

## SCHEDULE 4

### FINAL STATEMENT OF COMMITMENTS - ~~FORMER SUNBEAM SITE CAMPSIE~~ CLEMTON PARK VILLAGE SITE

**Reason for Modification:** This modification seeks to replace "Former Sunbeam Site Campsie" with "Clemton Park Village" to reflect the approved naming strategy for the project.

#### A-1. GENERAL

1.1 The project will be carried out generally in accordance with the plans and material submitted as part of the Environmental Assessment for Major Project No. 07\_0106, except where amended by the Preferred Project Report dated May 2009, the Revised Preferred Project Report dated December 2010 and the subsequent modification applications under section 75W, as described in:

- a) Environmental Assessment Report and associated appendices dated 27 October 2008 as amended by the Preferred Project Report dated May 2009;
- b) Approved Architectural Drawings contained within Modification A1 of this approval;
- c) Amended Landscape Plans prepared by ~~Habitation Umbaco~~ dated ~~24 April 2009~~ **8 July 2012**;
- d) Amended subdivision plans prepared by Dunlop Thorpe dated ~~13~~ **27** June 2012;
- ~~e) BASIX Assessment, BASIX Certificate prepared by Cundall;~~
- ~~f) e)~~ Amended Traffic Impact Assessment (TMAP) prepared by Traffix (Version 10) dated 24 April 2009;
- ~~g) f)~~ Stormwater and Flood Management Report prepared by Hyder consulting dated October 2008;
- ~~h) g)~~ Utilities Investigation Report prepared by Hyder Consulting dated September 2008;
- ~~i) h)~~ Infrastructure Report ~~and Plan~~ prepared by Hyder Consulting dated October 2008 **and plans prepared by Craig and Rhodes dated 9 June, 27 June, 6 July, 13 July and 16 July 2012**;
- ~~j) i)~~ Waste Management Plan prepared by JD Macdonald dated October 2008;
- ~~k) j)~~ Construction Management Plan prepared by Davids Group dated October 2008;
- ~~l) k)~~ Demolition Management Plan prepared by Metropolitan Demolitions dated 27 March 2009.

**Reason for Modification:** Australand's recently submitted Section 75W modification to the Department of Planning and Infrastructure (MP 07\_0106 MOD 3) already includes these updated Statement of Commitments. This proposed modification seeks to ensure that the Statement of Commitments remains consistent for the Concept Plan approval and Project Application approval, as modified. The modification also seeks to reflect the latest specialist documentation available for the project.

The BASIX Assessment and BASIX Certificate prepared by Cundall are proposed to be deleted as those documents relate to the Project Application approval and are therefore not relevant to the Concept Plan.

The Infrastructure Plans prepared by Craig and Rhodes referred to in (h) above have been updated to reflect the latest set of plans.

1.2. The Proponent will ensure that all contractors engaged to carry out work are aware of and will comply with relevant conditions of consent issued under Major Project No. 07\_0106 **(as modified)**.

#### **1. STATEMENT OF COMMITMENTS**

~~Except as provided elsewhere in this Statement of Commitments, these commitments in this Section A General are made on respect of the carrying out of the project (mixed use retail, commercial, residential, and seniors living) on the site known as No. 60 Charlotte Street, Clemton Park.~~

**Reason for Modification:** This modification seeks deletion of Statement of Commitment No. 1. The Statement of Commitment is superfluous, particularly in light of the Concept Plan Approval's and Instrument of Approval which identifies the development to which the Statement of Commitments

## 2. HERITAGE

2.1 Prior to the commencement of any demolition of the structures a report detailing the manufacturing process should be maintained together with an oral history, flow diagrams of the manufacturing process, photographic records and documentation including scale drawings in accordance with the Heritage Information Series Guidelines "*How to prepared archival records of heritage items*" and "*Photographic recording of heritage items using film or digital capture*" issued by the NSW Heritage Office. A copy of the Archival recording is to be submitted to the Council for its records by the proponent to the satisfaction of the consent authority.

2.2 A commemorative plaque and interpretative display will be erected informing employees and visitors alike about the history of the site.

## 3. TRANSPORT AND TRAFFIC

3.1 The access and internal design arrangements shall comply with the requirements of AS 2890.1 and AS 2890.2.

3.2 Parking ~~is to~~ **be provided** ~~be~~ generally in accordance with the maximum car parking rates required under the **Condition** ~~condition~~ A5 of the Concept Plan approval.

3.3 Construction of New Troy Street between Charlotte Street and Troy Street **shall be undertaken** in accordance with the approved plans for roadwork.

~~3.5~~ **4** Construction of new concrete vehicle crossings from new kerb alignments to existing property boundaries to replace existing vehicle crossings to two properties.

**Reason for Modification:** This modification seeks minor changes to the current wording of the Transport and Traffic related Commitments to clarify the intent and improve the readability of the Commitments.

Existing Commitment 3.4 has been relocated to Section 10 - Landscaping.

## 4. NOISE IMPACT

**4.1 Project specific noise criteria will be reviewed at the Development Application stages to determine the anticipated noise levels from the proposed individual uses and take into account potential shielding from the built environment. The potential for operational and mechanical noise associated with the development will be controlled by common engineering methods, and may include but not limited to:**

- a) glazing;
- b) acoustic installation such as solid doors/shutters, acoustic louvres and the like; and/or
- c) the preparation and implementation of operational management plans for specific uses such as the child care centre and loading docks.

**4.2 At a minimum, the internal acoustic isolation requirements shall generally comply with the requirements of the following as relevant to the proposed works:**

- a) Building Code of Australia;
- a) Australian Standard AS/NZS 2107:2000
- b) NSW Industrial Noise Policy;
- c) the criteria cited in the approved Concept Plan acoustic report.

**~~4.1~~ 4.3 Construction noise activity in respect of any stage is to comply with the requirements set out in Chapter 171 of the EPA Environmental Noise Control Guidelines and the Environment Protection Authority guidelines for noise emissions from construction/demolition works and must also comply with the provisions of the Protection of the Environment Operations Act 1997, as relevant.**

**~~4.2~~ 4.4 Best practice management noise control procedures as outlined in AS 2436-1981 "Guide to Noise Control on Construction, Maintenance and Demolition Sites" are to be applied in controlling construction noise to the recommended noise levels.**

#### 4.5 Delivery Hours

All deliveries, loading or unloading associated with the premises at Lot **1 42** are to take place between the hours of 6am and 9pm on any day.

**~~4.3 All mechanical plant and other related equipment is to be designed to satisfy the requirements of the NSW Industrial Noise Policy.~~**

**~~4.4 Noise levels for vehicular traff.4 Noise levels for vehicular traffic are to comply with the Environmental Noise assessment prepared by Acoustic Logic dated 9 September 2008.~~**

**~~4.5 Management and acoustic treatment for the child care centre will include:~~**

- a) ~~Children are not allowed access to the external play area after 6pm.~~
- b) ~~continuous monitoring of children activities within the external play area.~~
- c) ~~Keep external facade closed and install upgraded single glazing with acoustic seals.~~
- d) ~~Install automatic door closers to external doors.~~

**~~4.6 "Install acoustic insulation (typically 75mm thick and 20kg/m3 to a minimum of 50% of the underside of the soffit of the loading dock. Alternatively install envirospray to a similar area of the soffit.~~**

**~~4.7 Install a solid entry door/shutter which is kept closed during periods of loading and unloading of trucks.~~**

**~~4.8 Install a 600mm deep acoustic louver to the external openings in the loading dock walls with a minimum acoustic performance as detailed in the table below.~~**

**Table 1 – Minimum Louver/Silencer Insertion Loss**

63Hz	125Hz	250Hz	500Hz	1kHz	2kHz	4kHz	8kHz
4	7	10	12	15	15	15	14

**~~4.9 Additionally the following management controls are required to be implemented:  
Trucks not to be kept waiting on public roads prior to entry to the loading dock. Trucks to turn engines off during periods when they are loading and unloading".~~**

**Reason for Modification:** This modification seeks to replace the currently approved noise related commitments. The current commitments were drafted to address both the Concept Plan and the Stage 1 Project Application, which was submitted and approved concurrently with the Concept Plan, and which is now under construction. To that end, the noise related commitments are currently highly detailed and in some instances relate to specific uses, issues and proposed mitigation measures related to the Stage 1 Project Application works. In other instances, the commitments are loosely worded and it is therefore unclear where and how they should be applied for remaining stages.

This modification proposes revised noise related commitments similar to those regularly applied elsewhere throughout metropolitan NSW on similarly sized Part 3A projects. Noise criteria will need to be reviewed during the preparation of individual development applications to determine the anticipated noise levels arising from development for which consent is being sought at the time. A range of industry accepted noise mitigation measures have been identified to articulate the approaches Australand may adopt when modelling expected noise impacts and determining noise criteria. The proposed commitments also identify the relevant policies / legislation that future noise assessments will need to address for both the construction and operational phases on development.

## **6.5. FLOODING**

5.1 Habitable floor levels will be a minimum of 0.5m above the Council's 'Standard Flood Level' (typically 100 year ARI flood levels).

5.2 ~~An appropriate~~ Flood Emergency and Evacuation Plan **will shall** be prepared for the Lot **5 31** development **to articulate how residents will be either retained on-site in a safe area or evacuated during a flood event. Evacuation will allow people a safe haven or a flood free route to higher ground in times of floodwaters surrounding the building.** The plan is to include details of flood warning systems and protocols. It should also detail how this information will be distributed to users of the site.

5.3 The development will provide detention storage to mitigate potential adverse flood impacts. The proposed storage will be provided and configured in a manner such that the proposed development will not adversely impact on neighbouring/downstream flooding.

**Reason for Modification:** The proposed amendments to Flood related commitments seek to identify the correct flood affected lot, and to clarify the intent and improve the readability of the Commitments.

## **6. ENVIRONMENTAL SUSTAINABILITY**

**6.1 Individual Development Application stages will demonstrate compliance with:**

- a) the minimum thermal comfort, energy and water requirements of BASIX; and**
- b) the minimum requirements of Section J of the BCA, where relevant.**

**6.2 Detailed sustainability measures to be considered in the Development Application stages will have reference to the ESD considerations within the approved Concept Plan ESD Strategy prepared by Cundalls, dated September 2008. These may include, but not be limited to:**

- a) Car park ventilation being fitted with CO monitoring and VSD control;**
- b) Installation of fluorescent lighting with efficiency controls such as zone switching and motions sensors to the car park, common areas, hallways and plants rooms;**
- c) Individually ducted residential bathrooms and laundries and introduction of efficiency controls to reduce excessive fan use from central systems;**
- d) highly insulated hot water piping systems to minimise heat loss and increase system efficiency;**
- e) installation of energy and water efficient appliances;**
- f) installation of stormwater detention to reduce runoff quantities and use of permeable surfaces where appropriate;**
- g) investigations into locating a car-sharing scheme on the site and provision bicycle facilities to encourage non-private car usage;**
- h) preference being given to the use of environmentally responsible materials which have a low embodied energy and high recycled content; are not scarce and are durable, flexible and recyclable; and**
- i) implementation of best practice waste minimisation practices.**

#### **Energy**

~~6.1 Hallways and lobbies will be partially naturally ventilated. Car park ventilation will be fitted with CO monitoring and VSD control;~~

~~6.2 Enclosed car park areas should be designed with Variable Speed Drive (VSD) and carbon monoxide (CO) monitoring, as well as passive supply or passive exhaust where possible;~~

~~6.3 A highly efficient lighting design and control strategy will reduce artificial lighting energy consumption and allow maximum advantage to be taken of daylight;~~

~~6.4 Fluorescent lighting to the car park, common areas, hallways and plants rooms;~~

~~6.5 Efficiency controls including timers and motions sensors to car park, common areas and plant rooms;~~

~~6.6 Where air conditioning is provided to residential units, efficient AC units will be installed;~~

~~6.7 Residential bathrooms and laundries will be individually ducted to the facade, with efficiency controls, to avoid excessive fan use from central systems;~~

~~6.8 Roof mounted solar panels will provide hot water for all residential domestic hot water needs, as well as pool heating for the seniors living. These systems will typically deliver approximately 60% of yearly water heating energy, with a gas back-up for security of supply during night time or cloudy periods;~~

~~6.9 Building form and fabric have been carefully considered to balance solar heat gains, daylight, glare and views to outside. Passive design strategies include external shading, insulation for walls and ceilings, and high performance glazing where necessary;~~

~~6.10 All residential apartments to have energy efficient fluorescent lighting for bedrooms,~~

~~bathrooms, laundries, toilets and hallways;~~

~~6.11 Gas cooktop with electric oven;~~

~~6.12 3.5 star rated dishwashers;~~

~~6.13 3.5 star rated clothes washers;~~

~~6.14 2.0 star rated clothes dryers.~~

#### **Water**

~~6.15 Water efficient fittings will be installed across the development, including:~~

~~–4 star wash hand basins & kitchen taps;~~

~~–4 star WC's;~~

~~–3 star showerheads;~~

~~–Low flush urinals.~~

~~6.16 4 Star water efficient dishwashers;~~

~~6.17 4 Star water efficient clothes washing machines;~~

~~6.18 Where utilised, cooling towers to have 6 cycles of concentration or greater, reducing water consumed in air conditioning by up to 50%, as well as reducing chemical use in treatment;~~

~~6.19 Rainwater will be harvested from all residential rooftops for use in the following applications:~~

~~–Common area landscape irrigation;~~

~~–Private landscape irrigation;~~

~~–Car washing & wash down.~~

~~6.20 Native, drought resistant planting will be maximised to reduce water consumption used in irrigation.~~

~~6.21 Rainwater capture from rooftops for reuse in buildings will reduce stormwater runoff as well as mains potable water use;~~

~~6.22 Extensive stormwater detention will minimise runoff quantities. The use of permeable surfaces will be considered where suitable – An area of planting between Precinct E and the culvert has been identified as a suitable location for a bioswale, to be further developed. There may also be potential for such an approach in other locations.~~

#### **Amenity & IEQ**

~~6.23 Wall and roof insulation not only reduce heat gain and loss, but will also moderate radiant temperatures from the walls, floor and ceiling;~~

~~6.24 Building facades with large areas of glazing will have a combination of external shading and high performance glass to reduce heat transfer and radiant temperatures in proximity to the windows. Balcony overhangs provide effective external shading for residential buildings;~~

~~6.25 Internal noise will be restricted to acceptable levels in accordance with Australian Standard AS/NZS 2107:2000, including general building and services noise;~~

~~6.26 Indoor air quality will be maximised by selecting finishes with a low impact on indoor air quality including paints, carpets and adhesives with low VOC emissions and low formaldehyde emissions in composite wood products.~~

#### **Transport**

~~6.27 Bicycle facilities will be provided throughout the site to encourage active zero-emission means of transport. These are shown for the concept plan in the Basements of Lots 1 and 3;~~

~~6.28 Improved pedestrian and bicycle accessibility external to the site to maximise accessibility.~~

~~6.29 Car parking has been minimised on-site to discourage the use of emissions-intensive private vehicle use;~~

~~6.30 New bus stops will be provided, as required by Transport for NSW, to serve the site to encourage the use of public transport, a low-emissions mode of transport. A commitment is being sourced from bus service providers to reroute bus services to serve the site;~~

~~6.31 A car-sharing scheme will be implemented for commercial and retail tenants to reduce private vehicle use and emissions.~~

~~6.32 Refer to the Traffic Impact Assessment (TMAP) report for further details.~~

#### **Emissions**

~~In addition to the reduction in greenhouse emissions as a result of lower on-site energy usage, emissions to land, air and water will be minimised in the following ways:~~

~~6.33 Where available, thermal insulation products will be selected which have a low Ozone Depletion Potential in their manufacture and composition, reducing the impacts of insulation on the atmosphere;~~

~~6.34 100% of refrigerants by volume will have an Ozone Depletion Potential of zero; and integrated refrigerant leak detection will ensure early identification of leaks;~~

~~6.35 Estimated wastewater discharge to sewer will be significantly reduced relative to a standard building through the implementation of water efficiency measures;~~

~~6.36 Stormwater management procedures such as OSD and gross pollutant traps will improve stormwater runoff quality and reduce peak stormwater flows from the site;~~

~~6.37 External light pollution will be controlled by careful lighting design, in accordance with AS 4282-1997.~~

#### **Materials Selection**

~~6.38 Preference will be given to environmentally responsible materials during the selection process, according to the following principles:~~

- ~~– Avoidance of ecologically sensitive products (such as scarce minerals and old-growth forest);~~
- ~~– Selection of materials with a low embodied energy & high recycled content;~~
- ~~– Low toxicity material selection;~~

- ~~–Low impact on the indoor environment;~~
- ~~–Durability, flexibility and recyclability;~~
- ~~–Emissions in manufacture and composition, including greenhouse gases and ozone depleting substances;~~
- ~~–Waste reduction—utilising prefabricated construction can minimise construction work and waste on-site.~~

~~6.39 The following initiatives will be implemented:~~

- ~~–Timber will be sourced from sustainable plantations such as FSC certified or reused products;~~
- ~~–Finishes will be selected with a low impact on indoor air quality including paints, carpets and adhesives with low VOC emissions and low formaldehyde emissions in composite wood products;~~

#### **Environmental Management**

~~6.40 Prior to construction, an Environmental Management Plan (EMP) will be developed to regulate the environmental impacts of the development during construction. This will identify potential environmental impacts and strategies to mitigate these impacts, as well as outlining methods for auditing and tracking the impacts and responsible parties;~~

~~6.41 A building users' guide will be developed to inform and educate building users, residents and tenants on how to capture and promote strong on-going environmental performance;~~

~~6.42 Remediation will be undertaken for areas of the site considered to be contaminated~~

**Reason for Modification:** As currently worded, the Sustainability commitments are highly detailed and specific. In many instances, the commitments:

- duplicate the requirements of BASIX;
- are worded in a manner that necessitates strict compliance (such as identifying particular 4 star rated whitegoods and appliances);
- do not necessarily promote best practice (e.g.: the use of fluorescent lighting); or
- require a design or operational requirements that cannot be physically achieved.

In addition, the current commitments do not recognise technological advancements, encourage innovative design, or facilitate alternative solutions.

Australand has therefore taken the opportunity to holistically update and undertake housekeeping amendments to the Sustainability commitments, in consultation with its sustainability consultant, Efficient Living. The proposed commitments require future development applications to demonstrate compliance with Section J of the BCA and BASIX. They also require future Development Applications to be benchmarked against the findings of the ESD Strategy prepared by Cundalls and approved under the Concept Plan. The suggested wording in no way undermines or negates the requirement for Australand to deliver a sustainable development, however it does provide flexibility to consider and respond to the individual opportunities and constraints of each future stage.

## **7. CONTAMINATION**

7.1 The proponent will:

Engage a Site Auditor accredited under the *Contaminated Land Management Act 1997* to provide technical oversight to the works, and to issue a Site Audit Statement at the completion of works.



Where necessary, undertake additional assessments to meet the current DECC Guidelines.

If the assessments identify contamination levels which trigger the need for remediation, the URS RAP will be reviewed and modified as necessary to produce a Staged RAP which reflects the remediation requirements for each stage of the development. The RAP will be amended if the staging plan is amended.

Together with the Construction Certificate for each stage, and prior to commencement of construction, any remediation will be performed for that particular stage of development.

Prepare a validation report at the completion of any assessment and of any remediation that is found to be required for each such stage of the redevelopment.

The Site Auditor will prepare a Site Audit Statement and accompanying Report for each stage of the development, which will be provided to DECC.

## 7.2 Management of asbestos removal

The Proponents shall engage an Occupational Hygienist to preparation a hazardous materials survey prior to demolition.

Anyone who removes repairs or disturbs bonded asbestos must hold a bonded or a friable asbestos license, in accordance with Workcover requirements and the Occupational Health and Safety Act 2000.

Licensed contractors must notify Work Cover NSW of work done in relation to bonded asbestos material having a total surface area of more than the maximum allowable area specified in Clause 317 (3) of the Occupational Health and Safety Regulation 2001.

The notification must be given at least 7 days prior to the start of work and should provide the following information:

- Details about the *removal* contractor and nominated competent person and independent supervisor (building owner's representative)
- Type, quantity and location of bonded asbestos material
- Work method statement of removal procedure s to be carried out
- Commencement and completion dates
- Disposal arrangements

All works to be conducted will comply with the Code of Practice for the Safe Removal of Asbestos [NOHSC: 2002(2005)]

Control air monitoring will be conducted during asbestos removal to ensure levels are within the standards specified in Adopted National Exposure Standards for Atmospheric Contaminants in the Occupational Environment[NOHSC: 1 003( 1995)]

Details demonstrating compliance with these requirements are to be submitted to the Certifying Authority prior to the commencement of works.

## 8. WASTE MANAGEMENT

***8.1 Individual Development Application stages will demonstrate general compliance with the following as relevant to the proposed development:***

- a) ***Section 4 Waste Management Plan of the Construction Management Plan prepared by Parkview dated October 2008.***

***8.2 Site specific waste management plans are to be prepared and submitted with each development application for the relevant stages of works.***

~~**8.1 Material to be removed from the site must be source separated on site to maximise recycling, and the material disposed of to an appropriate disposal and recycling facility in accordance with Section 4 Waste Management Plan of the Construction Management Plan prepared by Parkview dated October 2008.**~~

~~**8.2 Provision and Management of facilities should be in accordance with the Waste Management plan for Lot 3 prepared by JD Macdonald dated 2 October 2008**~~

~~**8.3 Provision and Management of facilities should be in accordance with the Waste Management plan for Lot 1 prepared by JD Macdonald dated 9 October 2008**~~

**Reason for Modification:** This modification seeks to update the currently approved Waste related commitments to reflect the Concept Plan Waste Management Plan approved for the project and remove references to other Waste Management Plans that have been superseded and or overwritten by subsequent Project Application and Development Application approval. In addition, site specific waste management plans will be prepared for the remaining development blocks as development applications are progressively approved.

## **9. INFRASTRUCTURE**

### **9.1 Roads**

- a) The proposed road layout and access arrangements will generally be in accordance with ***Infrastructure Report prepared by Hyder consulting dated October 2008 and plans prepared by Craig and Rhodes dated 9 June, 27 June, 6 July, 13 July and 16 July contained in Modification condition A1 of the Concept Plan approval. Drawing Reference C005; C030 and C040 to C044, prepared by Hyder Consulting dated 2 October 2008.***
- b) ~~**As part of Stage two,**~~ Two new concrete vehicle crossings will be provided from the new kerb alignment to the existing property boundaries to replace the existing vehicle crossings at New Troy Street as well as the construction of a new concrete footpath.

### **9.2 Stormwater**

Stormwater Management will be undertaken generally in accordance with ~~**Drawing Reference C025 to C028, prepared by Hyder Consulting dated 2 October 2008, plans prepared by Craig and Rhodes dated 9 June, 27 June, 6 July, 13 July and 16 July contained in Modification condition A1 of the Concept Plan approval.**~~

**Reason for Modification:** This modification seeks to ensure that the Statement of Commitments remains consistent for the Concept Plan approval, as modified. The modification also seeks to reflect the latest specialist documentation available for the project.

### **9.3 Potable Water Supply**

Construct a DN150 water main between the DN150 main in Troy Street and the DN100 main in Alfred Street. In addition, DN100 water mains will be constructed in New Troy, New Wade and New

Harp Streets. Any works will be in accordance with the "Water Supply Code of Australia - Sydney Water Edition".

#### 9.4 Sewer

All sewer work will be carried out in accordance with the standards set out in the "Sewerage Code of Australia - Sydney Water Edition".

#### 9.5 Electrical

- a) New substations are to be installed within the proposed development as part of the individual Project Applications as required. They are to be connected to Energy Australia's high voltage network. All upgrade work is to be carried out in accordance with the requirements of Energy Australia.
- b) All new internal roads are to be provided with external lighting complying with AS 1158 requirement. Energy efficient lighting is to be used for internal and external lighting.

### 10. LANDSCAPING

***10.1 A landscape plan is to be prepared and submitted with each development application for the relevant stage of works.***

***10.2 Landscaping is to be undertaken between the existing property boundaries on the northern side of the existing Troy Lane to the new kerb alignment of New Troy Street including construction of a concrete footpath.***

***10.3*** A vegetation maintenance program shall be implemented upon completion of construction on the entire site. Some of the main points in the maintenance program shall include:

- a) The removal/management of leaves from deciduous canopy tree to prevent accumulation of high fuel levels.
- b) A watering regime tailored to the stages of plant growth and seasonal fluctuations in rainfall and temperature. A permanent irrigation system will be installed for all internal areas connected to the rainwater harvesting tanks. The capacity of these tanks has been designed to never be empty so water will always be available. A temporary system shall be installed for all native and endemic vegetation. Most of this vegetation will be self sufficient after a 3 year period.
- c) The proposed development will have garden and maintenance staff as required
- d) The landscape contractor will be on a 12 month maintenance contract from the date of Practical Completion.
- e) Mulch levels are to be topped up to a minimum of 75mm.
- f) Failed plants are to be replaced.

**Reason for Modification:** This modification articulates that documentation and specifications are required to be prepared for all landscape works and/or public space improvements. The modification also reiterates that reconciles and consolidates approved Landscaping related commitments into one location.

### 11. CERTIFICATION MATTERS & CONSTRUCTION MANAGEMENT

***11.1 The proponent will comply with Part 4A - Certification of Development of the Environmental Planning and Assessment Act, 1979 for each Development Application.***

**11.2 All building work shall be carried out in accordance with the relevant provisions of the BCA.**

**11.3 Construction Management Plan**

**A Construction Management Plan shall be submitted to the Certifying Authority prior to the issue of a Construction Certificate for the relevant stage of works. The Construction Management Plan should include but not be limited to:**

- a) A site management strategy, identifying and addressing issues such as environmental health and safety, site security, and traffic management.**
- b) A water management strategy, detailing erosion and sediment control, management of soil stockpiles, control and management of surface water, groundwater. Procedures should also be included to ensure that all roads adjacent to the site are kept free and clear from mud and sediment.**
- c) A dust management strategy, detailing procedures to minimise dust generation, with particular reference to control techniques and operational limits under adverse meteorological conditions.**
- d) A noise and vibration management program, detailing measures to minimise the impact of the development on local amenity. Provision for noise and vibration monitoring during works should be incorporated into the program.**
- e) A soil management strategy, detailing measures to be implemented to manage the identification and control and disposal of any acid sulphate soils or soil contamination identified during site works.**
- f) A waste minimisation strategy, which aims to avoid production of waste and maximise reuse, recycling or reprocessing of potential waste material.**

**11.5 Demolition and excavation works shall be restricted to within the hours of 8.00 am to 5.00 pm Monday to Friday only. (Excavation work includes the use of any excavation machinery and the use of jackhammers, rock breakers, excavators, loaders and the like, regardless of whether the activities disturb or alter the natural state of the existing ground stratum or are breaking up/removing materials from the site). The builder and excavator shall display, on-site, their twenty-four (24) hour contact telephone number, which is to be clearly visible and legible from any public place adjoining the site.**

**11.6 Construction Hours shall be restricted as follows:**

- g) 7.00 am to 5.00 pm Monday to Friday;**
- h) 8:00 am to 5.00 pm Saturdays; and**
- i) No work shall be undertaken on Sundays and Public Holidays.**

~~**11.1 The proponent will obtain a Construction Certificate prior to commencement of the works associated with the Project Application (Lot 1 and Lot 3).**~~

~~**11.2 The approved structure will not be used or occupied unless an Occupation Certificate (either final or interim) as referred to in Section 109C(1)(c) of the EP&A Act has been issued.**~~

~~**11.3 All building work must be carried out in accordance with the provisions of the BCA.**~~

~~**11.4 All construction and demolition will be undertaken in accordance with the Construction Management Plan prepared by Davids Group dated October 2008 and Demolition Management Plan prepared by Metropolitan Demolitions dated 27 March 2009.**~~

~~11.5 The construction site will be fenced in accordance with Workcover requirements and access will be restricted to authorized persons. Appropriate signage will be installed in locations visible to pedestrians on the site.~~

~~11.6 All construction materials, vehicles, waste and the like will be stored within the site.~~

~~11.7 Any damage to public roads and road works caused by construction vehicles and activities will be rectified by and at the expense of proponent to the satisfaction of Canterbury Council (or relevant Authority).~~

~~11.8 Dilapidation surveys will to be carried out at the Proponents expense on all premises adjoining the site and will be submitted to Council and the adjoining land owners prior to commencement of excavation work. A survey will be carried out and submitted to Council prior to the issuing of an Occupation Certificate. The dilapidation surveys shall be updated accordingly.~~

~~11.9 All excavations and backfilling associated with the erection or demolition of a building shall be carried out in a safe and professional manner and in accordance with appropriate professional standards.~~

~~11.10 All excavations associated with the erection or demolition of the building are to be properly secured and protected to prevent them from being dangerous to life or property.~~

#### ~~11.11 Construction Management Program~~

~~A Construction Management Program shall be submitted to the Certifying Authority prior to the issue of a Construction Certificate. The program shall detail:~~

- ~~a) The proposed method of access to and egress from the site for construction vehicles, including access routes through the Council area and the location and type of temporary vehicular crossing for the purpose of minimising traffic congestion and noise in the area, with no access across public parks or reserves being allowed;~~
- ~~b) The proposed phases of construction works on the site, and the expected duration of each construction phase;~~
- ~~c) The proposed order in which works on the site will be undertaken, and the method statements on how various stages of construction will be undertaken;~~
- ~~d) The proposed manner in which adjoining property owners will be kept advised of the timeframes for completion of each phase of development/construction process.~~
- ~~e) The proposed method of loading and unloading excavation and construction machinery, excavation and building materials, formwork and the erection of any part of the structure within the site. Wherever possible mobile cranes should be located wholly within the site;~~
- ~~f) The proposed areas within the site to be used for the storage of excavated materials, construction materials and waste containers during the construction period;~~
- ~~g) The proposed method/device to remove loose material from all vehicles and/or machinery before entering the road reserve, any run-off from the washing down of vehicles shall be directed to the sediment control system within the site;~~
- ~~h) The proposed method of support to any excavation adjacent to adjoining properties, or the road reserve. The proposed method of support is to be designed and certified by an appropriately qualified and practicing Structural Engineer, or equivalent;~~
- ~~i) Proposed protection for Council and adjoining properties; and~~

~~j) The location and operation of any on-site crane.~~

#### **11.12 Construction Hours**

~~Building construction shall be restricted to within the hours of 7.00 am to 5.00 pm Monday to Friday and on Saturday to within the hours of 8.00 am to 5.00 pm inclusive, with no work on Sundays and Public Holidays.~~

~~Demolition and excavation works shall be restricted to within the hours of 8.00 am to 5.00 pm Monday to Friday only. (Excavation work includes the use of any excavation machinery and the use of jackhammers, rock breakers, excavators, loaders and the like, regardless of whether the activities disturb or alter the natural state of the existing ground stratum or are breaking up/removing materials from the site).~~

~~The builder and excavator shall display, on-site, their twenty-four (24) hour contact telephone number, which is to be clearly visible and legible from any public place adjoining the site.~~

#### **11.13 Dust Emission and Air Quality**

~~Materials must not be burnt on the site. Vehicles entering and leaving the site with soil or fill material must be covered.~~

~~Dust suppression measures must be carried out to minimise wind borne emissions in accordance with the NSW Department of Housing's 1998 guidelines Managing Urban Stormwater: Soils and Construction. Odour suppression measures must be carried out so as to prevent nuisance occurring at adjoining properties. This Condition must be complied with during demolition and building work.~~

#### **11.14 Noise and Vibration**

~~Noise emissions and vibration must be minimised where possible and work is to be carried out in accordance with Environment Protection Authority guidelines for noise emissions from construction/demolition works and must also comply with the provisions of the Protection of the Environment Operations Act 1997. This Condition must be complied with during demolition and building work.~~

#### **11.15 Protection of Trees During Works**

~~All trees that are to be specifically nominated to be retained by notation or condition as a requirement of development consent shall be maintained and protected during demolition, excavation and construction on the site. Details of required protection methods shall be provided to the Certifying Authority by an appropriately qualified person prior to commencement of any works on the site.~~

~~Reason: To ensure compliance with the requirement to retain significant planting on the site.~~

#### **11.16 Damage to Public Infrastructure**

~~The applicant shall bear the cost of all restoration works to Council's property damaged during the course of this development. The applicant shall advise Council, in writing, of any existing damage to Council property. A dilapidation survey of Council's assets, including photographs and written record, must be prepared by a suitably qualified person and submitted to Council prior to the issue of the Construction Certificate.~~

~~Note: This documentation will be used to resolve any dispute over damage to infrastructure. It is in the applicant's interest for it to be as full and detailed as possible.~~

~~Reason: To ensure the protection of existing built public infrastructure.~~

~~11.17 No materials will be stored on Council's roads, footpaths or parks.~~

~~11.18 The builder will erect and maintain in good order all necessary hoardings, barricades and warning signs required to provide adequate public safety. Night warning lamps will be provided where necessary.~~

~~11.19 Heavy vehicles entering and leaving the site will only cross the footpath where it has been adequately timbered and strapped. Pedestrian access in these locations will remain in good order at all times during excavation work.~~

~~11.20 The building works will be inspected by the Accredited Certifier at the stages of construction listed on the following schedule and a Compliance Certificate verifying that the construction satisfies the standards specified in the SCA will be submitted to the Principal Certifying Authority before proceeding beyond the relevant stage of construction.~~

~~SCHEDULE OF CONSTRUCTION STAGES REQUIRING INSPECTION GENERAL BUILDING WORK  
Commencement/pier holes/ trenches/ steel reinforcement and preliminary works prior to pouring concrete.  
Excavation/foundation material (particularly where a plastic membrane is to be provided).  
Dampcourse.  
Floor, wall and roof frame.  
Stormwater drains.~~

**Reason for Modification:** This modification seeks to update and reconcile the currently approved Construction related commitments. It also seeks to remove very specific commitments that were drafted in relation to the Project Application approval which have now been superseded and/or overwritten as a result of the Project Application works having commenced.

In addition, as the remaining development blocks are progressively approved, they will be subject to standard conditions of consent relating to construction management which would prevail over the currently approved commitments. The removal of highly specific and detailed commitments seeks to remove the potential for multiple layers of confusing and contradictory commitments. The suggested wording in no way undermines or negates the requirement for Australand to undertake development in accordance with accepted industry practices. However it does provide flexibility to consider and respond to the individual opportunities and constraints of each future stage.

## **12. OTHER**

12.1 A separate Development Application will be submitted for the use of any individual tenancy ~~within Lot 1 unless identified as exempt or complying development under the State Environmental Planning Policy (Exempt and Complying Codes) 2008.~~

~~12.2 All service loading and unloading in relation to the use of the premises at Lot 1 will take place wholly within the property. Deliveries to the premises will not be made from a public place or street.~~

12.3 A separate Development Application will be submitted to Council for the display and/or erection of any signs ~~(other than exempt and complying development).~~ *(unless identified as*

*exempt or complying development under the State Environmental Planning Policy (Exempt and Complying Codes) 2008.* Such application will include full details of the dimensions, mode of attachment and means of illumination {if any}.

### **13 B. SUBDIVISION**

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

<p><b>Reason for Modification:</b> This modification seeks to clarify the intent and improve the readability of the Commitments by referencing them back to a legislative framework. The modifications also seek to update and reconcile the currently approved Subdivision related commitments.</p>
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