<u>09.10.2019</u>
<u>PD01</u>	<u>B</u>	<u>TREE RETENTION & REMOVAL</u>	<u>31.08.2018</u>
<u>PD02</u>	<u>B</u>	<u>KEY PLAN</u>	<u>09.10.2019</u>
<u>PD03</u>	<u>C</u>	<u>FINISHES PLAN - SOUTH</u>	<u>09.10.2019</u>
<u>PD04</u>	<u>C</u>	<u>FINISHES PLAN - EAST</u>	<u>09.10.2019</u>
<u>PD05</u>	<u>C</u>	<u>FINISHES PLAN - NORTH</u>	<u>09.10.2019</u>
<u>PD06</u>	<u>C</u>	<u>LEVELS PLAN - SOUTH</u>	<u>09.10.2019</u>
<u>PD07</u>	<u>C</u>	<u>LEVELS PLAN - EAST</u>	<u>09.10.2019</u>
<u>PD08</u>	<u>C</u>	<u>LEVELS PLAN - NORTH</u>	<u>09.10.2019</u>
<u>PD09</u>	<u>C</u>	<u>PLANTING PLAN - SOUTH</u>	<u>09.10.2019</u>
<u>PD10</u>	<u>C</u>	<u>PLANTING PLAN - EAST</u>	<u>09.10.2019</u>
<u>PD11</u>	<u>C</u>	<u>PLANTING PLAN - NORTH</u>	<u>09.10.2019</u>
<u>PD15</u>	<u>C</u>	<u>LANDSCAPE DETAILS SHEET 1</u>	<u>09.10.2019</u>
<u>PD16</u>	<u>C</u>	<u>LANDSCAPE DETAILS SHEET 2</u>	<u>09.10.2019</u>
<u>PD17</u>	<u>C</u>	<u>PUBLIC DOMAIN LANDSCAPE MATERIALS SCHEDULE</u>	<u>09.10.2019</u>
North Site Landscape Plans by Turf Design Studio			
<u>Drawing No</u>	<u>Revision</u>	<u>Name of Plan</u>	<u>Date</u>
<u>S75W-L-001</u>	<u>B</u>	<u>LEGEND & LANDSCAPE SCHEDULE</u>	<u>16.03.2020</u>
<u>S75W-L-002</u>	<u>B</u>	<u>LEGEND & LANDSCAPE SCHEDULE</u>	<u>16.03.2020</u>
<u>S75W-L-200</u>	<u>B</u>	<u>GENERAL ARRANGEMENT - PUBLIC DOMAIN</u>	<u>16.03.2020</u>
<u>S75W-L-210</u>	<u>B</u>	<u>GENERAL ARRANGEMENT - PODIUM</u>	<u>16.03.2020</u>
<u>S75W-L-220</u>	<u>B</u>	<u>GENERAL ARRANGEMENT - BUILDING 1B ROOFTOP</u>	<u>16.03.2020</u>
<u>S75W-L-310</u>	<u>B</u>	<u>LEVELS AND DRAINAGE - PODIUM</u>	<u>16.03.2020</u>
<u>S75W-L-500</u>	<u>B</u>	<u>PLANTING PLAN - PUBLIC DOMAIN</u>	<u>16.03.2020</u>
<u>S75W-L-510</u>	<u>B</u>	<u>PLANTING PLAN - PODIUM</u>	<u>16.03.2020</u>
<u>S75W-L-520</u>	<u>B</u>	<u>PLANTING PLAN - BUILDING 1B ROOFTOP</u>	<u>16.03.2020</u>
<u>S75W-L-530</u>	<u>B</u>	<u>PLANTING SCHEDULES</u>	<u>16.03.2020</u>
<u>S75W-L-560</u>	<u>B</u>	<u>SOIL DEPTH PLAN - PODIUM</u>	<u>16.03.2020</u>
<u>S75W-L-600</u>	<u>B</u>	<u>SECTIONS - GROUND FLOOR</u>	<u>16.03.2020</u>
<u>S75W-L-600a</u>	<u>A</u>	<u>EASTERN PLANTER OPTION 1</u>	<u>16.03.2020</u>
<u>S75W-L-601</u>	<u>B</u>	<u>SECTIONS - PODIUM SHEET 1</u>	<u>16.03.2020</u>
<u>S75W-L-802</u>	<u>B</u>	<u>DETAILS - GROUND FLOOR</u>	<u>16.03.2020</u>
<u>S75W-L-812</u>	<u>B</u>	<u>DETAILS - PODIUM</u>	<u>16.03.2020</u>
Civil Plans by Van Der Meer Consulting			
<u>Drawing No</u>	<u>Revision</u>	<u>Name of Plan</u>	<u>Date</u>
<u>C101</u>	<u>C</u>	<u>Site Plan</u>	<u>11.03.20</u>
<u>C401</u>	<u>E</u>	<u>Eastlakes South Drainage Plan Sheet 1</u>	<u>11.03.20</u>
<u>C402</u>	<u>C</u>	<u>Eastlakes South Drainage Plan Sheet 2</u>	<u>11.03.20</u>
Stratum Subdivisions Plans by LTS Lockley			
<u>Drawing No</u>	<u>Revision</u>	<u>Name of Plan</u>	<u>Date</u>
<u>44204 006DP</u>	<u>E</u>	<u>PLAN OF SUBDIVISION OF LOT 31 (FORMERLY LOT 100 DP 700822 AND PART OF LOT 3 DP 248832) SHEETS 1 - 7</u>	<u>06.02.20</u>

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.

- (c) Schedule 2 Part A – Condition A7 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~struckout~~ words/numbers as follows:

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.~~

The project may be constructed and operated in stages. Where compliance with conditions is required to be staged due to staged construction or operation, a Staging Report (for either or both construction and operation as the case may be) must be prepared and submitted to the Planning Secretary before the commencement of construction of the first proposed stage of construction following approval of MOD 4 (or if only staged operation is proposed, one month before operation commences of the first proposed stage).

The Staging Report must:

- (a) **if staged construction is proposed, set out how the construction of the whole of the project will be staged, including details of work and other activities to be carried out in each stage and the general timing of when construction of each stage will commence and finish;**
- (b) **if staged operation is proposed, set out how the operation of the whole of the project will be staged, including details of work and other activities to be carried out in each stage and the general timing of when operation of each stage will commence and finish (if relevant);**
- (c) **specify how compliance with conditions will be achieved across and between each of the stages of the project; and**
- (d) **set out mechanisms for managing any cumulative impacts arising from the proposed staging.**

Where construction or operation is being staged in accordance with a Staging Report, only the terms of this consent that apply or are relevant to the works or activities to be carried out in a specific stage must be complied with at the relevant time for that stage as identified in the Staging Report.

Where condition of this approval requires actions prior to the issue of a construction certificate / any construction certificate / an occupation certificate / any occupation certificate those conditions only apply to the certificates relevant to that stage.

- (d) Schedule 2 Part A – Condition A8 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~struckout~~ words/numbers as follows:

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 **and the voluntary planning agreement provided by condition B50**

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~~ **Secretary** and a copy of the plan provided to Council for information.

- (e) Schedule 2 Part A – Condition A9 is added as follows:

South Site Signage

A9 **The south site signage zones shown on the plans are not approved. Separate development application approval is required for the signs, including their size and location.**

- (f) Schedule 2 Part B – Prior to the issue of a construction certificate - Condition B2 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the struckout words/numbers as follows:

Design Modifications

B2 Prior to the issue of the first Construction Certificate for above ground works on the North site, plans and specifications demonstrating incorporation of the following modifications shall be submitted to and approved by the Secretary:

- (a) The podium at the western end of the Gardeners Road frontage above the service entry doors shall have a height of no more than 3 metres and is to be non-trafficable. The trafficable area of the podium is to be setback consistent with the main podium line on this frontage. A planter shall be provided within the non-trafficable area.
- (b) ~~Amended plans showing RLs and amended elevations demonstrating the eastern podium wall adjacent to 293 Gardeners Road would have maximum height of 2.99 metres and a stepped landscaping arrangement consistent with the plans approved prior to Modification 1.~~ **Amended plans for the landscaping adjacent to the Eastern entrance that is consistent with the details provided in 'Option 1' in the approved plans, but the planter shall be extended further south to include one additional small tree.**
- (c) The awning over the eastern entrance to the north site is to be reduced in size so that it would not extend into the future tree canopy of the boundary landscaping.

- (g) Schedule 2 Part B – Prior to the issue of a construction certificate - Condition B3 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the struckout words/numbers as follows:

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~~ **Secretary** 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, **landscape planters** are to be provided within the eastern **and southern** elevation setback of Barber Avenue **adjacent to the entire length of the loading dock façade and the supermarket façade (except in front of entrances)**. 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 **and green walls** to ameliorate buildings, integrate buildings with the streetscape and enhance the pedestrian environment.
- (c) A detailed construction and maintenance regime for the **landscaping and** green walls 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 **for the south site**.
- (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.

- (h) Schedule 2 Part B – Prior to the issue of a construction certificate - Condition B5 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~struckout~~ words/numbers as follows:

Amended Landscape Plan

B5 Amended landscape documentation is to be submitted and approved by the Secretary prior to the issue of a Construction Certificate for aboveground works. The landscape plans approved in Condition A2 shall be amended to include the following:

- (a) ~~One additional canopy tree on the northern site to a mature height of 18 metres be provided to the podium communal open space areas~~
- (b) Dense shrub and tree landscaping along the entire western edge of the northern podium to prevent this area being trafficable and to reduce overlooking towards 16 Evans Avenue
- (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
- (d) ~~Six replacement street trees are to be provided along the northern side of Evans Avenue. The replacement street trees are to be either Platanus x Aceritolia (London Plane Tree) or Corymbia Maculate (Spotted Gum), in accordance with the City of Botany Bay Street Tree Master Plan 2014. A qualified Landscape Architect shall decide which species is the most appropriate replacement street tree, in consultation with Council.~~
- (e) ~~Six replacement street trees are to be provided along the southern side of Gardeners Road Avenue. The replacement street trees are to be in accordance with the City of Botany Bay Street Tree Master Plan 2014. A qualified Landscape Architect shall decide which species is the most appropriate replacement street tree, in consultation with Council.~~
- (f) ~~The base of the planter at the western end of the Gardeners Road street frontage is to be lowered to incorporate a soil depth sufficient to support shrubs that will grow to a height of at least 1.8 metres.~~

- (i) Schedule 2 Part B – Prior to the issue of a construction certificate - Condition B6 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~struckout~~ words/numbers as follows:

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.

~~This is to include privacy screening or window treatments to prevent overlooking of 16 Evans Avenue from all bedroom windows on the western elevation of Building 1B and privacy screening to the western end of all balconies on the western elevation of Building 1B.~~

The western end of the roof terrace of Building 1B is also to be made non-trafficable to prevent overlooking of 16 Evans Avenue from the roof area.

- (j) Schedule 2 Part B – Prior to the issue of a construction certificate - Condition B7 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~struckout~~ words/numbers as follows:

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 Certificates are to be incorporated into the Construction Certificate plans for the development.

- (k) Schedule 2 Part B – Prior to the issue of a construction certificate - Condition B8 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~struckout~~ words/numbers as follows:

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 **and as amended by the Acoustic Report prepared by Pulse Acoustic Consultancy for the South Site (dated October 2019) and Acoustic Report prepared by Pulse Acoustic Consultancy for the North Site (dated 20 May 2019)** are to be incorporated as part of development approval and construction certificate plans.

- (l) Schedule 2 Part B – Prior to the issue of a construction certificate - Condition B14 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~struckout~~ words/numbers as follows:

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, **unless Council agrees to an alternative timing for payment of the contributions.**

Contributions are to be paid in accordance with the Botany Bay Section 94 Contributions Plan.

The developer shall contact Council for a calculation of the applicable contributions at each stage of the development.

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.

- (m) Schedule 2 Part B – Prior to the issue of a construction certificate - Condition B22 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~struckout~~ words/numbers as follows:

Tree Protection

B22 The following existing trees within the public domain are to be retained:

- (a) The *Tristaniopsis laurina* Sweeper street trees in Barber Avenue south, and
- (b) All trees within Eastlakes Reserve adjacent to the site.

These trees 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.

- (n) Schedule 2 Part B – Prior to the issue of a construction certificate - Condition B23 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~struckout~~ words/numbers as follows:

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, **including the amended plans required by condition B49**. 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.
- (o) Schedule 2 Part B – Prior to the issue of a construction certificate - Condition B29 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~struckout~~ words/numbers as follows:

Construction Management Plans

- B29 Prior to the issue of any ~~the~~ Construction Certificate **for each stage**, a detailed Construction Traffic Management Plan for the pedestrian and traffic management of the site during construction **of that stage** 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 **number**, 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 19 metres (defined as Heavy Rigid Vehicle in AS2890.2);
 - (f) **indicate construction vehicle routes** and 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
 - (h) **indicate all traffic control measures**
- (p) Schedule 2 Part B – Prior to the issue of a construction certificate - Condition B33 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~struckout~~ words/numbers as follows:

Car Parking and Access

- 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 **and leisure space**
 - **1 space per 40m² of commercial space**
 - **1 space per 25m² of medical centre space**
 - **Childcare spaces: 1 space per 2 staff, plus 1 space per 5 children, plus 1 pickup space per 20 children.**
- (q) Schedule 2 Part B – Prior to the issue of a construction certificate - Condition B34 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~struckout~~ words/numbers as follows:

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

At grade bicycle parking for at least 25 bicycles is to be provided on the south site adjacent to the entrances, including the western terrace area.

- (r) Schedule 2 Part B – Prior to the issue of a construction certificate - Condition B41 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~struckout~~ words/numbers as follows:

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 **except for services on Gardeners Road** 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.

- (s) Schedule 2 Part B – Prior to the issue of a construction certificate - Condition B48 is added as follows:

B48 Prior to the issue of the first Construction Certificate for the south site, the Proponent is to obtain approval under Section 87 of the Roads Act 1993 and concurrence under Section 138 of the Roads Act 1993 for the proposed works to lengthen the right turn lane on Gardeners Road at the Gardeners Road / Racecourse Place intersection. The Proponent is to submit an updated Traffic Control Signal Plan for the intersection works to be reviewed by TfNSW under Section 87 of the Roads Act 1993, for 'in principle' approval of the works.

- (t) Schedule 2 Part B – Prior to the issue of a construction certificate - Condition B49 is added as follows:

B49 Prior to the issue of a Construction Certificate for the South Site for works other than preliminary works and earthworks, amended plans are to be submitted to the satisfaction of the Secretary that demonstrate:

- (a) **amendments to all necessary levels, and in particular the basement, on the western elevation of the South Site to ensure the retention and on-going health of all trees in the Eastlakes Reserve**
- (b) **that the roof plant and roof level stairwell areas on Buildings E, F and G would have a floor to roof height of no more than 3 metres. If plant cannot be accommodated in this space, it should be redesigned or relocated to the basement and amended plans submitted accordingly.**
- (c) **amendments to Building D to provide an additional lift to the main residential core or submit a vertical transportation report to demonstrate that the speed and waiting times of the two proposed lifts satisfy CIBSE recommendations.**
- (d) **amendments to the podium line adjacent to the south site loading dock that would enable the following:**
 - **provision of planters between the footpath and the podium façade along the entire loading dock frontage (other than the doorways) to support plantings that would soften and partly screen the façade**
 - **provision of street trees in accordance with Council requirements and requirements of Condition B3**
 - **provision of a footpath that would provide a continuous and unobstructed accessible path of travel at least 2 metres wide, in addition to the provision of street tree planters and podium wall planters.**
 - **recessing of the loading dock entrance as required by the Pedestrian Wind Environment Study by Windtech submitted as part of Modification 4**
 - **any internal amendments as necessary to demonstrate that all vehicles accessing the loading dock would be able to enter and leave the site in a forward direction.**
- (e) **amendments to the podium landscaping on the south site to provide tree soil depths consistent with the recommendations of the ADG. The soil depth is to be shown on the landscape plans at the base of each tree and the tree species indicated. If ADG recommended soil depths for each tree height cannot be achieved, the plans must be accompanied by a report from a qualified arborist, outlining the reason for each variation and confirming that the proposed soil depths and volumes would be sufficient to ensure growth to the indicated expected mature height and longevity of each tree.**

- (u) Schedule 2 Part B – Prior to the issue of a construction certificate - Condition B50 is added as follows:

B50 Prior to the issue of Construction Certificates for above ground building work on the south site, all recommended measures as set out in “Pedestrian Wind Environment Study by Windtech must be incorporated on the plans to the satisfaction of the certifier. These shall include all treatments set out in Sections 6.2 and 6.3 of that report.

- (v) Schedule 2 Part B – Prior to the issue of a construction certificate - Condition B51 is added as follows:

B51 Prior to the issue of a Construction Certificate for development on the North Site, plans are to be amended as necessary to ensure that no openings, grilles, exhaust vents or similar are located such that they could result in discharge of air or noise onto the adjoining residential sites that would cause a nuisance or loss of amenity to adjoining sites.

- (w) Schedule 2 Part E – Prior to Issue of Occupation Certificate - Condition E22 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the struckout words/numbers as follows:

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, **and** 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

- (x) Schedule 2 Part E – Prior to Issue of Occupation Certificate - Condition E23 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the struckout words/numbers as follows:

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 criteria **as amended by Pulse Acoustic criteria**

- (y) Schedule 2 Part E – Prior to Issue of Occupation Certificate - Condition E28 is added as follows:

E28 Prior to the issue of the first occupation certificate for any residential building on the South Site, the upgrades to the intersection of Gardeners Road and Racecourse Place as required by Condition B48 must be completed.

- (z) Schedule 2 Part E – Prior to Issue of Occupation Certificate - Condition E29 is added as follows:

E29 Prior to the issue of an occupation certificate for Building D, the building must be obstacle lit by low intensity steady red lighting during the hours of darkness at the highest point of Building D. The obstacle lighting is to be designed to ensure the building can be observed in a 360-degree radius as per 9.4.3 of the Manual of Standards Part 139 – Aerodromes (MOS Part 139). Characteristics for low intensity lights are stated in subsection 9.4.6 of MOS Part 139. The obstacle lighting must incorporate an alarm system that will provide remote monitoring.

- (aa) Schedule 2 Part E – Prior to Issue of Occupation Certificate - Condition E30 is added as follows:

E30 Prior to the issue of an occupation certificate for each site, the following is to be submitted to the satisfaction of the Secretary:

- (a) A formal copy of the By-Laws for any relevant strata plan which shall be in accordance with the plans and documentation approved under this Consent and should also address the following matters:
- 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 as amended
 - 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 as amended
 - Responsibilities regarding the maintenance of the car wash bays by the Owners Corporation / building owner.
 - 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 the conditions of this consent.
 - 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.
 - 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.
 - Responsibilities to ensure the appropriate management and operation of the communal building and associated facilities on the site.
 - The Owners Corporation/Executive Committee obligations under clauses 177, 182, 183, 184, 185 and 186 of the Environmental Planning and Assessment Regulation 2000.
- (b) Details of required easements, encroachments, rights of way including footway restriction as to user or positive covenants and Section 88B Instrument under the Conveyancing Act, 1919 as agreed with Council. 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.
- (c) Details demonstrating the landscape contractor has been 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.
- (d) Details to demonstrate that 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

- (bb) Schedule 2 Part E – Prior to the issue of an occupation certificate - Condition E31 is added as follows:

Voluntary Planning Agreement

E31 If accepted by Bayside Council in writing within 6 months of the determination of Modification 4, the public benefit offer dated 11 October 2019 and contained within the MOD 4 request (submitted with the response to submissions dated 14 October 2019) shall form a Voluntary Planning Agreement (VPA) between the Proponent (or its nominated entity) and Bayside Council.

The VPA shall be prepared, publicly exhibited, and executed within 12 months of the determination of Modification 4 and prior to issue of any occupation certificate for the South Site. A copy of the executed VPA shall be submitted to the Secretary.

- (cc) Schedule 2 Part F – During Operations / Post Completion - Condition F1 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~struckout~~ words/numbers as follows:

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. **Separate development consent must be sought for the fit-out and use of the childcare centre, medical centre and the leisure tenancy**
- (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.

- (dd) Schedule 2 Part F – During Operations / Post Completion - Condition F7 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~struckout~~ words/numbers as follows:

F7 The Waste Management Plan for the site prepared by J-D MacDonald (Dated April 2012) **Forsight Environmental for the South Site (dated 14 October 2019) and Operational Waste Management Plan prepared by Elephants Foot for the North Site (dated 30 May 2019)** shall be complied with at all times during demolition works, construction works, and use of the premises.

- (ee) Schedule 2 Part F – During Operations / Post Completion - Condition F11 is deleted as follows:

~~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.~~

- (ff) Schedule 2 Part F – During Operations / Post Completion - Condition F12 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~struckout~~ words/numbers as follows:

F12 Vehicles accessing the basement car parking area shall be limited to B99 vehicles as defined by AS 2890.1. **Small rigid vehicles may enter the residential loading zone only**

- (gg) Schedule 2 Part F – During Operations / Post Completion - Condition F14 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~struckout~~ words/numbers as follows:

F14 The Loading Dock Management plan shall be complied with at all times during the use of the premises **and the following requirements also apply:**

- (a) **The roller doors of the southern loading dock must be closed at all times except when delivery trucks enter or leave the dock.**
- (b) **The roller doors of the northern loading dock must be closed at all times except when delivery trucks enter or leave the dock.**
- (c) **Trucks must enter and leave the loading dock in a forward direction.**
- (d) **Loading dock managers must ensure that all delivery drivers and staff do not engage in any activity outside the loading dock that could result in noise disturbance to adjacent residences.**
- (e) **Loading dock managers must ensure that trucks do not queue outside the loading dock or in the surrounding streets at any time.**

- (hh) Schedule 2 Part F – During Operations / Post Completion - Condition F15 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~struckout~~ words/numbers as follows:

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 hours of operations 7am to 9pm **10pm**
- (b) Waste removal/collection is to be restricted to the following hours:
 - Monday to Saturday: - **Daily hours of operations** 7am to 5pm **10pm**
- (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.~~

- (ii) Schedule 2 Part F – During Operations / Post Completion - Condition F21 is deleted as follows:

Strata Subdivision

~~F21 Where required, 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 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~~
- (jj) Schedule 2 Part F – During Operations / Post Completion - Condition F23 is added as follows:

Obstacle Lighting Maintenance

F23 The obstacle lighting required by Condition E29 must incorporate an alarm system that will provide remote monitoring to notify the person responsible for their maintenance. The designated person must be available 24 hours a day, 7 days a week. Action must be taken to repair the obstacle lighting within 12 hours of the light not operating. The contact details of the person responsible for the monitoring of the obstacle lighting must be sent to Sydney Airport prior to the obstacle lights operating and must be kept up to date. In the event of the obstacle lighting being inoperable, the person responsible for maintenance of the obstacle lighting is to immediately contact the Sydney Airport Operations Supervisor by telephone. Once the obstacle lighting is again working, the person responsible for the maintenance of the obstacle lighting must notify the Sydney Airport Operations Supervisor.

End of Modification MP 09_0146 MOD 4