

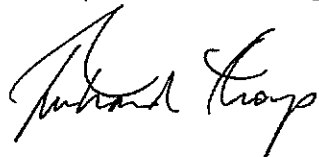
Project Approval

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

As delegate of the Minister for Planning under delegation executed on 18 November 2008, we the Planning Assessment Commission of New South Wales (the Commission) approve the project application referred to in Schedule 1, subject to the conditions in Schedule 2 and the Revised Statement of Commitments in Schedule 3.

These conditions are required to:

- prevent, minimise, and/or offset adverse environmental impacts;
- set standards and performance measures for acceptable environmental performance;
- require regular monitoring and reporting; and
- provide for the ongoing environmental management of the project.



Member of the Commission



Member of the Commission

Member of the Commission

Sydney

21 April 2011

SCHEDULE 1

Application No.: MP10_0105

Proponent: Billbergia Developments Pty Ltd

Approval Authority: Planning Assessment Commission

Land: 40 Walker Street, Rhodes (Lot 201 in DP 1101828)

Project: Project Application for a development including:

- 735 residential dwellings contained within five buildings ranging in height from 6 to 25 storeys;
- Retail tenancies totalling 1050msq within the lower levels of buildings A,D and E;
- Basement car park over three levels containing 773 spaces; and, provision of external communal open space areas adjacent to Buildings B & C.

DEFINITIONS

Act	means the <i>Environmental Planning and Assessment Act 1979</i> (as amended).
Advisory Notes	means advisory information relation to the approved development.
BCA	means the Building Code of Australia.
Certifying Authority	has the same meaning as Part 4A of the Act.
Council	means Canada Bay Council.
Department	means the Department of Planning or its successors.
Director General	means the Director General of the Department or his nominee.
Environmental Assessment (EA)	means the Environmental Assessment prepared by Architectus Group Pty Ltd dated December 2010.
Minister	means the Minister for Planning.
MP No.10_0057	means the Major Project described in the Proponent's Environmental Assessment as amended by the Preferred Project Report.
Preferred Project Report (PPR)	means the Preferred Project Report/ Response to submissions prepared by Architectus Group Pty Ltd dated February 2011 (as amended) and received in final form by the Department on 3 March 2011.
Proponent	means Billbergia Developments Pty Ltd or any party acting upon this approval.
Regulation	means the <i>Environmental Planning and Assessment Regulation 2000</i> (as amended).
Subject Site	has the same meaning as the land identified in Part A of this schedule

End of Schedule 1

SCHEDULE 2

PART A - GENERAL CONDITIONS

1. **GCP1 Approved Plans and Supporting Documents**

The development shall be carried out substantially in accordance with the approved stamped and signed plans and / or documentation listed below **except where modified by any following conditions:**

Environmental Assessment Report, including all appendices, on the land known as Lot 201 in DP 1101828, 40 Walker Street, Rhodes (Sites 2A and 3A - Precinct B), prepared by Architectus, dated December 2010 (as amended by the Preferred Project Report prepared by Architectus, dated February 2011)			
<i>Architectural (or Design) Drawings prepared by SJB Architects</i>			
<i>Drawing</i>	<i>Revision</i>	<i>Name of Plan</i>	<i>Date</i>
A-0101	1A	Locality / Context Plan	22/02/2011
A-0102	1A	Site Analysis Plan 1	22/02/2011
A-0201	1A	Level 2 Basement	22/02/2011
A-0202	1A	Level 1 Basement	22/02/2011
A-0203	1A	Podium Plan	22/02/2011
A-0204	1A	Level 01 Plan	22/02/2011
A-0205	1A	Level 02 Plan	22/02/2011
A-0206	1A	Level 03 Plan	22/02/2011
A-0207	1A	Level 04 Plan	22/02/2011
A-0208	1A	Level 05 Plan	22/02/2011
A-0209	1A	Level 06 Plan	22/02/2011
A-0210	1A	Level 07 Plan	22/02/2011
A-0211	1A	Level 09 Plan	22/02/2011
A-0212	1A	Level 13 Plan	22/02/2011
A-0213	1A	Level 16 Plan	22/02/2011
A-0214	1A	Level 17 Plan	22/02/2011
A-0215	1A	Level 19 Plan	22/02/2011
A-0216	1A	Level 20 Plan	22/02/2011
A-0217	1A	Level 21 Plan	22/02/2011
A-0218	1A	Roof Plan	22/02/2011
A-0221	1A	Area Calculations - GFA	22/02/2011
A-0222	1A	Area Calculations - GFA	22/02/2011
A-0223	1A	Area Calculations - Open Space	22/02/2011
A-0231	1A	Apartment Typologies - Bldg A	22/02/2011
A-0232	1A	Apartment Typologies - Bldg B & C	22/02/2011
A-0233	1A	Apartment Typologies - Bldg D & E	22/02/2011
A-0234	1A	Apartment Typologies - Adaptable	22/02/2011
A-0251	1A	Shadows (Winter) - June 21 (9am - 12pm)	22/02/2011
A-0252	1A	Shadows (Winter) - June 21 (1pm - 3pm)	22/02/2011
A-0253	1A	Shadows (Summer) - December 21 (9am - 12pm)	22/02/2011
A-0254	1A	Shadows (Summer) - December 21 (1pm - 3pm)	22/02/2011
A-0255	1A	Shadows - Equinox 9am - 12pm	22/02/2011
A-0256	1A	Shadows - Equinox 1 - 3pm	22/02/2011
A-0501	1A	Elevation - Walker St & Timbrol Ave	22/02/2011
A-0502	1A	Elevation - Shoreline Ave & Gauthorpe	22/02/2011

		St	
A-0503	1A	Elevations - BLDG A	22/02/2011
A-0504	1A	Elevations - BLDG A	22/02/2011
A-0505	1A	Elevations - BLDG B	22/02/2011
A-0506	1A	Elevations - BLDG C	22/02/2011
A-0507	1A	Elevations - BLDG C	22/02/2011
A-0508	1A	Elevations - BLDG D	22/02/2011
A-0509	1A	Elevations - BLDG D	22/02/2011
A-0510	1A	Elevations - BLDG E	22/02/2011
A-0601	1A	North South Site Section	22/02/2011
A-0602	1A	East West Site Section	22/02/2011
A-0603	1A	External Material Finishes	22/02/2011
A-0901	1A	3D Visualisations	22/02/2011
A-0902	1A	3D Visualisations	22/02/2011
A-0903	1A	3D Visualisations	22/02/2011
Stormwater Concept Plans prepared by Cardno ITC			
Drawing	Revision	Name of Plan	Date
N10957-STW - H00	02	Coversheet	16/02/2011
N10957-STW - H01	02	Basement 2	16/02/2011
N10957-STW - H02	02	Basement 1	16/02/2011
N10957-STW - H03	02	Stormwater Sketch	16/02/2011
N10957-STW - H04	02	Stormwater Details	16/02/2011
N10957-STW - H05	02	Rainwater Tank Details	16/02/2011
N10957-STW - H06	02	Sediment & Erosions Control Plan	16/02/2011

Note 1:

Modifications to the approved plans will require the lodgement and consideration by Council of a modification pursuant to Section 75W of the Environmental Planning and Assessment Act.

Note 2:

A warning to all Accredited Certifiers. You should always insist on sighting the original approved plans/documentation containing the stamp of the approving authority and not rely solely upon the plan reference numbers in this condition. Should the proponent not be able to provide you with original copies, you should request the approving authority to provide you with access to its files so you that may review the original copies of approved documentation.

Note 3:

The approved plans and supporting documentation may be subject to conditions imposed under section 75J of the Act modifying or amending the development (refer to conditions of approval which must be satisfied prior to the issue of any Construction Certificate).

(Reason: To confirm and clarify the terms of consent)

2. Separate Approvals

Separate Approval shall be obtained for the following:

- Occupation of retail space/s.
- Subdivision (consolidation of lots and strata)

- Public Open Space Area (depicted upon approved plans)

(Reason: To control the future development of the site)

3. **Lapsing of Approval**

Approval of the Project Application shall lapse 5 years after the determination date shown above in this instrument of Approval, unless the development has been physically commenced.

4. **Car Share Scheme and Information required to be Provided to Prospective Residents**

The proponent shall designate and provide three (3) car spaces on public road carriageway adjacent to the kerb line on one of the street frontages to the development site for the purposes of establishing a car share scheme. These car spaces shall be suitably line marked and signposted as car share scheme spaces only. The details of the line marking and the signposting shall be submitted to Council for approval **prior to the issue of an Occupation Certificate**.

The proponent shall use its best endeavours to make all arrangements for an established car share operator to run the scheme.

The proponent shall prepare a Travel Plan for issue to each future resident/owner of the development which outlines the following prior to occupation or purchase:

- The limited street parking available in the area detailing reasons why;
- Rail, bus and ferry timetables;
- Details of the car share schemes available in the area;
- Details of the available community facilities in the area (the proponent shall consult with Council in this regard); and
- Regional cycleway plan and associated facilities, including details of the local cycling groups in the area.

(Reason: To reduce reliance on cars by residents of the development and provide an alternative transport scheme)

5. **OUH27 Site Audit Statement**

The proponent shall submit to Council a Site Audit Statement and Summary Site Audit Report from a Site Auditor, accredited by the NSW EPA under the Contaminated Land Management Act, 1997, certifying that the site is suitable for the proposed development.

(Reason: Compliance with Statutory Requirements)

6. **GCP4 Construction within Boundary**

All approved construction including but not limited to footings, walls, roof barges and guttering is to be constructed wholly within the boundaries of the premises.

(Reason: To ensure compliance with approved plans)

7. **GCG2 Compliance with Disability Discrimination Act**

This approval does not necessarily protect or guarantee against a possible claim of discrimination (intentional or unintentional) under the *Disability Discrimination Act 1992*, and the proponent/owner is therefore advised to investigate their liability under this Act. **Note - Disability (Access to Premises - Buildings) Standards 2010** - As

of 1 May 2011, if access is provided to the extent covered by this Standard, then such access cannot be viewed as unlawful under the Disability Discrimination Act 1992.

Access consultants are requested to ensure accessible paths of travel which connect with similar paths in the public open space areas. Formal reports demonstrating compliance shall be supplied to Council.

(Reason: To inform of relevant access requirements for persons with a disability)

8. **Vehicular Access**

As the proposed vehicular access into the site from Gauthorpe Street will have widths in excess of the allowable as given in Council's Driveway Policy, for the safety of pedestrians and avoidance of conflict points, clear delineation between road and footway at the vehicular entry and exit points must be established. This is to be achieved by forming the vehicular access points into the site with standard kerb and gutter not layback and concrete driveway type profile.

In addition, pram ramps in accordance with AS1480 Disabled Access Code shall be installed on both approaches to the proposed vehicular entry and exit points.

(Reason: Pedestrian Safety)

9. **GCG7 Lighting**

Any lighting on the site shall be designed so as not to cause a nuisance to other residences in the area or to motorists on nearby roads and to ensure no adverse impact on the amenity of the surrounding area by light overspill. All lighting shall comply with relevant standards in this regard.

(Reason: Protect amenity of surrounding area)

10. **GCG10 Site Management**

The following procedures apply:

- (a) Implement the site management plan and measures, and provide for erosion and sediment control according to the SSROC "Do It Right On Site" publication;
- (b) Prevent sediment and/or building materials being carried or washed onto the footway, gutter, road, or into Council's stormwater drainage system;
- (c) Ensure soil/excavated material is not transported on wheels or tracks of vehicles or plant and deposited on surrounding roadways;
- (d) Ensure safe access to and from the site including the road reserve and footpath area, crossings by heavy equipment, plant and materials delivery, or static loads from cranes, concrete pumps and the like;
- (e) Ensure safe loading and unloading of excavation machines, building materials, formwork and the erection of the structures within the site;
- (f) Ensure storage on site of all excavated material, construction materials and waste containers during the construction period (except where otherwise approved); and

- (g) Ensure support of any excavation beside any adjoining property or the road reserve is designed by a Chartered Civil Engineer.

(Reason: Environmental protection)

11. **GCH1 Hoarding Requirements**

The approved development includes/requires either "A" Class or "B" Class or both type hoarding. The applicable hoarding requirements are as follows:

- **"A" Class Requirements**
An engineer certified "A" Class hoarding shall be constructed on the footpath adjacent to the building site to protect pedestrians during demolition of the existing building and construction of the new building.
- **"B" Class Hoardings**
An engineer certified overhead "B" Class hoarding, complying with the requirements of the Department of Industrial Relations & Technology, shall be constructed over Council's footpath to protect pedestrians during demolition of the existing building and the erection of the new building.

A formal hoarding application shall be made to Council and demolition or construction work must not commence until the hoarding has been erected and then approved by Council and all applicable fees and charges paid.

(Reason: Public safety)

12. **GCH 4 Ventilation**

To ensure that adequate provision is made for ventilation of the premises, mechanical and/or natural ventilation systems shall be designed, constructed and installed in accordance with the provisions of:

- *The Building Code of Australia;*
- *Protection of the Environment Operations Act 1997;* and
- Relevant Australian Standards

(Reason: Compliance with relevant standards)

13. **GCH 5 Waste Management**

Requirements of the approved Waste Management Plan shall be complied with during site preparation and throughout construction. Waste management and its storage must not pose a threat to public health or the environment.

(Reason: Compliance with approval)

End of Part A

PART B - PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

14. **Gross Floor Area Certification**

A Registered Surveyor is to certify that the Gross Floor Area (GFA) of the subject site does not exceed 57,890m² in accordance with the Canada Bay Local Environmental Plan 2008 (Amendment 1 - Rhodes West). Details shall be provided to Certifying Authority demonstrating compliance with this condition prior to issue of Construction Certificate for above ground works. Should the development be staged, cumulative tables shall be submitted for Council's information with each stage.

(Reason: Demonstrate Compliance with Maximum FSR controls)

15. **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 infrastructure and roads. The report shall be submitted to the satisfaction of the Certifying Authority prior to the issue of any Construction Certificate.

The report is to be forwarded to Council prior to commencement of works.

(Reason: Compliance)

16. **Plan of Craneage and Aerial Operations**

The Proponent is required to submit to RailCorp for its endorsement a plan showing all craneage and other aerial operations for the development.

(Reason: Compliance)

17. **Waste Management:**

A detailed demolition and construction waste management plan shall be submitted to Council prior to the issue of any Construction Certificate.

(Reason: Compliance)

18. **CCD1 Access for People with Disabilities**

Access for people with disabilities must be provided in accordance with the requirements of the Building Code of Australia, relevant Australian Standards and with regard to the *Disability Discrimination Act 1992*. **Prior to the issue of a Construction Certificate**, the plans shall demonstrate compliance. **Note: Disability (Access to Premises - Buildings) Standards 2010** - As of 1 May 2011, if access is provided to the extent covered by this Standard, then such access cannot be viewed as unlawful under the Disability Discrimination Act 1992.

(Reason: To inform of relevant access requirements for persons with a disability)

19. **CCA1 Damage Report**

Prior to the issue of the Construction Certificate, a Damage Report Form shall be completed and submitted to Council. This Damage Report Form is for the evaluation of the existing condition of the road reserve, which must be filled out and signed by the Proponent and approved by Council.

This Form will be used to assist Council in determining the refund of any damage deposits and any likely repairs necessary. If an approved Damage Report Form is not provided, Council at its discretion shall carry out an independent evaluation of the

condition of the road reserve and any damages found will be rectified at the Proponent's cost.

When lodging the Damage Report Form, fees are payable in accordance with Council's fees and charges schedule, which will go towards administration and inspection costs.

The cost of repairing any damage to Council property (including the footpath, verge, street trees, kerb, gutter, road pavement or the like) during and/or immediately after construction must be paid to Council or shall be deducted from the damage deposit bond. Repair of damaged Council property by the Proponent or his agent is not permitted unless approved by Council.

For roadways requiring asphaltic concrete works or adjustment works, these shall be done to a minimum width as specified by Council. Minimum dimensions are given in Council's Specification for Driveway Construction or Specification for Restoration Works.

(Reason: Maintain public assets)

20. **CCC2 Damage Deposit for Council Infrastructure**

A Damage Deposit (calculated in accordance with Council's adopted Fees and Charges) of \$50,000 shall be paid to Council **prior to the issue of the Construction Certificate**.

This Damage Deposit shall be refunded upon completion of all works, at the Occupation or Final Certificate stage following written request for refund by the Proponent.

Any costs associated with works necessary to be carried out to rectify any damages caused by the development, shall be deducted from the Damage Deposit.

Note: Full panel concrete footpath replacement in areas where connection to all services are required. This includes driveways and road concrete panels. This will stop differential settlement and maintain the integrity of council infrastructure and asset.

(Reason: Protection of Council infrastructure)

21. **CCC3 Long Service Levy Payments**

The payment of a long service levy as required under part 5 of the *Building and Construction Industry Long Service Payments Act 1986*, in respect to this building work, and in this regard, proof that the levy has been paid, is to be submitted to the Accredited Certifier **prior to the issue of a Construction Certificate**. Council acts as an agent for the Long Services Payment Corporation and the levy may be paid at Council.

(Reason: Statutory requirement)

22. **Renewing Rhodes Contributions:**

In accordance with Clause 5.1 of the Voluntary Planning Agreement entered into under Section 93F of the Environmental Planning and Assessment Act 1979, the following monetary contributions shall be paid to Council under the *Renewing Rhodes Contributions Framework*:

Total Amount of Contribution

Residential Component

<i>Category</i>	<i>Rate</i>	<i>Amount</i>
Community Facilities	1 bedroom unit (\$1,176.44) x 292	\$343,520.48
	2 bedroom unit (\$2,138.98) x 413	\$883,398.74
	3 bedroom unit (\$2,780.67) x 30	\$83,420.10
SUB-TOTAL		\$1,310,339.32
Open Space	1 bedroom unit (\$1,196.39) x 292	\$349,345.88
	2 bedroom unit (\$2,175.26) x 413	\$898,382.38
	3 bedroom unit (\$2,827.84) x 30	\$84,832.20
SUB-TOTAL		\$1,332,563.46
Roads	1 bedroom unit (\$630.33) x 292	\$184,056.36
	2 bedroom unit (\$1,146.06) x 413	\$473,322.78
	3 bedroom unit (\$1,489.88) x 30	\$44,696.40
SUB-TOTAL		\$702,075.54
TOTAL		\$3,344,978.32

Retail Component (based on 1050m²)

<i>Category</i>	<i>Rate</i>	<i>Amount</i>
Library	\$72.23 (per100m ²)	\$758.42
Roads	\$2518.74 (per100m ²)	\$26,446.77
TOTAL		\$27,205.19

OVERALL TOTAL		\$3,372,183.51
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Timing and Method of Payment

The contribution shall be paid in the form of cash or bank cheque, made out to City of Canada Bay Council. For accounting purposes, please specify the amount for each contribution separately (and DA details) on a cover letter submitted with the payment.

Evidence of the payment to Council shall be submitted to the Certifying Authority **prior to the issue of the Construction Certificate for above ground works on each lot.**

Note - Subject to negotiation with the proponent Council may permit the staged payment of the above-mentioned contributions.

Indexing

All monetary amounts referred to in this condition are based on the *Renewing Rhodes Contributions Framework* and the actual amount for payment or calculating offsets **must** be adjusted in accordance with Clause 7 of Part 2 of City of Canada Bay's S94 Contributions Plan for the Concord Area prior to payment, i.e., the amounts shown are subject to the Consumer Price Index applicable at the time of payment of the Contributions. The CPI is currently **173.1** and the CPI that applied at the time the *Renewing Rhodes Contributions Framework* was adopted in 2001 was **135.4**.

(Reason: To provide high quality and diverse public amenities and services to meet expectations of existing and new residents of the City of Canada Bay)

23. CCG1 Amendments to Approved Plans

The following amendments shall be made to the approved plans **prior to the issue of a Construction Certificate for the above ground works:-**

- a) The basement parking layout of the development shall be amended to reflect and clearly depict the allocation of both bicycle storage and car parking identified by conditions 31 and 34 of this approval
- b) Sediment Control Pits shall be installed on stormwater lines prior to discharge external to the site

Note: The changes required under this condition shall be incorporated into amended plans to be re-submitted to the Director-General of the Department of Planning for approval in consultation with Council **prior to the issue of any Construction Certificate for the above ground works.**

(Reason: To achieve a better planning outcome for the proposed design and the building finishes and materials)

24. CCG2 Construction Management Plan

Prior to the issue of a Construction Certificate, submit to the Accredited Certifier a Construction Management Plan that clearly sets out the following:

- (a) What actions and works that are proposed to ensure safe access to and from the site, and what protection will be provided to the road and footpath area from building activities, crossings by heavy equipment, plant and materials delivery, or static loads from cranes, concrete pumps and the like.
- (b) The proposed method of loading and unloading excavation machines, building materials, formwork, and the erection of any part of the structure within the site.
- (c) The proposed areas within the site to be used for a builder's site office and amenities, the storage of excavated material, construction materials and waste containers during the construction period.
- (d) The proposed method of support to any excavation adjacent to adjoining properties, or the road reserve - the proposed method of support is to be designed by a Chartered Civil Engineer.
- (e) A Soil and Water Management Plan detailing all sedimentation controls.

(Reason: Safety, amenity and protection of public infrastructure and the environment)

25. **Community Liaison Officer**

The proponent shall pay to Council a monetary contribution for the engagement of a community liaison officer to carry out liaison and consultation functions on behalf of developments across SREP29.

(1) Amount of Contribution

Contribution Category	Amount
Community Liaison Officer	\$27,993.00

(2) Timing and Method of Payment

The contribution must be paid in the form of cash or bank cheque, made out to the City of Canada Bay Council. Please indicate the amount, name of contribution, and DA number on your cover letter accompanying the payment. Payment is to occur prior to issue of the Construction Certificate.

(3) Indexing

The contribution will be subject to adjustment at time of the payment according to CPI (Sydney - All Groups Index) from date of this approval.

26. **CCG4 Obtaining a Construction Certificate for Building Work**

This approval does not constitute approval to carry out construction work. Construction work may only commence **upon the issue of a Construction Certificate, appointment of a Certifying Authority (CA), and lodgement of Notice of Commencement.**

(Reason: Information)

27. **OUH28 Validation Report**

A full Validation Report shall be submitted to Council including investigations into groundwater prior to issue of a Construction Certificate in accordance with Guidelines for Consultants Reporting on Contaminated Sites (NSW Environment Protection Authority reprinted 2000)

(Reason: Compliance with Statutory Requirements)

28. **CCL2 Landscape Maintenance Strategy**

To ensure the survival of landscaping following works, a landscape maintenance strategy for the owner/occupier to administer over a 12 month establishment period following the issue of the Occupation Certificate shall be prepared and provided to the satisfaction of the Accredited Certifier **prior to the issue of an Occupation Certificate.** The strategy is to address maintenance issues such as, but not limited to plant survival, irrigation, soil testing, weeding, staking, fertilizing, remedial pruning and plant replacement.

(Reason: Ensure landscape survival)

29. **CCL4 On Slab Landscaping**

To ensure the site landscaping thrives the on slab landscaping shown on the approved landscaping plan is to be designed to include a minimum soil depth of 650mm for shrubs and trees and 300mm for grass and ground covers, adequate

drainage and a permanent, automatic irrigation system. Details shall be submitted **with the Construction Certificate application for the above ground works.**

(Reason: Ensure landscape survival)

30. **CCV1 Available Visitor Car Parking Signage**

Signage shall be erected in a suitable location on the property near the driveway entrance indicating visitor parking availability on site. This shall be in place **prior to the issue of the Occupation Certificate.**

(Reason: Adequate access and egress)

31. **CCV 2 Bicycle Storage Provision**

Provision for bicycles shall be in accordance with the following:

- At least **245** bicycle spaces shall be provided within the car parking level of the development to serve the occupants of the building. These spaces may in part be provided within the storage areas for the residential units. Dimensions of bicycle parking facilities shall comply with provisions in the 'Guide to Traffic Engineering Practice Part 14: Bicycles', Austroads 1999
- At least **105** bicycle racks shall be provided for visitors of both the residential apartments and retail tenancies. These bicycle racks are to be readily accessible and shall respond to the issue of security. A proportion of these racks shall be set aside for specific use of employees working within the retail tenancies.

Note - The required bicycle racks may be partially located within the open space area subject to dedication, though should this option be pursued the cost of such facility shall be borne by the developer.

Prior to the issue of the Construction Certificate for the above ground works, a detailed traffic plan shall be submitted and approved by the Certifying Authority, clearly depicting bicycle storage locations and compliance with the above.

(Reason: Convenience and Safety of Amenities)

32. **CCV4 Disabled Car Parking Spaces**

Car parking for people with disabilities shall be provided in accordance with the Building Code of Australia, relevant Australian Standards and with regard to the *Disability Discrimination Act 1992*. **Prior to the issue of a Construction Certificate, the plans shall demonstrate compliance. Note: Disability (Access to Premises - Buildings) Standards 2010** - As of 1 May 2011, if access is provided to the extent covered by this Standard, then such access cannot be viewed as unlawful under the Disability Discrimination Act 1992.

The above details shall be submitted to and approved by the Accredited Certifier **prior to the issue of the Construction Certificate.**

(Reason: To inform of relevant access requirements for persons with a disability)

33. **CCV6 Maintaining Sight Lines (multi- unit development)**

All new walls adjacent to vehicular crossings must be lowered to a height of 600mm above the internal driveway level for a distance of 1.50m within the site or splayed 1.5 metre by 1.5 metre to provide satisfactory sight lines. Details are to be submitted

to the Accredited Certifier **prior to the issue of a Construction Certificate for the above ground works** showing compliance with this condition.

(Reason: Safety)

34. **CCV8 Off Street Car Parking Space Provision**

Car parking spaces shall be provided in accordance with the approved plans for the parking of resident and visitor vehicles on the site. In this regard, no less than 780 spaces are required and designated as follows:

<i>Car Parking Allocation</i>	<i>Number</i>
Standard Residential Car Parking Spaces	735
Inclusive Residential Adaptable Car Spaces	111
Visitor Parking	30
Residential Service Vehicles	Nil
Motorcycle Parking	Equiv. to 7
Retail Parking	8
Retail Service Vehicles	Nil
Total Spaces Agreed by this Approval	780

- All Adaptable Apartments shall be provided with at least one of the allocated adaptable parking spaces provided above
- All car spaces shall be allocated and marked accordingly. If the development is to be strata subdivided, the car park layout must respect the above allocation and thereafter regarded as part of the entitlement of that unit.
- Each space shall have minimum dimensions in accordance with the relevant Australian Standard.
- Under no circumstances shall parking spaces be sold, let or otherwise disposed of for use other than in accordance with this condition.
- Visitor spaces shall only to be used by persons visiting residents of the property or persons with legitimate legal reason to be upon the land.
- A sign shall be erected at the vehicular entrance indicating the availability of visitor parking. Such spaces shall be clearly marked.

Details are to be submitted to the Accredited Certifier **prior to the issue of a Construction Certificate** showing compliance with this condition.

(Reason: Parking and access)

35. **CCV11 Stacked Parking**

Any stacked parking spaces (maximum 2 spaces, nose to tail) must be attached to the same strata title comprising a single dwelling unit or commercial/retail tenancy, subject to the maximum parking limit applying. The stacked parking spaces must be designated (with appropriate signage) for employee or tenant parking only (not visitor parking). Details in this regard must be reflected in the plan documentation to be **lodged with a Construction Certificate for the above ground works**. Manoeuvring of stacked vehicles must occur wholly within the property.

(Reason: Compliance and appropriate allocation of parking)

36. **CCV12 Stop Signs**

Appropriate sign(s) shall be provided and maintained within the site at the point(s) of vehicular egress to compel all vehicles to stop before proceeding onto any public way.

(Reason: Adequate access and egress)

37. **CCV13 Vehicular Access Ramps**

Vehicular access ramps shall comply with the provisions of AS/NZS 2890.1:2004. Plans to be submitted shall contain the following details:

- (i) Longitudinal section along the extreme wheel paths of each driveway/access ramp at a scale of 1:25 demonstrating compliance with the scraping provisions of AS/NZS 2890.1:2004. It shall include all levels and grades, including those levels stipulated as boundary levels, both existing and proposed. It shall extend from the centre-line of the roadway through to the parking area.
- (ii) Sections showing the clearance to the underside of any overhead structure (minimum headroom requirements 2200mm minimum for standard headroom clearance or 2400mm where disabled access provisions are to be provided) demonstrating compliance with the provisions of AS/NZS 2890.1:2004.
- (iii) Longitudinal section along the gutter line showing how it is intended to transition the vehicular crossing into the existing kerb and gutter. Boundary levels shall generally run parallel with the kerb levels.
- (iv) Location of verge trees, street furniture and service installations.
- (v) Superimposition of vehicle turning circles for access into parking spaces.
- (vi) Certification that the design complies with AS/NZS 2890.1:2004 by a Qualified Engineer.

The certification referred to in (vi) above shall be submitted to the Accredited Certifier **prior to the issue of a Construction Certificate (for the design) and to the Certifying Authority prior to the issue of any Occupation Certificate for the 'as-built works'**.

(Reason: To ensure adequate vehicular access can be achieved)

38. **CCV14 Vehicular Circulation, Aisles & Ramps**

The aisle widths, internal circulation, ramp widths and grades of the car park shall comply with the Roads and Traffic Authority Guidelines and AS/NZS 2890.1:2004 – Off-Street Car Parking Code.

Note: Any security gates to be provided at both entrances to the proposed carpark off Nina Grey Avenue and Meredith Avenue to the ground level areas of each carpark shall be located and/or designed to ensure that full and unrestricted access to the child care centre and retail spaces is available during all hours that these uses are in operation. Arrangements shall be made through Council prior to occupation of the building to enable access for garbage trucks.

(Reason: Parking and access)

39. **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.

(Reason: Amenity)

40. **CCA3 Protection of Public Places**

The adjoining or adjacent public area is not to be obstructed by any materials, vehicles, refuse skips and the like, under any circumstances unless approved in writing by Council.

If the work involved in the construction of a building is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or building involves the closure of a public place, a barrier, fence or hoarding shall be erected **prior to the commencement of any work** subject to approval of a Traffic Management Plan.

An application to occupy public space is to be submitted to Council for approval prior to commencement of works.

Where a hoarding is required, an application for hoarding is also to be submitted to and approved by Council prior to commencement of any work. Hoardings shall be erected to comply with the requirements of WorkCover, the Certifying Authority and with relevant Australian Standards.

(Reason: Safety)

41. **Re-Construction and Landscaping of Walker Street**

Full-width reconstruction of Walker Street shall be designed and submitted to Council for approval prior to the issue of a Construction Certificate. The plans shall include a streetscape plan showing plantings along both sides of Walker Street in front of the development site including the area between the eastern kerb of Walker Street to the railway corridor fence. The streetscape plan shall indicate the cycle ways by road markings and bus stop areas shall be set aside on both sides of Walker Street. The proponent shall consult with Council as these bus stop locations. The streetscape plan shall be approved by Council **prior to the issue of an Occupation Certificate**.

Note - The developer is responsible for funding the full width construction of Walker Street

(Reason: To ensure that the street is adequately upgraded and that the streetscape is appropriately beautified)

42. **CCI1 Hoardings**

A Hoarding Application for the erection of a class A (fence type) or class B (overhead type) hoarding along the street frontage(s) complying with WorkCover requirements must be obtained.

The payment to Council of a footpath occupancy fee based on the area of footpath to be occupied and Council's Schedule of Fees and Charges **before the commencement of work**.

A Public Risk Insurance Policy with a minimum cover of \$10 million in relation to the occupation of and works within Council's road reserve, for the full duration of the proposed works, must be obtained with a copy also provided to Council. The Policy is to note Council as an interested party. The copy is to be provided to Council **prior to the issue of a Construction Certificate**.

(Reason: Safety & information)

43. **CCI3 Road Opening Permit**

Pursuant to Section 138 of the Roads Act, any work on the verge, footpath, public road reserve or public reserve (open space) will require a "Road Opening Permit" to be obtained from Council. In this regard the Proponent is to make a formal application at Council's Customer Services Centre. The Permit Application is to be submitted to and approved by Council **prior to the commencement works.**

(Reason: Maintain public asset)

44. **CCI5 Notice of Requirements from Sydney Water**

A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained. Application must be made through an authorised Water Servicing Coordinator. For details refer to Sydney Water's website at www.sydneywater.com.au.

Following application a "Notice of Requirements" will be forwarded detailing 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 Notice of Requirements must be submitted to the Accredited Certifier **before the issue of the Construction Certificate for the above ground works.**

(Reason: To comply with statutory requirements)

45. **CCM2 Certification of the Stormwater Drainage System Design**

The proposed stormwater design shall be certified by a suitably qualified person, in accordance with Council's "Specification for the Management of Stormwater", **prior to the issue of the Construction Certificate.**

(Reason: Adequate stormwater management)

46. **CCM4 Erosion and sedimentation controls**

Erosion and sedimentation controls must be provided to ensure:

- (a) compliance with the approved Soil and Water Management Plan
- (b) removal or disturbance of vegetation and top soil is confined to within 3m of the approved building area (no trees to be removed without approval)
- (c) all uncontaminated run-off is diverted around cleared or disturbed areas
- (d) silt fences or other devices are installed to prevent sediment and other debris escaping from the cleared or disturbed areas into drainage systems or waterways
- (e) all erosion and sediment controls are fully maintained for the duration of demolition/ development works

- (f) controls are put into place to prevent tracking of sediment by vehicles onto adjoining roadways
- (g) all disturbed areas are rendered erosion-resistant by turfing, mulching, paving or similar
- (h) all water pumped or otherwise removed from excavations or basement areas is filtered to achieve suspended solids/non filterable residue levels complying with the *Australian Water Quality guidelines for Fresh and Marine Waters*
- (i) pumped or overland flows of water are discharged so as not to cause, permit or allow erosion before the commencement of work (and until issue of the occupation certificate).

Details of the proposed soil erosion and sedimentation controls to be implemented on site must be submitted **with the Construction Certificate Application**. Under no circumstances may any works commence prior to these details being approved by the Accredited Certifier and the controls being in place on the site

(Reason: Environmental protection)

47. **CCM5 Grated Drain to Garage**

A grated trench drain shall be provided across the (access entry / boundary). Unless otherwise sized by a Hydraulic Engineer, the dimensions of the trench grate shall be no less than 300mm wide by 100mm deep at the shallow end, and have a "bottom" slope of 2 %. This trench drain shall be connected to an approved drainage system.

In the event of the Hydraulic Designer sizing the grated drain, the calculation shall be in accordance with AS/NZS3500.

The above information must be indicated on all relevant drawings **to be submitted with the Construction Certificate**.

(Reason: Environmental protection)

48. **CCM6 Rainwater Re-use**

A rainwater re-use system shall be provided in accordance with either the BASIX minimum requirements, any relevant Council Rainwater Policy and/or "Specification of the Management of Stormwater", whichever is applicable. A detailed stormwater plan showing the proposed re-use system shall be submitted and approved by Council or an Accredited Certifier **prior to the issue of the Construction Certificate**.

(Reason: Compliance and Amenity)

49. **CCM7 Silt Arrestors and Gross Pollutant Traps**

Silt and gross pollutant traps shall be fitted in all new stormwater pits, designed in accordance with Council's "Specification for the Management of Stormwater" and to the satisfaction of Council or an Accredited Certifier. Details are to be submitted with the design **prior to the issue of the Construction Certificate**.

(Reason: Environmental)

50. **CCR1 Application for a Construction Certificate**

The proponent must apply to Council or an Accredited Certifier for a Construction Certificate to carry out the relevant building works that are approved by this approval. The details to be included in the application for a Construction Certificate are:

- (a) Architectural plans and specifications complying with the Building Code of Australia (BCA), relevant Australian Standards, and the approval and conditions.
- (b) If Council issues the Construction Certificate, engineering details must be submitted for approval for all structural elements, including but not limited to, piers, footings, reinforced concrete slab, first floor joist layout, roof trusses, steel beams and the like. The details must be prepared by a practising consulting structural engineer. Also a certificate from the engineer must be included certifying that the design fully complies with appropriate SAA Codes and Standards and the Building Code of Australia requirements.

Note: The engineer/s undertaking certification must be listed on the National Professional Engineers Register under the appropriate category.

- (c) Geotechnical report for the site, prepared by a qualified geotechnical engineer detailing the foundation conditions of the site and solutions for consideration by a structural Engineer.
- (d) Essential services plan outlining the existing and proposed fire safety measures.
- (e) Disabled access provisions to common and public areas in accordance with AS1428 - Design for Access and Mobility.
- (f) If an alternative solution to the “deemed to satisfy” provisions of BCA is proposed, the following details must be lodged:
 - Performance requirements that the alternative solution intends to meet.
 - Assessment methods used to determine compliance with the performance requirements, including if and how each performance objective impacts on other requirements of the BCA; and
 - A statement about the person who prepared the alternate solution, indicating qualifications, experience, insurance details, and membership of an approved accreditation body

Note: The performance-based application may be required to be reviewed by a suitably qualified independent body at the proponent's expense. Any fees relating to any review are required to be paid **prior to the issue of the Construction Certificate**.

Compliance with parts (a) to (f) of this condition may be staged in accordance with the issue or relevant staged Construction Certificates.

(Reason: Statutory requirement)

51. **CCR2 BASIX Commitments**

Amended BASIX Certificates shall be submitted to the **Accredited Certifier with the application for a Construction Certificate for the above ground works** to correctly reflect the changes incorporated within the proposal as a result of the submitted PPR.

Where a change or changes are proposed in the BASIX commitments, the proponent must submit a new BASIX Certificate to the Accredited Certifier and Council. If any

proposed change in the BASIX commitments is inconsistent with the approval the proponent will be required to submit a modification to the approval to Council under Section 96 of the Environmental Planning and Assessment Act 1979.

All commitments in the BASIX Certificate must be shown on the plans accompanying the Construction Certificate **prior to the issue of any Construction Certificate**.

(Reason: Statutory Compliance)

52. **CCR4 Energy Australia Requirements and Any Required Substation**

The development must comply with requirements of Energy Australia.

Documentary evidence of compliance, including correspondence from the energy authority is to be provided to the Accredited Certifier **prior to the issue of a Construction Certificate for the above ground works** detailing the energy authority's requirements and compliance with such requirements.

Note: Access to any required electricity substation shall be protected via an easement for access which shall be included on the final plan of subdivision burdening the subject site and benefiting the relevant Crown Authority or Statutory Corporation requiring access to the electricity substation.

Note: Where any additional electricity substation is required but no provision has been made to place it within the approved building or its site and no details are provided on the approved plans or where the existing location of a substation is amended, an application to modify the approval under Section 75W of the Environmental Planning and Assessment Act 1979 is required to be submitted for approval of an appropriate location for the required electricity substation.

(Reason: Formalisation of access to utility)

53. **CCS2 Geo-technical Report**

A comprehensive geo-technical engineering report assessing the impact and safety of the proposed works shall be prepared by a suitably experienced and qualified geo-practitioner and **submitted with any Construction Certificate for the above ground works**. The report must include the results of subsurface investigations involving either test pits to rock, or preferably the drilling of cored boreholes (to 1m below the proposed final excavation level). The report shall describe inter alia:-

- (a) an indication of the nature and depth of any uncontrolled fill at the site;
- (b) an indication of the nature and condition of the material to be excavated;
- (c) indications of groundwater or seepages;
- (d) required temporary measures for support of any excavations deeper than 1m adjacent to property boundaries;
- (e) statement of required excavation methods in rock and measures required to restrict ground vibrations;
- (f) other geo-technical information or issues considered relevant to design and construction monitoring.

(Reason: Structural safety)

54. **CCS6 Acid Sulfate Soils - Detailed Assessment**

A detailed acid sulfate soil assessment is required. This is to be carried out by a suitably qualified person and in accordance with the acid sulfate soils assessment guidelines (ASSMAC August 1998). The detailed assessment shall be submitted to Council **prior to the issue of a Construction Certificate.**

(Reason: Compliance and Environmental Protection)

End of Part B

PART C - PRIOR TO COMMENCEMENT OF WORKS

55. **PDR1 Appointment of Certifying Authority**

No work shall commence in connection with this approval until:

- (a) a construction certificate for the building work has been issued by:
 - (i) the consent authority; or
 - (ii) an accredited certifier; and
- (b) the person having the benefit of this approval has:
 - (i) appointed a certifying authority for the building work, and
 - (ii) notified the certifying authority that the person will carry out the building work as an owner-builder, if that is the case, and
- (b1) the certifying authority has, no later than 2 days before the building work commences:
 - (i) notified the Council of his or her appointment, and
 - (ii) notified the person having the benefit of this approval of any critical stage inspections and other inspections that are to be carried out in respect of the building work, and
- (b2) the person having the benefit of this approval, if not carrying out the work as an owner-builder, has:
 - (i) appointed a principal contractor for the building work who must be the holder of a contractor licence if any residential building work is involved, and
 - (ii) notified the certifying authority of such appointment, and
 - (iii) unless that person is the principal contractor, notified the principal contractor of any critical stage inspections and other inspections that are to be carried out in respect of the building work, and
- (c) the person having the benefit of this approval has given at least 2 days notice to the Council of the person's intention to commence the erection of the building.

Note: If the certifying authority is the Council, the nomination will be subject to the payment of a fee for the service to cover the cost of undertaking all necessary inspections and the issue of the appropriate certificates.

Under the Environmental Planning and Assessment (Quality of Construction) Act, 2003, a sign must be erected in a prominent position on the work site showing the name, address and telephone number of the certifying authority; the name of the principal contractor (if any) for the building work and a telephone number at which that person may be contacted outside working hours. That sign must also state that unauthorised entry is prohibited. The sign must not be removed until all work has been completed.

(Reason: Statutory requirements)

56. **PDR2 Construction Certificate**

No work shall commence until you:

- (a) Obtain a Construction Certificate from either the City of Canada Bay Council or an Accredited Certifier - a fee applies for this service; and

- (b) Lodge with the City of Canada Bay Council any Construction Certificate obtained from an Accredited Certifier (together with associated plans and documents) - a fee applies for this service

(Reason: Statutory Requirement)

57. **PDR5 Notice of commencement**

No work shall commence until you submit a notice of commencement (form will be attached with issue of a Construction Certificate or available from our website) giving Council:

- (a) Not less than two (2) days notice of the date on which it is proposed to commence work associated with this approval;
- (b) Details of the appointment of a Certifying Authority (either Canada Bay Council or another Accredited Certifier)
- (c) Details of the name, address and licence details of the Builder.

(Reason: Statutory Requirement)

58. **PDR6 Site Safety Fencing**

Erect site fencing to a minimum height of 1.8m complying with WorkCover Guidelines, to exclude public access to the site throughout the construction works. The fencing **must be erected before the commencement of any work and maintained.**

The site shall be secured in accordance with Clause 146 of the Environmental Planning and Assessment Regulation 2000. The site shall be maintained in a clean and orderly condition during demolition and construction works.

Hoardings

If applicable, a separate Hoarding Application for the erection of an A class (fence type) or B class (overhead type) hoarding along the street frontage(s) complying with WorkCover requirements must be obtained including:

- payment to Council of a footpath occupancy fee based on the area of footpath to be occupied and Council's Schedule of Fees and Charges before the commencement of work; and
- provision of a Public Risk Insurance Policy with a minimum cover of \$10 million in relation to the occupation of and works within Council's road reserve, for the full duration of the proposed works, must be obtained with a copy provided to Council.

(Reasons: Statutory Requirement and health and safety)

59. **PDR7 Certifying Authority (CA) Sign**

Prior to commencement of any work, signage must be erected in a prominent position on the work site identifying:

- The Certifying Authority (CA) by showing the name, address and telephone number of the CA;

- The Principal Contractor by showing the Principal Contractor's name, address and telephone number (outside of work hours) for that person.
- The sign must state that unauthorised entry to the work site is prohibited.

Any such sign is to be maintained while the work is being carried out, but must be removed when the work has been completed.

This clause does not apply to building work, subdivision work or demolition work that is carried out inside an existing building that does not affect the external walls of the building.

(Reason: Statutory Requirement)

60. **PDR9 Toilet Amenities on Construction Site**
Prior to commencement of any building works, toilet facilities for employees must be provided in accordance with WorkCover NSW requirements.

Where female workers are present on site, appropriate measures for sanitary item disposal should be made, such as a disposal unit provided in the portable toilet or sewer connected toilet closet.

(Reason: Statutory Requirement - Health and amenity)

61. **PDM2 Soil & Water Management during Construction**
 Landcom's "Managing Urban Stormwater – Soil and Conservation" August 1998 outlines the general requirements for the preparation of a soil and water management plan. All works shall be conducted in accordance with a soil and water management plan that has been submitted and approved by the Accredited Certifier **prior to the commencement of works**. A copy of the plan shall be kept on-site and made available to Council's Officers on request. All erosion and sediment control measures must be maintained in a functional condition throughout the duration of the works.

(Reason: Environmental protection)

62. **Contamination**
Prior to commencement of works the proponent shall submit to Council for approval, the Construction Management Plan as outlined in Section 4.1.8 of the PPR within the Revised Draft Statement of Commitments, including but not limited to the following sub plans:

- Air Quality and Dust Management
- Soil & Water Management
- Contaminated Land Management
- Waster Management & Reuse
- Noise and Vibration Management

(Reason: Compliance)

End of Part C

PART D - DURING CONSTRUCTION

63. **DWT1 Burning and Burying of Waste**

No materials or rubbish resulting from the land clearing, demolition and building works must be burnt or buried on the site.

(Reason: Health and amenity)

64. **DWT2 Construction Hours**

Construction and related work on the premises that will, or does, cause noise, will not take place, nor shall machinery, including vehicles, operate upon the property outside the hours of 7.00 am to 5.00 pm. Mondays to Fridays, and 8.00 am to 1.00 pm Saturdays. No work to occur on Sundays and public holidays.

Where the development involves the use of jackhammers/ rock breakers or other heavy machinery, work shall be restricted to 7.00 am - 5.00 pm Monday to Friday only.

(Reason: Safety and amenity)

65. **DWT3 Disruption of Traffic**

During any construction works on the public road that is associated with this approval, the Proponent must provide appropriate signage and traffic control facilities as per the requirements of AS 1742.3 and the RTA "Traffic Control at Works Sites" manual.

(Reason: Safety and information)

66. **DWT4 Dust Control**

Where a dust nuisance is likely to occur, the following measures must be taken to control the emission of dust:

- Dust screens must be erected around the perimeter of the site and be kept in good repair for the duration of the work.
- All dusty surfaces must be wet down and any dust created must be suppressed by means of a fine water spray. Water used for dust suppression must not be allowed to enter the stormwater system.
- All stockpiles of materials that are likely to generate dust must be kept damp or covered.

(Reason: Environmental amenity)

67. **DWT5 Excavation – Water**

All excavations must be kept free from the accumulation of water.

(Reason: Health and safety)

68. **DWT6 Prevention of Nuisance**

All possible and practical steps shall be taken to prevent nuisance to the inhabitants of the surrounding neighbourhood from wind blown dust, debris, noise and the like during the demolition, excavation and building works.

(Reason: Health and amenity)

69. **DWG3 Construction Management Plan**

All development activities and traffic movements must be carried out in accordance with the approved Construction Management Plan.

All controls in the Plan must be maintained at all times. A copy of the Plan must be kept on site at all times and made available to the Accredited Certifier and Council on request.

(Reason: Compliance with condition of consent)

70. **DWG4 Damage to Adjoining Properties**

All precautions must be taken to prevent any damage likely to be sustained to adjoining properties. Adjoining owner property rights must be observed at all times. Where damage occurs to adjoining property all necessary repair or suitable agreement for necessary repairs are to be undertaken by the proponent in consultation with, and with the consent of, the affected property owner.

(Reason: Structural safety)

71. **DWG5 Stamped Plans**

Stamped plans, specifications, documentation and the approval shall be available on site at all times during construction.

(Reason: To ensure compliance with approved plans)

72. **DWN1 Noise - Construction**

All works carried out on site during construction/ demolition/ excavation/ earthworks shall comply with the NSW DECC Protection of the Environment Operations Act 1997 and the DECC Noise Control Guideline - Construction Site Noise and AS 2436-1981 – "Guide to Noise Control on Construction, Maintenance and Demolition Sites" for the control of construction noise which specifies that:

Construction period of 4 weeks and under – The L₁₀ level measured over a period of not less than 15 minutes when the construction site is operating must not exceed the background level by more than 20 dB(A).

Construction period greater than 4 weeks and not exceeding 26 weeks – The L₁₀ level measured over a period of not less than 15 minutes when the construction site is operating must not exceed the background level by more than 10 dB(A).

Silencing – All possible steps should be taken to silence construction site equipment.

Should complaints of a noise nuisance be justified, Council will require the acoustic treatment of the identified noise source/s to ensure compliance with Councils requirements on noise. An acoustic assessment & report will be required to ensure that the intrusive noise from the plant does not exceed 5 dB (A) above the background noise.

Should complaints of a noise nuisance be justified, Council will require the acoustic treatment of the premises to ensure compliance with the NSW DEC Industrial Noise Policy. A further acoustic assessment & report will be required to be provided to Council assessing the premises in working order.

(Reason: Noise Attenuation)

73. **DWN2 Noise - Plant**

All works carried out on site during construction/demolition/excavation or earthworks shall comply with the NSW DECC Protection of the Environment Operations Act 1997. Approved and effective silencing measures shall be provided and maintained on all power-operated plant used on site.

(Reason: Safety and Amenity)

74. **DWN3 Noise & Vibration**

The construction of the development and preparation of the site, including operation of vehicles, must be conducted so as to avoid unreasonable noise or vibration and cause no interference to adjoining or nearby occupations. Special precautions must be taken to avoid nuisance in neighbouring residential areas, particularly from machinery, vehicles, warning sirens, public address systems and the like.

In the event of a noise or vibration problem arising, the person in charge of the premises must, when instructed by City of Canada Bay Council or the Accredited Certifier, cease work and carry out an acoustical survey and/or investigation by an appropriate acoustical engineer or consultant and submit the results to Council. The person in charge of the site must implement any or all of the recommendations of the consultant and any additional requirements of Council. Any requirements of Council in this regard must be complied with immediately.

(Reason: Noise attenuation)

75. **DWA1 Obstruction of Road or Footpath**

The use of the road or footpath for the storage of any building materials, waste materials, temporary toilets, waste bins or any other matter is not permitted unless approved in accordance with Council's Waste Skip Bin Policy. A Penalty Infringement Notice may be issued for any offence.

(Reason: Protection of infrastructure, safety & information)

76. **DWA2 Protection of Public Places**

If the work involved in the demolition or construction of a building is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or building involves the closure of a public place, a hoarding or fence shall be erected. Hoardings shall be erected to comply with the requirements of WorkCover and the Certifying Authority.

(Reason: Safety)

77. **DWR1 Compliance with Building Code of Australia**

All building work must be carried out in accordance with the provisions of the Building Code of Australia. Note: Proponents who have lodged an objection and who have been granted exemption under clause 187(6) & 188(4) of the *Environmental Planning and Assessment Regulation 2000*, must comply with the Building Code of Australia in all other respects.

(Reason: Prescribed statutory control)

78. **DWR2 Critical Stage Inspections - General**

Critical stage inspections must be called for by the Principal Contractor or Owner Builder as required by the Certifying Authority (CA), any CA Service Agreement, the Act and the Regulation.

Work must not proceed beyond each critical stage until the CA is satisfied that work is proceeding in accordance with this approval, the Construction Certificate(s) and the Act. 'Critical Stage Inspections' means the inspections prescribed by the Regulations for the purposes of section 109E(3)(d) of the Act or as required by the CA and any CA Service Agreement.

Note 1: The CA may require additional inspections beyond mandatory critical stage inspections in order that the CA be satisfied that work is proceeding in accordance with this approval.

Note 2: The CERTIFYING AUTHORITY may, in addition to inspections, require the submission of Compliance Certificates, survey reports or evidence of suitability in accordance with Part A2.2 of the BCA in relation to any matter relevant to the development.

(Reason: Statutory requirement)

79. **DWR4 Inspections for Building Work - Critical Stages (Classes 2, 3 or 4)**

Where applicable inspections of the development site may be required to be undertaken at the following stages:

- (a) Prior to covering of waterproofing in any wet areas, for a minimum of 10 % of rooms with wet areas within a building;
- (b) Prior to covering any stormwater drainage connections;
- (c) After the building work has been completed and prior to any occupation certificate being issued in relation to the building; and
- (d) Other.

If the person having the benefit of this approval appoints Council as the Certifying Authority, Council will give written advice as to what critical stage inspections apply.

Prior to issuing an occupation certificate or subdivision certificate the Certifying Authority must be satisfied that the work has been inspected on the above occasions.

Except as provided by subclause (d), the inspections may be carried out by the Certifying Authority or, if the Certifying Authority agrees, by another certifying authority.

The final inspection detailed at subclause (d) may only be carried out by the Certifying Authority.

For each inspection the principal contractor (*or owner-builder*) must notify the Certifying Authority at least forty eight (48) hours in advance that the site is ready to be inspected prior to the commencement of work on the next stage.

(Reason: Statutory Requirements)

80. **DWR5 Critical Stage Inspections for Building Work (Classes 5, 6, 7, 8 or 9)**

Where applicable inspections of the development site may be required to be undertaken at the following stages:

- (a) Prior to covering any stormwater drainage connections; and
- (b) After the building work has been completed and prior to any occupation certificate being issued in relation to the building;
- (c) Other.

If the person having the benefit of this approval appoints Council as the Certifying Authority, Council will give written advice as to what critical stage inspections apply.

Prior to issuing an occupation certificate or subdivision certificate the Certifying Authority must be satisfied that the work has been inspected on the above occasions.

Except as provided by subclause (c), the inspections may be carried out by the Certifying Authority or, if the CA agrees, by another certifying authority.

The final inspection detailed at subclause (c) may only be carried out by the Certifying Authority.

For each inspection the principal contractor (*or owner-builder*) must notify the Certifying Authority at least forty eight (48) hours in advance that the site is ready to be inspected prior to the commencement of work on the next stage.

(Reason: Statutory Requirements)

81. **DWR6 Inspection Records & Compliance Certificates**

The Certifying Authority or Accredited Certifier undertaking each of the inspections must make a **record of each inspection** in accordance with Clause 162B of the Environmental Planning and Assessment Regulations 2000 and, if the person is not the Certifying Authority, forward a copy to the CA.

A copy of any **compliance certificates** issued in respect of the building work and any documents referred to in the certificate must be provided to Council within two (2) days of the certificate being issued.

A compliance certificate must be issued where:

- (a) Either:
 - (i) Council is appointed the Certifying Authority; or
 - (ii) Council is the Certifying Authority but agrees to an accredited certifier undertaking certain inspection/s, and
- (b) The Certifying Authority or Accredited Certifier is of the opinion that the stage of work he or she has inspected is satisfactory.

(Reason: Statutory Requirement)

82. **DWS1 Progress Survey – Major Development (greater than two stories)**

In order to ensure compliance with approved plans, a Survey Certificate, prepared to Australian Height Datum, shall be prepared by a Registered Surveyor showing the following:

- (a) At the completion of excavation, prior to the placement of any footings, showing the completed level of the excavation and its relationship to the boundaries;
- (b) Prior to placement of concrete, the ground floor level, showing the level of the form work;
- (c) Post placement of concrete at each second floor level showing the principal level of the formwork;
- (d) Prior to roofing, or completion of the highest point of the building, showing the anticipated level of the completed work and the relationship to the boundary; and
- (e) At completion, works showing the relationship of the building to the boundary.

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

(Reason: To ensure compliance with approved plans)

End of Part D

PART E - PRIOR TO ISSUE OF AN OCCUPATION CERTIFICATE / PRIOR TO OPERATIONS

83. **OCG1 Certification of Engineering Works**

Prior to occupation, the following documents must be submitted to the Certifying Authority. These documents are:

- a) A Certificate from a suitably Qualified Engineer, with Corporate Membership standing in the Institution of Engineers, Australia, and registered on the National Professional Engineers Register (NPER) under the appropriate professional category, and
- b) 'Work - As - Executed' plan of engineering and/or drainage works.

The abovementioned Certificate is to certify that:

- (i) the stormwater drainage system, and/or
- (ii) the car parking arrangement and area, and/or
- (iii) any related footpath crossing works, and/or
- (iv) the proposed basement pump and well system, and/or
- (v) the proposed access, and/or
- (vi) other civil works have been constructed in accordance with the approved plans and details, satisfies the design intent and complies with appropriate SAA Codes relevant Standards and Council's Policies and Specifications.

For major works, such as subdivisions, works within the road reserve (requiring separate S138 approval) and as where specified by Council, a Part 4A Certificate will be required. It is strongly recommended that the Engineer supervise the works.

Where Council is not the Certifying Authority, two (2) copies of the above documents are to be provided to Council **prior to the issue of any Occupation Certificate**. These documents are to be retained on Council's Construction Certificate file.

(Reason: Asset management)

84. **OCR1 Occupation Certificate (section 109M of the Act)**

A person must not commence occupation or use *(or change of use where an existing building)* of the whole or any part of a new building (within the meaning of section 109H (4) of the Act) unless an Interim Occupation Certificate or Final Occupation Certificate has been issued in relation to the building or part.

The Certifying Authority is required to be satisfied, amongst other things, that:

- All required inspections (including each applicable mandatory critical stage inspection) have been carried out; and
- Any preconditions to the issue of the certificate required by a approval have been met.

Note: New building includes an altered portion of, or an extension to, an existing building.

(Reason: Statutory requirement)

85. **Public Art Work**

Opportunities for the provision of a public art work in accordance with the Rhodes West Development Control Plan shall be incorporated into the foyer areas of buildings within the development and finalised prior to the occupation of the development. Note: any such public artwork is not to be considered as an offset to the costs of the embellishment of the public open space. The cost of the public art work shall be borne by the proponent of the development.

Details of art work incorporated shall be forwarded to Council.

(Reason: To ensure compliance with the Rhodes West DCP)

86. **CCR5 93F Planning Agreement**

In accordance with Section 93I(3) of the Environmental Planning and Assessment Act 1979, the terms of the Voluntary Planning Agreement signed on 28 October 2010 under Rhodes West Master Plan as it relates to the development which is the subject of this approval shall be adhered to.

(Reason: To ensure compliance with the terms of the S93F Agreement)

End of Part E

PART F - PRIOR TO THE ISSUE OF ANY SUBDIVISION CERTIFICATE

87. **FOC1 Fire Safety Certificate**

A final Fire Safety Certificate shall be obtained in accordance with Part 9, Division 4 of the Environmental Planning and Assessment (Amendment) Regulation 2000, **prior to the issue of the Final Occupation Certificate** for the building.

A copy of the Fire Safety Certificate and fire safety schedule shall be:-

- Forwarded to City of Canada Bay Council;
- Forwarded to the Commissioner of the New South Wales Fire Brigade; and
- Prominently displayed in the building.

(Reason: Fire safety)

88. **FOC2 Certificate of Test of Mechanical Ventilation**

On the satisfactory completion of work and **prior to the issue of an Occupation Certificate**, a Certificate of Test of Mechanical Ventilation shall be supplied to the Certifying Authority from an approved mechanical ventilation engineer.

(Reason: To ensure compliance with approved plans)

89. **FOG5 Wash down of Brickwork**

Prior to occupation or use, the brickwork shall be thoroughly cleaned down on all sides. All necessary precautions shall be taken to ensure that this work does not affect neighbouring properties.

(Reason: Visual amenity and environmental health)

90. **FOM1 Certification of the Constructed Stormwater Drainage System**

The constructed stormwater system shall be certified by a suitably qualified person, in accordance with Council's "Specification for the Management of Stormwater", **prior to issue of the Final Occupation Certificate**.

(Reason: Adequate stormwater management)

End of Part F

PART G - DURING OPERATION / POST COMPLETION

91. **OUE1 Annual Fire Safety Statement**

Pursuant to Part 9, Division 5 of the Environmental Planning and Assessment Regulation (as amended) the owner of the building shall furnish Council with an Annual Fire Safety Statement from a competent person so as to certify the essential fire safety measures in the building. The Annual Fire Safety Statement shall be within 12 months of the issue of the fire safety certificate, and then on an annual basis.

A copy of the Fire Safety Statement obtained and Fire Safety Schedule shall also be:-

1. Forwarded to the Commissioner of the New South Wales Fire Brigade;
2. Prominently displayed in the building.

(Reason: Fire safety)

92. **OUH5 Microbial Control**

The installation and ongoing operation of the water cooling systems, evaporative coolers and hot/warm water systems within the premises shall be undertaken in accordance with the relevant provisions of:

- Public Health Act 1991 and Regulations
- Australian Standard AS/NZS 3666 - Air Handling and Water Systems of Buildings - Microbial Control, Parts 1 & 2 of 2002 and Part 3 of 2000 NSW Health Code of Best Practice for the Control of Legionnaires Disease.

(Reason: Health and safety)

93. **OUH6 Noise, Air or Water Pollution - Protection of the Environment Operations Act 1997**

The activities carried out on site shall not constitute a nuisance in relation to noise, air or water pollution as specified under the Protection of the Environment Operations Act 1997.

(Reason: Environmental protection)

94. **OUH8 Registration of Water Cooling and Warm Water Systems**

The owner or occupier of the premises where a water-cooling or warm-water system is installed must supply the following information to Council within one (1) month of the person becoming the owner or occupier of the premises, or if there is an alteration to particulars previously provided:

- a) The number and type of system/s;
- b) The address of the premises on which the system is installed;
- c) The name, and the residential and business address of the owner of the premises and, if the operation area on the premises is occupied otherwise than by the owner, those particulars in relation to the occupier;
- d) The telephone numbers at which, during business hours and after business hours, the person or persons referred to above may be contacted.

(Reason: Health and safety)

95. **OUG3 Visitor Parking Restriction**

All visitor parking spaces must not at any time be allocated sold or leased to an individual owner/occupier and must be strictly retained as common property by the Owners Corporation.

(Reason: Compliance)

96. **SCG5 Section 73 Certificate from Sydney Water**

A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained before the issue of the Subdivision Certificate. **Application must be made through an authorised Water Servicing Coordinator. Please refer to "Your Business" section of Sydney Water's website at www.sydneywater.com.au then the "e-developer" icon or telephone 13 20 92.**

Following application a "Notice of Requirements" will be forwarded detailing 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.

Sydney Water written advice that you have obtained the Notice of Requirements must be submitted to the Accredited Certifier **before the issue of the Construction Certificate for the above ground works.**

(Reason: To comply with statutory requirements)

End of Part G

ADVISORY NOTES

Please note: the following may not apply to all approvals

97. **ANN1 Dial Before You Dig**

The *principle contractor, owner builder or any person* who needs to excavate and undertake building work must first contact *Dial Before You Dig* and allow a reasonable period of time for the utilities to provide locations of their underground assets. Failure to do so may result in being financially responsible by the asset owner should they damage underground pipe or cable networks.

Dial Before You Dig is a free national service that provides advice on the location of underground pipes and cables.



When you contact *Dial Before You Dig*, you will be sent details of all *Dial Before You Dig* members who have underground assets in the vicinity of your proposed excavation.

(Reason: Information - protection of utilities)

98. **ANN7 Process for Modification**

The plans and/or conditions of this approval are binding and may only be modified upon written request to Council under Section 75W of the Environmental Planning and Assessment Act, 1979 (as amended). The request shall be accompanied by the appropriate fee and application form. You are not to commence any action, works, contractual negotiations, or the like, on the requested modification unless and until the written authorisation of the approval authority is received by way of an amended approval.

(Reason: Information)

99. **ANN9 Right of Appeal**

Section 75K of the Environmental Planning and Assessment Act 1979 (as amended), gives the proponent the right to appeal to the Land and Environment Court within three (3) months after the date on which you receive this notice.

(Reason: Information)

100. **ANN10 Signage Approval**

A **separate development application** for any proposed signs which are either externally fitted or applied must be submitted for the approval of Council, prior to the erection or display of any such signs. This does not apply to signs which are classified as being 'Exempt Development'.

(Reason: Information - amenity and separate approvals)

101. **ANN11 Skips on Council Footpath**

The proponent must apply to Council's Customer Services Centre and pay the respective minimum ten (10) day application fees and deposit, should a mini-skip type or larger builder's waste container be required to be left on Council's footpath, nature strip or roadway for the removal of any builder's waste etc. These fees must be paid prior to the container's placement. In the event of the container being removed within the ten day period, and the Council being notified, a pro-rata refund will be made. If the container is to remain at the site for longer than ten days, a further fee must be paid before the ten day period expires. No consultation is necessary if placing the container within the property to which this application is related. However, caution should be exercised in placing the bin to ensure no damage occurs to Council property.

(Reason: Information - amenity and separate approvals)

102. **ANN12 WorkCover Requirements**

The Occupational Health and Safety Act 2000 No 40 and subordinate regulations, codes of practice and guidelines control and regulate the development industry.

Further information can be obtained from WorkCover NSW's website at <http://workcover.nsw.gov.au/Industry/Construction/default.htm> or through their head office: WorkCover NSW, 92-100 Donnison Street, GOSFORD 2250 Postal address: WorkCover NSW, Locked Bag 2906, LISAROW 2252, Phone (02) 4321 5000, Fax (02) 4325 4145.

(Reason: Information - safety)

103. **GCG2 Compliance with Disability Discrimination Act**

This approval does not necessarily guarantee compliance with the *Disability Discrimination Act 1992*, and the proponent / owner is therefore advised to investigate their liability under the Act, and ensure that the design complies.

104. **ANN13 DECC Contaminated Land Orders**

The subject site or part of the subject site is affected by a current Ongoing Maintenance Order under Section 28 of the Contaminated Land Management Act 1997. For further information regarding this Order, contact the Department of Environment and Climate Change (DECC) by phone - 131555. A copy of the Order can be downloaded from the DECC webpage at www.environment.nsw.gov.au

End of Schedule 2

SCHEDULE 3

Revised Statement of Commitments

Source: PPR dated February 2011

Prepared by: Architectus Group Pty Ltd

4 Revised Draft Statement of Commitments

The Director General's Requirements include a requirement to provide a Draft Statement of Commitments detailing measures for environmental management, mitigation measures and ongoing monitoring for the project. This section of the report outlines the commitments made by the Proponent to manage the site and the development and mitigate the on-going impacts of the development, that are understood to be implemented part of the conditions of development consent.

Following the exhibition of the Environmental Assessment, and receipt of submissions, the Draft Statement of Commitments has been revised to include additional environmental management and mitigation measures.

4.1 Other development approvals

The Proponent commits to seeking separate development approvals for the following development on the subject site:

- Public open space and public facilities
- Separate retail use and fitout for each tenancy
- Strata and Stratum subdivision

4.2 Ecological Sustainable Development

All dwellings are to be design and constructed to meet the minimum BASIX targets for energy and water conservation and thermal comfort, as outlined in the BASIX Certificates submitted with the Environmental Assessment.

4.3 Open space and public domain

The separate Development Application for public open space and public facilities is to be prepared by the Proponent and submitted to Council prior to the determination of this Part 3A Major Project Application.

All public open space areas are to be dedicated to the Council.

Embellishment works will be undertaken in accordance with the agreed staging under the signed Voluntary Planning Agreement for the subject site. The staged embellishment of the public open space is to be completed prior to the occupation of the corresponding building construction stage.

4.4 Public art

The Proponent will work with Council to prepare a public art strategy for the site in accordance with the Rhodes West DCP. Public art strategy is to be prepared in consultation with Council and finalised prior to the issue of the first Construction Certificate for the residential buildings on the site.

The Proponent commits to provide a monetary contribution to the City of Canada Bay Council of \$25,000 for the provision of public art on the site. The monetary contribution is to be provided to Council prior to the issue of the first Construction Certificate for the residential buildings on the site.

4.5 Walker Street upgrade

Upgrade works to surface and both sides of Walker Street is to be undertaken in accordance with the civil drawings prepared by the Proponent and submitted to Council for approval at Appendix W of this Environmental Assessment. Works to Walker Street are to be in accordance with Council's standards.

The timing for the construction of the proposed Walker Street upgrade works is to be in accordance with the staged development of Site 2A and 3A. Each stage of the Walker Street upgrade works are to be completed prior to the issue of an Occupation Certificate for the immediately adjacent building on the corresponding stage of development.

4.6 Residential apartment design

The Proponent commits to construct the residential buildings in accordance with the Architectural Plans prepared by SJB Architects, and in accordance with the Design Quality Principles of SEPP 65.

4.7 BASIX Certificate

The Proponents commits to constructing the proposed development in accordance with the BASIX Certificates provided with the Environmental Assessment.

Certification is to be provided to the Certifying Authority that the commitments identified in the BASIX Certificate have been fulfilled prior to the issue of an Occupation Certificate. The Proponent will provide a copy of the documentation to Council.

4.8 Consistency with the Building Code of Australia

The Proponent commits to comply with the relevant provisions of the Building Code of Australia.

4.9 Construction Management

Prior to the commencement of construction works, the Proponent will provide a Construction Management Plan prior to the commencement of works. The construction management plan is to include the following sub-plans:

- Air Quality Management Plan
- Noise and Vibration management Plan
- Construction Traffic Management Plan

4.10 Hours of construction activities

The Proponent committees to undertake construction activities within the timing times:

- Monday to Friday: 7am to 6pm
- Saturday: 8am to 1pm

No construction work is to be undertaken on the subject site on Sundays or Public Holidays.

4.11 Electricity supply details

Details confirming the proposed electricity supply and outcomes of negotiations between the Proponent and Energy Australia regarding existing power cables on the subject site are to be provided to the Principal Certifying Authority prior to the issue of the first Construction Certificate.

4.12 Gas supply details

An application to Jemena will be made by the Proponent for the provision of gas supplies to the subject site. Details are to be made available to the Principal Certifying Authority, provision to the issue of the first Construction Certificate.

4.13 Connection to Sydney Water Corporation mains

The proponent commits to provide evidence to SWC that the connection to the Sydney Water mains in Shoreline Avenue and Walker Street are in accordance with the Water Supply Code of Australia (Sydney Water Edition WSA 03-2002).

4.14 Stormwater infrastructure

Stormwater infrastructure including connections to the approved stormwater infrastructure within the public domain areas are to be constructed in accordance with Council's requirements.

4.15 Erosion and Sediment Control

The Proponent will implement the erosion and sediment control measures recommended by Cardno in the Stormwater Management Report submitted with the Environmental Assessment throughout the construction period.

4.16 Waste Management

The Proponent commits to adopting the recommended garbage room construction requirements outlined in the report prepared by Elephant Foot submitted with the Environmental Assessment, as follows:

1. The room floor to be sealed with a two pack epoxy;
2. All corners coved and sealed 100 mm up, this is to eliminate build up of germs;
3. A hot and cold water facility provided for washing all the bins;
4. A bucket trap type floor water installed where all concrete levels are to direct the water to;
5. All wall painted with light colour and washable paint;
6. Equipment electric outlets to be installed 1700 mm above FFL;
7. The room must be mechanically ventilated;
8. Optional automatic odour pest control system installed to eliminating all pest types. Note: This can be done after hand over where management can install if needed);
9. All hinged doors are to self closing, roller doors must be key operated with only access to authorised personnel; and
10. Garbage collection area, must be provided adjacent to the

garbage room with in the building envelope, all bin movements should be on even surface way from ramps.

The Proponent will provide documentation to the PCA demonstrating that the recommendations have been sufficiently addressed prior to the issue of a Construction Certificate.

4.17 Positive covenant & Site Environmental Management Plan

The Proponent commits to the registration of the public positive covenant on the title of the land that references the Site Environmental Management Plan that outlines the procedures and protocols for any future excavation of the site in accordance with Appendix T of the Environmental Assessment.

4.18 Construction Environmental Management Plan

The Proponent commits to preparing a detailed Construction Environmental Management Plan prior to the commencement of any construction on the site.

The Construction Environmental Management Plan is to include, but not be limited to the following sub-plans:

- Air Quality and dust management;
- Soil and water management;
- Contaminated Land Management;
- Waste management and reuse; and
- Noise and vibration management.

The Contaminated Land Management sub-plan will detail procedures for the constructing piles for building structure, which may excavate through remediated material.

A DECCW accredited site auditor (preferably with previous experience on the former Lednez site) will review the Contaminated Land Management sub-plan. The Site Auditor will also confirm that excavation works for the building piles, that may disturb remediated material have been undertaken in accordance with the Contaminated Land Management sub-plan.

Documentary evidence that excavation works have been undertaken in accordance with the Contaminated Land Management sub-plan from a Site Auditor is to be provided to the Certifying Authority prior to the issue of a Construction Certificate for above ground building works.

4.19 Contaminated soil management plan

A detailed contaminated soil management plan is to be prepared prior to the excavation and disturbance of soil and implemented for the duration of the works.

4.20 Acoustic mitigation measures

Mechanical Plant

The Proponent commits to undertaking an assessment of all external mechanical plant prior to the issues of a construction certificate once the plant selections have been finalised.

Acoustic treatments are to be determined in order to control plan noise emissions to the levels within the Noise Emission Requirements for Residential Receives provided in the Noise Impact Assessment prepared by Acoustic Logic submitted with the Environmental Assessment.

All plant types are to be satisfactorily attenuated to levels that comply with the Industrial Noise Policy criteria through appropriate location and (if necessary) acoustic treatments such as screens, enclosures and in-duct treatments (attenuators or lining) included.

4.21 Piling construction method

The Proponent commits to using driven piles, which result in little or no material being extracted during their placement for the construction of the structural pile support for the development.

4.22 Waste Management Plan

A Waste Management Plan will be prepared by the Proponent that outlines the procedures for safely and legally disposing of any waste material extracted from beneath the site maintenance layer.

4.23 Green Travel Plan

The Proponent commits to prepare a 'Green Travel Plan' prior to the occupation of the first residential unit.

4.24 Section 73 Certificate

An application for a Section 73 Certificate will be provided to SWC by the proponent, prior to the issue of a Construction Certificate for the development.

End of Schedule 3