

CONSOLIDATED CONSENT FOR INFORMATION
CONSTRUCTION FOR RESIDENTIAL DEVELOPMENT OF SILKSTONE PRECINCT, BREAKFAST
POINT
MP 08_0026 - MOD 1

SCHEDULE 1

PART A — TABLE

Application made by:	Breakfast Point Pty Ltd
Application made to:	Minister for Planning
Major project number:	MP 08_0026 MOD 1
On land comprising:	Lot 52, DP270347, Breakfast Point. The precinct is bounded by Silkstone Park, Peninsula Drive and Rosewater Circuit.
Local government area	City of Canada Bay
For the carrying out of:	<ul style="list-style-type: none"> Construction of 1 building of 5 storey height above 2 levels of basement parking with a total GFA of 6,194m² and FSR of 2.60:1. The building occurs in a landscaped setting incorporating lawns, paved courtyards and gardens. It will contain 45 dwellings with 73 resident and 9 on street visitor car spaces. Strata subdivision to create 45 strata title lots.
Capital investment value	\$19,120,000
Type of development:	Major project
Section 119 public inquiry held:	No
Determination made on:	27 March 2009
Date approval is liable to lapse	Approval shall lapse in 5 years after the determination date of this approval unless works have physically commenced on the development.

PART B—NOTES RELATING TO THE DETERMINATION OF MP NO. 08_0026

Responsibility for other consents / agreements

The Proponent is solely responsible for ensuring that all additional consents and agreements are obtained from other authorities, as relevant.

Appeals

The Proponent has the right to appeal to the Land and Environment Court in the manner set out in the Environmental Planning and Assessment Act, 1979 and the Environmental Planning and Assessment Regulation, 2000 (as amended).

Legal notices

Any advice or notice to the Certifying Authority and the PCA shall be served on the Council.

PART C—DEFINITIONS

In this approval,

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

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

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

Council means City of Canada Bay Council.

CPI means Consumer Price Index.

Department means the Department of Planning or its successors.

Director-General means the Director-General of the Department.

Environmental Assessment means the Environmental Assessment prepared by Giles Tribe Architects, dated 23 June 2008.

Minister means the Minister for Planning.

MP No. 08_0026 means the Major Project described in the Proponent's Environmental Assessment.

PCA means a Principal Certifying Authority and has the same meaning as Part 4A of the Act.

Proponent means Breakfast Point Pty Ltd or any party acting upon this approval.

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

Subject Site has the same meaning as the land identified in Part A of this schedule.

SCHEDULE 2

RECOMMENDED CONDITIONS OF APPROVAL

MAJOR PROJECT NO. 08_0026

PART A – ADMINISTRATIVE CONDITIONS

A1 Development Description

Development approval is granted only to the carrying out of development described in detail below:

- Construction of 1 building of 5 storey height above 2 levels of basement parking with a total GFA of 6,194m² and FSR of 2.6:1. The buildings are configured within a landscaped setting incorporating lawns, paved courtyards and gardens. The building will contain 45 dwellings with 73 resident and 9 on street visitor car spaces;
- Strata subdivision to create 45 Strata Title Lots.

A2 Development in Accordance with Plans and Documentation

The development will be undertaken in accordance with the Environmental Assessment dated 23 June 2008 prepared by Giles Tribe, Architects and Urban Planners Pty Ltd and all appendices except where varied by:

- The Proponent's Responses to Exhibition of the Silkstone Precinct - Breakfast Point Project Application, (1 letter dated 26 August 2008 and one email dated 1 September 2008, both prepared by Rosecorp Management Services Pty Ltd)
- the following drawings:

Architectural Plans prepared by Giles Tribe Architects			
Drawing No.	Revision	Name of Plan	Date
07034		Title Sheet	Undated
07034		Drawing List	Undated
07034_DA5C_01	A	Site Analysis	30.05.2008
07034_DA5C_02	A	Site Plan	30.05.2008
07034_DA5C_03	A	Basement 2 Plan	30.05.2008
07034_DA5C_04	A	Basement 1 Plan	30.05.2008
07034_DA5C_05	A	Level 1 Plan	30.05.2008
07034_DA5C_06	A	Level 2 Plan	30.05.2008
07034_DA5C_07	A	Level 3 Plan	30.05.2008
07034_DA5C_08	A	Level 4 Plan	30.05.2008
07034_DA5C_09	A	Level 5 Plan	30.05.2008
07034_DA5C_10	A	Roof Plan	30.05.2008
07034_DA5C_11	A	South Elevation	30.05.2008
07034_DA5C_12	A	North Elevation	30.05.2008
07034_DA5C_13	A	East Elevation	30.05.2008
07034_DA5C_14	A	West Elevation	30.05.2008
07034_DA5C_15	A	Section A – A	30.05.2008
07034_DA5C_16	A	Section B - B	30.05.2008
07034_DA5C_17	A	Context Elevations	30.05.2008
07034_DA5C_18	A	Site Section	30.05.2008
07034_DA5C_19	A	Shadow 9am 21 June	30.05.2008
07034_DA5C_20	A	Shadow 10am 21 June	30.05.2008
07034_DA5C_21	A	Shadow 11am 21 June	30.05.2008
07034_DA5C_22	A	Shadow 12 noon 21 June	30.05.2008
07034_DA5C_23	A	Shadow 1pm 21 June	30.05.2008
07034_DA5C_24	A	Shadow 2pm 21 June	30.05.2008
07034_DA5C_25	A	Shadow 3pm 21 June	30.05.2008
07034_DA5C_26	A	Shadow 9am 21 March/Sept	30.05.2008

07034_DA5C_27	A	Shadow 12 noon 21 March/Sept	30.05.2008
07034_DA5C_28	A	Shadow 3pm 21 March/Sept	30.05.2008
07034_DA5C_29	A	Shadow 9am 21 December	30.05.2008
07034_DA5C_30	A	Shadow 12 noon 21 December	30.05.2008
07034_DA5C_31	A	Shadow 3pm 21 December	30.05.2008
07034_DA5C_32	A	Visitor Parking	30.05.2008
07034		Colour Scheme	undated
Landscape Drawings prepared by Context Landscape Design			
Drawing No.	Revision	Name of Plan	Date
L 07616-0000		Cover Sheet	30.05.2008
L 07616-1000	A	Landscape Concept Plan	30.05.2008
L 07616-1001	A	Planting Palette	30.05.2008
L 07616-1002	A	Material Palette	30.05.2008
L 07616-3000	A	BASIX Plan	30.05.2008
L 07616-3001	A	Deep Soil Plan	30.05.2008
L 07616-5000	A	Section A-A	30.05.2008
L 07616-5001	A	Section B-B	30.05.2008
Hydraulic Drawings prepared by SEMF Pty Ltd			
Drawing No.	Revision	Name of Plan	Date
1357.010-5C-H02	A	Hydraulic Services Lower Basement Layout	03.06.08
1357.010-5C-H03	A	Hydraulic Services Upper Basement Layout	03.06.08
1357.010-5C-H04	A	Hydraulic Services Level 1 Layout	03.06.08
Draft Subdivision Drawings prepared by Denny Linker & Co.			
Drawing No.	Revision	Name of Plan	Date
Sheet 1 of 5		Detail Plan	29.03.2005
Sheet 2 of 5		Detail Plan	29.03.2005

except for:

- (1) any modifications which are 'Exempt and Complying Development' as identified in the *Canada Bay Local Environment Plan 2008* or as may be necessary for the purpose of compliance with the BCA and any Australian Standards incorporated in the BCA;
- (2) otherwise provided by the conditions of this approval.

A3 Concept Plan Approval

The Applicant shall comply with all relevant conditions of the approved "Breakfast Point Concept Plan 2005 prepared by Giles Tribe Architects and Urban Planners dated 22 March 2006 - Issue 3".

A4 Inconsistency between documents

In the event of any inconsistency between conditions of this approval and the drawings/documents including Statement of Commitments referred to above, the conditions of this approval shall prevail.

A5 Compliance with BCA and Home Building Act 1989

The development shall be carried out in accordance with the requirements of the *Building Code of Australia* and Home Building Act 1989 relating to requirements for a contractor licence.

PART B – PRIOR TO COMENCEMENT OF WORKS

(Conditions in this section can be read for "each stage" in accordance with the approval)

Design Details and Changes

B1 BASIX Certificate requirements

All amendments and treatments outlined in the *BASIX Certificates* issued for each proposed building, to achieve satisfactory levels of thermal comfort, and satisfactory water and energy ratings, shall be incorporated into the proposed development. The Proponent shall submit to the Certifying Authority all relevant documentation demonstrating compliance with the requirements of this condition prior to issue of a Construction Certificate for above ground works.

B2 Disabled Access

Access and facilities for people with disabilities shall be provided in accordance with Part D3 of the *Building Code of Australia AS1428 parts 1 & 4 where applicable*. Prior to the issue of a Construction Certificate, a certificate certifying compliance with this condition from an appropriately qualified person shall be provided to the Certifying Authority. [MOD 1 – March 2009]

B3 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 above ground works.

B4 Height & Density GFA Certification

A Registered Surveyor is to certify that the Gross Floor Area (GFA) of the Silkstone Precinct development does not exceed 6,194m² in accordance with the definition of GFA in the *Canada Bay LEP 2008*. Details shall be provided to the Certifying Authority demonstrating compliance with this condition prior to the issue of a Construction Certificate for above ground works.

B5 Drawings to show levels and heights

The reduced levels of the ground floor, first floor and the overall height of the roof in relation to Australian Height Datum must be shown on the drawings submitted with the Construction Certificate Application to ensure that building construction complies with the approval.

B6 Storage

Unit storage shall be provided in accordance with the requirements of the NSW Residential Flat Design Code i.e. 6m³ for one bedroom units, 8m³ for two bedroom units and 10m³ for three bedroom units. Details shall be submitted to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate.

Traffic and Parking

B7 Number of Car Spaces

The minimum 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.

Car parking allocation	Number
Residential Car parking spaces	73
Visitor Spaces	9

A plan which confirms the number and location of the visitor car parking spaces required in the table to this condition shall be submitted to the Certifying Authority prior to issue of a Construction Certificate.

B8 Accessways / Car Park and Service Vehicle Layout

1. The access ramps into the site are to comply with safe sight distances and scraping provisions of AS/NZS2890.1
2. The first 6 metres of the basement ramps within the property boundary are not to exceed 5% maximum gradient.
3. The gradient within the footway reserve into the boundary must not exceed 1 in 20 (5%)
4. All accessways, driveways, parking bays and vehicular turning areas being constructed with a basecourse of adequate depth to suit design traffic, being sealed with either bitumen seal, asphaltic concrete, concrete or interlocking pavers and being properly maintained.
5. ~~The layout of the car park shall comply with Australian Standard AS2890.1: 2004 Parking Facilities Part 1: Off Street Parking. Parking provision for people with disabilities shall be in accordance with AS 1428.1 All parking spaces are to be line marked. [MOD 1 – March 2009]~~
6. Facilities for secure parking for ~~motorcycles and~~ push bikes shall be provided. [MOD 1 – March 2009]
7. ~~The layout of any service vehicle area shall comply with Australian Standard AS2890.2: 2002 Off Street Parking Part 2 – Commercial Vehicles Facilities. [MOD 1 – March 2009]~~
8. ~~Details are to be provided of a security parking system in order to allow vehicles to be queued within the development. [MOD 1 – March 2009]~~
9. Details demonstrating compliance with these requirements shall be submitted to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate.

Landscaping

B9 Landscape Plan

A detailed Landscape Plan is to be submitted incorporating the following:

1. Locally native species to be at least 20% of plants by number.
2. Design of planter beds and boxes demonstrating capacity to support mature size of species selected, including details of soil volume and sub-surface design; and
3. Details of hard landscaping including paving, boundary treatments, and furniture and fittings in public areas.

The Landscape Plan shall be submitted to the Certifying Authority demonstrating compliance with this condition prior to the issue of a Construction Certificate for above ground works.

B10 Outdoor Lighting

All outdoor lighting shall comply with, where relevant, AS/NZ1158.3.1: 2005 *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 above ground works.

Health

B11 Mechanical Ventilation

All mechanical ventilation systems shall be installed in accordance with the Building Code of Australia and shall comply with the *Public Health (Microbial Control) Regulation 2000* under the Public Health Act 1991. Details shall be submitted to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate for above ground works.

Environment

B12 Hydraulic Services

Prior to issue of a Construction Certificate, an amended Hydraulics plan, incorporating the following matters, shall be submitted to the satisfaction of the Certifying Authority:

1. Runoff from on-ground driveway and courtyard areas should be captured by a drainage system. It must be demonstrated, with supporting calculations, how the proposed stormwater drainage system can effectively and safely convey surface storm water for storm events up to and including the 100-yr ARI, to the street.
2. Evidence to be provided that surface run-off from the development is substantially captured for re-use and detention and that the drainage system is appropriately designed to manage the additional runoff from the site and that runoff discharged into the external drainage system is of suitable quality.
3. All on-ground inlet pits should include silt traps and trash screens installed to remove debris and other pollutants before storm water is discharged into the external drainage system.
4. Evidence is to be provided to indicate that gross pollutant devices/traps are installed to control water quality leaving the site. These need to be provided in order to satisfy ESD requirements.
5. Any discharge of stormwater across the site boundaries should be without nuisance to the public and must result in no negative effect on the environment.
6. The drainage design should be in accordance with the appropriate part(s) of AS/NZS 3500 standard.
7. Overland flows from adjoining or upstream properties should not be impeded. In this regard, the drainage plans should include details of provisions such as flow paths which cater for the peak 100-yr ARI storm event. The provision of overland flow paths to convey runoff safely to the street with all details shown on the drainage plan should be incorporated and be compatible with the landscape plan.

B13 Erosion and Sediment Control

Prior to issue of a Construction Certificate, an "Erosion and Sediment Control Plan" (ESCP) or a "Stormwater Management Plan" (SMP or SWMP) as appropriate shall be submitted to the satisfaction of the Certifying Authority for approval.

The plan shall be prepared in accordance with the requirements of "Managing Urban Storm water-Soils and Construction" ("The Blue Book"). It must be demonstrated how the development will comply with the Protection of the Environment Operations Act, 1997 (POEO) during its construction phase.

Energy Australia requirements

B14 Capacity of existing electrical supply

The capacity of the existing electricity supply to service the proposed development shall be investigated and Energy Australia consulted to determine if the development requires an on-site substation. If a new on-site substation is required, design and details will be provided to the satisfaction of the Certifying Authority and Energy Australia prior to issue of a Construction Certificate.

Public services & infrastructure

B15 Monetary Contributions

In accordance with Section 94A of the Act, the Proponent shall pay the following monetary contributions consistent with the approved Breakfast Point Concept Plan:

1. Amount of Contribution

The contributions based on Condition 8 of the Determination of the Breakfast Point Concept Plan will be:

Contribution Category	Rate of Contribution (per unit)	Amount payable (45 units)
Community facilities	\$251.74	\$11,328.30
Open space	\$412.02	\$18,540.90
Roads	\$1166.24	\$52,480.80
TOTAL	\$1830.00	\$82,350.00

2. Timing and Method of Payment

The contribution shall be paid in the form of cash or bank cheque, made out to Canada Bay Council. For accounting purposes, the contribution may require separate payment for the different contribution categories and you are advised to check with Council.

Evidence of the payment to Council shall be submitted to the Certifying Authority prior to the issue of a Construction Certificate for above ground works (this condition shall be fully satisfied prior to issue of the first Construction Certificate regardless of any Stage).

3. Indexing

At the time of payment, both levies will be indexed quarterly in accordance with movements in the Consumer Price Index (All Groups Index) for Sydney issued by the Australian Statistician.

B16 Construction Management

Prior to issue of a Construction Certificate, a Construction Management Plan shall be submitted to the satisfaction of the Certifying Authority for approval.

This plan should include but not be limited to the following:

1. The proposed method of access to and egress from the site for construction vehicles, including access routes through the Council area and the location and type of temporary vehicular crossing for the purpose of minimising traffic congestion and noise in the area;
2. The proposed method of loading and unloading of excavation and construction machinery, excavation and building materials, formwork and the erection of any part of the structure within the site. Wherever possible, mobile cranes should be located wholly within the site. The use of mobile cranes must comply with the approved hours of construction and shall not be delivered to the site prior to 7.30am without the prior approval of Council.
3. The proposed areas within the site to be used for the storage of excavated materials, construction materials and waste containers during the construction period;
4. The proposed method/device to remove loose material from all vehicles and/or machinery before entering the road reserve, any run-off from the washing down of vehicles shall be directed to the sediment control system within the site;
5. The proposed method of support to any excavation adjacent to adjoining properties, or the road reserve. The proposed method of support should be designed by an appropriately Qualified Practising Civil Engineer with current Corporate Membership to the Institute of Engineers, Australia and NPER (Civil Category) status;
6. Proposed protection for Council and adjoining properties;
7. Provision of a Traffic Management Plan indicating strategies to ensure safe egress onto the public way. Particular consideration shall be given to the safety of pedestrians traversing the footway adjacent to the site.

B17 Basement Drainage

Prior to issue of a Construction Certificate, a plan/ report incorporating the following details regarding basement drainage shall be submitted to the satisfaction of the Certifying Authority for approval.

1. An appropriate pump and sump system, generally compliant with AS/NZS3500 and any other relevant standards, should be designed and sized to drain those areas of the basement and vehicular access ramp located below finished ground level. The pump and sump system should be designed by a suitably qualified professional.
2. The pump system should consist of dual pumps connected in parallel with an overflow, flashing light and audible alarm system provided to warn of pump failure.
3. Details demonstrating compliance with these requirements shall be submitted to the satisfaction of the Certifying Authority prior to the issue of the appropriate Construction Certificate.

B18 Requirement for a Construction Certificate

The erection of any building must not be commenced until:

1. A detailed plans and specifications of the building have been endorsed with a Construction Certificate by Council or an accredited certifier; and

2. A Certifying Authority has been appointed and the Department has been notified in writing of the appointment, and
3. At least two days notice, in writing, has been given to the Department of the intention to commence work.

B20 *Structural Details*

Prior to the commencement of construction for each stage, the Proponent shall submit to the satisfaction of the certifying authority structural drawings prepared and signed by a suitably qualified practising Structural Engineer that comply with:

1. the relevant clauses of the Building Code of Australia,
2. the relevant approval,
3. drawings and specifications, including the final geotechnical plans, comprising the Construction Certificate, and
4. the relevant Australian Standards listed in the BCA (Specification A1.3).

PART D — DURING CONSTRUCTION

(Conditions in this section can be read for "each stage" in accordance with the approval)

Noise and Vibration

D1 Hours of Work

The hours of work including the delivery of materials to and from the site, shall be restricted as follows:

1. between 7:00 am and 6:00 pm, Mondays to Fridays inclusive;
 2. between 8:00 am and 1:00 pm, Saturdays;
 3. no work on Sundays and public holidays.
- Works may be undertaken outside these hours where:
4. the delivery of materials is required outside these hours by the Police or other authorities;
 5. it is required in an emergency to avoid the loss of life, damage to property and/or to prevent environmental harm;
 6. the work is approved through the Works Noise and Vibration Management Plan; and
 7. residents likely to be affected by the works are notified of the timing and duration of these works at least 48 hours prior to the commencement of the works.

D2 Construction Management Plan

Construction shall be carried out in accordance with the approved Construction Management Plan. The plan shall ensure the provision for safe, continuous movement of traffic and pedestrians within the road reserve.

D3 Erosion and Sedimentation Control

Sediment controls, to ensure that no sediment, fines, and like material can enter the waterway or drainage system are to be in place for the duration of the works. The applicant is to carry out works generally in accordance with the approved Erosion and Sediment Control Plan in respect to environmental management and safeguards. These controls are to be maintained at design level throughout the duration of the works and are to be inspected for this purpose at frequent intervals. Any deficiencies are to be immediately made good.

D4 Vibration Criteria

Vibration caused by construction at any residence or structure outside the subject site must be limited to:

1. for structural damage vibration, German Standard *DIN 4150-3 Structural Vibration: Effects of Vibration on Structures*; and
2. for human exposure to vibration, the evaluation criteria presented in British Standard *BS 6842: 1992 Guide to Evaluate Human Exposure to Vibration in Buildings (1Hz to 80 Hz)* for low probability of adverse comment.

These limits apply unless otherwise approved in the Works Noise and Vibration Management Plan.

Structural Works

D5 Setting Out of Structures

The building shall be set out by a registered surveyor to verify the correct position of each structure in relation to property boundaries and the approved alignment levels. The registered surveyor shall submit a plan to the Certifying Authority that structural works are in accordance with the approved project application MP08_0026.

Works Management

D6 Approved Plans to be On-site

A copy of the approved and certified plans, specifications and documents incorporating conditions of approval and certification shall be kept on the site at all times and shall be readily available for perusal by any officer of the Council, the Department or the Certifying Authority.

D7 Protection of Trees – Street Trees

All street trees shall be protected at all times during construction. Any tree on the footpath, which is damaged or removed during construction, shall be replaced, to the satisfaction of Council.

D8 Dust Control Measures

Adequate measures shall be taken to prevent dust from affecting the amenity of the neighbourhood during construction. In particular, the following measures must be adopted to the satisfaction of the Certifying Authority:

1. Continuous Regular air monitoring, to the satisfaction of the Certifying Authority, should be carried out at the site boundary to measure dust and ~~asbestos~~. [MOD 1 – March 2009]
2. Physical barriers shall be erected at right angles to the prevailing wind direction or shall be placed around or over dust sources to prevent wind or activity from generating dust emissions,
3. Earthworks and scheduling activities shall be managed to coincide with the next stage of development to minimise the amount of time the site is left cut or exposed,
4. All materials shall be stored or stockpiled at the best locations,
5. The surface should be dampened slightly to prevent dust from becoming airborne but should not be wet to the extent that run-off occurs,
6. All vehicles carrying spoil or rubble to or from the site shall at all times be covered to prevent the escape of dust or other material,
7. All equipment wheels shall be washed before exiting the site using manual or automated sprayers and drive-through washing bays,
8. Gates shall be closed between vehicle movements and shall be fitted with shade cloth, and
9. Cleaning of footpaths and roadways shall be carried out regularly.

D9 Site Security

A 24-hour security presence is to be provided on site throughout the duration of works.

D10 Archaeological Discovery During Excavation

1. Should any historical relics be unexpectedly discovered on the site during excavation, all excavation or disturbance to the area is to stop immediately and the Heritage Council of NSW should be informed in accordance with section 146 of the Heritage Act 1977.
2. Should any Aboriginal relics be unexpectedly discovered then all excavation or disturbance of the area is to stop immediately and the National Parks and Wildlife Service is to be informed in accordance with Section 91 of the National Parks and Wildlife Act, 1974.

PART E—PRIOR TO PRECINCT AND STRATA SUBDIVISION

(conditions in this section can be read for "each stage" in accordance with the approval)

E1 Plan of Subdivision – Part 4A Certificate

Prior to the registration of the final subdivision plans in the Office of the Registrar-General, a Part 4A certification shall be obtained under Section 109D(1)(d) of the Act.

Prior to the issue of a Subdivision Certificate, the applicant is to provide to the issuing authority, a survey plan of subdivision including a copy of the relevant instrument under Section 88B of the *Conveyancing Act 1919*.

E2 Access

Documentary easements for access shall be created over the appropriate lots in the subdivision to provide access for public access and access to lifts, lobbies, fire stairs, service areas, loading and car parking areas and must be created under Section 88B of the *Conveyancing Act 1919*.

Documentary easement for access shall be created over portion of Lot 53 DP270347 to provide access to the basement car parking area and must be created under Section 88B of the *Conveyancing Act 1919*.

E3 Utilities Adjustments

The proponent shall be responsible for all adjustments to and/or relocation of public utilities (where required). Any necessary alterations shall be at the developer's expense and the requirements of the appropriate Authorities.

E4 Services

Documentary easements for services, drainage, support and shelter, use of plant, equipment, loading areas and service rooms, repairs and maintenance or any other encumbrances or indemnities required for joint or reciprocal use of part or all of the proposed lots as a consequence of the subdivision must be created over the appropriate lots under Section 88B of the *Conveyancing Act 1919*.

E5 A Survey Plan and S88B Instrument

A Survey Plan and S88B instrument pursuant to *Conveyancing Act 1919* shall be submitted to Council as being the relevant Planning Authority from benefiting the relevant easements placed on private land and being the owner of the public lands. The S88B instrument is to set out the terms of easements, rights of carriageway and rights of public access in respect of the following, where applicable:

- Interallotment drainage lines in favour of upstream properties utilising the lines;
- Rights of the carriageway in favour of the property services and / or the appropriate utility provider and / or Council;
- Easements for services in favour of the property serviced and / or the appropriate utility provider;
- Rights of public access in favour of Council; and
- Stormwater mains and overland flow paths in favour of Council.

E6 Section 37 of Strata Titles Act

An application under Section 37 of the *Strata Schemes (Freehold Development) Act 1973* must be submitted to Council or a private certifying authority prior to the release of the certified strata plan of subdivision.

E7 Application for Numbering

Any application for strata subdivision shall be accompanied by a street numbering strategy for approval by which is to be provided to Council prior to the release of any linen plan subdivision. [MOD 1 – March 2009]

E8 Car parking allocation

Parking spaces shall be allocated in accordance with this approval. A minimum of 1 space shall be allocated for each residential unit. Visitor units shall be held as common property for use by visitors to the residential units, and no leasing or timed parking fees shall be permitted for these spaces.

E9 *Use of parking spaces*

Parking spaces will remain for the exclusive use of the residents for each Strata Plan, their visitors or utility vehicles servicing the site. Leasing of spaces for non-resident use, other than to tenants of the retail, cafes and restaurants on the site, is not permitted. Evidence of compliance with this condition shall be submitted to the Certifying Authority prior to release of the certified strata plan of subdivision.

E10 *Shared facilities*

Prior to release of the Final Strata Plans for certification a Strata Management Plan shall be submitted to the Certifying Authority to state the pool and outdoor facilities shall be available for all residents of the Silkstone Precinct. Access to these facilities will be controlled via an approved Strata Management Plan or an equivalent document that is endorsed as part of the precinct and / or strata subdivisions.

E11 *Preconditions to release of plan of subdivision*

The plan of subdivision will not be issued until:

1. All Section 94 contributions required to be paid have been paid.
2. The property has been developed in accordance with plans approved by MP 08_0026 and documentary evidence of compliance with all conditions of consent has been submitted to Council.

PART F—PRIOR TO OCCUPATION OR COMMENCEMENT OF USE

(Conditions in this section can be read for "each stage" in accordance with the approval)

~~F1~~ Occupation

~~No building in the Silkstone Precinct shall be occupied until Precinct landscaping and communal facilities (swimming pool and BBQ area) are completed. [MOD 1 – March 2009]~~

F2 Design Verification Statement

Prior to the issue of an Occupation Certificate, the Proponent shall submit to the PCA a Design Verification Statement from a qualified designer, verifying that the plans and specifications achieve or improve the design quality of the development, having regard to the design quality principles set out in Part 2 of *State Environmental Planning Policy No. 65—Design Quality of Residential Flat Development*.

F3 BASIX Certificate

Certification is to be provided to the PCA that the commitments identified in the BASIX Certificate have been fulfilled prior to issue of an occupation certificate.

F4 GFA Certification

Prior to Issue of an Occupation Certificate a Registered Surveyor is to certify that the Gross Floor Area (GFA) of the Silkstone Precinct development does not exceed as per this consent.

F5 Anti Graffiti

~~All ground level surfaces~~ **An anti-graffiti coating is to be applied to all surfaces at ground level that are suitable for such treatment** ~~are to be treated with anti-graffiti coating~~ to minimise the potential of defacement. In addition, any graffiti evident on the exterior facades and visible from a public place is to be removed within 24 hours. [MOD 1 – March 2009]

F6 Fire Safety Certificate

A Fire Safety Certificate shall be furnished to the PCA for all the Essential Fire or Other Safety Measures forming part of this approval prior to issue of an Occupation Certificate. A copy of the Fire Safety certificate must be submitted to the Council and the NSW Fire Brigade.

F7 Mechanical Ventilation

Following completion, installation and testing of all the mechanical ventilation systems, the Proponent shall provide evidence to the satisfaction of the PCA, prior to the issue of an Occupation Certificate, that the installation and performance of the mechanical systems complies with:

1. The Building Code of Australia;
2. Australian Standard AS1668 and other relevant codes;
3. The development approval and any relevant modifications; and,
4. Any dispensation granted by the New South Wales Fire Brigade.

F8 Structural Inspection Certificate

A Structural Inspection Certificate or a Compliance Certificate must be submitted to the satisfaction of the PCA prior to the issue of an Occupation Certificate. A copy of the Certificate with an electronic set of final drawings (contact PCA for specific electronic format) shall be submitted to the PCA and the Council after:

1. The site has been periodically inspected and the Certifier is satisfied that the Structural Works is deemed to comply with the final Design Drawings; and,
2. The drawings listed on the Inspection Certificate have been checked with those listed on the final Design Certificate/s.

F9 Road Damage

~~The cost of repairing any damage caused to Council or other Public Authority's assets in the vicinity of the subject site as a result of construction works associated with the approved development shall be met in full by the Proponent prior to the issue of an Occupation Certificate.~~

~~Note: Should the cost of damage repair work not exceed the road maintenance bond, Council will automatically call up the bond to recover the costs. Should the repair costs exceed the bond amount, a separate invoice will be issued. [MOD 1 – March 2009]~~

PART G - POST OCCUPATION

Fire Safety

G1 *Annual Fire Safety Certification*

An Annual Fire Safety Statement shall be submitted to Council and the NSW Fire Brigade every year commencing within 12 months of the date on which the initial Fire Safety Certificate is received. The Statement shall certify that the essential services installed in the building for the purpose of fire safety have been inspected and at the time of inspection are capable of operating to the required minimum standard. The purpose of this condition is to ensure that there is adequate safety of persons in the building in the event of fire and for the prevention of fire, the suppression of fire and the prevention of spread of fire.

Traffic and Parking

G2 *Loading and Unloading*

All loading and unloading of service vehicles in connection with the use of the premise shall be carried out wholly within the site at all times.

G3 *Unobstructed Driveways and Parking Areas*

All driveways and parking areas shall be unobstructed at all times. Driveways and car spaces shall not be used for the manufacture, storage or display of goods, materials or any other equipment and shall be used solely for vehicular access and for the parking of vehicles associated with the use of the premises.

G4 *Noise Control – Plant and Machinery*

Noise associated with the operation of any plant, machinery or other equipment on the site, shall not exceed 5dB(A) above the background noise level when measured at the boundary of the site.

Public Access

G5 *Public Way to be Unobstructed*

The public way must not be obstructed by any materials, vehicles, refuse, skips or the like, under any circumstances.

Compliance

G6 *Compliance Report*

The Proponent, or any party acting upon this approval, shall submit to the PCA a report addressing compliance with conditions of this consent.

ADVISORY NOTES

AN1 *Requirements of Public Authorities for Connection to Services*

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

AN2 *Application for Hoardings and Scaffolding*

~~A separate application shall be made to Council for approval under Section 68 of the Local Government Act, 1993, to erect a hoarding or scaffolding in a public place. Such an application shall include:~~

- ~~1. Architectural, construction and structural details of the design~~
- ~~2. Structural certification prepared and signed by a suitably qualified practising structural engineer.~~

The Proponent shall provide evidence of the issue of a Structural Works Inspection Certificate and structural certification shall be submitted to the satisfaction of the Certifying Authority prior to the commencement of works. [MOD 1 – March 2009]

AN3 Signage

All works/regulatory signposting associated with the proposed development shall be at no cost to the RTA or Council.

AN4 Use of Mobile Cranes

The Proponent shall obtain all necessary permits required for the use of mobile cranes on or surrounding the site, prior to the commencement of works. In particular, the following matters shall be complied with to the satisfaction of the Certifying Authority:

1. ~~For special operations including the delivery of materials, hoisting of plant and equipment and erection and dismantling of on site tower cranes which warrant the on street use of mobile cranes, permits must be obtained from Council:~~
 - (a) ~~at least 48 hours prior to the works for partial road closures which, in the opinion of Council will create minimal traffic disruptions, and~~
 - (b) ~~at least 4 weeks prior to the works for full road closures and partial road closures which, in the opinion of Council, will create significant traffic disruptions.~~
2. ~~The use of mobile cranes must comply with the approved hours of construction and shall not be delivered to the site prior to 7.30am without the prior approval of Council. [MOD 1 – March 2009]~~

AN5 Movement of Trucks Transporting Waste Material

The Proponent shall notify the Roads and Traffic Authority's Traffic Management Centre (TMC) of the truck route(s) to be followed by trucks transporting waste material from the site, prior to the commencement of the removal of any waste material from the site.

AN6 Stormwater drainage works or effluent systems

A construction certificate for works that involve any of the following:

1. ~~water supply, sewerage and stormwater drainage work~~
2. ~~management of waste~~

~~as defined by Section 68 of the Local Government Act, 1993 will not be issued until prior separate approval to do so has been granted by Council under Section 68 of that Act. Applications for these works must be submitted on Council's standard Section 68 application form accompanied by the required attachments and the prescribed fees. [MOD 1 – March 2009]~~

AN7 Temporary Structures

An approval under Section 68 of the Local Government Act 1993 must be obtained from the Council for the erection of the temporary structures. The application must be supported by a report detailing compliance with the provisions of the Building Code of Australia.

Structural certification from an appropriately qualified practicing structural engineer must be submitted to the Council with the application under Section 68 of the Local Government Act 1993 to certify the structural adequacy of the design of the temporary structures.

AN8 Disability Discrimination Act

~~This application has been assessed in accordance with the Environmental Planning and Assessment Act 1979. No guarantee is given that the proposal complies with the Disability Discrimination Act 1992. The Proponent/owner is responsible to ensure compliance with this and other anti-discrimination legislation. The Disability Discrimination Act 1992 covers disabilities not catered for in the minimum standards called up in the~~

Building Code of Australia which references *AS 1428.1 – Design for Access and Mobility. AS1428 Parts 2, 3 & 4* provides the most comprehensive technical guidance under the Disability Discrimination Act 1992 currently available in Australia. [MOD 1 – March 2009]

SCHEDULE 3

MP 08_0026

SILKSTONE PRECINCT, BREAKFAST POINT

STATEMENT OF COMMITMENTS

DEFINITIONS

In this approval the following definitions apply:

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

BCA means the Building Code of Australia.

Breakfast Point Concept Plan 2005 means the project described in Schedule 2, Part A, Condition A1 and the accompanying plans and documentation described in Schedule 2, Part A, Condition A2.

Concept Plan Area means the land coloured pink in Figure 1.02 of the Breakfast Point Concept Plan 2005.

Council means City of Canada Bay Council.

Department means the Department of Planning or its successors.

Director General means the Director General of the Department of Planning

Minister means the Minister for Planning.

Project means development that is declared under Section 75B of the Act to be a project to which Part 3A of the Act applies.

Proponent means the person proposing the carry out of development comprising all or any part of the project, and includes persons certified by the Minister to be the proponent.

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

RTA means the Roads and Traffic Authority.

Subject Site has the same meaning as the land identified in Part A of this schedule.

PART A—ADMINISTRATIVE CONDITIONS

A6 *Development Description*

Development consent is granted only to carrying out the development described in detail below:

Construction of (7) x buildings ranging from (3) — (5) storeys, containing (267) apartments and (417) car parking spaces. The precinct will be subdivided into (8) lots, comprising (1) x Precinct Property and (7) residential strata lots (1) x building of (5) storey height, containing (45) apartments and (73) resident and (9) on street car parking spaces. [MOD 1 – March 2009]

A7 *Development in Accordance with Plans*

The development shall be generally in accordance with the Breakfast Point Concept Plan 2005 submitted by the applicant on 8 December 2005, and in accordance with the supporting documentation submitted with that application, including, but not limited to, the following:

Concept Plan entitled Breakfast Point Concept Plan 2005 prepared by Giles Tribe Architects and Urban Planners, dated December 2005
--

Preferred Project Report and Statement of Commitments, prepared by Rosecorp Management Services dated 11 March 2008.
--

Proponent's Responses to Exhibition of the Breakfast Point Concept Plan, prepared by Rosecorp dated May 2006.

A8 *Prescribed Conditions*

The Applicant shall comply with the prescribed conditions of development consent under clause 98 of the Regulation.

PART B—PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

Design Details and Changes

Development Control

Any departure from the terms of approval of Breakfast Point Concept Plan as described in Schedule 1 – Part A will require lodgement of further detailed plans and documentation to the Department addressing, and where required revising, development envelopes, the internal circulation network (within the Concept Plan area), and any other aspect of the proposal that requires amending.

Any revised plans and documentation will provide (but not be limited to):

- (1) An urban design strategy including detailed analysis of the physical, environment, social, cultural and economic aspects of the site informing opportunities and constraints resulting in an agreed urban design option.
- (2) An analysis of existing buildings, existing building heights and footprints, surrounding street and block pattern, existing delineation of public and private open space, topography and view corridors.
- (3) An appropriate built form, building height, open space, view corridors, density, vegetation strategy, entry points, car parking and traffic management and road hierarchy.

The timing, format and content of further detailed plans and documentation to be lodged in respect of Condition B1 will be agreed by the Department.

B19 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 the relevant Construction Certificate.

B20 Treatment of Vehicular Entry

In order to improve the appearance of buildings when viewed from the street, any part of the walls and ceilings of vehicular entry points that are visible from the street shall be adequately finished and no service ducts or pipes are to be visible.

B21 Design Verification Statement – Residential Flat Buildings

Prior to issue of a Construction Certificate the proponent shall forward to the Certifying Authority a Design Verification Statement from a qualified designer, verifying that the plans and specifications achieve or improve the design quality of the development, having regard to the design quality principles set out in Part 2 of *State Environmental Planning Policy No. 65—Design Quality of Residential Flat Development*.

B22 Disabled Access

Access and facilities for people with disabilities shall be provided in accordance with AS1428 parts 1-4 where applicable. Prior to the issue of a Construction Certificate for subsequent project applications, a certificate certifying compliance with this condition from an appropriately qualified person shall be provided to the Certifying Authority.

B23 Erosion and Sedimentation Control

A Soil erosion and sediment control plan shall be submitted to the Certifying Authority. Details are to be submitted to the satisfaction of the Certifying Authority prior to the issue of the Construction Certificate.

Traffic & Parking

B24 *Number of Car Spaces*

The maximum number of car spaces to be provided for the development shall comply with the Environmental Assessment. Details confirming the parking numbers shall be submitted to the satisfaction of the Certifying Authority prior to the issue of the relevant Construction Certificate for subsequent project applications.

B25 *Number of Bicycle Spaces*

Bicycle spaces are to be provided in accordance with the Environmental Assessment. Details shall be submitted to the satisfaction of the Certifying Authority prior to the issue of the relevant Construction Certificate for subsequent project applications.

B26 *Car Park Layout*

- (1) The layout of the car park shall comply with Australian Standard AS2890.1: 2004 *Parking Facilities Part 1: Off Street Parking*. All parking spaces are to be linemarked.
- (2) Details demonstrating compliance with these requirements shall be submitted to the satisfaction of the Certifying Authority prior to the issue of the relevant Construction Certificate for subsequent project applications.

State Environmental Planning Policy Building Sustainability Index (BASIX)

B27 The proponent will comply with the NSW Government Building Sustainability Index targeting 40% reduction for potable water consumption, 25% reduction for greenhouse gas emissions and improvement in the thermal performance of all new residential buildings.

Waste Management

B28 *Storage and Handling of Waste*

The design and management of facilities for the storage and handling of waste will comply with the requirements of the Waste Management Plan. Details are to be submitted to the satisfaction of the Certifying Authority prior to the issue of the relevant Construction Certificate for the subsequent project applications.

PART C—PRIOR TO COMMENCEMENT OF WORKS

Excavation Works

C1 *Notice to be Given Prior to Excavation*

The PCA and Council shall be given written notice, at least 48 hours prior to the commencement of excavation, shoring or underpinning works on the site.

C2 *Traffic & Pedestrian Management Plan*

Prior to the commencement of any works on the site, a Traffic and Pedestrian 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) ingress and egress of vehicles to the site,
- (2) loading and unloading, including construction zones,
- (3) predicted traffic volumes, types and routes,
- (4) pedestrian and traffic management methods, and

The Applicant shall submit a copy of the approved plan to the Department.

C3 *Noise and Vibration Management Plan*

Prior to the commencement of any works on the site, a Noise and Vibration Management Plan prepared by a suitably qualified person shall be submitted to and approved by the Director. 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 consent,
- (4) The construction vibration criteria specified in the conditions of this consent,
- (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 consent.
- (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 Applicant shall submit a copy of the approved plan to Council.

C4 *Construction Noise Objective*

Approved silencing measures shall be provided and maintained on all power-operated plant used in demolition, excavation, earthworks, and construction of the building, or work.

PART E—PRIOR TO SUBDIVISION OR STRATA SUBDIVISION

Easements

E12 Subdivision of Land

This consent allows for an 8 lot land subdivision. A subdivision certificate for complying development may be issued by an accredited private certifier under Division 3 of Part 23 of the Conveyancing Act 1919.

E13 Strata Subdivision

This consent allows for the creation of a maximum of 267 strata lots. The Strata subdivision is Exempt Development and may be issued by an accredited private certifier.

PART F—PRIOR TO OCCUPATION OR COMMENCEMENT OF USE

Design Verification Statement – Residential Flat Buildings Engineering

F10 Fire Safety Certificate

A Fire Safety Certificate will be furnished to the PCA for all the Essential Fire or Other Safety Measures forming part of subsequent project approvals prior to issue of the relevant Occupation Certificate(s). A copy of the Fire Safety certificate must be submitted to the consent authority and Council by the PCA.

F11 Mechanical Ventilation

Following completion, installation and testing of all the mechanical ventilation systems, the applicant will provide evidence to the satisfaction of the PCA, prior to the issue of the relevant Occupation Certificates, that the installation and performance of the mechanical systems complies with:

- (1) The Building Code of Australia;
- (2) Australian Standard AS1668 and other relevant codes;
- (3) The relevant project approval(s) and any relevant modifications; and,
- (4) Any dispensation granted by the New South Wales Fire Brigade.

F12 Structural Inspection Certificate

A Structural Inspection Certificate or a Compliance Certificate must be submitted to the satisfaction of the PCA prior to the issue of the relevant Occupation Certificate(s) and/or use of the premises for subsequent project applications.

Easements

F13 Registration of Easements

Prior to the issue of the relevant Occupation Certificate for subsequent project applications, the applicant shall provide to the PCA evidence that all easements required by this approval and subsequent project approvals, and other relevant consents have been or will be registered on the certificates of title.

ADVISORY NOTES

AN9 Sydney Water

Subsequent project applications will require a Section 73 Compliance Certificate under the Sydney Water Act 1994 and 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 www.sydneywater.com.au then follow the "e-Developer" 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.

AN10 Compliance Certificate, Water Supply Authority Act, 2000

Subsequent project applications will require a Compliance Certificate to be provided to the approval authority showing that the relevant development has met with the detailed requirements of the relevant water supply authority for the region that the subject site is located within.

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

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

AN11 Requirements of Public Authorities for Connection to Services

The applicant 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 future structures. Any costs in the relocation, adjustment or support of services shall be the responsibility of the applicant. 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 relevant Construction Certificate for subsequent project applications.

AN12 Use of Mobile Cranes

The applicant shall obtain all necessary permits required for the use of mobile cranes on or surrounding the site, prior to the commencement of relevant works.

AN13 Application under Section 37 of Strata Titles (Freehold Development) Act, 1973

Section 37 of the *Strata Titles (Freehold Development) Act, 1973* requires an application to be submitted to the relevant consent authority for approval prior to the issue of the relevant certified strata plan of subdivision.