

**SUPPLEMENTARY REPORT FOLLOWING DEFERRAL AT THE
GEORGES RIVER LOCAL PLANNING PANEL MEETING 20 AUGUST 2020**

LPP Report No	LPP035-20	Development Application No	DA2018/0366
Site Address & Ward Locality	33-35 Treacy Street, Hurstville Hurstville Ward		
Proposed Development	Demolition of existing structures, and the construction of a thirteen (13) storey mixed use development comprising two (2) commercial/retail tenancies on the ground floor and a total of 41 apartments, communal open space and five (5) levels of basement car parking with associated site works.		
Owner	Wolf Construction Group Pty Ltd and Prospa Developments Pty Ltd		
Applicant	Danny Daher		
Planner/ Architect	Brett Daintry – Planner, Stanisic Architects		
Date of Lodgement	Original lodgement 5/09/2018 Amended details provided 14/12/2020		
Submissions	N/A for this matter. Original DA notified in accordance with Council's DCP provisions and notification/advertising requirements.		
Cost of Works	\$23,650,000.00		
Local Planning Panel Criteria	The development is subject to the provisions of State Environmental Planning Policy No.65 – Design Quality of Residential Flat Development and more than 10 unique submissions were received during the initial assessment of the application and previously assessed in the previous determination report.		
List of all relevant 4.15(1)(a) matters	Original assessment report considered all the relevant Section 4.15(1)(a) matters. The amended plans do not alter the consideration of these matters.		
List all documents submitted with this report for the Panel's consideration	This is a supplementary report to the Manager of Development and Building considers the following updated information; - Amended Architectural Plans prepared by Stanisic Architects and dated 5 August 2020; - SEE prepared by Daintry and Associates and dated 5 August 2020		
Report prepared by	Senior Development Assessment Officer		
Recommendation	Approval subject to the attached updated conditions.		

Summary of matters for consideration under Section 4.15 Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report?	Yes
Legislative clauses requiring consent authority satisfaction Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed and relevant	Yes

recommendations summarised, in the Executive Summary of the assessment report?	
Clause 4.6 Exceptions to development standards If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report?	No (not required)
Special Infrastructure Contributions Does the DA require Special Infrastructure Contributions conditions (under s7.24)?	Not Applicable

EXECUTIVE SUMMARY

This report has been prepared following the deferral of development application (DA2018/0366) for the demolition of existing structures and the construction of a thirteen (13) storey mixed use development comprising two (2) commercial/retail tenancies on the ground floor and a total of 41 apartments, communal open space and five (5) levels of basement car parking with associated site works at 33-35 Treacy Street, Hurstville by the Georges River Local Planning Panel (GRLPP) on 20 August 2020.

The Panel considered the application and agreed with Council's recommendation to approve the application subject to an amendment to the Concept Approval known as Modification Application (No.3) being determined by the Department of Planning, Industry and Environment (DPIE) and formal concurrences from key Government Agencies being received. Subject to this information being satisfied, the Panel granted delegation to the Manager of Development Assessment to determine the application when the outcome of DPIE was known.

The Panel recommendation reads as follows:

“Determination

“In Principle” Support

The Panel in principle supports the granting of development consent pursuant to Section 4.16(1) of the Environmental Planning and Assessment Act 1979, as amended, Development Application No. DA2018/0366 for the construction of a thirteen (13) storey mixed use development comprising two (2) commercial/retail on ground floor and a total of 41 residential apartments above, communal open space and five (5) levels of basement car parking and associated site works at 33-35 Treacy Street, Hurstville, and delegates power to the Manager – Development and Building pursuant to Section 2.20(8) of the Environmental Planning and Assessment Act 1979, as amended, to determine the development application subsequent to the current Modification Application to the Concept Approval (MP_10 0101 Mod 3) being determined by the Department of Planning and Environment and concurrences from State Rail and Water NSW being approved.”

On 14 December 2020, the Applicant provided Council with documentation that confirmed the Modification application to the Concept Approval (MP_10 0101 Mod 3) was determined on 7 December 2020 by the Department of Planning, Industry and Environment (DPIE). The Applicant submitted to Council the stamped approved plans that were lodged with the Modification application and the accompanying

Statement of Environmental Effects prepared by Daintry Associates dated 5 August 2020 for Council's final determination of this matter.

REPORT IN FULL

A. Modification to the Concept Approval

The subject application (DA2018/0366) was lodged on 6 September 2018 and proposes a thirteen (13) storey mixed use, shop top housing development that has been designed to generally comply with the originally approved concept plan (MP_0101) in terms of the proposed architectural design, building footprint and building envelope. There are some minor variations to the internal design of units and the amount and distribution of retail space, however these changes were considered to be minor and within the general terms of the concept approval and original scope of works.

Subsequent to the Concept Approval a number of development applications were submitted and approved by Council or the Sydney South Planning Panel for different stages of this larger, integrated development. This proposal is the final stage of the development (also known as the West Stage).

The proposed development exceeds the maximum Gross Floor Area (GFA) as stipulated in the Concept Approval. The applicant was requested to justify the variation to the conditions in the Concept Approval. Additional information was provided which included legal advice confirming that the proposal (in its amended form) satisfied Schedule 3B (2)(d) of the Savings and Transitional and other Provisions) Regulations 2017 (STOP) as the proposal was "consistent" with the Concept Approval. Council's independent legal advice did not support the Applicant's opinion and stated that the Concept Approval conditions are prescriptive controls that cannot be varied unless the Concept Approval is modified. The proposed built form outcome with respect to height and scale for the site is consistent with the Concept Approval and the excess GFA has come as a result of the following:

- The previous stages of the redevelopment - Stage 1 (Central) and Stage 2 (East) have taken up more floor space than originally anticipated through DA's and modification applications (even though at the time of determining these applications the GFA was within the Concept Plan GFA requirement).
- The proposed Winter Gardens (within the East and Central Stage buildings) were not originally considered GFA as part of the Concept Approval but they are now elements that contribute to GFA.
- The building is proposed to be constructed to the western boundary however the Concept Approval had anticipated a 1m side setback, this side setback is not consistent with the development and building outcome for development in commercial/mixed use zones and it is unclear why this setback was originally contrived.

In response to Council's legal advice the Applicant submitted a Modification to the Concept Plan (MP10_0101 Mod 3) in early August 2020 to DPIE varying the Concept Approval to be aligned with the development application plans.

The Georges River Local Planning Panel (GRLPP) determination was to issue an "in principle" approval of the application subject to the approval of the Concept Approval Modification application and concurrence from State Rail and Water NSW. DPIE approved the modification application on 7 December 2020. In summary, they have

approved the changes proposed by the Applicant and have amended the conditions attached to the Concept Approval accordingly to reflect the changes. The following is a summary of the approved changes as per Schedule 1 of the determination:

MP 10_0101 MOD 3: *the modification includes:*

- *an increase in maximum total gross floor area (GFA) from 28,474m² to 29,274m², including:*
- *an increase of 915m² residential GFA from 26,775m² to 27,690m²;*
- *a decrease of 115m² retail GFA from 1,499m² to 1,384m²;*
- *modification to Concept Plans including deletion of parking in Basement Levels 3A/3B for the west stage and provision of a zero lot line setback to the western boundary; and*
- *amendment to car parking provision for the west stage in accordance with the Apartment Design Guide.*

i. Gross Floor Area

The Modification application sought to amend the original GFA to allow for an additional 800sqm of floor area which would capture the additional floor space that is proposed as part of the development application. The calculation of the additional GFA is detailed and included in the original assessment report (attached - refer to page 51-54).

DPIE have agreed to the change and have modified the concept approval to cater for the additional 800sqm of GFA given that the overall building envelope, footprint and height remain largely the same as the originally approved development. The modification also removed the retail tenancy on the first floor and replaced it with a residential unit. Given this site is located on the periphery of the Hurstville commercial centre it is difficult to lease retail/commercial spaces on the level and the retention of the retail/commercial components of the ground floor is acceptable to assist in activating the street frontage. The modification has amended the development description to affect this change and has altered Condition A5 to read as follows;

A5. Maximum Gross Floor Area (GFA)

The maximum GFA for the development shall not exceed ~~28,474m²~~ **29,274m²**.

The proposed development is now consistent with the Concept Approval in respect to the proposed GFA and can now be determined in accordance with the GRLPP recommendation/resolution.

ii. Car parking provision

The original Concept Plan approval required car parking for the development to be calculated in accordance with the Hurstville City Council's Development Control Plan No.2 (HDCP) provisions. In order to comply with the numerical requirement of the HDCP, five (5) basement levels were required to accommodate the car parking requirements. The car parking rates based on the HDCP generate the need for 56 car parking for the residential component and 11 spaces for visitor car parking. The retail component generates a need for 5 car parking spaces. Detailed calculations form part of the original assessment report.

The proposal provides for a total of 67 residential car parking spaces (including visitor spaces) and a total of 7 retail spaces. The proposal is therefore compliant with the HDCP requirements for parking.

The Applicant, as part of the Modification (No.3) requested to amend Condition A8 and allow for the car parking calculation to be based on SEPP 65 requirements which are articulated through the Apartment Design Guide (ADG). Car parking rates in accordance with the ADG refer to the TfNSW (former RMS) Guide to Traffic Generating Developments which reduce parking requirements where sites are accessible and close to public transport nodes. In this case the site is within close proximity and walking distance to the Hurstville Train Station and CBD. DPIE was satisfied in amending the concept approval and allowing the development to rely on the car parking provisions of the ADG. Condition No.A8 now reads;

A8. Parking Provision

Excluding the west stage, residential parking provision shall comply with Hurstville City Council Development Control Plan No. 2 requirements and a minimum of 30 parking spaces are to be provided for retail uses and 5 spaces for community uses.

Parking for the west stage shall be consistent with minimum requirements as required by the Apartment Design Guide (ADG) Objective 3J-1.

In this case, the development falls within the high density RFB category as the building contains more than 20 dwellings. The site is classified as a “Metropolitan Sub-Regional Centre” and generates the need for a minimum of 35 resident spaces and 6 visitor spaces (total of 41 car parking spaces). Inclusive of the retail spaces the development as a whole requires a minimum of 48 car parking spaces. This can be achieved by removing the one basement level (3A/3B split level), which will reduce the amount of earthworks and excavation for this stage. With the removal of the basement level the total amount of spaces provided is approximately 58 which exceeds the ADG required provisions. Comparing the DA scheme and the Modification plans, the layout and car parking numbers are derived in **Table 1** below.

Table 1: Comparison of car parking levels/numbers between the DA and Modification 3

Basement Level	Configuration in the DA	Configuration in Modification 3
3B/3A	17 spaces	Level deleted
2B/2A	25 car parking spaces	25 car parking spaces (new storage spaces integrated as part of each car parking space)
1B/1A	24 car spaces	25 car parking spaces (new storage spaces integrated as part of each car parking space)
B1C	Eight (8) car spaces	Eight (8) car spaces

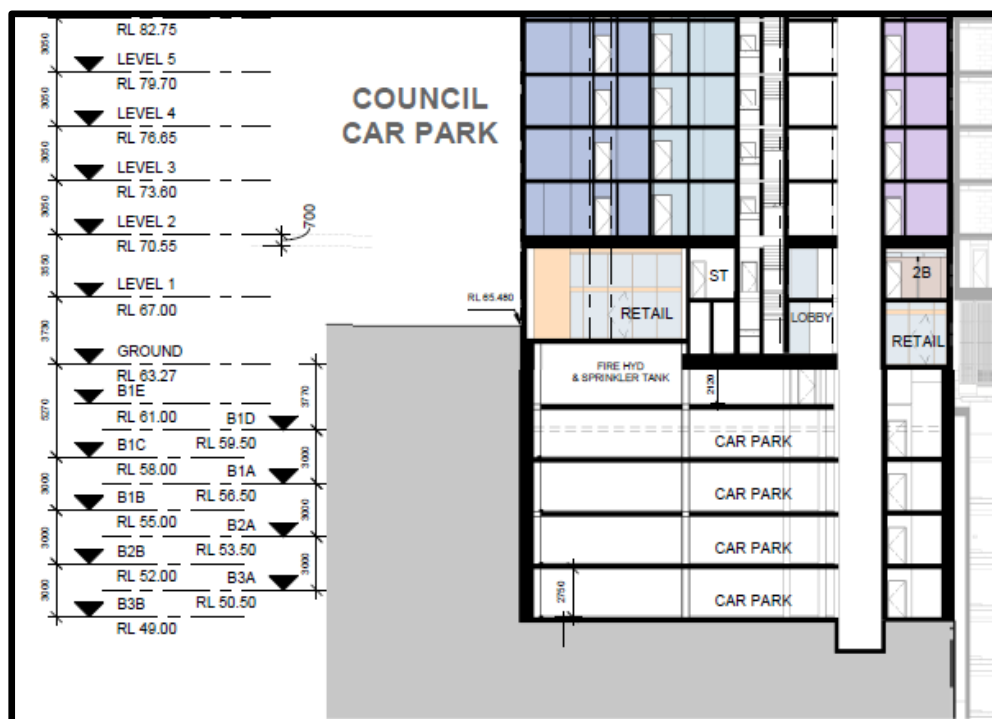
B1D	40 storage spaces	9 storage spaces
B1E	Plant and equipment	Plant and equipment

The main changes between the DA and Modification is the deletion of two (2) basement levels and resultant reduction in car parking spaces, removal of the independent forty (40) storage cages and replacement with storage cages within each car parking space. The Section plans below compare the modification and DA.

Figure 1: Extract of the Section EE plan taken from the Mod 3 application as approved (courtesy: Stanisic Architects, 2020)



Figure 2: Extract of the Section AA plan taken from the DA (courtesy: Stanisic Architects, 2018)



The conditions are amended to reflect this change and the approved plans will not include the lower split level (Basement 3) in accordance with the modification approval. The Concept Approval plans showing the changes (floor plan and sections) have been included as they now supersede the DA plans.

B. Physical Openings between buildings

Whilst the Modification application was being determined by DPIE, Council obtained independent legal advice prepared by Lindsay Taylor Lawyers dated 28 September 2020 in respect to the physical openings between the proposed development and the adjoining building (Imperial Hurstville, 29-33 Treacy Street Hurstville). The original concept approval and subsequent Development Approval's across the whole site always anticipated openings between the Central Stage building (Imperial Hurstville) and the West Stage (33-35 Treacy Street Hurstville) as the subject site is too narrow to accommodate vehicular access in its own right. The openings through the Imperial Hurstville building have been approved by way of easements that have been formally registered on the title. The easements have been designated for vehicular and pedestrian access, loading and unloading, to accommodate waste disposal and provide access to the rooftop area of open space on Level 13 of the subject building.

In order to facilitate the physical building works and enact the shared access arrangements the adjoining owners of the Imperial Hurstville need to provide consent for these works. Council's legal advice confirmed that none of the existing consents permit the carrying out of the physical works to open the wall/s up as plans refer to the wall openings as "*notched wall – future opening*". The openings that have been created between No.29 Treacy Street Hurstville (East Stage) and No.31-33 Treacy Street Hurstville (Central Stage – Imperial Hurstville) were constructed at a time when both sites were under the same ownership. Noting that the Central Stage and the West Stage (subject development) are now under different ownerships.

The legal advice confirms that separate development approval for the creation of the wall openings is required and will warrant owner's consent from the Owner's

Corporation of the Imperial Hurstville building. Two (2) Court cases *Sertari Pty Ltd v Nirimba Developments Pty Ltd* [2007] and *Trewin v Felton* [2007] also confirmed that owners of land cannot unreasonably obstruct the person with the benefit of an easement from exercising their rights under the easement. This provides an adequate amount of certainty that consent can be forced by way of the Court process if it is not negotiated, agreed or forthcoming.

Given that the current DA does not formally permit the physical works, it is recommended that the application be approved by way of a Deferred Commencement condition which requires separate development approval to be granted for these works prior to the formal activation of the consent. This has been recommended as Council is concerned that works may commence on site without the appropriate approval in place. The Applicant objects to the implementation of a Deferred Commencement condition requiring the appropriate approvals as this will create significant time delays to the works program given that no physical works i.e. demolition, excavation, bulk earthworks, shoring, piling until can commence without the satisfaction of the deferred commencement condition/s. The Applicant has advised they are prepared for an immediate start and would like the approval for the openings to be a standard condition for approval, for approval to be obtained prior to the commencement of building works allowing them the opportunity to at the very least start demolition, excavation and bulk earthworks. The excavation and construction of the basement levels can be conducted without any openings being created as the structural walls have been designed so that future punctures/openings can occur after the walls are constructed and approval is gained. The risk of the approval for the openings not being obtained is low, however, Council would like the certainty prior to works commencing.

The Applicant is in the process of liaising with the neighbours and the formal application to Council will be forthcoming. Council is also advised that the Court cases noted above provide adequate security that approval for the openings will occur given the status of the established easements. The Applicant has provided additional evidence to support their request. The following information has been submitted;

- Legal advice prepared by Conomos Legal and dated 1 February 2021;
- A Planning Statement prepared by Daintry Associates; and
- Structural Certification prepared by Australian Consulting Engineers, dated 24 September 2020.

Instead of a Deferred Commencement determination the Applicant is requesting that Consent be issued with the following condition imposed:

“Prior to the issue of any occupation certificate physical access must be provided through the Central Stage as approved under DA2014/1066 - 23-31 Treacy Street, Hurstville (Central Stage) to the basement and ground floor levels of 33-35 Treacy Street, Hurstville (Western Stage).”

Alternatively, another option nominated, but not the preferred option, is to impose a condition to allow for some site preparation and excavation works to commence and this condition would read as follows:

“Prior to the issue of any construction certificate, for work above ground floor level, physical access must be provided through the Central Stage as approved under DA2014/1066 - 23-31 Treacy Street, Hurstville (Central Stage) to the basement and ground floor levels of 33-35 Treacy Street, Hurstville (Western Stage).”

This condition would permit the commencement of works including demolition, excavation, bulk earthworks, shoring and piling.

The Applicant has provided comprehensive documentation (attached) in support of this preferred option to impose an operational condition of consent as opposed to a deferred commencement condition and is summarised below:

- The structural engineer who certified the Imperial Hurstville building has confirmed that *“the western elevation of the Imperial Building was designed and constructed for this future openings to be provided to the ‘west stage’ development located at 33-35 Treacy Street, Hurstville. This opening will not compromise the structural integrity of the existing structure”*. The existing walls have been designed and constructed to include non-structural panels that will be removed and opened up in the future to enable the connection of this application to the central stage.
- The Planning Statement prepared by Daintry Associates justifies the imposition of a condition as the historical development and associated consents across this integrated and holistic site always envisaged the openings and the certainty of them occurring is via the implementation of formal easements that have been registered.
- Imposing an operational condition will still satisfy the Newbury Principle in that the condition is in the public interest, relates to the development, is reasonably enforceable and in this case valid and certain.
- The Legal advice prepared by Conomos Legal states that *“there is no legal impediment to the capability of the owners of the western stage accessing over 23-31 Treacy Street in accordance with those rights to which they are benefited on title”* and this advice provides examples where the imposition of a deferred commencement condition is appropriate e.g. where a drainage easement does not exist and needs to be created and that in this case addressing this issue by the imposition of a deferred commencement condition is unreasonable and unnecessary.

C. Government Agency responses

The GRLPP resolution included deferral of the matter subject to receiving all the relevant concurrences, in this case from State Rail and Water NSW.

i. State Rail/Sydney Trains

Clause 85 (Development adjacent to rail corridors) and Clause 86 (Excavation in, above, below or adjacent to rail corridors) of State Environmental Planning Policy (Infrastructure) 2007, are relevant to this application on the basis that the proposal involves the construction of residential accommodation on land adjacent to the Illawarra Rail corridor which is immediately to the rear of the site and the development is located within 25m of the rail corridor. In this case, formal concurrence from State Rail is required.

On 16 April 2019 Sydney Trains requested further Engineering information and additional cross-sectional drawings to be provided and required additional information and details including:

- Basement structural support to the rail boundary at the closest point;
- Rail boundary to the overhead catenary structure at the closest point; and
- Rail boundary to the nearest track centre at the closest point.

Updated horizontal distances and cross-sectional drawings were provided to Sydney Trains and as at 22 July 2020. State Rail informed Council that internal engineering reviews had recently been completed and conditions were being prepared. At that stage concurrence was considered to be imminent yet not received at the time the report was considered by the GRLPP.

On 20 September 2020, Sydney Trains provided formal concurrence to the development proposal subject to imposing operational conditions. These conditions are included as part of the development consent conditions.

The Sydney Trains response now satisfies the GRLPP resolution and the GTA's are included as part of the consent conditions.

ii. Water NSW

The application was referred to Water NSW for comment as the development may fall within the "Integrated" development provisions in accordance with Sections 89 and 91 of the Water Management Act, 2000. The proposal relied at the time on excavation to accommodate five (5) basement levels and the Geotechnical assessment states that ground water may be found 12-16m below ground level. Given this situation a dewatering licence may be required and the proposal may require a controlled activity licence.

On 2 November 2020, Water NSW issued General Terms of Approval (GTA's) for this proposal as it may rely on the use of an 80mm submersible pump and dewatering may be required. The GTA's form part of the consent.

Given that the basement levels have been reduced which is a better outcome, the amount of excavation would still affect the water table and therefore the conditions and general terms of approval are still considered relevant.

The Water NSW response satisfies the requirements of the GRLPP resolution.

D. CONCLUSION

The approval of the Modification application by DPIE and the approval (subject to conditions) from Sydney Trains and Water NSW now satisfies the resolution of the Georges River Local Planning Panel of 20 August 2020. The proposal is recommended to be determined as a Deferred Commencement approval subject to conditions regarding approval to physically make the penetrations through the wall shared with 29-33 Treacy Street Hurstville.

However if the Panel concurs with the Applicants advice then the Deferred Commencement condition is to be removed and replaced with the preferred operational condition on the consent.

The recommended conditions referenced in the previous report have been updated to reflect the amended plans submitted by the applicant and are provided below.

E. STATEMENT OF REASONS

The reasons for this recommendation are:

- The proposal satisfies the conditions, requirements and commitments of the Concept Plan Approval as amended by Modification No.3.
- The proposed built form, scale and density of the development is consistent with the Concept Approval and the approval of this development will finalise the delivery of the redevelopment of this larger, integrated site as originally envisaged and anticipated by the Concept Approval.
- The proposal will provide additional housing in the Georges River Local Government Area and provide a mix and diversity of apartment designs and options within a highly accessible location.
- The proposal is permissible in the zone and will satisfy the objectives of the zone by creating a development outcome that is anticipated in this area.
- The proposal reflects the desired future character for this precinct and immediate streetscape.
- The proposal is not considered to create any adverse amenity impacts and when completed and should improve the visual appearance of the site and have a positive visual impact to the street and immediate surrounds.
- The proposal intends to provide a high quality mixed use development within the Hurstville Commercial Centre.

F. DETERMINATION

THAT pursuant to Section 4.16(3) of the Environmental Planning and Assessment Act, 1979, as amended, Georges River Local Planning Panel grants Deferred commencement consent for DA2018/0366 proposing the demolition of existing structures, lot consolidation, site remediation and construction of a thirteen (13) storey mixed use development containing two (2) ground floor retail tenancies and forty one (41) residential apartments above five (5) levels of basement car parking catering for a total of seventy four (74) car parking spaces, communal landscaping on the ground level and at the roof level including associated site works on Lots 5 and 6 DP1193, known as 33-35 Treacy Street, Hurstville subject to the following conditions of consent:

The Development Application described above has been determined by the granting of a Deferred Commencement Consent subject to the conditions specified in this notice.

This Development Application is a Deferred Commencement Consent under Section 4.16(3) of the Environmental Planning and Assessment Act 1979. Strict compliance is required with **all conditions appearing in Schedule 1** within **thirty six (36) months from the Determination Date of this consent**. Upon confirmation in writing from Georges River Council that the Schedule 1 Conditions have been satisfied, the consent shall commence to operate as a Development Consent for a period of five (5) years from the **Determination Date of this consent**.

Schedule 1

Deferred Commencement Conditions

- A. **Deferred Commencement – Separate development approval** - Pursuant to Section 4.16(3) of the Environmental Planning and Assessment Act 1979, this consent will not operate until such time as the following requirements are satisfied:

- (a) The applicant must provide Council with documentary evidence that separate development approval has been obtained which permits the physical building works to occur to create the openings between the subject development 33-35 Treacy Street Hurstville and the Imperial Hurstville building known 29-33 Treacy Street Hurstville in accordance with the easements that have been formally established for access and the like.

Documentary evidence as requested or the above information must be submitted within **thirty six (36) months** of the granting of this deferred commencement consent. Activation of this Consent cannot commence until written approval by Council is given advising Section A is satisfied.

Subject to Schedule 1 above being satisfied the development is to be carried out subject to the following conditions as referenced in Schedule 2.

Schedule 2

Development Details

1. **Approved Plans** - The development must be implemented in accordance with the approved plans and supporting documentation listed below which have been endorsed by Council's approved stamp, except where marked up on the plans and/or amended by conditions of this consent:

The following architectural plans prepared by Stanisic Architects			
Description	Reference No.	Date	Revision
Cover Sheet	DA 00	16/07/2018	Issue 9
Location Plan	DA 01	15/06/2018	Issue 7
Context Analysis Plan	DA 02	15/06/2018	Issue 8
Site Analysis Plan	DA 03	15/06/2018	Issue 7
Site Plan	DA 04	15/06/2018	Issue 8
Basement 3A/3B	CD 05	2/11/2020	Issue K
Basement 2A/2B	CD 06	6/08/2020	Issue J
Basement 1A/1B	CD 07	6/08/2020	Issue J
Basement 1C/1D/1E	CD 07/1	6/08/2020	Issue J
Level 1 (Ground) Plan	DA 07	30/07/2018	Issue 9

L1, L2 Plans	DA 08	1/08/2018	Issue 12
L3, L4, L5, L6	DA 09	13/07/2018	Issue 9
L7, L8, L9, L10	DA 10	15/06/2018	Issue 8
L11, L12, L13, Roof	DA 11	13/07/2018	Issue 10
North Elevation	DA 12	1/08/2018	Issue 10
South Elevation	DA 13	1/08/2018	Issue 11
West Elevation	DA 14	1/08/2018	Issue 10
Section FF and GG	CD 31/1	2/11/2020	Issue K
Cross ventilation Diagrams	DA 19	16/07/2018	Issue 10
Common open space Diagram	DA 20	1/08/2018	Issue 7
Adaptable Unit – Pre and Post Adaptable	DA 23	16/07/2018	Issue 9

The following structural plans prepared by **Australian Consulting Engineers**

Description	Reference No.	Date	Revision
General notes sheet 1 of 3	S0000	24/05/2018	B
General notes sheet 2 of 3	S0001	24/05/2018	A
General notes sheet 3 of 3	S0002	24/05/2018	A
Shoring Plan	S0100	28/05/2018	C
Shoring Elevations	S0101	28/05/2018	C
Shoring Details 1 of 2	S0102	28/05/2018	B
Shoring Details 2 of 2	S0103	28/05/2018	A
Railway Profile Sections	S0104	24/05/2018	A
Monitoring Plan	S0105	28/05/2018	A
Basement B3A and B3B Slab on Ground	S0300	24/05/2018	A

Basement B2A and B2B	S0400	24/05/2018	A
Basement B1A and B1B	S0500	24/05/2018	A
Basement B1C and B1D	S0600	24/05/2018	A
Basement B1E	S0700	24/05/2018	A
Ground Floor Slab Plan	S0800	24/05/2018	A

Also the following plans and documentation:

Landscape Plans Drawing No.s 1-6 Rev E prepared by Distinctive Living Design, Drawing No.s 23-18.00- 23-18.05 and dated 3 August 2018
Statement of Heritage Impact prepared by Cracknell and Lonergan, dated 13 June 2018
Stormwater Drawings dated 23 September 2018 prepared by Australian Consulting Engineers
Survey Plan dated 22 November 2010 and prepared by Danny Linker and Co and Survey Plan prepared by Lockley Land Titles Solutions, reference 34357DT and dated 28 August 2011

SEPARATE APPROVALS REQUIRED BY OTHER LEGISLATION

2. **Section 138 Roads Act 1993 and Section 68 Local Government Act 1993** – Unless otherwise specified by a condition of this consent, this Development Consent does not give any approval to undertake works on public infrastructure.

Separate approval is required under Section 138 of the [Roads Act 1993](#) and/or Section 68 of the [Local Government Act 1993](#) for any of the following activities carried out in, on or over a public road (including the footpath) listed below. This approval is to be obtained from RMS.

An application is required to be lodged and approved prior to the commencement of any of the following works or activities;

- (a) Placing or storing materials or equipment;
- (b) Placing or storing waste containers or skip bins;
- (c) Erecting a structure or carrying out work
- (d) Swinging or hoisting goods over any part of a public road by means of a lift, crane or the like;
- (e) Pumping concrete from a public road;
- (f) Pumping water from the site into the public road;
- (g) Constructing a vehicular crossing or footpath;
- (h) Establishing a “works zone”;
- (i) Digging up or disturbing the surface of a public road (e.g. Opening the road for the purpose of connections to utility providers);
- (j) Stormwater & ancillary works in the road reserve; and
- (k) Stormwater & ancillary to public infrastructure on private land
- (l) If any excavation is to be supported by the use of below ground (cable) anchors that are constructed under Council’s roadways/footways.

These separate activity approvals must be obtained and evidence of the approval provided to the Certifying Authority prior to the issue of the Construction Certificate.

The relevant Application Forms for these activities can be downloaded from Council's website www.georgesriver.nsw.gov.au. For further information, please contact Council's Customer Service Centre on (02) 9330 6400.

3. **Below ground anchors - Information to be submitted with S68 Application under LGA 1993 and S138 Application under Roads Act 1993** - In the event that the excavation associated with the basement carpark is to be supported by the use of below ground (cable) anchors that are constructed under Council or RMS roadways/footways, an application must be lodged with Council or RMS under Section 68 of the Local Government Act 1993 and the Roads Act 1993 for approval, prior to commencement of those works.

The following details must be submitted:

- (i) That cable anchors will be stressed released when the building extends above ground level to the satisfaction of Council;
 - (ii) The applicant has indemnified council from all public liability claims arising from the proposed works, and provide adequate insurance cover to the satisfaction of Council.
 - (iii) Documentary evidence of such insurance cover to the value of \$20 million;
 - (iv) The applicant must register a non-terminating bank guarantee in favour of Council. An amount will be determined when the application is lodged;
 - (v) The guarantee will be released when the cables are stress released. In this regard it will be necessary for a certificate to be submitted to Council from a structural engineer at that time verifying that the cables have been stress released.
 - (vi) In the event of any works taking place on Council's roadways/footways adjoining the property while the anchors are still stressed, all costs associated with overcoming the difficulties caused by the presence of the 'live' anchors will be borne by the applicant.
4. **Vehicular Crossing – Major Development** - The following road frontage works shall be constructed in accordance with the specifications issued under the "Application for Driveway Crossing and Associated Works on Council Road Reserve" Approval issued by Council's Assets and Infrastructure Division.
 - (a) Construct a new footpath for the full length of the frontage of the site on Treacy Street in accordance with Council's Specifications applying at the time construction approval is sought.

- (b) The thickness and design of the driveway shall be in accordance with Council's Specifications applying at the time construction approval is sought.
- (c) Any existing vehicular crossing and/or laybacks which are redundant must be removed. The kerb and gutter, any other footpath and turf areas shall be restored at the expense of the applicant. The work shall be carried out in accordance with Council's specification, applying at the time construction approval is sought.

A private contractor shall carry out the above work, at the expense of the applicant and in accordance with Council's Specification for Driveway Crossings and Associated Works.

The driveway and road frontage works are to be completed before the issue of the Occupation Certificate.

5. **Road Opening Permit** - A Road Opening Permit must be obtained from Council and/or RMS for every opening of a public road reserve to access services including sewer, stormwater drains, water mains, gas mains, and telecommunications before the commencement of work in the road.

REQUIREMENTS OF CONCURRENCE, INTEGRATED AND OTHER GOVERNMENT AUTHORITIES

6. **Sydney Water – Tap in TM** - The approved plans must be submitted to a Sydney Water Tap inTM to determine whether the development application will affect Sydney Water's sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met. The approved plans will be appropriately endorsed. For details please refer to 'Plumbing, building and developing' section of Sydney Water's web site at www.sydneywater.com.au then see 'Building', or telephone 13000 TAP IN (1300 082 746). The Certifying Authority must ensure that a Tap inTM agent has appropriately stamped the plans prior to the issue of the Construction Certificate.
7. **Notice of Requirements for a Section 73 Certificate** - A Notice of Requirements of what will eventually be required when issuing a Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation.

Application must be made through an authorised Water Servicing Co-ordinator. Please refer to the 'Plumbing, building and developing' section of the web site www.sydneywater.com.au then refer to 'Providers' under 'Developing' or telephone 13 20 92 for assistance.

Following application, a 'Notice of Requirements' will advise of water and sewer infrastructure to be built and charges to be paid. Please make early contact with the Co-ordinator, as it can take some time to build water/sewer pipes and this may impact on other services and building, driveway or landscape design.

The Notice of requirements must be submitted prior to the commencement of work. A Section 73 Compliance Certificate will be required at the completion of

development in accordance with further conditions.

8. **Electricity Supply** - An application is required to be made to Ausgrid for a network connection. This may require the network to be extended or its capacity augmented. Evidence of this application being lodged with Ausgrid is required to be provided to the Certifying Authority prior to the issue of a Construction Certificate. For further details, you are advised to contact Ausgrid on 13 13 65 or www.ausgrid.com.au (Business and Commercial Services).
9. **Electricity Supply to Development** – The electricity supply to the development must be underground.
10. **Sydney Trains** – The following General Terms of Approval issued by Sydney Trains need to be satisfied;

A1 Unless amendments are required in order to obtain approval/certification/compliance from Sydney Trains in relation to any of the Sydney Trains related conditions of consent, all excavation and construction works are to be undertaken in accordance with the details, methodology, advice, undertakings and recommendations as detailed in the following documents:

- Structural Report reference 150268.R4 revision 2.0 prepared by Australian Consulting Engineers Pty Ltd dated 4 June 2020.
- Geotechnical Opinion reference E24585.G20 prepared EI Australia dated 9 April 2020.
- Derailment Protection Report version 0.B prepared by Minciv Management Services Pty Ltd dated 10 March 2020.
- Monitoring Plan reference E24585.G10 prepared by EI Australia dated 4 June 2020.
- Structural Drawings prepared by Australian Consulting Engineers Pty Ltd as listed below:
 - Shoring Plan drawing S100 reference 150268 revision E dated 25 February 2020.
 - Shoring Elevations drawing S101 reference 150268 revision C dated 28 May 2018.
 - Shoring Details Sheet 1 of 2 drawing S102 reference 150268 revision B dated 28 May 2018.
 - Shoring Details Sheet 2 of 2 drawing S103 reference 150268 revision A dated 24 May 2018.
 - Railway Profile Sections drawing S104 reference 150268 revision C dated 25 February 2020.
 - Monitoring Plan drawing S105 reference 150268 revision C dated 25 February 2020.

The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming which of the documentation listed in this condition are to now apply or are superseded as a result of the compliance with the Sydney Trains related conditions of consent. The measures detailed in the documents approved/certified by Sydney Trains under this Condition are to be incorporated into the construction drawings and specifications prior to the issuing of the Construction Certificate. Prior to the commencement of works

the Principal Certifying Authority is to provide verification to Sydney Trains that this condition has been complied with.

- A2.** Prior to the commencement of any works a Registered Surveyor shall peg-out the common property boundary between the development site and RailCorp's land and easements. A copy of the survey report indicating the location of pegs must be provided to Sydney Trains prior to the commencement of works.
- A3.** Prior to the issue of a Construction Certificate, the Applicant shall provide a final version detailed Survey Plan locating the development with respect to the rail boundary and rail infrastructure. This work is to be undertaken by a registered surveyor, to the satisfaction of Sydney Trains representative.
- A4.** Prior to the issue of a Construction Certificate, the Applicant shall undertake a services search to establish the existence and location of any rail services. Persons performing the service search shall use equipment that will not have any impact on rail services and signalling. Should rail services be identified within the subject development site, the Applicant must discuss with Sydney Trains as to whether these services are to be relocated or incorporated within the development site.
- A5.** Excess soil is not allowed to enter, be spread or stockpiled within the rail corridor (and its easements) and must be adequately managed/disposed of.
- A6.** During all stages of the development the Applicant must take extreme care to prevent any form of pollution entering the railway corridor. Any form of pollution that arises as a consequence of the development activities shall remain the full responsibility of the Applicant.
- A7.** No work is permitted within the rail corridor (including airspace), or any easements which benefit Sydney Trains/RailCorp, at any time, unless the prior approval of, or an Agreement with, Sydney Trains/RailCorp has been obtained by the Applicant. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.
- A8.** Given the possible likelihood of objects being dropped or thrown onto the rail corridor from balconies, windows and other external features (eg roof terraces and external fire escapes) that are within 20 metres of, and face, the rail corridor, the development must have measures installed, to the satisfaction of Sydney Trains (eg awning windows, louvres, enclosed balconies, window restrictors etc) which prevent the throwing of objects onto the rail corridor. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.
- A9.** The proposed development is to comply with the deemed-to-satisfy provisions in the Department of Planning's document titled "Development Near Rail Corridors and Busy Roads- Interim Guidelines".

- A10.** Prior to the issue of an Occupation Certificate (whether an interim or final Occupation Certificate), a report must be prepared and submitted to the Certifying Authority, Council and Sydney Trains certifying that the completed development meets the requirements of State Environmental Planning Policy (Infrastructure) 2007 and with the Department of Planning and Infrastructure's Development Assessment Guideline titled "Development Near Rail Corridors and Busy Roads - Interim Guidelines" as set down in the subject condition of this consent. Such a report must include external and internal noise levels to ensure that the external noise levels during the test are representative of the typical maximum levels that may occur at this development, and that internal noise levels meet the required dB(A) levels. Where it is found that internal noise levels are greater than the required dB(A) level, necessary corrective measures must be carried out to ensure that internal noise levels are compliant with the requirements of this consent.
- A11.** The design, installation and use of lights, signs and reflective materials, whether permanent or temporary, which are (or from which reflected light might be) visible from the rail corridor must limit glare, reflectivity and illumination to the satisfaction of the light rail operator. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.
- A12.** The Applicant must ensure that all drainage from the development is adequately disposed of and managed and not allowed to be discharged into the railway corridor unless prior written approval has been obtained from Sydney Trains.
- A13.** No metal ladders, tapes, and plant, machinery, or conductive material are to be used within 6 horizontal metres of any live electrical equipment. This applies to the train pantographs and catenary, contact and pull-off wires of the adjacent tracks, and to any aerial power supplies within or adjacent to the rail corridor.
- A14.** The Applicant is to ensure that the development incorporates appropriate anti-graffiti measures, to the satisfaction of to Sydney Trains.
- A15.** Sydney Trains advises there are High Voltage Aerial Transmission Lines in close proximity to the proposed works. All works within 6 metres of the nearest transmission line conductor must comply with:
- i. ISSC 20 – Guideline for the Management of Activities within Electricity Easements and Close to Electricity Infrastructure.
 - ii. The Safe Approach Distances (SADs) in the Sydney Trains Document titled "SMS-06-GD-0268 – Working Around Electrical Equipment".
 - iii. "WorkCover Code of Practice – Work near Overhead Power Lines (The Code)".
- A16.** No rock anchors, rock bolts, ground anchors or rock ties, piles, foundations, rock pillars, transfer structures, basement walls, slabs, columns, beams, cut rock faces, are to be installed into RailCorp/Sydney Trains property or easements. The Principal Certifying Authority is not to issue the

Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.

- A17.** Prior to the issue of a Construction Certificate the Applicant is to engage an Electrolysis Expert to prepare a report on the Electrolysis Risk to the development from stray currents. The Applicant must incorporate in the development all the measures recommended in the report to control that risk. A copy of the report is to be provided to the Principal Certifying Authority with the application for a Construction Certificate. The Principal Certifying Authority must ensure that the recommendations of the electrolysis report are incorporated in the construction drawings and documentation prior to the issuing of the relevant Construction Certificate.
- A18.** There is a need to ensure that the roots and foliage of trees being planted beside the rail corridor do not have an impact on the rail corridor or rail operations. A final landscaping and planting plan demonstrating measures to ensure compliance with this condition must be prepared to the satisfaction of Sydney Trains. No construction certificate can be issued until written confirmation has been received from Sydney Trains confirming that this condition has been complied with.
- A19.** Prior to the commencement of any works appropriate fencing must be in place along the rail corridor to prevent unauthorised access to the rail corridor during construction works. Details of the type of fencing and the method of erection are to be to the satisfaction of Sydney Trains prior to the fencing work being undertaken.
- A20.** The development shall have appropriate fencing fit for the future usage of the development site to prevent unauthorised access to the rail corridor by future occupants of the development. Prior to the issuing of an Occupation Certificate the Applicant shall liaise with Sydney Trains regarding the adequacy of any existing fencing along the rail corridor boundary or design and construction of new fencing. Details of the type of new fencing to be installed and the method of erection are to be to the satisfaction of Sydney Trains prior to the fencing work being undertaken.
- A21.** Prior to the issuing of any Occupation Certificate the Applicant must provide to Sydney Trains for review and endorsement a plan of how future maintenance of the development facing the rail corridor is to be undertaken. The Principal Certifying Authority is not to issue any Occupation Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied. The maintenance plan must be implemented for the life of the approved development.
- A22.** Prior to the issuing of a Construction Certificate the Applicant must submit to Sydney Trains a plan showing all craneage and other aerial operations for the development and must comply with all Sydney Trains requirements. If required by Sydney Trains, the Applicant must amend the plan showing all craneage and other aerial operations to comply with all Sydney Trains requirements. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from the Sydney Trains confirming that this condition has been satisfied.

A23. No scaffolding is to be used facing the rail corridor unless prior written approval has been obtained from Sydney Trains. To obtain approval the Applicant will be required to submit details of the scaffolding, the means of erecting and securing this scaffolding, the material to be used, and the type of screening to be installed to prevent objects falling onto the rail corridor. Unless agreed to by Sydney Trains in writing, scaffolding shall not be erected without isolation and protection panels.

A24. Prior to the issuing of a Construction Certificate, the following rail specific items are to be submitted to Sydney Trains for review and endorsement:

- i. Machinery to be used during demolition, excavation and construction.
- ii. Demolition, excavation and construction methodology.

The Principal Certifying Authority is not to issue the Construction Certificate until it has received written confirmation from Sydney Trains that this condition has been complied with.

A25. If required by Sydney Trains, prior to the issue of a Construction Certificate a Risk Assessment/Management Plan and detailed Safe Work Method Statements (SWMS) for the proposed works are to be submitted to Sydney Trains for review and comment on the impacts on rail corridor. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.

A26. If required by Sydney Trains, prior to the issue of a Construction Certificate, the Applicant shall provide a final/revised version Geotechnical Engineering report to Sydney Trains for review and written endorsement. The report shall demonstrate that the development has no negative impact on the rail corridor or the integrity of the infrastructure through its loading and ground deformation and shall contain structural design details/analysis for review by Sydney Trains. The report shall include the potential impact of demolition and excavation, and demolition- and excavation-induced vibration in rail facilities, and loadings imposed on Sydney Trains Facilities by the development. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.

A27. The development must be designed and constructed so that supporting elements comply with the redundancy requirements or the minimum collision loads specified in Australian Standard AS5100. If required by Sydney Trains, prior to the issue of a Construction Certificate, the Applicant is to provide Sydney Trains with a final report from a qualified structural engineer demonstrating that the structural design of the development satisfies the requirements of AS5100. The Principal Certifying Authority shall not issue the Construction Certificate until it has received written confirmation from Sydney Trains that it has received this report and the Principal Certifying Authority has also confirmed that the measures recommended in engineers report have been indicated on the Construction Drawings.

A28. If required by Sydney Trains, prior to the commencement of works or at any time during the excavation and construction period deemed necessary by

Sydney Trains, a joint inspection of the rail infrastructure and property in the vicinity of the project is to be carried out by representatives from Sydney Trains and the Applicant. These dilapidation surveys will establish the extent of any existing damage and enable any deterioration during construction to be observed. The submission of a detailed dilapidation report will be required within 10 days following the undertaking of the inspection, unless otherwise notified by Sydney Trains.

- A29.** If required by Sydney Trains, prior to the issue of the Occupation Certificate, or at any time during the excavation and construction period deemed necessary by Sydney Trains, a joint inspection of the rail infrastructure and property in the vicinity of the project is to be carried out by representatives from Sydney Trains and the Applicant. These dilapidation surveys will establish the extent of any existing damage and enable any deterioration during construction to be observed. The Principal Certifying Authority is not to issue the final Occupation Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.
- A30.** Prior to the issuing of an Occupation Certificate the Applicant is to submit as-built drawings to Sydney Trains and Council. The as-built drawings are to be endorsed by a Registered Surveyor confirming that there has been no encroachment into RailCorp property or easements, unless agreed to be RailCorp. The Principal Certifying Authority is not to issue the final Occupation Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.
- A31.** Sydney Trains or Transport for NSW (TfNSW), and persons authorised by those entities for the purpose of this condition, must be permitted to inspect the site of the development and all structures to enable it to consider whether those structures have been or are being constructed and maintained in accordance with the approved plans and the requirements of this consent, on giving reasonable notice to the principal contractor for the development or the owner or occupier of the part of the site to which access is sought.
- A32.** If required, prior to the issue of a Construction Certificate the Applicant is to contact Sydney Trains Engineering & Interface Management to determine the need for public liability insurance cover. If insurance cover is deemed necessary this insurance be for sum as determined by Sydney Trains and shall not contain any exclusion in relation to works on or near the rail corridor, rail infrastructure and must be maintained for the duration specified by Sydney Trains. The Applicant is to contact Sydney Trains Engineering & Interface Management to obtain the level of insurance required for this particular proposal. Prior to issuing the Construction Certificate the Principal Certifying Authority must witness written proof of this insurance in conjunction with Sydney Trains written advice to the Applicant on the level of insurance required.
- A33.** If required, prior to the issue of a Construction Certificate the Applicant is to contact Sydney Trains Engineering & Interface Management to determine the need for the lodgement of a Bond or Bank Guarantee for the duration of the works. The Bond/Bank Guarantee shall be for the sum determined by

Sydney Trains. Prior to issuing the Construction Certificate the Principal Certifying Authority must witness written advice from Sydney Trains confirming the lodgement of this Bond/Bank Guarantee.

- A34.** Copies of any certificates, drawings, approvals/certification or documents endorsed by, given to or issued by Sydney Trains or RailCorp must be submitted to Council for its records prior to the issuing of the applicable Construction Certificate or Occupation Certificate.
- A35.** The Applicant must ensure that at all times they have a representative (which has been notified to Sydney Trains in writing), who:
- i. oversees the carrying out of the Applicant's obligations under the conditions of this consent and in accordance with correspondence issued by Sydney Trains;
 - ii. acts as the authorised representative of the Applicant; and
 - iii. is available (or has a delegate notified in writing to Sydney Trains that is available) on a 7 day a week basis to liaise with the representative of Sydney Trains, as notified to the Applicant.
- A36.** Without in any way limiting the operation of any other condition of this consent, the Applicant must, during demolition, excavation and construction works, consult in good faith with Sydney Trains in relation to the carrying out of the development works and must respond or provide documentation as soon as practicable to any queries raised by Sydney Trains in relation to the works.
- A37.** Where a condition of consent requires consultation with Sydney Trains, the Applicant shall forward all requests and/or documentation to the relevant Sydney Trains external party interface team. In this instance the relevant interface team is Illawarra Interface and they can be contacted via email on Illawarra_Interface@transport.nsw.gov.au.
- 11. Sydney Water** – The following General Terms of Approval (GTA's) for dewatering shall be satisfied;
- (i) Groundwater shall not be pumped or extracted for any purpose other than temporary construction dewatering at the site identified in the development application.
 - (ii) An authorisation under the relevant water legislation, such as a Water Access Licence (WAL) shall be obtained for the take of groundwater as part of the activity. For avoidance of doubt, these terms do not represent any authorisation for the take of groundwater, nor do they constitute the grant, or the indication of an intention to grant, any WAL.
 - (iii) An authorisation under the relevant water legislation, such as an Approval, is also required for the works involved in extracting the groundwater. For avoidance of doubt, these terms do not represent any authorisation for the construction or installation of such works.
 - (iv) The relevant works must not be carried out. Installed or operated until a specialist hydrogeological assessment has been completed by the

Department of Planning Industry and Environment which concludes that adequate arrangements are in force to ensure that no more than minimal harm will be done to any water source, or its dependent ecosystems as a consequence of the construction or use of the proposed water management work.

- (v) The design and construction of the building must prevent any take of groundwater after the authorisation has lapsed by making any below-ground levels that may be impacted by any water table fully watertight for the anticipated life of the building. Waterproofing of below-ground levels must be sufficiently extensive to incorporate adequate provision for unforeseen high water table elevations to prevent potential future inundation.
- (vi) Sufficient permanent drainage shall be provided beneath and around the outside of the watertight structure to ensure that natural groundwater flow is not impeded and: a. groundwater mounding at the edge of the structure shall be at a level not greater than 10% above the level to which the water table might naturally rise in the location immediately prior to the construction of the structure; and b. any elevated water table is more than 1.0m below the natural ground surface existent at the location immediately prior to the construction of the structure; and c. where the habitable part of the structure (not being the footings or foundations) is founded in bedrock or impermeable natural soil then the requirement to maintain ground water flows beneath the structure is not applicable.
- (vii) Construction methods and material used in and for construction shall be designed to account for the likely range of salinity and pollutants which may be dissolved in groundwater, and shall not themselves cause pollution of the groundwater.
- (viii) The Applicant is bound by the above terms and any other terms and conditions of the subsequent authorisations required for the extraction of groundwater and the associated works under the relevant water legislation.
- (ix) Measurement and monitoring arrangements to the satisfaction of WaterNSW are to be implemented. Weekly records of the volumes of all groundwater pumped and the quality of any water discharged are to be kept and a completion report provided after dewatering has ceased. Records of groundwater levels are to be kept and a summary showing daily or weekly levels in all monitoring bores provided in the completion report.
- (x) Following cessation of the dewatering operations and prior to the surrender of any associated authorisation, the applicant shall submit to WaterNSW the completion report which shall include: a. detail of the volume of water taken, the precise periods and location of water taken, the details of water level monitoring in all of the relevant bores; and b. The location and construction of groundwater extraction works that are decommissioned c. a water table map depicting the aquifer's settled groundwater condition and a comparison to the baseline conditions and d. a detailed interpreted hydrogeological report identifying all actual resource and third party impacts, including an assessment of altered groundwater flows and an

assessment of any subsidence or excessive settlement induced in nearby buildings and property and infrastructure.

(note: these are standard Water NSW conditions which may need to be amended after concurrence is issued).

12. **Trade Waste Agreements** - A Trade Waste Agreement with Sydney Water may be required. Details of any work required to comply with the agreement must be detailed on the plans lodged with the Construction Certificate. If no trade waste agreement or grease trap is required, a letter from Sydney Water to this effect must be submitted with the application for the Construction Certificate.
13. **Ausgrid** – The following Ausgrid requirements are to be satisfied;
 - a) Prior to any development being carried out, the approved plans must be submitted to Ausgrid's local customer service office for approval to determine whether the development will affect Ausgrid's network easements.
 - b) Should the existing overhead mains require relocating due to the minimum safety clearances being compromised in either the above scenarios, this relocation work is generally at the developer's expense. It is also the responsibility of the Developer to ensure that the existing overhead mains have sufficient clearance from all types of vehicles that are expected to be entering and leaving the site.
 - c) Ausgrid is to be consulted to determine if underground electricity conduits are to be installed in the footway. If so, the developer is to install the conduits within the footway across the frontage/s of the development site, to Ausgrid's specifications. Ausgrid will supply the conduits at no charge. The developer is responsible for compaction of the trench and restoration of the footway in accordance with Council direction. For details visit www.ausgrid.com.au or call 131365
14. **Ausgrid - Clearances to electricity mains** - If any part of the proposed structure, within 5m of a street frontage, is higher than 3m above footway level, Ausgrid is to be consulted to determine if satisfactory clearances to any existing overhead High Voltage mains will be affected. If so, arrangements are to be made, at your cost, with Ausgrid for any necessary modification to the electrical network in question. For details visit www.ausgrid.com.au or call 131365.
15. **Ausgrid - Undergrounding electricity mains (Hurstville CBD area)** - Arrangements are to be made with Ausgrid to install underground all low voltage street mains in that section of the street/s adjacent to the development and to provide conduits for the future undergrounding of high voltage mains. This shall include any associated services and the installation of underground supplied street lighting columns where necessary. These works to be carried out at the expense of the beneficiary of the consent. For details visit www.ausgrid.com.au or call 131365.
16. **Sydney Airport** – The following requirement/s from Sydney Airport shall be satisfied;
 - (i) Approval to operate construction equipment including cranes (Application for Approval of Crane Operation) should be obtained prior to commencing any construction work.

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

17. Required Design Changes – The following amendments are to be made to the plans and details provided with the Construction Certificate to the satisfaction of the Principal Certifying Authority;

- (a) The winter gardens shall have the lower pane of glass from the finished floor level constructed of obscure glazing.
- (b) An entry door shall be included to Unit 603 on Level 6 in the Construction Certificate Plans.
- (c) The basement finished floor levels shall be consistent with the finished floor levels within the Central Stage (Imperial Hurstville) building. The lobby area in the basement/s shall also be designed to reflect these levels.
- (d) The rooms with a snorkel window shall have this window relocated and extended 1m to the north and the windows to this elevation shall be full height operable windows to increase the amount of light and ventilation into these spaces.
- (e) Full height, louvred privacy screens shall be implemented along the western sides of balconies to Units 1201, 1101, 1001, 901, 801, 701, 601, 501, 401, 301 and 201.
- (f) The Landscape Plan shall be updated to cater for the following details;
 - Planter boxes shall be included around the periphery of the roof terrace especially along the western side and shall be designed to include a self irrigation system and include a minimum of 5 medium sized trees/shrubs.
 - The roof top terrace area shall include some benches and seating that can be built into the planter boxes.
 - The roof top landscaped area shall be redesigned to be similar and consistent with the original landscape plans that were lodged with the Concept Approval prepared by Habitation, plan No.s 10_081 L02 dated 26 November 2010 (Rev A).
 - The rear ground floor communal area shall be softly landscaped and shall be consistent with the original landscape plans that were lodged with the Concept Approval prepared by Habitation, plan No.s 10_081 L06 dated 26 November 2010 (Rev A). The water feature may not be necessary and could be replaced with planting.
 - A minimum of four (4) new trees with heights of 8m at maturity to be planted along the rear boundary to provide additional screening shall be included.
 - A WC is to be included adjoining the Lobby on L13.
- (g) Details of the proposed treatment of the western elevation wall (when completed) shall be designed by Stanisic architects.
- (h) An area with minimum dimensions of 9m wide (equivalent to two panels CN1 wide as shown on the western elevation plan DA 14) and up to the finished floor level of Level 2 shall be dedicated as a public art space.
- (i) The awning design shall be consistent with the existing awning adjoining the site along the front of 21-33 Treacy Street and shall comply with Council's specifications and requirements in respect to awnings. Cut outs may be required to accommodate street trees.
- (j) The floor to ceiling height of the retail tenancy No.1 shall be a minimum of 3.3m.

18. Stormwater drainage design changes – The stormwater plans shall be revised and submitted to Council's Asset Engineer satisfying the following.

- A new 375 mm diameter RCP drainage line shall be designed and constructed along Tracey Street from the site to the nearest kerb inlet pit. This is to ensure Council's requirements are met.
- The proposed drainage along Treacy Street shall be documented on a detailed features survey plan that describes all existing structures, utility services, vegetation and other relevant information.
- The inlet pits shall be cast-in-situ and conforming to Council's standard drainage pit details.
- The minimum distance from the lintel to the near end of the splay of the driveway at kerb line shall be at least 500mm.
- A drainage system longitudinal section drawn at a scale of 1:100 or 1:200 horizontally and 1:10 or 1:20 vertically and showing crossing utility services, pipe size, class and type (minimum class 2), pipe support type in accordance with AS 3725 or AS 2032 as appropriate, pipeline chainages, pipeline grade, hydraulic grade line and any other information necessary for the design and construction of the drainage system.
- OSD Volume and orifice size calculations shall be revised up to 100 year ARI flood event and shown on the Stormwater Plan. Please note that DRAINS model results table in drawing D14, Rev B shows up to the 20 year ARI event which is not acceptable. It is noted Lane Cove Council On-Site Stormwater Detention System label is used on the drawing.

19. **Stormwater System** - The submitted stormwater plan has been assessed as a concept plan only. Final detailed plans of the drainage system, prepared by a professional engineer specialising in hydraulic engineering, shall be submitted for approval with the Construction Certificate.

- (a) All stormwater shall drain by gravity to Council's drainage line in accordance with the Australian/New Zealand Standard AS/NZS 3500.3: 2015 (as amended).
- (b) Stormwater drainage plans including pipe sizes, type, grade, length, invert levels, dimensions and types of drainage pits prepared by a professional engineer who specialises in Hydraulic Engineering in accordance with the Australian Institute of Engineers Australian Rainfall and Runoff (1987) and Council's Stormwater Drainage Guidelines, shall accompany the application for the Construction Certificate.

20. **Stormwater Drainage Plan Details** - Stormwater drainage plans including pipe sizes, type, grade, length, invert levels, dimensions and types of drainage pits prepared by a professional engineering specialising in hydraulic engineering shall be submitted with the Construction Certificate application.

These plans shall be prepared in accordance with the Australian Institute of Engineers Australian Rainfall and Runoff (2005 or 2016) and Council's drainage guidelines within the Georges River Stormwater Management Policy.

21. **Structural stability** - The construction certificate plans must be accompanied by a certification from a qualified structural engineer that the structural design of the basement walls and upper level walls will be structurally sound and stable to support the building as well as considering the siting and maintaining support to the adjoining building (21-33 Treacy Street).

22. **Access through to adjoining building** - The construction certificate plans must be accompanied by a certification from a qualified structural engineer that the structural design and construction method proposed to create the new openings for access through to No.21-33 Treacy Street (Imperial Hurstville building) will be structurally stable and will be able to support the new and existing building.
23. **Building - Structural Engineers Details – Supporting excavations and adjoining land** - Prior to the commencement of work in connection with the excavation of the site associated with the basement car park, structural engineer's details relating to the method of supporting the excavation must be submitted.
24. **Mechanical Plant** – the proposed design and location of the mechanical ventilation system, plant and equipment will need to be provided to the Certifier. All plant and equipment shall be appropriately treated and sound proofed. It is recommended that prior to the Construction Certificate (CC) being issued a detailed acoustic assessment be conducted once the exact location of the equipment is confirmed.
25. **Development Assessment - Design Quality Excellence** - In order to ensure the design quality excellence of the development is retained:
 - (i) The design architect – Frank Stanisic is to have direct involvement in the design documentation, contract documentation and construct stages of the project;
 - (ii) The design architect is to have full access to the site and is to be authorised by the applicant to respond directly to the consent authority where information or clarification is required in the resolution of the design issues throughout the life of the project;
 - (iii) Evidence of the design architect's commission is to be provided to the Council prior to release of the Construction Certificate.
 - (iv) The design architect of the project is not to be changed without prior notice and approval of the Council.
26. **External Finishes (Colours and Textures)** – The development shall be constructed in accordance with the schedule of finishes, colours and materials as stipulated in the plan submitted with the application and prepared by Stanisic Architects.
27. **BCA Compliance** – The recommendations in the BCA Compliance Assessment Report prepared by BCA Consulting and dated 4 July 2018 shall be implemented as part of the Construction Certificate and the Certifier shall ensure compliance is achieved.
28. **Remediation** – The recommendations of the Remediation Action Plan prepared by El Australia and dated 19 May 2020 Remediation Works shall be implemented prior to any form of demolition and excavation occurring.

All remediation work must be carried out in accordance with: -

- The *State Environmental Planning Policy No 55--Remediation of Land* (SEPP 55); and
- Guidelines made or approved by the EPA include the National Environment Protection (Assessment of Site Contamination) Measure 1999 (April 2013) (ASC NEPM), Guidelines for consultants reporting on Contaminated Sites and Guidelines for the NSW Site Auditor; and in accordance with the *Remediation Action Plan, 33-35 Treacy St Hurstville. Version E24585.E06_Rev1* by Eiaustralia dated 19 May 2020.

29. **BASIX Commitments** - All energy efficiency measures as detailed in the BASIX Certificate No. 945605M and dated 28 August 2018 must be implemented on the plans lodged with the application for the Construction Certificate.
30. **Acoustic requirements for timber flooring** - If timber flooring is installed within the development, then appropriate insulation between floors shall be implemented to exceed the minimum sound attenuation.
31. **Acoustic attenuation for apartments adjoining lift core** – Where bedrooms within apartments that adjoin the internal lift core; appropriate noise attenuation measures are to be applied to prevent transmission of noise in accordance with the Building Code of Australia (BCA)
32. **Wind mitigation** – The recommendations in the Addendum Report prepared by Wind Tech and dated 30 August 2018 shall be included as part of the Construction Certificate Plans. Updated Landscape Plans shall include the recommendations included as part of this report.
33. **Building Sustainability** – The recommendations of the Building Sustainability report prepared by Floth Consultants and dated 20 April 2012 shall be incorporated into the development and compliance shown at the Construction Certificate stage to ensure a minimum 4 Star Rating against the Green Star Scheme can be achieved.
34. **Geotechnical** – The recommendations of the Geotechnical report prepared by Assetgeo and dated 25 May 2018 shall be implemented as part of the Construction Certificate details and plans.
35. **Street trees** – The existing street tree at the front of the site along Treacy Street shall be retained and an additional street tree installed to the east of the existing tree. The new tree shall be to Council's specifications having a min 100L pot size and will be consistent with the planting of street trees along the front of 21-31 Treacy Street.
36. **Dial before your dig** - The applicant shall contact "Dial Before You Dig on 1100" to obtain a Service Diagram prior to the issuing of the Construction Certificate. The sequence number obtained from "Dial Before You Dig" shall be forwarded to the Principal Certifying Authority (PCA) and provided to Council with the construction certificate plans and documents.

37. **Site Management Plan (Major Development)** - Site Management Plan must be submitted with the application for a Construction Certificate, and include the following:

- (a) location of protective site fencing;
- (b) location of site storage areas/sheds/equipment;
- (c) location of building materials for construction, e.g. stockpiles
- (d) provisions for public safety;
- (e) dust control measures;
- (f) method used to provide site access location and materials used;
- (g) details of methods of disposal of demolition materials;
- (h) method used to provide protective measures for tree preservation;
- (i) provisions for temporary sanitary facilities;
- (j) location and size of waste containers/skip bins;
- (k) details of proposed sediment and erosion control measures;
- (l) method used to provide construction noise and vibration management;
- (m) construction and demolition traffic management details.

The site management measures are to be implemented prior to the commencement of any works including demolition and excavation. The site management measures are to be maintained throughout the works, to maintain reasonable levels of public health, safety and amenity. A copy of the Site Management Plan must be kept on site and is to be made available upon request.

38. **Crime Prevention/Maintenance Conditions** - The construction certificate plans shall show the following details:

- External boundary walls to be sealed and coated in anti-graffiti product that provides for long-term permanent protection.
- Lighting to the Treacy Street frontage and in the residential and commercial foyers

39. **Development Engineering – Alignment Levels** - An Application under Section 138 of the Roads Act 1993 shall be submitted to Council's Engineer for the issue of levels for the new kerb and gutter, footpath design and alignment levels for the full frontage of the site in Treacy Street. These kerb and alignment levels shall be issued **prior to the issue of the Construction Certificate**.

Constructing a vehicular crossing, kerb, gutter and/or footpath requires separate approval under Section 138 of the Roads Act 1993, **prior to the issue of the Construction Certificate**.

40. **Health - Acoustic Certification - Rooftop Mechanical Equipment (CBD only)**
 - The Construction Certificate plans must be accompanied by a certificate from a professional acoustic engineer certifying that noise from the operation of any roof top mechanical plant and equipment will not exceed the background noise level when measured at any boundary of the site. If sound attenuation is required, this must be detailed on the plans lodged with the Construction Certificate.

41. **Public Domain works plan** - Prior to issuing the Construction Certificate, a Public Domain Works Plan is to be prepared which shall provide details on how the public domain will be treated and landscaped. The following features are to be shown on the plan (but not limited to these);

- Footpath design and layout including materials and finishes (to be consistent with the adjoining footpath detailing and treatment at the front of 21-31 Treacy Street;
- Design and treatment of Council's front verge. This shall include the planting of mature trees in accordance with the Landscape conditions as part of this consent.
- Location of any infrastructure services although electricity lines are recommended to be relocated below ground where possible.
- Type and area of any grass to be replaced.
- New driveway cross-overs

A detailed plan shall be provided and approved by Council's Delegate prior to the issuing of the Construction Certificate.

42. **Fire Safety Measures** - Prior to the issue of a Construction Certificate a list of the essential fire safety measures that are to be provided in relation to the land and any building on the land as a consequence of the building work must accompany an application for a construction certificate, which is required to be submitted to either Council or a PCA. Such list must also specify the minimum standard of performance for each essential fire safety measure included in the list. The Council or PCA will then issue a Fire Safety Schedule for the building.

43. **NBN Connection** - Prior to the issue of the Subdivision or Construction Certificate in connection with a development, the developer (whether or not a constitutional corporation) is to provide evidence satisfactory to the Certifying Authority that arrangements have been made for:

- (i) the installation of fibre-ready facilities to all individual lots and/or premises in a real estate development project so as to enable fibre to be readily connected to any premises that is being or may be constructed on those lots. Demonstrate that the carrier has confirmed in writing that they are satisfied that the fibre ready facilities are fit for purpose; and
- (ii) the provision of fixed-line telecommunications infrastructure in the fibre-ready facilities to all individual lots and/or premises in a real estate development project demonstrated through an agreement with a carrier.

(Note real estate development project has the meanings given in section 372Q of the Telecommunications Act).

44. **Acoustic Requirements - Compliance with submitted Acoustic Report** - The Construction Certificate plans shall demonstrate compliance with the recommendations in the Acoustic Report, titled "*Environmental Noise Impact*" prepared by Day Design and dated 21 August 2018.

Written verification from a suitably qualified acoustic consultant must be submitted to Council validating that the acoustic objectives and recommendations contained within the aforementioned report will be met, must be submitted to Council prior to the issuing of the Construction Certificate.

45. **Noise and vibration** - The Construction Certificate plans shall demonstrate compliance with the recommendations in the *"Noise and Vibration Intrusion Assessment"* report prepared by Day Design and dated 21 August 2018.

Written verification from a suitably qualified acoustic consultant must be submitted to Council validating that the acoustic objectives and recommendations contained within the aforementioned report will be met, must be submitted to Council prior to the issuing of the Construction Certificate.

46. **Traffic management** – Mirrors are to be installed at each breakaway connection between the basement levels to ensure that vehicles moving between the two developments are visible to each other at all times.
47. **Car Wash Bays** - Plans and specifications of the car washing system which has been approved by Sydney Water must be submitted with the application for the Construction Certificate.

All car washing bays shall be contained within a roofed and bunded car wash bay with pre-treatment approved by Sydney Water. The water from the car wash bay must be graded to a drainage point and connected to sewer.

If alternative water management and disposal options are proposed (i.e. where water is recycled, minimised or reused on the site), detailed plans and specifications of the water recycling system must be submitted with the application for the Construction Certificate for approval.

48. **Fire requirements** - Prior to the issue of a Construction Certificate the applicant may be required, under Clause 144 of the Environmental Planning & Assessment Regulation, 2000 to seek written comment from FR NSW about the location of water storage tanks, construction of hydrant/booster pump and valve rooms, and any Fire Engineered Solution developed to meet the performance requirements under the Category 2 Fire Safety Provisions.

The applicant is also advised to seek written advice from FR NSW on the location and construction of the proposed Fire Control Centre Facility and location and installation of the sites Fire Indicator / mimic Panels.

49. **Fees to be paid** - The fees listed in the table below must be paid in accordance with the conditions of this consent and Council's adopted Fees and Charges applicable at the time of payment (available at www.georgesriver.nsw.gov.au).

Payments for General Fees must be made prior to the issue of the Construction Certificate or prior to the commencement of work (if there is no associated Construction Certificate).

Please contact Council prior to the payment of Section 7.11 Contributions to determine whether the amounts have been indexed from that indicated below in this consent and the form of payment that will be accepted by Council.

Council will only accept Bank Cheque or Electronic Funds Transfer (EFT) for transaction values of \$500,000 or over. Council must be contacted prior to payment to determine correct total amount to be paid and bank account details (if applicable).

A summary of the fees to be paid are listed below:

Fee Type	Fee
GENERAL FEES	
Long Service Levy (to Long Service Corporation) Or, provide evidence of Payment direct to the Long Service Corporation. See https://portal.longservice.nsw.gov.au/bci/levy/	
Builders Damage Deposit 24.42m frontage x \$1236.00 Treacy Street frontage	\$30,183.12
Inspection Fee for refund of Damage Deposit (x2)	\$742.00
DEVELOPMENT CONTRIBUTIONS	
Hurstville Section 94 Development Contributions Plan 2012 (Amendment No.2) City Centre Contributions	\$34,342.38
Hurstville Section 94 Development Contributions Plan 2012 (Amendment No.2) Community Facilities	\$77,404.97
Hurstville Section 94 Development Contributions Plan 2012 (Amendment No.2) Open Space	\$547,309.29
Total Development Contributions (this excludes General Fees – damage deposit and inspections)	\$659,056.64

General Fees

The fees and charges above are subject to change and are as set out in the version of Council's Schedule of Fees and Charges or as required by other

Government Authorities, applicable at the time of payment.

Development Contributions

The Section 7.11 contribution is imposed to ensure that the development makes adequate provision for the demand it generates for public amenities and public services within the area.

A Section 7.12 contribution has been levied on the subject development pursuant to the Georges River Council Section 94A Contributions Plan.

Indexation

The above contributions will be adjusted after 1 May 2020, at the time of payment to reflect changes in the cost of delivering public amenities and public services, in accordance with the indices provided by the relevant Section 94 Development Contributions Plan.

Timing of Payment

The development contribution that is required to be paid in accordance with this condition of this consent must be paid before the issue of the first Occupation Certificate in respect of any building to which this consent relates, except as noted below in accordance with the Ministerial Direction issued 25 June 2020.

If no Construction Certificate in respect of the erection of any building to which the consent relates has been issued before or on 25 September 2022, the monetary contribution must be paid before the issue of the [first] Construction Certificate after that date for any such building.

Further Information

A copy of the *all current Development Contributions Plans* may be inspected or a copy purchased at Council's offices (Georges River Civic Centre, MacMahon Street, Hurstville and Kogarah Library and Service Centre, Kogarah Town Square, Belgrave Street, Kogarah) or viewed on Council's website www.georgesriver.nsw.gov.au.

50. **Damage Deposit - Major Works** In order to insure against damage to Council property the following is required:
 - i. Pay Council, before the issue of the Construction Certificate, a damage deposit for the cost of making good any damage caused to any Council property as a result of the development: **\$30,183.12**
 - ii. Pay Council, before the issue of the Construction Certificate, a non-refundable inspection fee (for two inspections) to enable assessment of any damage and repairs where required: **\$742.00**.
51. **Landscape Plans** - All landscape works shall be carried out in accordance with the approved landscape plans and specifications, drawn by Distinctive Living Design, drawing numbers – 23 – 18.01 - 05 .

The landscaping shall be maintained in accordance with the approved plans (apart from any landscape design changes specified in other conditions specified as part of this consent) in perpetuity, subject to the following:

- All proposed trees shall be minimum 75 litre trees.

52. **General Landscape Requirements** - The proposed plant species, pot/ bag size and quantities of plants shall be in accordance with the proposed plant schedule upon the landscape plan. If plant species, pot/ bag size and quantities cannot be sourced, Council shall be contacted for alternatives.

All trees proposed upon the approved landscape plan shall comply with NATSPEC Specifying Trees: a guide to assessment of tree quality (2003), and be planted and maintained in accordance with Councils standard specification.

53. **Tree Removal & Retention** - The following trees shall be retained and protected:

Tree Species	Location of Tree / Tree No.	Tree Protection Zone (metres) Fencing distance from trunk
<i>Robinia psuedoacacia</i>	Council's street tree	4.2 metres radially around tree

Details of the trees to be retained must be included on the Construction Certificate plans.

General Tree Protection Measures

- All trees to be retained shall be protected before and maintained during demolition, excavation and construction of the site.
- The tree protection measures must be undertaken in accordance *AS4970-2009 Protection of trees on development sites*.
- Details of the tree protection measures to be implemented must be provided with the application for a Construction Certificate by a suitably qualified Arborist (AQF Level 5 or above in Arboriculture).
- The Project Arborist must be present on-site during the stages of excavation, demolition and construction when works are being undertaken that could impact on the tree canopy or root zone within the tree protection zone of each tree.
- Unless otherwise specified in *AS 4970-2009 Protection of trees on development sites*, a protective fence consisting of 1.8 metres high, fully supported chainmesh fence shall be erected around the base of the tree. The distance of the fence from the base of each tree is to be in accordance with the TPZ listed in the table above. A layer of organic mulch 100 millimetres thick shall be placed over the protected area and no soil or fill should be placed within the protection area.
- The Tree Protection Zone of each tree, to be protected, shall be watered

thoroughly and regularly to minimise the effects of construction works.

- (g) No building products/ materials or services shall be installed within the TPZ of the tree/s unless approved by Council. This fence shall be kept in place during demolition, construction and also have a sign displaying 'Tree Protection Zone – DO NOT ENTER' attached to the fence and must also include the name and contact details of the Project Arborist.

Excavation works near tree to be retained

- (h) Excavations around the trees to be retained on site or the adjoining properties shall be supervised by the Project Arborist to ensure that the root system will not adversely be affected.
- (i) Where the Tree Protection Zone (TPZ) of trees on site or adjoining sites become compromised by any excavation works, the Project arborist shall be consulted to establish the position of any major roots and determine the necessary measures to protect these roots. The recommendations of the Arborist shall be submitted to Council prior to any further demolition or construction works taking place.
- (j) Tree Protection Zone around the trees to be retained are not to have soil level changes, building product / materials stored or services installed in this area. Any structures proposed to be built in this area of the trees are to utilise pier and beam or cantilevered slab construction.

Details satisfying this condition shall be shown on the Construction Certificate plans.

Street Tree Removal / Replacement by Council –

- a) One street tree of species to be determined and to Council's satisfaction must be provided in the road reserve fronting the site.
- b) Council shall be appointed to remove and plant all tree/s on public land. All costs associated with the removal of the tree/s and the planting of replacement trees shall be met by the applicant. Fees and charges outlined in the table below are subject to change and are set out in the current version of Council's 'Schedule of Fees and Charges', applicable at the time of payment.
- c) The fees must be paid in accordance with the conditions of this consent. The fee payable is to ensure that the development makes adequate provision for the demand it generates for public amenities and public services within the area.
- d) The fees payable will be adjusted at the time of payment to reflect changes in the cost of delivering public amenities and public services, in accordance with the indices provided by the relevant conditions set out in this consent.

Fee Type – Tree planting on public land	Number of trees	Amount per tree
Administration Fee, tree planting and	X1	\$452.00

maintenance		
Cost of tree removal	-	N/A
Cost of Stump Grinding	-	N/A

54. **Use of Rooftop open space** - A Plan of Management (POM) for use of rooftop open space must be submitted to the satisfaction of the Principal Certifying Authority with a copy provided to Council prior to the issuing of the Construction Certificate. The POM must outline the following:

- (i) The hours of use of the rooftop deck which shall be restricted from 8am until 10pm;
- (ii) The maximum number of users at any one time shall be specified (for this development a maximum of 20 at any one time is recommended) given the size of the space;
- (iii) Include provisions to maximise the safety (fire safety and general safety) for users of this area.
- (iv) no amplified music is permitted;
- (v) identify other measures to ensure that the amenity and safety of persons within the development and in nearby existing and future development is maintained.
- (vi) Location and type of signage to be installed in the building to notify residents and visitors in respect to the use of this space.
- (vii) The approved POM shall be incorporated into the Owners Corporation by-laws in any future Strata subdivision and a sign in the front entry of the building shall be included to ensure the use of this space is monitored and understood by all occupants.

55. **Parking and Layout** - The design of the development shall comply with the following requirements with details demonstrating this submitted to the satisfaction of the Principal Certifying Authority prior to the release of a Construction Certificate;

- The layout of the proposed car parking and loading areas associated with the subject development (including, driveways, grades, turn paths, sight distance requirements in relation to landscaping and/or fencing, aisle widths, aisle lengths, and parking bay dimensions) shall be in accordance with AS 2890.1-2004, AS2890.6-2009 and AS 2890.2-2002 for heavy vehicle usage.
- Bicycle parking associated with the subject development shall be in accordance with AS 2890.3 (Bicycle Parking Facilities).
- Driveway access is to comply with figure 3.3-Minimum Sight Lines for Pedestrian Safety as per AS 2890.1:2004 of the Australian Standard for off-street car parking. Figure 3.3 specifies the minimum sight lines for pedestrian safety along a circulation driveway or domestic driveway.

- Any wall or fence or solid object on either side of the driveway/vehicular crossing where it meets the Council's road reserve at the boundary must comply with sight distance requirements stipulated in the *Australian Standards AS2890.1*.
 - All vehicles shall enter and exit the premises in a forward direction.
56. **Construction materials** - Any proposed new cladding shall be constructed of fire resistant materials which comply with the requirements of the National Construction Code (NCC) 2019 Volume (1) One Building Code of Australia (BCA). Details of the proposed materials and finishes shall be to the satisfaction of the Principal Certifier.
57. **Railway corridor** – The wall to the railway corridor shall be finished or painted with anti-graffiti paint or similar materials.
58. **Mechanical ventilation** – Any proposed mechanical ventilation system will need to satisfy Council's requirements and those stipulated by the National Construction Code and AS1668.2-2002. Details of the proposed Mechanical Ventilation system shall be provided to the Certifier and shall be sensitively located to minimise visual appearance of these ancillary structures and in a way to minimise any noise or visual impacts from adjoining properties.
59. **Geotechnical Reports** - The applicant must submit a Geotechnical Report, prepared by a suitably qualified Geotechnical Engineer who holds the relevant Certificate of accreditation as required under the Building Professionals Act 2005 in relation to dilapidation reports, all site works and construction. This is to be submitted to the satisfaction of the Principal Certifying Authority **before the issue of the Construction Certificate** and is to include:
- (a) Investigations certifying the stability of the site and specifying the design constraints to be placed on the foundation, any earthworks/stabilization works and any excavations.
 - (b) Dilapidation Reports on the adjoining properties prior to any excavation of site works. The Dilapidation Report is to include assessments on, but not limited to, the dwellings at those addresses and any external paths, grounds etc. This must be submitted to the Certifying Authority and the adjoining residents as part of the application for the Construction Certificate. Adjoining residents are to be provided with the report five (5) working days prior to any works on the site.
 - (c) On-site guidance by a vibration specialist during the early part of excavation.
 - (d) Rock breaking techniques. Rock excavation is to be carried out with tools such as rock saws which reduce vibration to adjoining buildings and associated structures.
 - (e) Sides of the excavation are to be pierced prior to any excavation occurring to reinforce the walls of the excavation to prevent any subsidence to the required setbacks and neighbouring sites.
60. **Vibration Damage** - To minimise vibration damage and loss of support to the buildings in close proximity to the development, any excavation is to be carried out by means of a rock saw and if available, in accordance with the guidelines of the Geotechnical Engineer's report.

Alternatively where a hydraulic hammer is to be used within 30 metres of any building (other than a path or a fence) a report from a qualified geotechnical engineer detailing the maximum size of hammer to be used is to be obtained and the recommendations in that report implemented during work on the site. **The report shall be submitted with the Construction Certificate application.**

61. **Slip Resistance** - All pedestrian surfaces in areas such as foyers, public corridors/hallways, stairs and ramps as well as floor surfaces in the wet rooms in any residential unit must have slip resistance classifications, as determined using test methods in either wet or dry conditions, appropriate to their gradient and exposure to wetting. The classifications of the new pedestrian surface materials, in wet or dry conditions, must comply with AS/NZS4586:2004 - Slip Resistance Classifications of New Pedestrian Materials and must be detailed on the plans lodged with the application for the Construction Certificate.
62. **Traffic Management - Compliance with AS2890** - All driveways, access ramps, vehicular crossings and car parking spaces shall be designed and constructed in accordance with the current version of Australian Standards, AS 2890.1 (for car parking facilities) and AS 2890.2 (for commercial vehicle facilities).
63. **Development Engineering - Driveway Construction Plan Details** - Engineer's details shall be submitted with the Construction Certificate application regarding the proposed construction of the driveway.

These details shall show longitudinal and cross sections, gradients, swept paths, type of construction materials and shall be designed in accordance with AS/NZS2890.1-2004.

The driveway shall be designed with a surface that shall be non-slip.

64. **Construction Traffic Management Plan (CTMP)** - A Construction Traffic Management Plan is to be prepared detailing:
 - (a) construction vehicle routes;
 - (b) anticipated number of trucks per day;
 - (c) hours of construction activity;
 - (d) how construction works will be coordinated with the use of No.21-33 Treacy Street
 - (e) Access arrangements; and
 - (f) Proposed traffic measures to minimise impacts of construction vehicles must be submitted for the approval of Council's Engineers. Council's Engineers must specify in writing that they are satisfied with the Traffic Management Plan prior to the issue of the Construction Certificate.

The CTMP shall be sent to Georges River Council email to mail@georgesriver.nsw.gov.au Attention: Traffic Section - Construction Traffic Management Plan for DA2018/0366.

65. **Community room** – The builder shall communicate and coordinate with the Strata Manager of the adjoining development (21-31 Treacy Street) the

construction process which will provide a physical opening within this room through to the roof terrace on Level 13 for access for occupants within the Imperial Hurstville building.

66. **Easements** – An easement for access may need to be created prior to the issuing of the Occupation Certificate that entitles the owners and occupants of No.21-31 Treacy Street to be able to use the roof top garden and the Plan of Management is provided to the Body Corporate of the neighbouring building for their information.
67. **Waste Management Plan** – an updated/revised Waste Management Plan shall be prepared and lodged to the satisfaction of the Certifier prior to the issuing of the Construction Certificate and shall outline waste management and removal during construction and ongoing occupation of the building. It shall also outline how waste removal will be coordinated with the existing waste removal arrangements at 21-31 Treacy Street. Measures shall be adopted to minimise any conflicts and the proposed arrangements shall comply with Council's requirements for waste disposal.
68. **Waste Storage (Residential and Mixed Use Developments)** - The plans shall include details of the waste storage area as below to the satisfaction of the Principal Certifying Authority prior to the release of a Construction Certificate. The waste storage area shall not be visible from the street. The waste storage area shall be located within the lot/building in accordance with the approved plans.

The waste storage area shall be large enough to accommodate the required number of bins for the development and located in an area to suitably facilitate servicing on waste collection day. The path to the bin room is to be at least 1.0metre wide and kept clear and unobstructed at all times. All garbage rooms must have double doors to allow the access of bins from the basement to kerbside.

Residential Waste

The development will require the provision of the following waste and recycling facilities:

Putrescible Waste

- (a) A minimum of 13 x 240L garbage bins.

Recycling Waste

- (b) A minimum of 8 x 240L recycling bins.

Green Waste

- (c) A minimum of 1 x 240 litre mobile bins.

Retail Waste

The development will require the provision of the following waste and recycling facilities:

Retail Putrescible Waste

- (a) A minimum of 4 x 240L or 1 x 1100L mobile bins for commercial waste, and

Retail Recycling

- (b) A minimum of 4 x 240L or 2 x 1100L mobile bins for commercial recycling

The number of bins and the removal of waste shall be once to a maximum of twice a week.

69. **Garbage rooms** – The residential garbage/recycling rooms shall be separate to the commercial garbage/recycling areas. These rooms shall be clearly designated on the construction certificate plans and will need to accommodate the minimum number of bins as specified in Condition 49 to the satisfaction of the Principal Certifying Authority prior to the release of the Construction Certificate.
70. **Removal of waste** – Garbage and recyclable waste shall be removed from the street or loading bay located at 21-31 Treacy Street. An arrangement for either a Private Contractor or Council to remove waste shall be organised and either arrangement shall ensure that waste removal will minimise noise and impact on the streetscape.
71. **Bulky Goods Waste Room** – An area shall be enclosed and designated as a Bulky Goods Waste/Storage space. This room is to cater for larger goods such as furniture that is to be disposed of and can be stored in this space until collection occurs and is to be shown within the approved building envelope on the Construction Certificate Plans to the satisfaction of the principal certifying authority prior to the release of a Construction Certificate.
72. **Waste room design** - The waste room will contain the following to minimise odours, deter vermin, protect surrounding areas, and make it a user friendly and safe area:
- waste room floor to be sealed;
 - waste room walls and floor surface is flat and even;
 - all walls painted with light colour and washable paint;
 - equipment electric outlets to be installed 1700mm above floor levels;
 - The bin storage rooms will be mechanically exhausted as required by AS 1668.2;
 - light switch installed at height of 1.6m;
 - waste rooms must be well lit (sensor lighting recommended);
 - optional automatic odour and pest control system installed to eliminate all pest types and assist with odour reduction - this process generally takes place at building handover - building management make the decision to install;
 - all personnel doors are hinged and self-closing;
 - waste collection area must hold all bins - bin movements should be with ease of access;

- Conform to the Building Code of Australia, Australian Standards and local laws; and childproofing and public/operator safety shall be assessed and ensured.
- Occupational Health and Safety issues such as slippery floors in waste rooms and the weight of the waste and recycling receptacles will need to be monitored.
- Cleaners will monitor the bin storage area and all spills will be attended to immediately by cleaners.

This information shall be reflected on construction drawings submitted to the certifying authority to the satisfaction of the Principal Certifying Authority.

73. Commonwealth Disability (Access to Premises) Standard - The Commonwealth Disability (Access to Premises - Buildings) Standards 2010 (the Premises Standards) applies to all applications (including a Construction Certificate). This requires any new building, part of a building and the affected part of the existing building to comply with the Premises Standards, the Building Code of Australia and AS 1428.

74. Access for Persons with a Disability and Adaptable Housing - Access for persons with disabilities must be provided throughout the site, including to all communal spaces, lobby/entry areas and sanitary facilities in accordance with the requirements of the Premises Standards, the Building Code of Australia and AS 1428.1. Details of which must be submitted with the Construction Certificate Application.

In regards to the above, pedestrian access throughout basement levels shall be highlighted/line marked and sign posted to safeguard egress.

In the event that full compliance cannot be achieved the services of an accredited access consultant is to be obtained to determine alternative methods of compliance, such a report must be submitted to and endorsed by the Certifying Authority prior to issue of the Construction Certificate.

75. Stormwater Systems with Basement - The underground basement car park must pump to and all other stormwater must drain by gravity to the drainage system within the site via a silt trap pit.

The design of the proposed drainage system must be prepared by a professional engineer who specialises in hydraulic engineering and be submitted for approval with the Construction Certificate application.

76. Protection of basement from inundation of stormwater waters - The underground basement shall be protected from possible inundation by surface waters from the street.

Evidence from a professional engineer who specialises in hydraulic engineering that this design requirement has been adhered to shall be submitted with the Construction Certificate application demonstrating compliance with this requirement to the satisfaction of the Principal Certifying Authority.

77. **On Site Detention** - The submitted stormwater plan has been assessed as a concept plan only. Final detailed plans of the drainage system, prepared by a professional engineer specialising in hydraulic engineering, shall be submitted for approval with the Construction Certificate.

An on-site detention (OSD) facility designed by a professional engineer who specialises in Hydraulic Engineering must be designed, approved and installed. The design must include the computations of the inlet and outlet hydrographs and stage/storage relationships of the proposed OSD using the following design parameters:

- (a) peak flow rates from the site are to be restricted to a permissible site discharge (PSD) equivalent to the discharge when assuming the site contained a single dwelling, garage, lawn and garden.
- (b) at Annual Recurrence Intervals of 2 years and 100 years.

Full details shall accompany the application for the Construction Certificate.

78. **Pump-Out System Design for Stormwater Disposal** - The design of the pump-out system for storm water disposal will be permitted for drainage of basement areas and the section of driveway that cannot drain from the site by gravity only, and must be designed in accordance with the following criteria:

- a) The pump system shall consist of two pumps, connected in parallel, with each pump being capable of emptying the holding tank at the rate equal to the rate of inflow for the one-hour duration storm. The holding tank shall be capable of holding one hour's runoff from a one-hour duration storm of the 1 in 20 year storm;
- b) The pump system shall be regularly maintained and serviced, every six (6) months; and
- c) Any drainage disposal to the street gutter from a pump system must have a stilling sump provided at the property line, connected to the street gutter by a suitable gravity line.

Details and certification of compliance from a professional engineer specialising in civil engineering shall be provided for approval with the Construction Certificate application to the satisfaction of the Principal Certifying Authority.

79. **Council Property Shoring** - Prior to the issue of the Construction Certificate, plans and specifications prepared by a professional engineer specialising in practising structural engineering must detail how Council's property shall be supported at all times to the satisfaction of the Principal Certifying Authority.

Where any shoring is to be supporting, or located on Council's property, certified structural engineering drawings detailing; the extent of the encroachment, the type of shoring and the method of removal, shall be included on the plans. Where the shoring cannot be removed, the plans must detail that the shoring will be cut to 150mm below footpath level and the gap between the shoring and any building shall be filled with a 5MPa lean concrete mix.

80. **Allocation of street addresses** - In order to comply with AS/NZS 4819:2011 Rural and Urban Addressing, the NSW Addressing User Manual (Geographical

Names Board of NSW) and Georges River Council's requirements, the Applicant shall liaise with Council's Geographical Information System to confirm the primary street address.

Unit Addresses

- Please contact Council's GIS section in respect to the allocated units numbers for this development

Details indicating compliance with this condition must be shown on the plans lodged with any Construction Certificate for approval.

81. **Written comments from Fire and Rescue NSW** - Prior to the issue of a Construction Certificate the applicant may be required, under Clause 144 of the Environmental Planning & Assessment Regulation, 2000 to seek written comment from FR NSW about the location of water storage tanks, construction of booster pump and valve rooms and any Fire Engineered Solution developed to meet the performance requirements under the Category 2 Fire Safety Provisions.

PRIOR TO THE COMMENCEMENT OF WORK (INCLUDING DEMOLITION AND EXCAVATION)

82. **Site Safety Fencing** - Site fencing must be erected in accordance with SafeWork Guidelines, to exclude public access to the site throughout the demolition and/or construction work, except in the case of alterations to an occupied dwelling. The fencing must be erected before the commencement of any work and maintained throughout any demolition and construction work.

A demolition licence and/or a high risk work license may be required from SafeWork NSW (see www.SafeWork.nsw.gov.au).

83. **Building – Hoarding Application** - Prior to demolition of the buildings on the site or the commencement of work above ground level a separate application for the erection of an A class (fence type) or a B class hoarding or C type scaffold, in accordance with the requirements of Work Cover Authority of NSW, must be erected along that portion of the footway/roadway where the building is within 3.0 metres of the street boundary. An application for this work under Section 68 of the Local Government Act 1993 and the Roads Act 1993 must be submitted for approval to Council.

The following information is to be submitted with a Hoarding Application under s68 of the Local Government Act and s138 of the Roads Act 1993:

- (a) A site and location plan of the hoarding with detailed elevation, dimensions, setbacks, heights, entry and exit points to/from the site, vehicle access points, location of public utilities, electrical overhead wire protection, site management plan and builders sheds location; and
- (b) Hoarding plan and details that are certified by an appropriately qualified engineer; and

- (c) 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 (available on our website) before the commencement of work; and
- (d) 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 a copy provided to Council. The Policy is to note Council as an interested party; and
- (e) The application must be endorsement by the Roads & Maritime Services (RMS) as the hoarding is located within 100m of an intersection with traffic lights. For assistance you should contact the DA unit at RMS and speak to Hans on 88492076. Or email hans.pilly.mootanah@rms.nsw.gov.au to obtain concurrence for the hoarding structure.

84. **Building - Structural Engineers Details - Supporting excavations and adjoining land** - Prior to the commencement of work in connection with the excavation of the site associated with the basement car park, structural engineer's details relating to the method of supporting the excavation must be submitted.
85. **Structural details** - Engineer's details prepared by a practising Structural Engineer being used to construct all reinforced concrete work, structural beams, columns and other structural members. The details are to be submitted to the Certifier for approval prior to construction of the specified works. A copy shall be forwarded to Council where Council is not the Certifier.
86. **Registered Surveyor's Report - During Development Work** - A report will be submitted to the Certifier at each of the following applicable stages of construction:
- (a) Set out before commencing excavation.
 - (b) Floor slabs or foundation wall, before formwork or commencing brickwork.
 - (c) Completion of Foundation Walls - Before any construction of flooring, detailing the location of the structure relative to adjacent boundaries and floor levels relative to the datum shown on the approved plans.
 - (d) Completion of Floor Slab Formwork - Before pouring of concrete/walls construction, detailing the location of the structure relative to adjacent boundaries and floor levels relative to the datum shown on the approved plans. In multi-storey buildings a further survey will be provided at each subsequent storey.
 - (e) Completion of any Roof Framing - Before roof covered detailing eaves/gutter setback from boundaries.
 - (f) Completion of all Work - Detailing the location of the structure (including eaves/gutters) relative to adjacent boundaries and its height relative to the datum shown on the approved plans. A final Check Survey will indicate the reduced level of the main ridge.

Work will not proceed beyond each stage until the Principal Certifier is satisfied that the height and location of the building is proceeding in accordance with the approved plans.

- 87. Dilapidation Report on Public Land** - Prior to the commencement of works (including demolition and excavation), a dilapidation report must be prepared for the Council infrastructure adjoining the development site. The report must include the following:

- (i) Photographs showing the existing condition of the road pavement fronting the site
- (ii) Photographs showing the existing condition of the kerb and gutter fronting the site
- (iii) Photographs showing the existing condition of the footpath pavement fronting the site
- (iv) Photographs showing the existing condition of any retaining walls within the footway or road,
- (v) Closed circuit television/video inspection (in DVD format) of public stormwater drainage systems fronting, adjoining or within the site, and
- (vi) The full name and signature of the structural engineer.

The Dilapidation Report must be prepared by a qualified structural engineer. The report must be provided to the Certifier and a copy provided to the Council.

The report is to be supplied in electronic format in Word or PDF. Photographs are to be in colour, digital and date stamped.

Note: Council will use this report to determine whether to refund the damage deposit after the completion of works.

- 88. Hazardous materials survey** – A hazardous materials survey shall be prepared prior to the commencement of works on site.

- 89. Site Stormwater Discharge Pipe across the Footpath** - The stormwater connections to the street gutter are to discharge via a silt arrestor pit within the site and are to have a minimum 1% fall to the street gutter. The connections are to be made to Council's requirements and are to be spaced a minimum 100mm at the street gutter and shall not connect against the flow in the street.

- 90. Pre-Construction Dilapidation Report (Private Land)** - A professional engineer specialising in structural or geotechnical engineering shall prepare a Pre-Construction Dilapidation Report detailing the current structural condition of adjoining premises including but not limited to:

- (a) All neighbouring buildings likely to be affected by the excavation as determined by the consulting engineer.

The report shall be prepared at the expense of the applicant and submitted to the satisfaction of the Certifying Authority prior to the issue of the Construction Certificate.

A copy of the pre-construction dilapidation report is to be provided to the adjoining properties (subject of the dilapidation report), a minimum of 5 working days prior to the commencement of work. Evidence confirming that a copy of the pre-construction dilapidation report was delivered to the adjoining properties must be provided to the PCA.

Should the owners of properties (or their agents) refuse access to carry out inspections, after being given reasonable written notice, this shall be reported to Council to obtain Council's agreement to complete the report without access. Reasonable notice is a request for access in no sooner than 14 days between 8.00am-6.00pm.

91. **Demolition and Asbestos** - The demolition work shall comply with the provisions of Australian Standard AS2601:2001 - Demolition of Structures, NSW Work Health & Safety Act 2011 and the NSW Work Health & Safety Regulation 2011. The work plans required by AS2601:2001 shall be accompanied by a written statement by a suitably qualified person that the proposals contained in the work plan comply with the safety requirements of the Standard. The work plans and the safety statement shall be submitted to the Principal Certifier prior to the commencement of works.

For demolition work which involves the removal of asbestos, the asbestos removal work must be carried out by a licensed asbestos removalist who is licensed to carry out the work in accordance with the NSW Work Health & Safety Act 2011 and the NSW Work Health & Safety Regulation 2011 unless specified in the Act and/or Regulation that a license is not required.

All demolition work including the removal of asbestos, shall be undertaken in accordance with the Demolition Code of Practice (NSW Work Cover July 2015).

Note: Copies of the Act, Regulation and Code of Practice can be downloaded free of charge from the SafeWork NSW website: www.SafeWork.nsw.gov.au.

92. **Demolition work involving asbestos removal** - Work involving bonded asbestos removal work (of an area of more than 10 square metres) or friable asbestos removal work must be undertaken by a person who carries on a business of such removal work in accordance with a licence under clause 458 of the Work Health and Safety Regulation 2011.
93. **Demolition Notification Requirements** - The developer/builder must notify adjoining residents five (5) working days prior to demolition. Such notification is to be a clearly written note giving the date demolition will commence, contact details of the developer/builder, licensed asbestos demolisher and the appropriate regulatory authority. Notification is to be placed in the letterbox of every premises (including every residential flat or unit, if any) either side and immediately at the rear of the demolition site.

Five (5) working days prior to demolition, the developer/builder is to provide written notification to Council advising of the demolition date, details of the SafeWork licensed asbestos demolisher and the list of residents advised of the demolition.

On demolition sites where buildings to be demolished contain asbestos, a standard commercially manufactured sign containing the words “DANGER ASBESTOS REMOVAL IN PROGRESS” measuring not less than 400mm x 300mm is to be erected in a prominent visible position (from street frontage) on the site. The sign is to be erected prior to demolition work commencing and is to remain in place until such time as all asbestos material has been removed from the site to an approved waste facility.

94. **Utility Arrangements** - Arrangements are to be made with utility authorities in respect to the services supplied by those authorities to the development. The cost associated with the provision or adjustment of services within the road and footway areas is to be at the applicant's expense.
95. **Erosion and Sedimentation Control** - Erosion and sediment controls must be provided to in accordance with the approved Site Management Plan.

Removal or disturbance of vegetation and top soil is confined to within 3 m of the approved building area (no trees to be removed without approval). All disturbed areas are rendered erosion-resistant by turfing, mulching, paving or similar.

All clean water run-off is diverted around cleared or exposed areas.

Silt fences, stabilised entry/exit points or other devices are installed to prevent sediment from entering drainage systems or waterways.

Controls are put into place to prevent tracking of sediment by vehicles onto adjoining roadway. Compliance with [Managing Urban Stormwater – Soils and Construction \(Blue Book\) produced by Landcom 2004](#) is to be met.

These measures are to be implemented prior to the commencement of work (including demolition and excavation) and must remain until works are completed and all exposed surfaces are landscaped/sealed.

96. **Site sign – Soil and Erosion Control Measures** - Prior to the commencement of works (including demolition and excavation), a durable site sign, issued by Council in conjunction with this consent, must be erected in a prominent location on site. The site sign warns of the penalties which apply to pollution, storing materials on road or footpath and breaches of the conditions relating to erosion and sediment controls. The sign must remain in a prominent location on site up until the completion of all site and building works.
97. **Physical connection of stormwater to site** - No work is permitted to proceed above the ground floor slab level of the building until there is physical connection of the approved stormwater drainage system from the land the subject of this consent to Council's drainage system.
98. **Utility Services** - The applicant shall undertake and bear all costs associated with the liaison, approval and relocation of any utility services. All correspondence and approvals between the Applicant and utility authorities shall be provided to the Council in conjunction with engineering documentation for the

stormwater drainage works.

99. **Drainage Works** - Construction inspections shall be required by Council's Asset Engineer for the Council stormwater drainage works on public roads at the following hold points:

- Upon excavation of trenches shown on the approved drainage drawings.
- Upon installation of pipes and other drainage structures.
- Upon backfilling of excavated areas and prior to the construction of the final pavement surface.

An inspection fee is applicable for each visit, and at least 24 hours' notice will be required for the inspections.

DURING CONSTRUCTION

100. **Site Validation report** – A Validation report shall be prepared in accordance with the requirements of the EPA (2020) Guidelines for Consultants Reporting on Contaminated Sites and the EPA (2017) Guidelines for the NSW Site Auditor Scheme and will confirm that the site has been remediated to a suitable standard and in accordance with the process stipulated in the Remediation Action Plan prepared by EI Australia and dated 19 May 2020.

A fully qualified Auditor will be required to sign off on the remediation works and a copy of the Validation report shall be provided to Council at the completion of the remediation works program.

101. **Site Validation and monitoring Report** - After completion of all Remediation works, a Notice of completion of remediation work must be submitted to Council in accordance with clause 17(2) of the SEPP 55 and the Notice must address all requirements listed in Clause 18 of SEPP 55.

Where a full clean-up is not feasible, or on-site containment of contamination is proposed, the need for an ongoing monitoring program should be assessed. If a monitoring program is needed, it should detail the proposed monitoring strategy, parameters to be monitored, monitoring locations, frequency of monitoring, and reporting requirements.

This Report must be completed and submitted for approval by an EHO prior to the site being granted an OC.

102. **Site contamination (Additional information)** - Any new information that comes to light during demolition or construction which has the potential to alter previous conclusions about site contamination and remediation must be notified to Council and the accredited certifier immediately.
103. **Public Street Art** – The developer shall liaise with Council's Coordinator of Cultural Services and scope the works for a local artist/s to prepare an artwork along the designated section of the western elevation of the building. The artwork will be at the Applicants expense and the final artwork selected shall be to the satisfaction of Council's Coordinator of Cultural Services.

104. **Bollards to spaces associated with Community Room** – The Applicant shall liaise with the Body Corporate of 21-31 Treacy Street and Council to install bollards (if required) to the 5 designated car parking spaces related to the community room subject to the agreement of the Body Corporate and Council.
105. **Archaeology** - As required by the *National Parks and Wildlife Service Act 1974* and the *Heritage Act 1977*, in the event that Aboriginal cultural heritage or historical cultural fabric or deposits are encountered/discovered where they are not expected, works must cease immediately and Council and Heritage NSW must be notified of the discovery.

In the event that archaeological resources are encountered, further archaeological work may be required before workscan re-commence, including the statutory requirement under the Heritage Act 1977 to obtain the necessary approvals/permits from Heritage NSW.

Note: The *National Parks and Wildlife Service Act 1974* and the *Heritage Act 1977* impose substantial penalty infringements and / or imprisonment for the unauthorised destruction of archaeological resources, regardless of whether or not such archaeological resources are known to exist on the site.

106. **Hazardous or Intractable Waste – Removal and Disposal** - Hazardous or intractable waste arising from the demolition or construction process shall be removed and disposed of in accordance with the requirements of SafeWork NSW and the NSW Environment Protection Authority and with the provision of:
- a) Work Health and Safety Act 2011 (NSW) (as amended);
 - b) Work Health and Safety Regulation 2011 (as amended);
 - c) Protection Of the Environment Operations Act 1997 (NSW) (as amended); and
 - d) Protection of the Environment Operations (Waste) Regulation 2014 (as amended)
107. **Cost of work to be borne by the applicant** - The applicant shall bear the cost of all works associated with the construction of the development that occurs on Council property. Care must be taken to protect Council's roads, including the made footway, kerbs, etc., and, where plant and vehicles enter the site, the footway shall be protected against damage by deep-sectioned timber members laid crosswise, held together by hoop iron straps and chamfered at their ends. This construction shall be maintained in a state of good repair and condition throughout the course of construction.
108. **Obstruction of Road or Footpath** - The use of the road or footpath for the storage of any building materials, waste materials, temporary toilets, waste or skip bins, or any other matter is not permitted unless separately approved by Council under Section 138 of the Roads Act 1993 and/or under Section 68 of the Local Government Act 1993. Penalty infringement Notices may be issued for any offences and severe penalties apply.
109. **Hours of construction for demolition and building work** - Any work activity

or activity associated with the development consent that requires the use of any tools (including hand tools) or any power operated plant and machinery that creates noise on or adjacent to the site shall not be performed, or permitted to be performed, except between the hours of 7.00 am to 5.00 pm, Monday to Saturday inclusive. No work or ancillary activity is permitted on Sundays, or Public Holidays.

Note: A penalty infringement notice may be issued for any offence.

110. **Waste Management Facility** - All materials removed from the site as a result of demolition, site clearing, site preparation and, or excavation shall be disposed of at a suitable Waste Management Facility. No vegetation, article, building material, waste or the like shall be ignited or burnt. Copies of all receipts for the disposal, or processing of all such materials shall be submitted to the Principal Certifier, and Council, where Council is not the Principal Certifier.
111. **Site contamination – Discovery of Additional information** – If any new information is discovered during demolition or construction (unexpected finds) that has the potential to alter previous conclusions about site contamination, all works must cease the site made secure and the Council and the Principal Certifying Authority (if Council is not the PCA) must be notified as soon as practicable and appropriate action taken, reporting and approvals obtained.
112. **Ground levels and retaining walls** - The ground levels of the site shall not be excavated, raised or filled, or retaining walls constructed on the allotment boundary, except where indicated on approved plans or approved by Council.
113. **Registered Surveyors Report - During Development Work** - A report must be submitted to the Principal Certifier at each of the following applicable stages of construction:
 - (i) Set out before commencing excavation;
 - (ii) Floor slabs or foundation wall, before formwork or commencing brickwork;
 - (iii) Completion of Foundation Walls - Before any construction of flooring, detailing the location of the structure relative to adjacent boundaries and floor levels relative to the datum shown on the approved plans;
 - (iv) Completion of Floor Slab Formwork - Before pouring of concrete/walls construction, detailing the location of the structure relative to adjacent boundaries and floor levels relative to the datum shown on the approved plans. In multi-storey buildings a further survey must be provided at each subsequent storey;
 - (v) Completion of any Roof Framing - Before roof covered detailing eaves/gutter setback from boundaries;
 - (vi) Completion of all Work - Detailing the location of the structure (including eaves/gutters) relative to adjacent boundaries and its height relative to the

datum shown on the approved plans. A final Check Survey must indicate the reduced level of the main ridge of all structures.

Work must not proceed beyond each stage until the Principal Certifier is satisfied that the height and location of the building is proceeding in accordance with the approved plans.

PRIOR TO THE ISSUE OF THE OCCUPATION CERTIFICATE

114. **Art work** – The public artwork to be located along the western elevation of the building (across the ground and first floor levels) shall be completed to the satisfaction of Council's delegate.
115. **Section 73 Compliance Certificate** - A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be submitted to the Principal Certifier prior to the issue of the Occupation Certificate.
116. **Completion of Landscape Work**- All landscape works must be completed before the issue of the Final Occupation Certificate in accordance with approved landscape plans and specifications, drawn by Distinctive Living Design, reference numbers – 23 – 18.01 - 05. The landscaping shall be maintained in accordance with the approved plans in perpetuity, subject to the following –

All proposed trees shall be minimum 75 litre trees.

A copy of the Hurstville City Council's Tree Removal and Pruning Guidelines and Kogarah City Council, Street Tree Management Strategy, Masterplan, and Tree Management Policy 2019, can be downloaded from Council's website www.georgesriver.nsw.gov.au .

117. **Major Development** - Internal driveways and parking spaces are to be adequately paved with concrete or bitumen, or interlocking pavers to provide a dust-free surface. All car parking spaces are to be line marked in accordance with AS1742, 'Australian Standard Manual of Uniform Traffic Control Devices' and the relevant guidelines published by the RMS.
118. **Post Construction Dilapidation report – Private Land** - At the completion of the construction works, a suitably qualified person is to be engaged to prepare a post-construction dilapidation report. This report is to ascertain whether the construction works associated with the subject development created any structural damage to the five adjoining premises.

The report is to be prepared at the expense of the applicant and submitted to the Principal Certifier prior to the issue of the Occupation Certificate. In ascertaining whether adverse structural damaged has occurred to the adjoining premises, the Principal Certifier, must compare the post-construction dilapidation report with the pre-construction dilapidation report required by conditions in this consent.

Evidence confirming that a copy of the post-construction dilapidation report was

delivered to the adjoining properties subject of the dilapidation report must be provided to the Principal Certifier prior to the issue of any Occupation Certificate.

119. **Design Excellence Verification Statement** - A certifying authority must not issue an Occupation Certificate for development unless the certifying authority has received a design verification from Frank Stanisic being a statement in which it is verified that the building as constructed meets the design excellence requirements of the PAC approval MP10_0101 in terms of design, materials and finishes.
120. **Green Travel Plan** – The Green Travel Plan approved as part of the Centre Stage shall be implemented and communicated to residents and employees of the development. The car share scheme shall be operated by a registered car share company.
121. **Traffic Control Devices** - The internal road network, pedestrian facilities and parking facilities (including visitor parking and employee parking) shall be designated and line marked in accordance with Australian Standard - AS1742, Manual of Uniform Traffic Control Devices.

If an exit from car park utilises a pedestrian footpath, then a warning system such as flashing light and/or 'alarm sound' must be installed on the subject property to alert pedestrians of vehicles exiting the car park. The Alarm System must be designed and installed in accordance with AS2890.1 -2004.
122. **Consolidation of Sites** - The site shall be consolidated into one allotment and by a Plan of Consolidation being prepared by a Registered Surveyor. This Plan shall be registered at the NSW Land and Property Information prior to the issue of an occupation certificate.
123. **Access for facilities** - Prior to the issue of a strata certificate or occupation certificate over the subject site, (West Stage) easements relating to access, fire egress, support, common space and garbage shall be registered on the title of the subject land in favour of the adjoining stages 1 & 3 and consistent with the plans approved under MPI0-0101 granted by the Planning Assessment Commission, dated 1 July 2011 as modified on 4 Sept 2012 and this development consent.
124. **Restriction to User and Positive Covenant for On-Site Detention Facility** - A Restriction on Use of the Land and Positive Covenant shall be created and registered on the title of the property, which places the responsibility for the maintenance of the on-site stormwater management system on the owners of the land. The terms of the instrument are to be in accordance with Council's standard terms and restrictions which are as follows:

Restrictions on Use of Land

The registered proprietor shall not make or permit or suffer the making of any alterations to any on-site stormwater management system which is, or shall be, constructed on the lot(s) burdened without the prior consent in writing of Georges River Council. The expression "on-site stormwater management

system” shall include all ancillary gutters, pipes, drains, walls, kerbs, pits, grates, tanks, chambers, basins and surfaces designed to manage stormwater quantity or quality including the temporary detention or permanent retention of stormwater storages. Any on-site stormwater management system constructed on the lot(s) burdened is hereafter referred to as “the system.

Name of Authority having the power to release, vary or modify the Restriction referred to is Georges River Council.

Positive Covenants

The registered proprietor of the lot(s) hereby burdened will in respect of the system:

- i) keep the system clean and free from silt, rubbish and debris*
- ii) maintain and repair at the sole expense of the registered proprietors the whole of the system so that it functions in a safe and efficient manner*
- iii) permit the Council or its authorised agents from time to time and upon giving reasonable notice (but at any time and without notice in the case of an emergency) to enter and inspect the land for the compliance with the requirements of this covenant*
- iv) comply with the terms of any written notice issued by the Council in respect of the requirements of this covenant within the time stated in the notice.*

Pursuant to Section 88F(3) of the Conveyancing Act 1919 the Council shall have the following additional powers:

In the event that the registered proprietor fails to comply with the terms of any written notice issued by the Council as set out above the Council or its authorised agents may enter the land with all necessary materials and equipment and carry out any work which the Council in its discretion considers reasonable to comply with the said notice referred to in part b) (iii) above.

The Council may recover from the registered proprietor in a Court of competent jurisdiction:

- i) any expense reasonably incurred by it in exercising its powers under subparagraph (c) hereof. Such expense shall include reasonable wages for the Council’s employees engaged in effecting the work referred to in (c) above, supervising and administering the said work together with costs, reasonably estimated by the Council, for the use of materials, machinery, tools and equipment in conjunction with the said work.*
- ii) Legal costs on an indemnity basis for issue of the said notices and recovery of the said costs and expenses together with the costs and expenses of registration of a covenant charge pursuant to section 88F of the Act or providing any certificate required pursuant to section 88G of the Act or obtaining any injunction pursuant to section 88H of the Act.*

Name of Authority having the power to release vary or modify the Positive Covenant referred to is Georges River Council.

125. **Maintenance Schedule for On-site Stormwater Management** - A Maintenance Schedule for the proposed on-site stormwater management measures is to be prepared and submitted to Council. The Maintenance Schedule shall outline the required maintenance works, how and when these will be done and who will be carrying out these maintenance works.
126. **Requirements prior to the issue of the Occupation Certificate** - The following shall be completed and or submitted to the Principal Certifier prior to the issue of the Occupation Certificate:
- a) The internal driveway construction works, together with the provision for all services (conduits and pipes laid) shall be completed in accordance with the approved Construction Certificate plans prior to the issue of the Occupation Certificate.
 - b) A Section 73 (Sydney Water) Compliance Certificate for the Subdivision shall be issued and submitted to the PCA prior to the issue of the Occupation Certificate.
 - c) Work as All the stormwater/drainage works shall be completed in accordance with the approved Construction Certificate plans prior to the issue of the Occupation Certificate.
 - d) Work as Executed Plans prepared by a Chartered Professional Engineer or a Registered Surveyor when all the site engineering works are complete shall be submitted to the PCA prior to the issue of the Occupation Certificate.
127. **Vehicular crossing & Frontage work – Major development** - The following road frontage works shall be constructed in accordance with Council's Specification for Vehicular Crossings and Associated Works together with the Vehicular Crossing Approval issued by Council's Engineering Services Division:
- (a) Any existing vehicular crossing and/or laybacks which are redundant must be removed. The kerb and gutter, any other footpath and turf areas shall be restored at the expense of the applicant. The work shall be carried out in accordance with Council's specification, applying at the time construction approval is sought.
 - (b) Construct footpath for the full length of the frontage of the site in accordance with Council's Specifications for footpaths.
 - (c) Construct a new 150mm high concrete kerb with 450mm wide gutter for the full frontage(s) of the site in accordance with Council's Specifications for kerb and guttering.
 - (d) The materials and finishes shall be consistent with the eastern section of the roadway and shall be in accordance with Council's specifications.

A private contractor shall carry out the above work, at the expense of the applicant and in accordance with Council's Specification for Vehicular Crossings and Associated Works.

The driveway and road frontage works are to be completed before the issue of the Occupation Certificate.

128. **Completion of major road related works** - Prior to the issue of a Final Occupation Certificate, the following works must be completed at the applicant's expense to the satisfaction of Council's Engineering Services section:

- (a) Driveways and vehicular crossings within the road related area;
- (b) Removal of redundant driveways and vehicular crossings;
- (c) New footpaths within the road related area and all associated paving;
- (d) Relocation of any existing above ground utility services
- (e) Relocation/provision of street signs
- (f) New or replacement street trees;
- (g) New footway verges, if a grass verge exists, the balance of the area between the footpath and the kerb or site boundary over the full frontage of the proposed development must be turfed. The grass verge must be constructed to contain a uniform minimum 75mm of friable growing medium and have a total cover of turf predominant within the street.
- (h) New or reinstated kerb and guttering within the road related area; and
- (i) New or reinstated road surface pavement within the road.
- (j) New or replaced street trees
- (k) The proposed artwork located along the western elevation of the building.

Council's Engineering Services Section must advise in writing that the works have been completed to their satisfaction prior to the issue of the Occupation Certificate. Note: The damage deposit paid to Council will not be released until the works have been completed to Council's satisfaction.

129. **Dilapidation Report on Public Land** - Upon completion of works, a follow up dilapidation report must be prepared on the items of Council infrastructure adjoining the development site. The dilapidation report must be prepared by a professional engineer specialising in structural engineering, and include:

- (i) Photographs showing the condition of the road pavement fronting the site;
- (ii) Photographs showing the condition of the kerb and gutter fronting the site;
- (iii) Photographs showing the condition of the footway including footpath pavement fronting the site;
- (iv) Photographs showing the condition of retaining walls within the footway or road;
- (v) Closed circuit television/video inspection (in DVD format) of public stormwater drainage systems fronting, adjoining or within the site, and
- (vi) The full name and signature of the professional engineer.

The report must be provided to the Principal Certifier and a copy provided to the Council. The reports are to be supplied in electronic format in Word or PDF. Photographs are to be in colour, digital and date stamped.

Note: Council will use this report to determine whether or not to refund the

damage deposit.

130. **Stormwater drainage works – Works As Executed** - Prior to the issue of the Occupation Certificate, storm water drainage works are to be certified by a professional engineer specialising in hydraulic engineering, with Works-As-Executed drawings supplied to Council detailing:
- a) Compliance with conditions of development consent relating to stormwater;
 - b) The structural adequacy of the On-Site Detention system (OSD);
 - c) That the works have been constructed in accordance with the approved design and will provide the detention storage volume and attenuation in accordance with the submitted calculations; and
 - d) Pipe inverts levels and surface levels to Australian Height Datum.
131. **Fire Safety Certificate before Occupation or Use** - In accordance with Clause 153 of the *Environmental Planning and Assessment Regulation 2000*, on completion of building works and prior to the issue of an Occupation Certificate, the owner must cause the issue of a Final Fire Safety Certificate in accordance with Clause 170 of the aforesaid Regulation. The Fire Safety Certificate must be in the form or to the effect of Clause 174 of the *Environmental Planning and Assessment Regulation, 2000*. In addition, in relation to each essential fire or other safety measure implemented in the building or on the land on which the building is situated, such a Certificate is to state that:
- (i) the measure has been assessed by a person (chosen by the owner of the building) who is properly qualified to do so;
 - (ii) as at the date of the assessment the measure was found to be capable of functioning at a standard not less than that required by the Schedule.

A copy of the certificate is to be given by the applicant to the Commissioner of Fire & Rescue NSW and a further copy is to be displayed in a frame and fixed to a wall inside the building's main entrance.

132. **Structural Certificate During Construction** - The proposed building must be constructed in accordance with details designed and certified by the practising qualified structural engineer. All structural works associated with the foundations, piers, footings and slabs for the proposed building must be inspected and structurally certified for compliance by an independent practising geotechnical and structural engineer. In addition a Compliance or Structural Certificate, to the effect that the building works have been carried in accordance with the structural design, must be submitted to the Principal Certifying Authority at each stage of Construction or prior issue of the Occupation Certificate.
133. **Structural Certificates** - The proposed structure must be constructed in accordance with details designed and certified by the practising qualified structural engineer. In addition, Compliance or Structural Certificates, to the effect that the building works have been carried in accordance with the structural design, must be submitted to the Principal Certifier prior issue of the Occupation Certificate.

134. **Acoustic Compliance** - Prior to the issue of any Occupation Certificate, a report prepared by a suitably qualified acoustic consultant must be submitted to the PCA certifying that the construction has incorporated the recommendations in the Acoustic Report, titled "*Environmental Noise Impact*" prepared by Day Design and dated 21 August 2018 and the operation of the premises and plant equipment will not give rise to a sound pressure level at any affected premises that exceeds the relevant acoustic criteria. The development will at all times comply with these noise levels post occupation.
135. **BASIX Certificate** - All energy efficiency measures as detailed in the approved BASIX and in the plans approved with the Development Consent, must be implemented before issue of any Occupation Certificate.
136. **Certification - Air handling systems (including water cooling system, hot water systems and warm water systems)** - Certification by a suitably qualified person engineer '2012 must be submitted to the PCA prior to the issue of any occupation certificate verifying that the air handling system has been installed in accordance with:
- (a) Public Health Act 2010 (as amended)
 - (b) Public Health Regulation 2012 (as amended)
 - (c) AS/NZS 3666.1:2011 Air-handling and water systems of buildings - Microbial control -Design, installation and commissioning

OPERATIONAL CONDITIONS (ONGOING)

137. **Noise Control** - The use of the premises must not give rise to the transmission of offensive noise to any place of different occupancy. Offensive noise is defined in the Protection of the Environment Operations Act 1997 (as amended).
138. **Maintenance of Sound Attenuation** - Sound attenuation must be maintained in accordance with the Acoustic Report Acoustic Report, titled "*Environmental Noise Impact*" prepared by Day Design and dated 21 August 2018.
139. **Communal Open Space** - A Plan of Management for the use of this space shall be adhered to for the perpetuity of the development. The Strata Manager shall ensure that the plan is provided to all residents and occupants of the development and a sign shall be installed communal open space areas to highlight the hours of use of the area and any other operational restrictions i.e keeping the space clean, rules around using the BBQ's.
140. **Final Acoustic Report – Verification of Noise report** - Within three months from the issue of an Occupation Certificate, an acoustic assessment is to be carried out by an appropriately qualified acoustic consultant, in accordance with the EPA's Industrial Noise Policy and submitted to Council for consideration. This report should include but not be limited to, details verifying that the noise control measures as recommended in the acoustic report.
141. **Lighting – General Nuisance** - 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 or glare. Flashing, moving or intermittent lights or signs are prohibited.

142. **Safety** - All communal entrances for the building will be capable of being secured. Entry doors are to be self-closing and signs are to be displayed requesting that building occupants not wedge doors open.
143. **Security** - If any security screens/grilles are installed, they are to be openable from within the building.
144. **Building identification** - The numbering is to be constructed from durable materials and shall not be obscured by vegetation and consistent with the signage of the adjoining building.
145. **Entering & Exiting of vehicles** - All vehicles shall enter and exit the basement in a forward direction.
146. **Loading Bay operations** – The Loading bay shall be utilised for the following way;
 - The Loading Bay shall be utilised for deliveries to the site and for waste removal.
 - Appropriate access arrangements will need to be made with 21-31 Treacy Street as the Loading bay is a shared facility.
147. **Annual Fire Safety Statement** - The owner of the building premises must ensure the Council is given an annual fire safety statement in relation to each essential fire safety measure implemented in the building. The annual fire safety statement must be given:
 - a) Within 12 months after the date on which the fire safety certificate was received.
 - b) Subsequent annual fire safety statements are to be given within 12 months after the last such statement was given.
 - c) An annual fire safety statement is to be given in or to the effect of Clause 181 of the Environmental Planning and Assessment Regulation 2000.
 - d) A copy of the statement is to be given to the Commissioner of Fire & Rescue NSW, and a further copy is to be prominently displayed in the building.
148. **Responsibility of Owners Corporation** - The Owners Corporation shall be responsible for presenting all approved waste and recycling receptacles for collection, and returning all receptacles to the Main Waste Collection Room, as soon as practicable after they have been serviced.

The Owners Corporation shall also be responsible for maintaining all

equipment, systems, facilities and storage areas used in conjunction with the provision of waste management services in accordance with all applicable regulatory requirements, relevant health and environmental standards, and to the satisfaction of Council.

149. **Maintenance of Landscaping** - All trees and plants forming part of the approved landscaping in must be maintained in perpetuity. Maintenance includes watering, weeding, removal of rubbish from tree bases, fertilizing, pest and disease control, replacement of dead or dying plants and any other operations required to maintain healthy trees, plants and turfed areas.
150. **Amenity of the neighbourhood** - The implementation of this development shall not adversely affect the amenity of the neighbourhood or interfere unreasonably with the comfort or repose of a person who is outside the premises by reason of the emission or discharge of noise, fumes, vapour, odour, steam, soot, dust, waste water, waste products, grit, oil or other harmful products.
151. **Waste facilities** - Occupational Health and Safety issues such as slippery floors in waste rooms and the weight of the waste and recycling receptacles will need to be monitored. Cleaners must monitor the bin storage area and all spills need to be attended to immediately by cleaners.
152. **Activities and Storage of Goods Outside Buildings** - There will be no activities including storing or depositing of any goods or maintenance to any machinery external to the building with the exception of waste receptacles.
153. **Disability Discrimination Act** - The applicant is responsible to ensure compliance with this and other anti-discrimination legislation.
154. **Intensity of car park lighting** - Prior to occupation, the intensity of lighting at the entrance to the basement car park is to be designed to allow for progressive adjustment of light.
155. **Removal and collection** - Bins are to be collected from the loading bay area or taken to the kerbside for collection and garbage bins and recycling bins are to be collected on a twice a week basis. They are to be removed from the kerbside as soon as possible after collection.
156. **Allocation of Car Parking Spaces** - A minimum of fifty-eight (58) car parking spaces, and a minimum of sixteen (16) bicycle parking spaces associated with the development are to be allocated as follows, sign posted and/or line marked accordingly:
 - A minimum of one (1) car parking space allocated per apartment
 - A minimum of six (6) visitor spaces (with a minimum of one (1) accessible space)
 - Minimum of five (5) spaces for the retail component dedicated in the following manner;
 - Retail 1 tenancy – 2 car parking spaces
 - Retail 2 tenancy – 3 car parking spaces

- One (1) of the visitor spaces is to double up as a shared as a car wash bay.
- Sixteen (16) bicycle spaces.
- Two (2) dedicated motor bike parking spaces

All car parking spaces will be numbered and marked accordingly and all other spaces shall be marked and signposted accordingly.

157. Development Engineering - Conditions relating to future Strata Subdivision of Buildings

No approval is expressed or implied for the subdivision of the subject building(s). For any future Strata subdivision, a separate Complying Development Certificate shall be approved by Council or an Accredited Certifier.

Prior to the issue of any Strata Certificate of the subject building(s) the following conditions shall be satisfied:

(a) Unit Numbering - Apartment type numbers shall be installed adjacent or to the front door of each unit. The unit number shall coincide with the strata plan lot numbering.

(b) Car Parking Space Marking and Numbering - Each car space shall be line marked with paint and numbered in accordance with the strata plan lot numbering.

"Visitor Parking" signs shall be installed adjacent to any and all visitor car spaces prior to the issue of any Strata Certificate.

(c) Designation of Visitor Car Spaces on any Strata Plan - Any Visitor car spaces shall be designated on the final strata plan as "Visitor Parking - Common Property".

(d) Allocation of Car Parking Spaces, Storage Areas and Common Property on any Strata Plan

- i. All car parking spaces shall be created as a part lot of the individual strata's unit lot in any Strata Plan of the subject building.
- ii. All storage areas shall be created as a part lot of the individual strata's unit lot or a separate Utility Lot (if practical) in any Strata Plan of the subject building.
- iii. The minimum number of parking spaces required to be allocated as a part lot to each individual strata's unit lot shall be in accordance with the car parking requirements of Council's Development Control Plan and as required by the relative development consent for the building construction.
- iv. No parking spaces shall be created as an individual strata allotment on any Strata Plan of the subject building unless these spaces are surplus to the minimum number of parking spaces required.

If preferred the surplus car spaces shall be permitted to be created as separate Utility Lots, (instead as a part lot of the individual strata's unit lot), in accordance with Section 39 of the Strata schemes (freehold development Act 1973).

The above requirements regarding car parking spaces and storage areas may only be varied with the conditions of a separate Development Application Approval for Strata Subdivision of the Building(s).

(e) On Site Detention Requirements - The location any on-site detention facility shall be shown on the strata plan and suitably denoted.

(f) Creation of Positive Covenant - A Positive Covenant shall be created over any on-site detention facility by an Instrument pursuant to Section 88B of the Conveyancing Act 1919, with the covenant including the following wording:

"It is the responsibility of the Owner's Corporation to keep the on-site detention facilities, together with any ancillary pumps, pipes, pits etc, clean at all times and maintained in an efficient working condition. The on-site detention facilities shall not be modified in any way without the prior approval of Georges River Council."

Georges River Council is to be nominated as the Authority to release, vary or modify this Covenant.

(g) Creation of Positive Covenant for the accessway – A positive covenant shall be created over the rear driveway access by an Instrument pursuant to Section 88B of the Conveyancing Act 1919, with the covenant including the following wording:

"It is the responsibility of the Owner's Corporation to keep the rear accessway clean at all times and maintained in an efficient working condition. The accessway shall not be modified in any way without the prior approval of Georges River Council."

Georges River Council is to be nominated as the Authority to release, vary or modify this Covenant.

158. **Strata Subdivision** - Council will check the consent conditions on the relevant Strata Subdivision consent. Failure to submit the required information will delay endorsement of the plan of subdivision.

Council will undertake the required inspections to satisfy the requirements of the [Strata Schemes Development Regulation 2016](#) to determine the Strata Certificate.

Strata Plans, Administration Sheets, 88B Instruments and copies must not be folded. All Strata Plans, Strata Plan Administration Sheets and 88B Instruments

shall be submitted to Council enclosed in a protective cardboard tube (to prevent damage during transfer).

OPERATIONAL REQUIREMENTS UNDER THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979

159. Requirement for a Construction Certificate - The erection of a building must not commence until a Construction Certificate has been issued.

160. Appointment of a Principal Certifier - The erection of a building must not commence until the applicant has:

- i) appointed a Principal Certifier for the building work; and
- ii) if relevant, advised the Principal Certifier that the work will be undertaken as an Owner -Builder.

If the work is not going to be undertaken by an Owner - Builder, the applicant must:

- i) appoint a Principal Contractor to undertake the building work. If residential building work (within the meaning of the Home Building Act 1989) is to be undertaken, the Principal Contractor must be a holder of a contractor licence; and
- ii) notify the Principal Certifier of the details of any such appointment; and
- iii) notify the Principal Contractor of any critical stage inspections or other inspections that are required to be carried out in respect of the building work.

161. Notification of critical Stage Inspections - No later than two days before the building work commences, the Principal Certifier must notify:

- a) the consent authority and the Council (if not the consent authority) of his or her appointment; and
- b) the applicant of the critical stage inspections and other inspections that are to be carried out with respect to the building work.

162. Notice of Commencement - The applicant must give at least two days notice to the Council and the Principal Certifier of their intention to commence the erection of a building.

163. Critical Stage Inspections - The last critical stage inspection must be undertaken by the Principal Certifier. The critical stage inspections required to be carried out vary according to Building Class under the Building Code of Australia and are listed in Clause 162A of the Environmental Planning and Assessment Regulation 2000.

164. Notice to be given prior to critical stage inspections - The principal contractor for a building site, or the owner-builder, must notify the Principal Certifier at least 48 hours before each required inspection needs to be carried out. Where Georges River Council has been appointed as the Principal Certifier, 48 hours notice in writing, or alternatively 24 hours notice by facsimile or telephone, must be given when specified work requiring inspection has been completed.

165. **Occupation Certificate** - A person must not commence occupation or use of the whole or any part of a new building unless an Occupation Certificate has been issued in relation to the building or part. Only the Principal Certifier appointed for the building work can issue the Occupation Certificate.

PRESCRIBED CONDITIONS

166. **Clause 97A - BASIX Commitments** - This Clause requires the fulfilment of all BASIX Commitments as detailed in the BASIX Certificate to which the development relates.
167. **Clause 98 – Building Code of Australia & Home Building Act 1989** Requires all building work to be carried out in accordance with the Building Code of Australia. In the case of residential building work to which the Home Building Act 1989 relates, there is a requirement for a contract of insurance to be in force before any work commences.
168. **Clause 98A – Erection of Signs** - Requires the erection of signs on site and outlines the details which are to be included on the sign. The sign must be displayed in a prominent position on site and include the name and contact details of the Principal Certifier and the Principal Contractor.
169. **Clause 98B – Home Building Act 1989** - If the development involves residential building work under the Home Building Act 1989, no work is permitted to commence unless certain details are provided in writing to Council. The name and licence/permit number of the Principal Contractor or Owner Builder and the name of the Insurer by which work is insured under Part 6 of the Home Building Act 1989.
170. **Clause 98E - Protection & support of adjoining premises** - If the development involves excavation that extends below the level of the base of the footings of a building on adjoining land, this prescribed condition requires the person who benefits from the development consent to protect and support the adjoining premises and where necessary underpin the adjoining premises to prevent any damage.
171. **Clause 98E - Site Excavation** - Excavation of the site is to extend only to that area required for building works depicted upon the approved plans. All excess excavated material shall be removed from the site.

All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards.

All excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property.

If the soil conditions require it, retaining walls associated with the erection or demolition of a building or other approved methods of preventing movement of

the soil shall be provided and adequate provision shall be made for drainage.

NOTES/ADVICES

172. **Review of Determination** - Section 8.2 of the Environmental Planning and Assessment Act confers on an applicant who is dissatisfied with the determination of the application the right to lodge an application with Council for a review of such determination. Any such review must however be completed within 6 months from its determination. Should a review be contemplated sufficient time should be allowed for Council to undertake public notification and other processes involved in the review of the determination.

Note: Review provisions do not apply to Complying Development, Designated Development, State Significant Development, Integrated Development or any application determined by the Sydney South Planning Panel or the Land & Environment Court.

173. **Appeal Rights** - Part 8 (Reviews and appeals) of the Environmental Planning and Assessment Act 1979 confers on an applicant who is dissatisfied with the determination of the application a right of appeal to the Land and Environment Court of New South Wales.

174. **Lapsing of Consent** - This consent will lapse unless the development is physically commenced within 7 years from the Date of Operation of this consent, in accordance with Section 4.53 of the Environmental Planning and Assessment Act 1979 as amended.

175. **Access to NSW Legislations (Acts, Regulations and Planning Instruments)** - NSW legislation can be accessed free of charge at www.legislation.nsw.gov.au

176. **Principal Certifier** - Should the Council be appointed as the Principal Certifier in determining the Construction Certificate, the building must comply with all the applicable deemed to satisfy provision of the BCA. However, if an alternative solution is proposed it must comply with the performance requirements of the BCA, in which case, the alternative solution, prepared by an appropriately qualified fire consultant, accredited and having specialist qualifications in fire engineering, must justifying the non-compliances with a detailed report, suitable evidence and expert judgement. Council will also require if deemed necessary, for the alternative solution to undergo an independent peer review by either the CSIRO or other accredited organisation. In these circumstances, the applicant must pay all costs for the independent review.

177. **Accompanying Information** - Should the Council be appointed as the Principal Certifier, the Construction Certificate Application must be accompanied by the following details, with plans prepared and certified by an appropriately qualified person demonstrating compliance with the BCA:

- Mechanical ventilation to bathroom, laundry and basement areas not afforded natural ventilation.

- Fire-fighting services and equipment including hydrant systems and booster assembly location, sprinkler and valve room systems, hose reels, portable fire extinguishers, smoke hazard management systems, sound & warning systems and the location of the fire control centre.
- Emergency lighting and exit signs throughout, including communal open space areas, lobby/foyer and basement areas.
- Construction of all fire (smoke) doors including warning and operational signage to required exit and exit door areas.
- Egress grades, provision of handrails, travel distance and the discharge from fire isolated exits.
- The protection of openings, entry to basement areas.
- Fire compartmentation and fire wall separation details including all stairway, lift and service shaft areas.
- The location and construction of an electricity substation, including the location and smoke separation of electrical distribution boards.
- Re-entry facilities from fire isolated exit stairways.
- Sound transmission and insulation details.
- Window schedule is to include the protection of openable windows.
- Stretcher facility and emergency lift installation.

In this regard, detailed construction plans and specifications that demonstrate compliance with the above requirements of the BCA must be submitted to the Principal Certifier with the Construction Certificate Application. Should there be any non-compliance, an alternative method of fire protection and structural capacity must be submitted, with all supporting documents prepared by a suitably qualified person.

In the event that full compliance with the BCA cannot be achieved and the services of a fire engineer are obtained to determine an alternative method of compliance with the BCA, such report must be submitted to and endorsed by the Principal Certifier prior to issue of the Construction Certificate.

178. **Energy Efficiency Provisions** - Should Council be appointed as the Principal Certifier, a report prepared and endorsed by an Energy Efficiency Engineer or other suitably qualified person must be submitted, detailing the measures that must be implemented in the building to comply with Section J of the BCA. The proposed measures and feature of the building that facilitate the efficient use of energy must be identified and detailed on the architectural plans. At completion of the building and before the issue of an Occupation Certificate, a certificate certifying that the building has been erected to comply with the energy efficiency provisions must be submitted to the Principal Certifier.
179. **Compliance with Access, Mobility and AS4299** - Adaptable Housing - Should the Council be appointment as the PCA, the Construction Certificate Application must be accompanied by detailed working plans and a report or a Certificate of Compliance from an Accredited Access Consultant certifying that the building design and access to the adaptable units complies with Council's DCP and AS 4299 Adaptable Housing.
180. **Noise** - Noise related conditions - Council will generally enforce noise related conditions in accordance with the Noise Guide for Local Government

(<http://www.environment.nsw.gov.au/noise/nglg.htm>) and the Industrial Noise Guidelines (<http://www.environment.nsw.gov.au/noise/industrial.htm>) published by the Department of Environment and Conservation. Other state government authorities also regulate the Protection of the Environment Operations Act 1997.

Useful links relating to Noise:

- (a) Community Justice Centres - free mediation service provided by the NSW Government (www.cjc.nsw.gov.au).
- (b) Department of Environment and Conservation NSW, Noise Policy Section web page (www.environment.nsw.gov.au/noise).
- (c) New South Wales Government Legislation home page for access to all NSW legislation, including the Protection of the Environment Operations Act 1997 and the Protection of the Environment Noise Control Regulation 2000 (www.legislation.nsw.gov.au).
- (d) Australian Acoustical Society - professional society of noise-related professionals (www.acoustics.asn.au/index.php).
- (e) Association of Australian Acoustical Consultants - professional society of noise related professionals (www.aaac.org.au).
- (f) Department of Gaming and Racing - (www.dgr.nsw.gov.au).

181. Acoustical Engineer Contacts & Reference Material - Further information including lists of Acoustic Engineers can be obtained from:

- (a) Australian Acoustical Society - professional society of noise-related professionals (www.acoustics.asn.au)
- (b) Association of Australian Acoustical Consultants - professional society of noise related professionals (www.aaac.org.au)
- (c) NSW Industrial Noise Policy - Office of Environment & Heritage (www.environment.nsw.gov.au)

182. Strata Subdivisions

- (a) Council will check the consent conditions on the relevant Strata Subdivision consent. Failure to submit the required information will delay endorsement of the plan of subdivision.
- (b) Council will undertake the required inspections to satisfy the requirements of the Strata Schemes Development Regulation 2016 to determine the Strata Certificate.
- (c) Strata Plans, Administration Sheets, 88B Instruments and copies must not be folded.

(d) All Strata Plans, Strata Plan Administration Sheets and 88B Instruments shall be submitted to Council enclosed in a protective cardboard tube (to prevent damage during transfer).

183. **Sydney Water Section 73 Certificates** - The Section 73 Certificate must be a separate certificate that relates specifically to this development consent. For example, if the development consent relates to the subdivision of the land, a Section 73 Certificate for the construction of the building that is subject to a different development consent will not suffice.
184. **Electricity Supply** - This development may need a connection to the Ausgrid network which may require the network to be extended or its capacity augmented. You are advised to contact Ausgrid on 13 13 65 or www.ausgrid.com.au (Business and Commercial Services) for further details and information on lodging your application to connect to the network.
185. **Disability Discrimination Act** - This application has been assessed in accordance with the Environmental Planning and Assessment Act 1979. No guarantee is given that the proposal complies with the Disability Discrimination Act 1992. The applicant is responsible to ensure compliance with this and other anti-discrimination legislation. The Disability Discrimination Act 1992 covers disabilities not catered for in the minimum standards called up in the Building Code of Australia which refers to AS1428.1-Design for Access and Mobility.
186. **Council as PCA - Total Conformity with BCA - Accompanying Information** - Should the Council be appointed as the Principal Certifier, the Construction Certificate Application must be accompanied by the following details, with plans prepared and certified by an appropriately qualified person demonstrating compliance with the BCA:
 - a) Mechanical ventilation to bathroom, laundry and basement areas not afforded natural ventilation.
 - b) Fire-fighting services and equipment including hydrant systems and booster assembly location, sprinkler and valve room systems, hose reels, portable fire extinguishers, smoke hazard management systems, sound and warning systems.
 - c) Emergency lighting and exit signs throughout, including communal open space areas, lobby/foyer and basement areas.
 - d) Construction of all fire doors including warning and operational signage to required exit and exit door areas.
 - e) Egress travel distances to exits and the discharge from fire isolated exits including the swing of exit doors.
 - f) The spandrel protection of openings in external walls
 - g) The protection of paths of travel from a fire isolated exit when passing within 6m of an opening within the external wall of the building.
 - h) Fire compartmentation and fire wall separation details including all stairway, lift and service shaft areas.
 - i) The location and construction of an electricity substation, including the location and smoke separation of electrical distribution boards.
 - j) Sound transmission and insulation details.
 - k) Window schedule is to include the protection of openable windows.

In this regard, detailed construction plans and specifications that demonstrate compliance with the above requirements of the BCA must be submitted to the Principal Certifier with the Construction Certificate Application. Should there be any non-compliance, an alternative method of fire protection and structural capacity must be submitted, with all supporting documents prepared by a suitably qualified person.

In the event that full compliance with the BCA cannot be achieved and the services of a fire engineer are obtained to determine an alternative method of compliance with the BCA, such report must be submitted to and endorsed by the Principal Certifier prior to issue of the Construction Certificate.

187. **Long Service Levy** - The Long Service Corporation administers a scheme which provides a portable long service benefit for eligible workers in the building and construction industry in NSW. All benefits and requirements are determined by the Building and Construction Industry Long Service Payments Act 1986. More information about the scheme and the levy amount you are required to pay to satisfy a condition of your consent can be found at <http://www.longservice.nsw.gov.au>.

The required Long Service Levy payment can be direct to the Long Service Corporation via their web site <https://online.longservice.nsw.gov.au/bci/levy>. Payments can only be processed on-line for the full levy owing and where the value of work is between \$25,000 and \$6,000,000. Payments will be accepted for amounts up to \$21,000, using either MasterCard or Visa.

188. **Security deposit administration & compliance fee** - Under Section 97 (5) of the Local Government Act 1993, a security deposit (or part) if repaid to the person who provided it is to be repaid with any interest accrued on the deposit (or part) as a consequence of its investment.

Council must cover administration and other costs incurred in the investment of these monies. The current charge is \$50.00 plus 2% of the bond amount per annum.

The interest rate applied to bonds is set at Council's business banking facility rate as at 1 July each year. Council will accept a bank guarantee in lieu of a deposit.

All interest earned on security deposits will be used to offset the Security Deposit Administration and Compliance fee. Where interest earned on a deposit is not sufficient to meet the fee, it will be accepted in full satisfaction of the fee.

189. **Site Safety Fencing** - Site fencing must be erected in accordance with SafeWork Guidelines, to exclude public access to the site throughout the demolition and/or construction work, except in the case of alterations to an occupied dwelling. The fencing must be erected before the commencement of any work and maintained throughout any demolition and construction work.

A demolition licence and/or a high risk work license may be required from

SafeWork NSW (see www.SafeWork.nsw.gov.au).

190. Stormwater & Ancillary Works - Applications under Section 138 Roads Act and/or Section 68 Local Government Act 1993 - To apply for approval under Section 138 of the Roads Act 1993:

- (i) Complete the "Stormwater Drainage Application Form" which can be downloaded from Georges River Council's Website at www.georgesriver.nsw.gov.au
- (ii) In the Application Form, quote the Development Consent number and reference this condition number (e.g. Condition 10)
- (iii) Lodge the application form, together with the associated fees at Council's Customer Service Centre, during business hours. Refer to Council's adopted Fees and Charges for the administrative and inspection charges associated with Stormwater applications.

The developer must meet all costs of the extension, relocation or reconstruction of any part of Council's drainage system (including design drawings and easements) required to carry out the approved development.

The preparation of all engineering drawings (site layout plans, cross sections, longitudinal sections, elevation views together with a hydraulic grade analysis) and specifications for the new storm water drainage system to be arranged by the applicant. The design plans must be lodged and approved by Council prior to the issue of a Construction Certificate.

Note: A minimum of four weeks should be allowed for assessment.

191. Council as PCA - Compliance with the BCA - Should the Council be appointed as the Principal Certifying Authority in determining the Construction Certificate, the building must comply with all the applicable deemed to satisfy provision of the BCA. However, if an alternative solution is proposed it must comply with the performance requirements of the BCA, in which case, the alternative solution, prepared by an appropriately qualified fire consultant, accredited and having specialist qualifications in fire engineering, must justifying the non-compliance with a detailed report, suitable evidence and expert judgement. Council will also require if deemed necessary, for the alternative solution to undergo an independent peer review by either the CSIRO or other accredited organisation. In these circumstances, the applicant must pay all costs for the independent review.

192. Energy Efficiency Provisions - Should Council be appointed as the Principal Certifying Authority, a report prepared and endorsed by an Energy Efficiency Engineer or other suitably qualified person must be submitted, detailing the measures that must be implemented in the building to comply with Section J of the BCA. The proposed measures and feature of the building that facilitate the efficient use of energy must be identified and detailed on the architectural plans. At completion of the building and before the issue of an Occupation Certificate, a certificate certifying that the building has been erected to comply with the energy efficiency provisions must be submitted to the Principal Certifying Authority.

193. **Compliance with Access, Mobility and AS4299 - Adaptable Housing** - Should the Council be appointment as the PCA, the Construction Certificate Application must be accompanied by detailed working plans and a report or a Certificate of Compliance from an Accredited Access Consultant certifying that the building design and access to the adaptable units complies with Council's DCP and AS 4299 Adaptable Housing.