

Modification of Major Project Approval

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

As delegate of the Minister for Planning and Infrastructure under delegation dated 14 September 2011, I approve the modification of the application referred to in Schedule 1, subject to the conditions in Schedule 2.


Richard Pearson
Deputy Director-General
Development Assessment & Systems Performance

Sydney *29 November* 2012

MP 08_0087 MOD 2

SCHEDULE 1

Project Approval: **MP 08_0087** granted by the Minister for Planning on 4 February 2010.

For the following:

- (1) Development approval is granted only to carrying out the development described in detail below:
 - (a) Demolition, remediation and Torrens Title Subdivision.
 - (b) Development of proposed Lot 11:
 - i. Four (4) storey multiple-unit residential building (with child care centre) – 6,521m²
 - ii. Child Care Centre – 547m²
 - iii. **Stratum subdivision for 2 lots and Strata subdivision**
 - (c) Construction of associated roads, landscaping and infrastructure.
- (2) Notwithstanding any other conditions of this approval, nothing in this instrument approves development on land referred to as proposed Lot 42, except development for the purpose of subdivision and for the purpose of remediation of land.

Modification: MP 08_0087 MOD 2:

- Modify relevant conditions in accordance with the detailed subdivision design and infrastructure provision, as detailed below in schedule 2 and Statements of Commitment.

SCHEDULE 2

The above approval is modified as follows:

Condition A2 is amended by deletion of the struck out words and insertion of the underlined and bold words:

A2 Development in Accordance with Plans and Documentation

The development will be undertaken in accordance with MP No. MP 08_0087 and the Environmental Assessment dated 23 October 2008 prepared by Planning Workshop Australia, except where amended by the Preferred Project Report and additional information to the Preferred Project Report, and the following drawings:

Architectural (or Design) Drawings prepared for the Preferred Project Report by Marchese + Partners International – proposed Lot 11 (formerly proposed as Lot 3)			
Drawing No.	Revision	Name of Plan	Date
S75W1.01	B	Coversheet	30-08-11
S75W2.01	B	Level Basement Floor Plan	30-08-11
S75W2.02	B	Level Ground Floor Plan	30-08-11
S75W2.03	B	Level 01 Floor Plan	30-08-11
S75W2.04	B	Level 02 Floor Plan	30-08-11
S75W2.05	B	Level 03 Floor Plan	30-08-11
S75W2.06	B	Level Roof Floor Plan	30-08-11
S75W3.01	B	Sections	30-08-11
S75W4.01	B	Elevations	30-08-11

Landscape Plans prepared by Habitation		
Drawing No.	Name of Plan	Date
08-062 L02	Precinct B Landscape Plan	30-08-2011
08-062 L03	Precinct A Landscape Plan – Project Application Plan	27-04-09

Subdivision Drawings prepared by Dunlop Thorpe and Co. Pty Ltd		
Drawing No.	Name of Plan	Date
14200_1ST1	Plan of proposed subdivision of Lot A DP 431356 & Lot 1 DP 721721 – Stage 1 <u>(now Lot 100 DP1170401)</u>	21-05-09 <u>1 June 2009 (revised 27 June 2012)</u>
14200_1ST2	Plan of proposed subdivision of Lot 12 DP ____ (Being part of Lot A DP 431356 & Lot 1 DP 721721 <u>(now Lot 100 DP1170401)</u>) – Stage 2	21-05-09 <u>1 June 2009 (revised 27 June 2012)</u>
14200_1ST3	Plan of proposed subdivision of Lot 22 DP ____ (Being part of Lot A DP 431356 & Lot 1 DP ____)	21-05-09 <u>1 June 2009 (revised</u>

	721721 (now Lot 100 DP1170401) – Stage 3	27 June 2012)
14200_1ST4	Plan of proposed subdivision of Lot 32 DP ____ (Being part of Lot A DP 431356 & Lot 1 DP 721721 (now Lot 100 DP1170401) – Stage 4	21-05-09 1 June 2009 (revised 27 June 2012)

Strata Subdivision Plan prepared by Dunlop Thorpe & Co Pty Ltd as Follows:		
14200_1ST1	Plan of proposed subdivision of Lot 11 DP (Being part of Lot 1 D.P.721721) Sheet 1 of 2	7-2-11
14200_1ST1	Plan of proposed subdivision of Lot 11 DP (Being part of Lot 1 D.P.721721) Sheet 2 of 2	7-2-11

Civil Drawings prepared by Craig and Rhodes		
Drawing No.	Name of Plan	Date
048-11C E100-108 [02] – 100	Cover Sheet	27/6/12
048-11C E100-108 [02] - 101	General Notes	27/6/12
048-11C E100-108 [02] - 102	Site Plan	27/6/12
048-11C E100-108 [02] – 103	Typical Road Cross Section Sheet 1	16/7/12
048-11C E100-108 [02] – 104	Typical Road Cross Section Sheet 2	27/6/12
048-11C E100-108 [02] - 105	Pavement Plan	16/7/12
048-11C E100-108 [02] – 106	Erosion and Sediment Control Plan	27/6/12
048-11C E100-108 [02] - 107	Erosion and Sediment Control Details	27/6/12
048-11C E100-108 [02] - 108	Combined Sediment Control and Temporary Flood Storage Pond Plan and Details	27/6/12
048-11C E100-108 [02] - 109	Road and Sediment Basement Construction Setout	27/6/12
048-11C E300-306 [02] - 300	Road and Drainage Plan Sheet 01	27/6/12
048-11C E300-306 [02] - 301	Road and Drainage Plan Sheet 02	27/6/12
048-11C E300-306 [02] - 302	Road and Drainage Plan Sheet 03	27/6/12
048-11C E300-306 [02] - 303	Road and Drainage Plan Sheet 04	27/6/12
048-11C E300-306 [02] - 304	Road and Drainage Plan Sheet 05	27/6/12
048-11C E300-306 [02] - 305	Road and Drainage Plan Sheet 06	16/7/12
048-11C E300-306 [02] - 306	Road and Drainage Plan Sheet 07	27/6/12
048-11C E307-314 [02] - 307	Longitudinal Section Road 01 Sheet 1 of 2	27/6/12
048-11C E307-314 [02] – 308	Longitudinal Section Road 01 Sheet 2 of 2	27/6/12
048-11C E307-314 [02] – 309	Longitudinal Section Road 02	27/6/12
048-11C E307-314 [02] - 310	Longitudinal and Cross Section Troy Street	27/6/12
048-11C E307-314 [02] - 311	Cross Sections Road 01 Sheet 1 of 3	27/6/12
048-11C E307-314 [02] – 312	Cross Sections Road 01 Sheet 2 of 3	27/6/12
048-11C E307-314 [02] - 313	Cross Sections Road 01 Sheet 3 of 3	27/6/12
048-11C E307-314 [02] - 314	Cross Sections Road 02	27/6/12
048-11C E315 [03] - 315	Road Construction Details	16/7/12
048-11C 321[02] - 320	Proposed Site Access	27/6/12
048-11C 321[02] - 321	Signage Plan	27/6/12
048-11C E401-408 [02] - 400	Stormwater External Catchment Plan	27/6/12
048-11C E401-408 [02] – 401	Stormwater Catchment Plan	13/7/12
048-11C E401-408 [02] - 402	Stormwater Long Sections Sheet 1 of 4	27/6/12

<u>048-11C E401-408 [02] – 403</u>	<u>Stormwater Long Sections Sheet 2 of 4</u>	<u>16/7/12</u>
<u>048-11C E401-408 [02] – 404</u>	<u>Stormwater Long Sections Sheet 3 of 4</u>	<u>27/6/12</u>
<u>048-11C E401-408 [02] - 405</u>	<u>Stormwater Long Sections Sheet 4 of 4</u>	<u>16/7/12</u>
<u>048-11C E401-408 [02] – 408</u>	<u>Stormwater Pit details</u>	<u>27/6/12</u>
<u>048-11C E600 [02] – 600</u>	<u>Services Plan Sheet 1 of 4</u>	<u>27/6/12</u>
<u>048-11C E600 [02] – 601</u>	<u>Services Plan Sheet 2 of 4</u>	<u>27/6/12</u>
<u>048-11C E600 [02] – 602</u>	<u>Services Plan Sheet 3 of 4</u>	<u>27/6/12</u>
<u>048-11C E600 [02] - 603</u>	<u>Services Plan Sheet 4 of 4</u>	<u>27/6/12</u>
<u>048-11C E800 [01] – 800</u>	<u>Bulk Earthworks Plan</u>	<u>19/6/12</u>
<u>048-11C E800 [01] – 801</u>	<u>Turning Paths Plan</u>	<u>6/7/12</u>

except for:

- (1) any modifications which are 'Exempt and Complying Development' as identified in City of Canterbury Development Control Plan 2001 or as may be necessary for the purpose of compliance with the BCA and any Australian Standards incorporated in the BCA; and
- (2) otherwise provided by the conditions of this approval.

The following conditions are amended by insertion of the underlined and bold words:

A5 Construction Certificate

This Determination Notice does not constitute permission to begin works associated with the development. A Construction Certificate (where applicable) must be obtained prior to the commencement of any development works **for the relevant stages of works**.

B1 Compliance with the Building Code of Australia (BCA)

Details shall be provided to the satisfaction of the Certifying Authority, with the application for a Construction Certificate **for the relevant stages of works**, which demonstrate that the proposal complies with the prescribed conditions of approval under Clause 98 of the *Environmental Planning and Assessment Regulation* in relation to the requirements of the *Building Code of Australia* (BCA).

B2 Structural Details

Prior to the issue of a Construction Certificate **for the relevant stages of works**, the Proponent shall submit to the satisfaction of the Certifying Authority, structural drawings prepared and signed by a suitably qualified practising Structural Engineer that complies with:

- (1) the relevant clauses of the BCA;
- (2) the relevant approval;
- (3) drawings and specifications comprising the Construction Certificate; and
- (4) the relevant Australian Standards listed in the BCA (Specification A1.3).

B4 Long Service Levy

Prior to the issue of the Construction Certificate **for the relevant stages of works**, receipt of payment to the Long Service Payments Corporation in accordance with Section 34 of the Building Construction Industry Payments Act 1986 must be presented to the Certifying Authority.

B5 *Flooding*

Further investigation is to be undertaken into the likely ponding to be experienced in new Troy Street during a 100 year storm event, and its impact upon future development on Lot 42. Details for the resolution of the issue are to be submitted to the Certifying Authority prior to the issue of a Construction Certificate for the relevant stages of works.

B6 *Stormwater*

Prior to the issue of a Construction Certificate for the relevant stages of works detailed stormwater plans are to be submitted to the Certifying Authority for the proposed development. The plans are to be prepared in accordance with Australian Standard AS 3500.3-2003 Stormwater Drainage, Council's Stormwater Management Manual ~ Specification 9 and AUS-SPEC 0074 Stormwater drainage (Design). The plans are to include the provision of on-site detention. Permissible site discharge is to be limited to 150 litres per second per hectare. Calculations are to be provided supporting the proposed site storage volume, orifice diameter and permissible site discharge. The plans must be prepared by a practicing Civil Engineer and include levels reduced to Australian Height Datum (AHD). The submitted plan is to include details of sediment/silt arrestor pits, surface inlet pits, grated drains, pipe lengths, grades and diameters, surface and invert levels of all elements of the system and location, dimensions and details for the on-site detention system. The location and size of any orifice plate required is to be clearly noted on the plans.

B7 *Details of Materials, Colours and Finishes*

Final design details of the proposed external materials and finishes, including schedules and a sample board of materials and colours, shall be submitted to and approved by the Certifying Authority prior to the issue of a Construction Certificate for the relevant stages of works.

B8 *Reflectivity*

The visible light reflectivity from building materials used on the facades of the buildings shall not exceed 20% and shall be designed so as not to result in glare that causes any nuisance or interference to any person or place. A report demonstrating compliance with these requirements is to be submitted to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate for the relevant stages of works.

B9 *Outdoor Lighting*

All outdoor lighting shall comply with, where relevant, AS/NZ1158.3: 1999 *Pedestrian Area (Category P) Lighting* and AS4282: 1997 *Control of the Obtrusive Effects of Outdoor Lighting*. Details demonstrating compliance with these requirements are to be submitted to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate for the relevant stages of works.

B10 *Disabled Access*

Access and facilities for people with disabilities shall be provided in accordance with Part D3 of the BCA's Access Policy. Prior to the issue of a Construction Certificate for the relevant stages of works, a certificate certifying compliance with this condition from an appropriately qualified person shall be provided to the Certifying Authority.

B11 Remediation of Land

- (1) Prior to the issue of a Construction Certificate **for Stage 1 (Lot 11)**, the Proponent shall submit to the Certifying Authority an Evaluation and Assessment Plan, a Hazardous Materials Survey and where necessary, undertake additional assessments to meet the current DECC Guidelines. If the assessments identify contamination levels which trigger the need for remediation, the Remedial Action Plan (RAP) by URS is to be reviewed and modified as necessary to produce a RAP which reflects the remediation requirements for the entire development site. Remediation is then to be undertaken for Lot 1 DP 721721 and Lot A DP 431356 prior to the commencement of construction, or the release of a Subdivision Certificate.
- (2) Upon completion of the remediation works, the Proponent shall submit a detailed Site Audit Summary Report and Site Audit Statement and Validation Report to the Certifying Authority and the Department of Environment, Climate Change and Water (DECCW). The site audit must be prepared in accordance with the *Contaminated Land Management Act 1997* and completed by a site auditor accredited under the *Contaminated Land Management Act 1997* to issue site audit statements. The site audit must verify that the land is suitable for the proposed uses.

B12 Erosion and Sedimentation Control

- (1) Submission of a Soil and Water Management Plan to the Certifying Authority, including details of:
 - (a) property details (location, Proponent, drawn by, date, scale)
 - (b) accurate property description (property boundary)
 - (c) contours
 - (d) access point and access control measures
 - (e) location and type of all sediment control measures
 - (f) location of existing vegetation to be retained and undisturbed ground
 - (g) any existing watercourse or drainage
 - (h) material stockpile areas and storage and control methods
 - (i) location of new drainage features (stormwater inlet pits)
 - (j) revegetation proposals, including specifications on materials used and methods of application

(NOTE: For guidance on the preparation of the Plan refer to the Soil and Water Management for Urban Development guidelines produced by the Southern Sydney Regional Organisation of Councils.)

- (2) Soil erosion and sediment control measures shall be designed in accordance with the document *Managing Urban Stormwater – Soils & Construction Volume 1 (2004)* by Landcom. Details are to be submitted to the satisfaction of the Certifying Authority prior to the issue of the Construction Certificate **for the relevant stages of works**.
- (3) The capacity and effectiveness of erosion and sediment control devices must be maintained at all times.

B13 Pre-Construction Dilapidation Reports

The Proponent is to engage a qualified structural engineer to prepare a Pre-Construction Dilapidation Report detailing the current structural condition of all existing and adjoining buildings, infrastructure and roads. The report shall be submitted to the satisfaction of the Certifying Authority prior to the issue of the Construction Certificate **for the relevant stages of works**. A copy of the report is to be forwarded to the Department and Council.

B14 Construction Management Plan

Prior to the issue of a Construction Certificate for the relevant stages of works, a Construction Management Plan shall be submitted to and approved by the Certifying Authority. The Plan shall address, but not be limited to, the following matters where relevant:

- (1) hours of work,
- (2) contact details of site manager,
- (3) traffic management (see also B19 below),
- (4) noise and vibration management (see also B17 below),
- (5) waste management (see also B18 below),
- (6) erosion and sediment control (see also B14),
- (7) flora and fauna management, and

The Proponent shall submit a copy of the approved plan to the Department and Council.

B15 Noise and Vibration Management Plan

Prior to the issue of a Construction Certificate for the relevant stages of works, a Noise and Vibration Management Plan prepared by a suitably qualified person shall be submitted to and approved by the Certifying Authority. The Plan shall address, but not be limited to, the following matters:

- (1) Identification of the specific activities that will be carried out and associated noise sources,
- (2) Identification of all potentially affected sensitive receivers including residences, schools, and properties containing noise sensitive equipment,
- (3) The construction noise objective specified in the conditions of this approval,
- (4) The construction vibration criteria specified in the conditions of this approval,
- (5) Determination of appropriate noise and vibration objectives for each identified sensitive receiver,
- (6) Noise and vibration monitoring, reporting and response procedures,
- (7) Assessment of potential noise and vibration from the proposed construction activities including noise from construction vehicles and any traffic diversions,
- (8) Description of specific mitigation treatments, management methods and procedures that will be implemented to control noise and vibration during construction
- (9) Justification of any proposed activities outside the construction hours specified in the conditions of this approval.
- (10) Construction timetabling to minimise noise impacts including time and duration restrictions, respite periods, and frequency,
- (11) Procedures for notifying residents of construction activities that are likely to affect their amenity through noise and vibration,
- (12) Contingency plans to be implemented in the event of non-compliances and/or noise complaints,

The Proponent shall submit a copy of the approved plan to the Department and Council.

B16 Construction Waste Management Plan

Prior to the issue of a Construction Certificate for the relevant stages of works, the Proponent shall submit to the satisfaction of the Certifying Authority a Waste Management Plan prepared by a suitably qualified person in accordance with Canterbury Council's Policy. The Proponent shall submit a copy of the plan to the Department and Council.

B17 Traffic Management Works

The following traffic management works are required as a result of this development:

- (1) The road and lane configuration in Alfred Street between Harp Street and Jarrett Street is to be assessed for its capacity to accommodate the proposed traffic flow and parking requirements. The Proponent is to demonstrate that the existing road and footpath widths comply with the minimum requirements of **AMCORD, AUSTRROADS, RTA guidelines and NSW Manual for the Design of Safer Streets (The Streets Where We Live)**. Should compliance with **AMCORD, AUSTRROADS and RTA guidelines and NSW Manual for the Design of Safer Streets (The Streets Where We Live)** be unachievable with the current road and lane configuration, the Proponent is to:
(a) Identify appropriate upgrades to the existing road network to ensure compliance with AUSTRROADS is achieved including the construction by the Proponent of a roundabout controlled junction at the intersection of Harp Street and Alfred Street in accordance with the requirements of AUSTRROADS and the RMS Supplements.

The proposal is to be submitted to the Director of City Works at the City of Canterbury Council for consideration by the Canterbury Traffic Committee prior to the issue of a Construction Certificate. The cost of any works required for the intersection shall be borne by the Proponent.

~~prepare a report investigating the closure of Alfred Street at Harp Street. Such a report is to include the effect a closure would have on traffic in surrounding streets and the intersections. The report is to be submitted to the Director of City Works at the City of Canterbury for consideration by the Canterbury Traffic Committee prior to the issue of a Construction Certificate. The Proponent shall be responsible for implementing any traffic control measures approved by Council following consideration of the report by the Canterbury Traffic Committee. The cost of any works arising from this approval is to be borne by the Proponent.~~

- ~~a) If the additional traffic studies reveal that Alfred Street does not need to be closed at Harp Street, a round-a-bout incorporating the raised pedestrian crossings is to be constructed at this intersection in accordance with RTA guidelines.~~
- (2) The analysis of the impact on the intersection of Alfred Street and William Street by the additional traffic generated by the development is required. Should the projected traffic volumes impact on the current level of service for this intersection, appropriate treatments are to be recommended to the Canterbury Traffic Committee for consideration prior to the issue of a Construction Certificate **for the relevant stages of works**. The Alfred Street/William Street intersection shall be modified in accordance with the requirements of the Canterbury Traffic Committee and the RTA **following issue of the final Occupation Certificate for all lots**. All costs in relation to the modification shall be borne by the Proponent.
- (3) The Proponent shall liaise with the RTA and undertake community consultation with the affected residents (Kingsgrove Road/Moncur Avenue) on the proposed change to the intersection of Harp Street and Kingsgrove Road. The results of the community consultation and proposed changes to the intersection are to be forwarded to the Director of City Works at the City of Canterbury and the Canterbury Traffic Committee, prior to the issue of a Construction Certificate **for the relevant stages of works**. Following consideration by the Canterbury Traffic Committee, any works required for the intersection (i.e extension of right-turn bay and installation of "No Stopping" signs and linemarking) shall be undertaken **following issue of the final Occupation Certificate for all lots and be undertaken** at the Proponent's cost.

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- (4) The Proponent shall liaise with the RTA and undertake community consultation with the affected residents (Charlotte Street/Canterbury Road) on the proposed change to the intersection of Charlotte Street at Canterbury Road. The results of the community consultation and proposed changes to the intersection are to be forwarded to the Director of City Works at the City of Canterbury and the Canterbury Traffic Committee, prior to the issue of a Construction Certificate **for the relevant stages of works**. Following consideration by the Canterbury Traffic Committee, any works required for the intersection shall be undertaken **following issue of the final Occupation Certificate for all lots and be undertaken** at the Proponent's cost.
 - (5) The Proponent shall undertake community consultation with the affected residents (Charlotte Street/Troy Street) on the proposed change to the intersection of Charlotte Street at Troy Street. The results of the community consultation and proposed changes to the intersection are to be forwarded to the Director of City Works at the City of Canterbury and the Canterbury Traffic Committee, prior to the issue of a Construction Certificate **for the relevant stages of works**. Following consideration by the Canterbury Traffic Committee, any works required for the intersection (i.e. installation of "No Stopping" signs and linemarking) shall be undertaken at the Proponent's cost.
 - (6) Charlotte Street, which is a residential street situated between Canterbury Road and Harp Street, will be subject to additional traffic volumes/speed from the proposed development and may require a traffic calming scheme to be proposed for installation in the street. The Proponent is to prepare a report, investigating as to whether or not installation of a traffic calming scheme is warranted in Charlotte Street and submit the proposal to the Director of City Works at the City of Canterbury for consideration by the Canterbury Traffic Committee prior to the issue of a Construction Certificate **for the relevant stages of works**. If considered warranted, the Proponent will be responsible for implementing any proposed traffic calming scheme, as recommended by the Traffic Committee, **following issue of the final Occupation Certificate for all lots and be undertaken** and the costs of any works arising from this approval are to be borne by the Proponent.
 - (7) The Proponent shall undertake community consultation and provide a Traffic Management Plan (TMP) to the RTA on the proposed **partial** closure of Troy St at New Troy St. The results of the community consultation and the proposed closure are to be forwarded to Director of City Works at the City of Canterbury for consideration by the Canterbury Traffic Committee prior to the issue of a Construction Certificate **for the relevant stages of works**.

Detailed design of the below traffic management requirements are to be carried out for the approval of the RTA prior to the issue of a Construction Certificate **for the relevant stages of works**:

- (8) The kerb return on the north-western corner of the intersection of Harp Street and Charlotte Street shall be modified to improve access from Harp Street into Charlotte Street for heavy vehicles, including 124.5m STA buses. The detailed design of this work is to be submitted to Council's Director of City Works for approval **prior to the relevant stages of works**. All costs in relation to the modification shall be borne by the Proponent **and undertaken following issue of the final Occupation Certificate for all lots**.
- (9) New raised platform pedestrian crossings are to be constructed at the following locations:
 - (a) Crossing New Harp Street, on the eastern side of the Alfred Street intersection.
 - (b) Crossing Harp Street on the eastern side of the Charlotte Street intersection.
 - (c) Crossing Charlotte Street on the northern side of the Harp Street intersection.
 - (d) Crossing New Troy Street on the eastern side of the Charlotte Street intersection.

- (e) Crossing Charlotte Street on the southern side of the New Troy Street intersection.
- (f) Crossing Alfred Street on the southern side of the Harp Street intersection.
- (g) Two (2) crossings in New Alfred Street between New Troy Street and New Harp Street.

Details are to be submitted on the staging of the above conditions 8 and 9. Such staging is to be relevant to the proposed subdivision staging. The traffic management works shall be carried out at no cost to Canterbury Council or the RTA.

- (10) Disabled parking facilities are to be provided along New Harp Street.
- (11) The proponent shall enter into discussions with Canterbury Council regarding extending the right hand movement lane out of Charlotte Street onto Canterbury Road by 40m to the South, to cater for additional traffic as a result of the development.
- (12) The proponent shall demonstrate that the proposed road and footpath widths comply with the minimum requirements of **AMCORD, AUSTROADS and the relevant RMS Supplements to Austroads RTA guidelines and NSW Manual for the Design of Safer Streets (The Streets Where We Live)**.

B18 Road Design

Kerb and gutter, stormwater drainage, full road width pavement including traffic facilities (roundabouts, median islands etc.) and paved footpaths shall be constructed along the full length of the new roads. All Roads shall be designed in consultation with the relevant requirements of Canterbury City Council and the RTA. Final road design plans shall be prepared by a qualified practising Civil Engineer and submitted to the Certifying Authority prior to the issue of a Construction Certificate **for the relevant stages of works**.

B19 Number of Car Spaces

The maximum number of car spaces to be provided for the development shall comply with the table below. Details confirming the parking numbers shall be submitted to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate **for the relevant stages of works**.

Car parking allocation	Number
Residential <u>and visitor</u> car parking spaces	85 <u>102</u>
Childcare car parking spaces	8

Disabled Parking is to be provided in accordance with the Building Code of Australia, Section D.

B20 Number of Bicycle Spaces

A minimum of 22 **27** bicycle spaces are to be provided for proposed Lot 11. Details shall be submitted to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate **for the relevant stages of works**.

B21 Car Park and Service Vehicle Layout

- (1) The layout of the car park shall comply with Australian Standard AS2890.1: 1993 *Parking Facilities Part 1: Off Street Parking*. All parking spaces are to be linemarked.
- (2) The layout of the service vehicle area shall comply with Australian Standard AS2890.2: 1989 *Off Street Parking Part 2 – Commercial Vehicles Facilities*.

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- (3) Details demonstrating compliance with these requirements shall be submitted to the satisfaction of the Certifying Authority prior the issue of a Construction Certificate **for the relevant stages of works**.

B22 Energy Star Ratings

All classes of appliances that are available with an energy label or a Minimum Energy Performance Standard to be installed within the premises are to have an energy star rating of 3 stars or more (excluding clothes dryers which are to have a rating of 2 stars or more). The Proponent shall submit to the Certifying Authority a statement demonstrating compliance with the requirements of this condition.

B23 BASIX Certificate requirements

Prior to the issue of a Construction Certificate **for the relevant stages of works**, details of all amendments and treatments outlined in the *BASIX Certificate No. 216340M_02*, to achieve satisfactory levels of thermal comfort, and satisfactory water and energy ratings, shall be incorporated into the proposed development and provided to the PCA.

B26 Stormwater and Drainage Works Design

- (1) Final design plans of the stormwater drainage systems within the proposed subdivision, prepared by a qualified practicing Civil Engineer and in accordance with the requirements of Canterbury City Council shall be submitted to and approved by the PCA prior to issue of a Construction Certificate **for the relevant stages of works**. The hydrology and hydraulic calculations shall be based on models described in the current edition of Australian Rainfall and Runoff.
- (2) The development should include Water Sensitive Urban Design practices such as:
 - (a) Treating stormwater runoff to NSW EPA draft best practice treatment objectives:
 - 85% reduction in Total Suspended Solids
 - 65% reduction in Total Phosphorus
 - 45% reduction in Total Nitrogen
 - (b) Maximising stormwater reuse through integrated water cycle management, which can reduce potable water demand and assist in achieving the above pollutant load reduction objectives.

B27 Compliance Report

Prior to the issue of a Construction Certificate **for the relevant stages of works**, the Proponent, or any party acting upon this approval, shall submit to the Certifying Authority a report addressing compliance with all relevant conditions of this Part.

B28 GFA Certification

A Registered Surveyor is to certify that the Gross Floor Area (GFA) of the development at the subject site does not exceed 6,521m² on proposed Lot 11. Details shall be provided to the Certifying Authority demonstrating compliance with this condition prior to the issue of a Construction Certificate **for the relevant stages of works**.

B29 Electricity

The Proponent shall consult Energy Australia to determine the need for an electricity substation prior to the submission of a Construction Certificate **for the relevant stages of works** and, if a site is required, it being situated adjacent to the street alignment with the size, location and area being in accordance with the requirements of Council and Energy

Australia. The land required being dedicated without cost as a public roadway to enable Energy Australia to establish the substation.

B31 Groundwater

Should groundwater/seepage water be encountered within the depth of excavation the basement is to be suitably **captured and controlled, tanked and waterproofed. No subsoil drainage is to be discharged from the site. Any subsoil drainage from the site is to be discharged in accordance with relevant Australian Standards.** Provision is to be made to direct any subsurface flows around subterranean obstructions. All earth retaining structures are to be designed to withstand hydrostatic loading generated by subterranean water and the basement walls are to be adequately tanked and waterproofed.

B34 Privacy

Fixed upward facing louvres must be attached to the top of the balustrade of all of the balconies on the northern north-east corner elevation of the building on proposed Lot 11. The louvres must extend to the underside of the ceiling of the balcony, and must be sliding to cover a minimum 50% of the width of each balcony of the building to protect neighbours' privacy.

B37 Storage Facilities

Further provision of storage facilities is to be provided within each unit on proposed Lot 11 to meet the storage requirements of the Residential Flat Design Code. Details of such are to be submitted to the Certifying Authority for determination prior to the issue of a Construction Certificate **for the relevant stages of works.**

C2 Commencement

The erection of a building / subdivision works in accordance with this development consent must not be commenced until:

- (1) Detailed plans and specifications have been endorsed with a Construction Certificate **for the relevant stages of works** (by the consent authority or an accredited certifier), and
- (2) The person having benefit of the Development Consent has appointed a PCA, and has notified the consent authority and the Council (if Council is not the consent authority) of the appointment, and
- (3) The person having benefit of the development consent has given at least 2 days notice to the Council of their intention to commence the development works the subject of this consent.

D9 Protection of Trees – Street Trees

All street trees **that are not approved for removal** shall be protected at all times during construction **for the relevant stages of works.** Any tree on the footpath, which is damaged or removed during construction, shall be replaced, to the satisfaction of Council.

D17 Services to be Underground

All **new** services associated with the development are to be located underground **subject to the approval of the relevant service provider, and** Works associated with this are to be fully borne by the Proponent, within the development and along all street frontages for the length of the development.

D25 Site Entry

A single Entry/exit points must be provided to the site which will **generally** be constructed of a minimum of 40mm aggregate of blue metal or recycled concrete **or similar**. The depth of the entry/exit point must be 150mm. The length will be no less than 15m and the width no less than 3m. Water from the area above the entry/exit point shall be diverted to an approved sediment filter or trap by a bund or drain located above.

E4 Stormwater

Prior to the issue of the Subdivision Certificate the following detailed plans of the site stormwater system, street/trunk drainage system and the flood detention storage tanks (FDSTs) are to be submitted for approval to **the Certifying Authority Council's Director City Works**.

- (1) The proposed flood detention storage tank as shown on the plans within proposed Lot 42 is to be relocated from the proposed development lot to within the proposed road reserve. Details of the proposed amendment are to be submitted prior to the issue of the first Subdivision Certificate.
- (2) The detailed stormwater plans for each stage are to be submitted prior to the issue of the Subdivision Certificate, and accompanied by detailed calculations demonstrating that the performance of all new and existing trunk/street drainage lines will be satisfactory. Calculations are to include a catchment analysis detailing the expected overland flow to be directed to the flood detention storage tanks (FDST) for the design storm. Calculations are also to be provided to demonstrate that the proposed kerb inlet pits will be adequate to capture and direct the previously determined overland flow to the flood storage tank (FDST). Evidence shall be provided to show that freeboard above any ponding levels satisfies Council, NSW Floodplain Management Manual and Australian Standard AS 3500.3 requirements.
- (3) The location of infrastructure including street alignment, traffic calming devices, services and driveways may influence the design of the street drainage system and FTSDs. The plans and calculations for the FDSTs and street/trunk drainage system are to be in accordance with Australian Standard AS 3500.3-2003 Stormwater Drainage, NSW Floodplain Management Manual, AUS-SPEC 0074 Stormwater drainage (Design) and City of Canterbury's Stormwater Management Manual ~ Specification 9. Details of such are to be submitted prior to the issue of the Subdivision Certificate for the relevant stage.
- (4) Notwithstanding conditions set by Sydney Water, the minimum design storm shall be 1 in 10 year, subject to overland flow routes. Details of such are to be submitted prior to the issue of the Subdivision Certificate for the relevant stage.
- (5) Provision is to be made in the street/trunk drainage design for the connection of the proposed bioretention street tree pits detailed on the concept landscaping plan. Details of such are to be submitted prior to the issue of the Subdivision Certificate for the relevant stage.
- (6) The street/trunk drainage system is to be constructed in accordance with the plans, details and specifications submitted for the Construction Certificate. The street/trunk drainage system is to be constructed in accordance with AUS-SPEC 1351 Stormwater Drainage (Construction), 1352 Pipe Drainage, Australian Standard AS 3500.3-2003 Stormwater Drainage, and other relevant standards and specifications. All street/trunk drainage pipe work is to be constructed of rubber ring jointed pipes. All work being carried out by an approved contractor, at the Proponent's cost.
- (7) Construction of the flood detention storage tank (FDST) and associated street/trunk drainage system for each stage is to be undertaken prior to any other civil works commencing for that stage.
- (8) Construction of the proposed FDSTs are to be undertaken in accordance with AUS-SPEC 1351 Stormwater Drainage (Construction), 1352 Pipe Drainage, Australian

Standard AS 3500.3-2003 Stormwater Drainage, AUS-SPEC 041 Tanking and Damp-proofing, and other relevant standards and specifications. All work is to be carried out by an approved contractor, at the Proponent's cost and details of such are to be submitted prior to the issue of the Subdivision Certificate for the relevant stage.

- (9) Following the completion of the new drainage system, the Proponent shall **demolish decommission** and remove the existing Sydney Water pipeline traversing the site.
- (10) Final Works-As-Executed plans for the flood detention storage, street/trunk drainage, roads, footpaths are to be submitted to Council's Director of City Works, for each stage. The plan shall be prepared by a registered surveyor or an engineer. The plan shall record all the relevant design and finished levels and dimensions of the works. The Works-As-Executed plans are to be accompanied by a certification from a suitably qualified and experienced engineer stating that the works have been inspected and comply with the approved plans, specification and standards.

E8 Civil Works

Prior to the issue of any subdivision certificate, detailed designs and documentation are to be submitted to **Council the Certifying Authority** for approval for the proposed road construction works. The design is to include the kerb and gutter, pavement, dish drains, footpath, pedestrian and cycle facilities required for each new street. The detailed design is to be undertaken in accordance with AUS-SPEC, AUSTROADS, Australian Standard HB 153:2002 : Urban Road Design: A Guide to the Geometric Design of Major Urban Roads and RTA Road Design Guide.

E9 Underground Services

All **new** services are to be provided underground **subject to the approval of the relevant service provider**, including water and sewer supply, telecommunications, electricity, gas and the like, and are to be constructed in conjunction with the construction of the new roads New Troy Street, New Alfred Street, New Harp Street and New Wade Street. Services are to be located under the footpath in accordance with the proposed Services Plans **numbered 048-11C E600 [02]-600 to 603 inclusive dated 27/06/12 and prepared by cCraig and Rhodes. project code AA001875 drawing number C061 issue 2 by Hyder Consulting Pty Ltd.** Service provision is to be in accordance with the requirements of each Service Authority. All electricity distribution infrastructure shall be located underground in accordance with Energy Australia requirements. Street light poles and fixtures are to be in accordance with the requirements of Energy Australia and City of Canterbury. All work being carried out by an approved contractor, at the Proponent's cost prior to the issue of any subdivision certificate **for the relevant stages of works.**

E11 Certificates

Prior to the release of the subdivision certificate all certificates for inspections, fill, sub base, base, wearing surface, compaction and stabilisation for the civil works are to be submitted to **Council the Certifying Authority**.

E13 Subsoil Drainage

No subsoil drainage is to be discharged from the site. Any subsoil drainage from the site is to be discharged in accordance with relevant Australian Standards. Provision is to be made to direct any subsurface flows around subterranean obstructions. All earth retaining structures are to be designed to withstand hydrostatic loading generated by subterranean water and the basement walls are to be adequately tanked and waterproofed.

F7 Registration of Easements

Prior to the issue of any Occupation Certificate **for the relevant stages of works**, the Proponent shall provide to the PCA evidence that all easements required by this approval, approvals, and other consents have been or will be registered on the certificates of title.

F8 Sydney Water

A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation.

Application must be made through an authorised Water Servicing Coordinator. Please refer to the "Your Business" section of the web site <http://www.sydneywater.com.au/> then follow the "e-Proponent" icon or telephone 13 20 92 for assistance.

Following application a "Notice of Requirements" will advise of water and sewer extensions to be built and charges to be paid. Please make early contact with the Coordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.

The Section 73 Certificate must be submitted to the PCA prior to occupation of the development or release of the plan of subdivision **for the relevant stages of works**.

F9 Post-construction Dilapidation Report

- (1) The Proponent shall engage a suitably qualified person to prepare a post-construction dilapidation report at the completion of the construction works **for the relevant stages of works**. This report to ascertain whether the construction works created any structural damage to adjoining buildings, infrastructure and roads.
- (2) The report is to be submitted to the PCA. In ascertaining whether adverse structural damage has occurred to adjoining buildings, infrastructure and roads, the PCA must:
 - (a) compare the post-construction dilapidation report with the pre-construction dilapidation report required by Condition B15, and
 - (b) have written confirmation from the relevant authority that there is no adverse structural damage to their infrastructure and roads.
- (3) A copy of this report is to be forwarded to the Director and Council.

F14 Kerb and Gutter

If required, the reconstruction of the kerb and gutter along areas of the site fronting Charlotte Street is **to be carried out required**. Work to be carried out by Council or an approved contractor, at the Proponent's cost **upon completion of proposed Lot 42**. The work is to be carried out in accordance with Council's "Specification for the Construction by Private Contractors of: a) Vehicle Crossings, b) Concrete Footpath, c) Concrete Kerb & Gutter".

F15 Footpaths and Reserves

- (1) The construction of concrete footpath paving and associated works along all areas of the site fronting New Troy Street, New Alfred Street and New Harp Street is required. Work being carried out by Council or an approved contractor, at the Proponent's cost. The work is to be carried out **progressively with the relevant stages of works** in accordance with Council's "Specification for the Construction by Private Contractors of: a) Vehicle Crossings, b) Concrete Footpath, c) Concrete Kerb & Gutter" and the approved streetscape treatments. The paving material, pattern and construction

specification is to be in accordance with the requirements adopted by Council for the Campsie town centre and is to be carried out to the satisfaction of **the Certifying Authority Council's Director of City Works**.

- (2) The reconstruction of concrete footpath paving and associated works along all areas of the site fronting Charlotte Street is required **prior to occupation of Lot 42**. Work being carried out by Council or an approved contractor, at the Proponent's cost. The work is to be carried out in accordance with Council's "Specification for the Construction by Private Contractors of: a) Vehicle Crossings, b) Concrete Footpath, c) Concrete Kerb & Gutter" and the approved streetscape treatments
- (3) The nature strip outside the property shall be repaired as necessary. Work to be carried out by Council or an approved contractor, at the Proponent's cost. The work is to be carried out in accordance with AUS-SPEC 0257 Landscape - roadways and street trees.
- (4) The provision of footpath, landscaping, street furniture and street trees in accordance with the approved landscaping plan for the whole site and adjoining public areas is required.
- (5) All ground covers and shrubs proposed for street planting adjacent to carriageways and vehicular accesses are to have a maximum expected height of 600mm.

F17 External Road Construction

Following **construction of all lots issue of the final occupation certificate for the final lot** the resheeting of the full width of Harp Street, Alfred Street and Charlotte Street adjacent to the development site is to be undertaken **subject to an independent pre and post development pavement assessment by a suitably qualified engineer to the satisfaction of Council**. The surface is to be milled and paved with 45mm of AC14 and 30mm of AC10 overlay.

AN1 Sydney Water

An application shall 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) shall be produced to the satisfaction of the PCA prior to the issue of a Construction Certificate **for the relevant stages of works**. The Section 73 Certificate shall be submitted to the PCA prior to the occupation of the development or release of the linen plan **for the relevant stages of works**.

AN2 Compliance Certificate, Water Supply Authority Act, 2000

Prior to issuing a subdivision certificate **for the relevant stages of works**, a Compliance Certificate shall be provided to the approval authority showing that the development has met with the detailed requirements of the relevant water supply authority for the region that the subject site is located within.

The Proponent shall obtain the Compliance Certificate from the relevant local water supply authority and produce this to the satisfaction of:

- (1) the certifying authority before release of the Construction Certificate **for the relevant stages of works**,
- (2) the approval authority before the release of the subdivision certificate **for the relevant stages of works**, and
- (3) the principal certifying authority prior to occupation **for the relevant stages of works**.

AN3 Requirements of Public Authorities for Connection to Services

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 reasonable costs in the relocation, adjustment or support of services relating to the development 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 PCA prior to the issue of the **Construction Occupation Certificate** for the relevant stages of works.

AN4 Compliance with Building Code of Australia

- (1) The Proponent is advised to consult with the PCA about any modifications needed to comply with the BCA prior to submitting the application for a Construction Certificate for the relevant stages of works.
- (2) Compliance with the Building Code of Australia does not guarantee protection from prosecution under "The Disability Discrimination Act". Further information is available from the Human Rights and Equal Opportunity Commission on 1800 021 199.

AN13 Application under Part 4A of the Act

An application under Part 4A of the Act shall be submitted to the approval authority or the Council along with a plan of subdivision prepared by a registered surveyor, for certification prior to the issue of the Subdivision Certificate for the relevant stages of works.

AN22 Subdivision

- (1) Prior to the release of the subdivision certificate Council for the relevant stages of works will undertake Works-As-Executed/handover inspections of all infrastructure to be handed over to Council.
- (2) Each lot created by the proposed Torrens Title subdivision, with the exception of proposed Lot 31, will be required to provide on-site stormwater detention within the lot created as part of the redevelopment of the lot.
- (3) Each lot created by the proposed Torrens Title subdivision will be required to provide street furniture, footpath and streetscape landscaping as part of the redevelopment of the lot. The paving material and construction specification is to be in accordance with Council's standard drawing SD 650 – Segmental Paving Details for Shopping Centres. The paving is to be in accordance with the materials adopted by Council for the Town Centres. Paving is to be carried out to the satisfaction of Council's Director of City Works.

The following conditions are deleted:

~~B25—Sydney Water~~

~~Prior to the issue of a Construction Certificate, a Notice of Requirements under Part 6, Division 9 of the Sydney Water Act 1994 shall be obtained and a copy must be submitted to the Certifying Authority (Council or a private accredited certifier).~~

~~D28—Existing Street Trees~~

~~The existing street trees, *Lophostemon confertus* (common name Brushbox), adjacent to the development site in Charlotte Street and Harp Street are to be retained and protected during construction. A tree protection zone (TPZ) of minimum 6 m~~

~~radius must be observed. A tree protection barrier is to be erected around the perimeter of the TPZ prior to the commencement of any site works. This barrier must be a minimum 1800mm high chain link fabric (with standard 50mm pitch) on 2400mm star pickets driven 600mm into the ground so that the fencing cannot be breached. A 600mm x 450mm prohibition sign complying with AS1319, and stating 'TREE PROTECTION ZONE - KEEP OUT' must be attached to the barrier. The barrier is to be well maintained during construction. No building material storage or construction activity shall be allowed to encroach within this TPZ.~~

The following Statement of Commitments are amended by insertion of the underlined and bold words:

FINAL STATEMENT OF COMMITMENTS – FORMER SUNBEAM SITE CAMPSIE

A – GENERAL

1. The project will be carried out generally in accordance with the plans and material submitted as part of the Environmental Assessment for Major Project No. 07_0106, **except where amended by the Preferred Project Report dated May 2009, the Revised Preferred Project Report dated December 2010 and subsequent modification applications under Section 75W**, as described in:
 - a) Environmental Assessment Report and associated appendices dated 27 October 2008 as amended by the Preferred Project Report dated May 2009,
 - b) **Amended Architectural Approved Architectural Drawings contained within Modification A1, of this approval for Lots 2,3,4 and 5 prepared by Marchese and Partners dated 20 April 2009;**
 - c) ~~Amended Architectural Drawings for Lot 1 prepared by Buchan group dated 24 April 2009;~~
 - d) **c.** Amended Landscape Plans prepared by **Umbaco Habitation** dated **8 July 2012** ~~24 April 2009;~~
 - e) **d.** Amended subdivision plans prepared by Dunlop Thorpe dated **1 June 2009** ~~27 June 2012~~
 - f) **e.** BASIX Assessment, BASIX Certificate prepared by Cundall;
 - g) **f.** Amended Traffic Impact Assessment (TMAP) prepared by Traffix (Version 10) dated 24 April 2009
 - h) **g.** Stormwater and Flood Management Report prepared by Hyder consulting dated October 2008;
 - i) **h.** Utilities Investigation Report prepared by Hyder consulting dated September 2008;
 - j) **i.** Infrastructure Report ~~and Plan~~ prepared by Hyder Consulting dated October 2008 **and plans prepared by Craig and Rhodes dated 9 June, 27 June, 6 July, 13 July and 16 July 2012.**
 - k) **j.** Waste Management Plan prepared by JD Macdonald dated October 2008;
 - l) **k.** Construction Management Plan prepared by Davids Group dated October 2008;
 - m) **l.** Demolition Management Plan prepared by Metropolitan Demolitions dated 27 March 2009; and
 - n) ~~Amended Draft Voluntary Planning agreement prepared by Maddocks dated April 2009.~~

9. INFRASTRUCTURE

9.1 Roads

- a) The proposed road layout and access arrangements will generally be in accordance with Infrastructure Report prepared by Hyder consulting dated October 2008 **and plans prepared**

by Craig and Rhodes dated 9 June, 27 June, 6 July, 13 July and 16 July contained in Modification condition A1 of the Concept Plan approval.

- b) Two new concrete vehicle crossings will be provided from the new kerb alignment to the existing property boundaries to replace the existing vehicle crossings at New Troy Street as well as the construction of a new concrete footpath.

9.2 Stormwater

Stormwater Management will be undertaken generally in accordance with **plans prepared by Craig and Rhodes dated 9 June, 27 June, 6 July, 13 July and 16 July contained in Modification condition A1 of the Concept Plan approval.**

13. B- SUBDIVISION

The subdivision is to be undertaken generally in accordance with the details contained in the plans prepared by Dunlop Thorpe dated ~~1 June 2009~~ **27 June 2012**.