



DEVELOPMENT COMMITTEE MINUTES

7 SEPTEMBER 2016

The matters contained in this document are determined by the Committee under the delegation of authority granted by resolution of Council at its meeting held on 26th September, 2012.

Council's resolution was subject to the decision of the Committee being unanimous or where one or another Councillor has requested that an item be referred to the full Council.

**Ms Lara Kirchner
GENERAL MANAGER**

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**A MEETING OF THE DEVELOPMENT COMMITTEE OF BOTANY
BAY COUNCIL WAS HELD ON 7 SEPTEMBER 2016 AT BOTANY
TOWN HALL, CNR EDWARD STREET AND BOTANY ROAD,
BOTANY, COMMENCING AT 6:32 PM**

1 ATTENDANCE

COUNCILLORS:

Councillor Ben Keneally (Mayor)
Councillor Stan Kondilios (Deputy Mayor & Chairman)
Councillor Mark Castle
Councillor Christina Curry
Councillor George Glinatsis
Councillor Greg Mitchell
Councillor Brian Troy

ALSO PRESENT:

Ms Lara Kirchner, General Manager
Ms Heather Warton, Director of City Planning and Environment
Ms Cathy McMahon, Manager of Strategic Planning
Mr Evan Hutchings, Manager of Governance
Mr Christopher Mackey, Team Leader Development Assessment

2 APOLOGIES

There were no apologies.

3 CONFIRMATION OF MINUTES

On the motion of Councillor Troy, seconded Councillor Glinatsis

COUNCIL RESOLVED THAT:

The Minutes of the Development Meeting held on 17 August 2016 be received and confirmed as a true record of proceedings.

4 DECLARATION OF INTERESTS

Councillor Kondilios declared a non-pecuniary interest in Item 5.10 – 161 Coward Street, Mascot – Construction of alterations and additions to ground floor and addition of a first floor.

Councillor Kondilios declared a pecuniary interest in Item 5.12 – Land Use Safety Study – Review of Planning Controls in the area surrounding Denison Street Hillsdale.

5 REPORTS

AT THIS STAGE, it was decided that the people who wished to address the committee, in relation to items on the agenda, would be heard.

AT THIS STAGE, Mr George Lloyd, for the adjoining properties, address the committee in objection to Item No. 5.6 – 405-409 Gardeners Road, Rosebery. Redevelopment of the former Marina Theatre site.

AT THIS STAGE, Mr Joseph Costanzo, addressed the committee in objection to Item No. 5.6 – 405-409 Gardeners Road, Rosebery. Redevelopment of the former Marina Theatre site.

AT THIS STAGE, Mr James Michos, addressed the committee in objection to Item No. 5.6 – 405-409 Gardeners Road, Rosebery. Redevelopment of the former Marina Theatre site.

AT THIS STAGE, Mrs Rene Michos addressed the committee in objection to Item No. 5.6 – 405-409 Gardeners Road, Rosebery. Redevelopment of the former Marina Theatre site.

AT THIS STAGE, Mr Jim Michos addressed the committee in objection to Item No. 5.6 – 405-409 Gardeners Road, Rosebery. Redevelopment of the former Marina Theatre site.

AT THIS STAGE, Councillors paused to read a letter in objection by Mr Jorge Garcia in relation to Item No. 5.6 – 405-409 Gardeners Road, Rosebery. Redevelopment of the former Marina Theatre site.

AT THIS STAGE, Mr Chris Tsioulos, for the applicant, addressed the committee in relation to Item No. 5.6 – 405-409 Gardeners Road, Rosebery. Redevelopment of the former Marina Theatre site.

AT THIS STAGE, Mr Craig McGafin, for the applicant, addressed the committee in objection to Item No. 5.6 – 405-409 Gardeners Road, Rosebery. Redevelopment of the former Marina Theatre site.

AT THIS STAGE, Mr David Katon, for the applicant, addressed the committee in relation to Item 5.7 – 27-29 Robey Street, Mascot – Integrated Development Application for the demolition of the existing structures and erection of a mixed use development comprising of 18 apartments and basement car parking for 31 vehicles.

AT THIS STAGE, Mr Greg Barr, applicant, addressed the committee in relation to Item 5.7 – 27-29 Robey Street, Mascot – Integrated Development Application for the demolition of the existing structures and erection of a mixed use development comprising of 18 apartments and basement car parking for 31 vehicles.

5.1 SHOP 2, 1135 BOTANY ROAD, MASCOT - S96(1A) TO MODIFY DEVELOPMENT CONSENT NO. DA-2009/184 TO AMEND CONDITIONS 9 & 22 RELATING TO ADDITIONAL STAFF AND EXTENSION OF TRADING HOURS

File No: DA-09(184)

DA No:	09/184/2
Application Date:	7 September 2015
Property:	Shop 2, 1135 Botany Road, Mascot
Lot and DP No:	Lot 1 DP 930137
Proposal:	Section 96(1A) Application to modify Development Consent No. 09/184 for the change of use and fit-out to an existing premises as a café to now increase the total number of employees from two to six persons as well as extending the hours of operation from 7am to 9pm Monday to Sunday to 7am to 10pm Sunday to Thursday and 7am to 12 midnight Friday and Saturday.
Key Issues:	Car parking Extended hours
Applicant:	GRK Street Food Pty Ltd
Applicant Address:	Shop 2, 1135 Botany Road Mascot, NSW 2020
Property Location:	Tenancy on in from corner of Botany Road and King Street, the subject premises fronts King Street
Zoning:	B2 – Local Centre Botany Bay Local Environmental Plan 2013

Present Use:	Café and take away food premises
Classification of Building:	Class 6 – Retail Shop
Value:	N/A
Submissions:	One objection

On the motion of Councillor Troy, seconded Councillor Mitchell

COUNCIL RESOLVED THAT:

Development Consent No. 09/184 be modified under Section 96 (1A) of the *Environmental Planning and Assessment Act 1979* by:

- a) Amending Condition 1, to refer to the Plan of Management;
- b) Amending Condition 22, to refer to the amended hours of operation for inside the premises and the outside footway dining area;
- c) Amending Condition 42, to refer to the current Section 96(1A) application No. 09/184/02.

**Premises: Shop 2, 1135 Botany Road, Mascot
09/184/2**

DA No:

SCHEDULE OF CONSENT CONDITIONS

1. The development shall be carried out in accordance with the following plans and documentation, except where amended by the conditions of the Consent:
 - a) Amended Site Plan prepared by Designer – Kinh. N. Du, dated 24/11/2008, drawing no. AR2563, issue A, sheet no. 01 and received by Council on 27 February 2009;
 - b) Amended Floor Plan prepared by Designer – Kinh. N. Du, dated 24/11/2008, drawing no. AR2563, issue A, sheet no. 02 and received by Council on 27 February 2009;
 - c) Amended Sectional Elevation Plan prepared by Designer – Kinh. N. Du, dated 24/11/2008, drawing no. AR2563, issue A, sheet no. 03 and 04 and received by Council on 27 February 2009;
 - d) Amended Shop Front Elevation Plan prepared by Designer – Kinh. N. Du, dated 24/11/2008, drawing no. AR2563, issue A, sheet no. 05 and received by Council on 27 February 2009;

- e) Amended Statement of Environmental Effects received by Council on 27 February 2009;
- f) Waste Management Plan dated 24 February 2009 and received by Council on 27 February 2009; and
- g) Exemption letter to heritage impact statement prepared by Tony Tran, dated 24 February 2009 and received by Council on 27 February 2009.
- h) *Plan of Management prepared by Arthur Balayannis, dated 3 August 2016, received by Council 4 August 2016.***

(Condition 1h) added DA-09/184/02)

2. The applicant must prior to the obtainment of the approved plans and specifications pay the following fees:-
 - a) Builders Security Deposit \$5,400.00
 - b) Development Control \$110.00
3. The consent given does not imply that works can commence until such time that:
 - a) Detailed plans and specifications of the building have been endorsed with a Construction Certificate by:
 - i) The consent authority; or
 - ii) An accredited certifier; and
 - b) The person having the benefit of the development consent:
 - i) Has appointed a principal certifying authority; and
 - ii) Has notified the consent authority and the Council (if the Council is not the consent authority) of the appointment; and
 - c) The person having the benefit of the development consent has given at least 2 days notice to the council of the persons intention to commence the erection of the building.
4. This Consent relates to land in Lot 1 in DP 930137 as such, the use must not encroach on to adjoining lands or the adjoining public place.
5. All building work must be carried out in accordance with the provisions of the Building Code of Australia.
- 6.

- a) All deliveries made to the premises shall be made by a Class 1 size vehicle or smaller; and
 - b) Deliveries, dispatch of goods and removal of waste is limited to the hours of 7:30am to 5:00pm, Monday to Friday.
7. All goods and equipment associated with the premises shall be kept wholly within the building and not within the footpath area on Botany Road or King Street.
8. The façade tiling must not be removed, altered or painted at any time to maintain consistency with the shops that form part of the wholly building.
9. A maximum of ~~two (2)~~ **six (6)** persons shall be employed at the premises in association with the approved use. If any additional staffs are to be employed at the premise then this shall form the subject of a further application to Council.
(Condition amended DA-09/184/02)
10. The proposed signage shall not;
- a) Flash, move, be animated, scintillate or be decorated with rotating flashing lights;
 - b) Include any apparatus to provide any sound;
 - c) Cover any architectural features or windows;
 - d) Carry a message(s) which is offensive;
 - e) Give instructions to traffic by the use of the words 'Halt', 'Stop', or any other direction, nor imitate traffic signs in respect to shape, layout or colour;
 - f) Contain interchangeable or moveable parts; and
 - g) Impair or distract the vision of a driver through the intensity of the illumination of the sign.
 - h) Must not impede the ability of the occupants to exit the building under emergency conditions.
11. Prior to the issue of the Construction Certificate, details shall be submitted to the Principal certifying Authority for approval detailing the method of fixing the signage and lighting to the building.
12. The following shall be complied with:
- a) The signage shall be for business identification purposes only and be associated with the approved use carried out within the premises.
 - b) The signage shall not be adapted or used for third party advertising purposes at any time.

- c) The supporting structures of the proposed floodlit sign are to be integrated into the sign structure or be suitably screened.
 - d) Lighting should face downwards/upwards and should focus on the sign to prevent and minimize the escape of light.
13. The signage shall be appropriately maintained at all times and kept in a clean and tidy condition.
14. No signs, amplification equipment, goods or the like shall be placed on public areas or the footpath.
15. The following shall be complied with:
- a) Any lighting on the site shall be designed so as to cause nuisance to other residences in the area or to motorists on nearby roads, and to ensure no adverse impact on the amenity of the surrounding area by light overspill. All lighting shall comply with AS4282-1997 Control of the obtrusive effects of outdoor lighting.
 - b) Illumination of the signage shall not cause any light overspill.
 - c) At no time is the intensity, period of intermittency and hours of illumination of the sign/s to cause injury is likely to be caused, the intensity, period of intermittency and hours of illumination must be varied to the satisfaction of Council.
16. No further signs or advertising which requires consent shall be installed or displayed at the property without a development application being lodged with Council and consent thereto being given by Council.
17. All loading and unloading operations shall be carried out either at the rear of the premises and shall not obstruct other properties/units in the vicinity of the premises.
18. Prior to the issue of the Construction Certificate, the applicant shall submit to Council a full photographic survey of the existing conditions of the road reserve (including footpath, grass, kerb and gutter and roadway), and other Council properties which are adjacent to the property.
19. The applicant shall conduct all construction and related deliveries wholly on site. If any use of Council's road reserve is required then separate applications are to be made at Council's Customer Services Department.
20. Care must be taken to protect Council's roads, including the made footway, kerbs, etc and where plant and vehicles enter the site. Protecting constructions shall be maintained in a state of good repair and condition throughout the course of construction and kept in a safe condition. The area must be safe for pedestrian traffic at all times. Any damage to Council's road reserve will be repaired and the full cost shall be borne by the applicant.

21. The premises are not to be sublet or used for any additional purposes other than those described in this consent.
22. The hours of operation shall be limited to the following:
- a) ~~7.00am to 10.00am, Monday to Sunday; and~~
 - b) ~~If amended hours of operation are proposed then a further application must be submitted to Council.~~

DAY	INDOOR DINING HOURS	OUTDOOR DINING HOURS
Sunday to Thursday	7 am to 10 pm	7 am to 10 pm
Friday and Saturday	7 am to 12 midnight	7 am to 10 pm

Note:

The application for a footway occupation permit for outdoor dining, (which lapses on 15 September 2016 and annually on this date), must be consistent with the above approved hours of operation.

(Condition amended DA-09/184/02)

23. The premises are to be constructed to meet the following requirements:
- a) the Food Act 2003,
 - b) Food Regulations 2004;
 - c) the Food Standards Code as published by Food Standards Australia and New Zealand and
 - d) the Australian Standard AS 4674-2004: Construction and fit out of food premises.
24. Prior to commencing trading the occupier of the premises must register the food premises with Council (application form attached), and register with the New South Wales Food Authority (contact details for registration for the Food Authority NSW are <http://www.foodnotify.nsw.gov.au/nafsis> or by telephone 1300 650 124.
25. No live music or entertainment shall be provided within or external to the premises.
26. The approved Waste Management Plan for the site submitted to Council on 27 February 2009 shall be complied with at all times during demolition, construction and use of the premises.
27. All waste containers shall be screened from view from a public place and are not to obstruct or interfere with the use of loading and parking facilities and access ways.

- Waste containers shall be provided with close fitting lids and suitably vermin and fly proofed. The lid of waste containers shall be kept closed when the containers are not in use.
28. All waste and recycling containers shall be stored in the designated waste storage area. The waste containers are not to be over filled and the lids kept closed at all times except when material is being put in them. The Owners Corporation or building owner shall be responsible for the following;
- a) Where waste and recycling container need to be moved to the street;
 - b) Movement of the waste and recycling containers to the footpath for collections, and the return of waste and recycling containers to the waste storage area;
 - c) Refuse containers are to be returned to the waste storage area on the same day as the refuse is collected;
 - d) Refuse containers are not to be left on the street for longer than 24 hours;
 - e) Cleaning and maintaining the waste storage area, any drainage installations and waste collection containers;
 - f) Providing and maintaining signage and information to uses to encourage recycling.
29. No waste or waste container shall be placed on the public way (including: footpaths, roadways, and reserves) at any time.
30. Where the consent authority is not the Principal Certifying Authority (PCA), an additional inspection of the premises must be undertaken by the Consent Authority prior to the issuing of an Occupation Certificate. A letter is to be issued from the Consent Authority certifying that the kitchen complies with the Food Codes and Regulations and Condition 23 of this Consent.
31. Prior to occupation of the building the operator shall enter into a commercial contract for the collection of trade waste and recyclables arising from the premise. A copy of all contracts and receipts shall be kept on the premise and made available to Council Officers on request.
32. A Trade Waste Agreement shall be obtained from Sydney Water prior to the discharge of trade wastewater to the sewer system. Trade wastewater is defined as 'discharge water containing any substance produced through industrial or commercial activities or operation of the premises'. A Permission to Discharge Trade Wastewater permit shall be obtained from Sydney Water and a copy provided to Council prior to the issuing of the construction certificate. Please contact Sydney Water for further advice in relation to this matter.
33. The operations of the premises shall be conducted in such a manner as not to interfere with or materially affect the amenity of the neighbourhood by reason of noise, vibration, odour, fumes, vapour, steam, soot, ash, dust, particulate matter, waste water, waste products or other impurities which are a nuisance or injurious to health.

34. The mechanical ventilation system must be installed and commissioned in accordance with AS/NZS 1668 The Use of Mechanical Ventilation and Air Conditioning in Buildings, Part 1-2002: Fire and smoke control in multi-compartment buildings and Part 2-2002: Ventilation design for indoor air contamination control under the supervision of a professional engineer.
35. The owner/proprietor shall enter into a service contract with the installing contractor or system manufacturer to maintain the whole system in accordance with the system maintenance schedule. The system maintenance schedule shall be made available to Council Officers on request.
36. Noise from construction activities associated with the development shall comply with the NSW Environment Protection Authority's Environmental Noise Manual – Chapter 171 and the *Protection of the Environment Operations Act 1997*.
- 37.
- a) Level Restrictions
 - i) Construction period of 4 weeks and under:
 - 1 the L₁₀ sound pressure level measured over a period of not less than 15 minutes when the construction site is in operating must not exceed the background level by more than 20 dB(A).
 - ii) Construction period greater than 4 weeks and not exceeding 26 weeks:
 - 1 the L₁₀ sound pressure level measured over a period of not less than 15 minutes when the construction site is in operating must not exceed the background level by more than 10 dB(A).
 - b) Time Restrictions
 - i) Monday to Friday 07:00 am to 05:00 pm
 - ii) Saturday 08:00 am to 01:00 pm
 - iii) No Construction to take place on Sundays or Public Holidays.
 - c) Silencing
 - i) All possible steps should be taken to silence construction site equipment.
38. The use of the premises shall not give rise to any of the following when measured or assessed at “sensitive” positions within any other property:
- a) 'Offensive noise' as defined in the Protection of the Environment Operations Act 1997
 - b) Transmission of vibration to any place of different occupancy above the requirements of AS2670

- c) a sound pressure L_{Aeq} period at any noise sensitive position of any other premises or occupancy greater than the recommended amenity noise criteria detailed in the Department of Environment and Conservation, New South Wales (EPA) Industrial Noise Policy.
- d) a sound pressure L_{Aeq} 15min at any noise sensitive position greater than the intrusiveness criteria determined in accordance with the Department of Environment and Conservation, New South Wales (EPA) Industrial Noise Policy and does not contain any tones, low frequency or impulsive factors as defined in the Department of Environment and Conservation, New South Wales (EPA) Industrial Noise Policy table 4.1.
- e) the following additional criteria when assessed on any residential property:
 - i) The operation of all plant and equipment shall not give rise to an equivalent continuous (L_{Aeq}) sound pressure level at any point on any residential property greater than 5dB(A) above the existing background L_{A90} level (in the absence of the noise under consideration).
 - ii) The operation of all plant and equipment when assessed on any residential property shall not give rise to a sound pressure level that exceeds L_{Aeq} 50dB(A) day time and L_{Aeq} 40 dB(A) night time.
- f) the following additional criteria when assessed on any neighbouring commercial/industrial premises:
 - i) The operation of all plant and equipment when assessed on any neighbouring commercial/industrial premises shall not give rise to a sound pressure level that exceeds L_{Aeq} 65dB(A) day time/night time.

For assessment purposes, the above L_{Aeq} sound levels shall be assessed over a period of 10-15 minutes and adjusted in accordance with EPA guidelines for tonality, frequency weighting, impulsive characteristics, fluctuations and temporal content where necessary.

- 39. Any intruder alarms shall be fitted with a timing device in accordance with the requirement of clause 22 of Schedule 1 of the Amendment of Noise Control (Miscellaneous articles) Regulation, 1995, and AS2201, Parts 1 and 2 – 1978 Intruder Alarm Systems.
- 40. The owner/occupier of the site shall be responsible for the removal of all graffiti from the building within 48 hours of its application.
- 41. Prior to use and occupation of the building an Occupation Certificate must be obtained under Section 109(1)(c) and 109N of the Environmental Planning and Assessment Act 1979.
- 42. The applicant being informed that this approval shall be regarded as being otherwise in accordance with the information and particulars set out and described in the Development Application registered in Council's records as Development Application No. DA09/184 dated as 3 December 2008, **and as amended by Section 96 (1A) Application submitted to Council on 7 September 2015 (DA-09/184/02)** and

that any alteration, variation, or extension to the use, for which approval has been given, would require further Approval from Council. **(Condition amended DA-09/184/02)**

5.2 1160 BOTANY ROAD, BOTANY - CONSTRUCT AN IN GROUND SWIMMING POOL, AN OUTBUILDING AND LANDSCAPING TO THE REAR OF THE EXISTING HERITAGE LISTED DWELLING

File No: DA-16(99)

DA No:	16/99
Application Date:	24 June 2016
Property:	1160 Botany Road, Botany
Lot & DP No:	Lot B in DP 438725
Details:	Construct an in-ground concrete swimming pool, an outbuilding, new 2.1m high paling boundary fence and landscaping to the rear of the existing heritage listed dwelling.
Applicant:	Better Pools & Spas Australia Pty Ltd
Applicant Address:	4/31 Attunga Road, Glenbrook NSW 2774
Property Location:	Western side of Botany Road between Hale Street to the south and Bay Street to the north.
Zoning:	B2 – Local Centre Heritage Item No. I40 – House Group Botany Bay Local Environmental Plan 2013
Present Use:	Existing residence
Classification of Building:	Class 10a – Outbuilding; Class 10b – Swimming Pool
Value:	\$63,500
Submissions:	Nil

On the motion of Councillor Castle, seconded Councillor Glinatsis

COUNCIL RESOLVED THAT:

Development Application No. 16/99 to construct an in-ground concrete swimming pool, an outbuilding, new 2.1m high paling boundary fence and landscaping to the rear of the existing heritage listed dwelling be approved, subject to the conditions in the attached schedule.

**Premises: 1160 Botany Road, Botany
16/99**

DA No:

SCHEDULE OF CONSENT CONDITIONS

1. The development is to be carried out in accordance with the following plans and documentation listed below and endorsed with Council's stamp, except where amended by other conditions of this consent:

Drawing No.	Author	Date Received
Site Analysis Plan, Drawing No. 1024.2E, dated 26 May 2016	Valley Garden Landscapes	24 June 2016
Masterplan, Drawing No. 1024.1D, dated 26 May 2016	Valley Garden Landscapes	24 June 2016
Landscape Plan, Drawing No. 1024.2E, dated 26 May 2016	Valley Garden Landscapes	24 June 2016
Soil & Water Management Plan, Drawing No. 1024.3B, dated 26 May 2016	Valley Garden Landscapes	24 June 2016
Erosion and Sediment Control Plan, Drawing No. 1024.3B, dated 26 May 2016	Valley Garden Landscapes	24 June 2016
Survey Plan, Reference No. 18915-3297	Project Surveyors	24 June 2016

Reference Documents	Author	Date Received
Statement of Environmental Effects dated April 2016	Project Surveyors	24 June 2016
Acid Sulfate Soils Assessment, dated 8 April 2016	Alliance Geotechnical	24 June 2016
Statement of Heritage Impact dated 19 October 2015	Valley Garden Landscapes	24 June 2016

2. This consent relates to land Lot B in DP 438725 and, as such, building works must not encroach onto adjoining lands or the adjoining public place.
3. The consent given does not imply that works can commence until such time that:
 - a) Detailed plans and specifications of the building have been endorsed with a Construction Certificate by:
 - i) The consent authority; or
 - ii) An accredited certifier; and

- b) The person having the benefit of the development consent:
 - i) Has appointed a principal certifying authority; and
 - ii) Has notified the consent authority and the Council (if the Council is not the consent authority) of the appointment; and
 - iii) The person having the benefit of the development consent has given at least 2 days notice to the council of the persons intention to commence the erection of the building.
- 4. All building work must be carried out in accordance with the provisions of the Building Code of Australia.

CONDITIONS WHICH MUST BE SATISFIED PRIOR TO THE ISSUE OF ANY CONSTRUCTION CERTIFICATE

- 5. The applicant must prior to the issue of the Construction Certificate pay the following fees:
 - a) Development Control \$600.00
 - b) Builders Security Deposit \$3,100.00

Note: The Builders Damage Deposit shall be paid by way of cash deposit or unconditional bank guarantee to Council against possible damage to Council's asset during the course of the building works. The deposit will be refunded subject to inspection by Council 12 months after the completion of all works relating to the proposed development and Final Occupational Certificate has been issued.
- 6. Prior to the issue of the Construction Certificate, the required Long Service Levy payable under Section 34 of the Building and Construction Industry Long Service Payments Act 1986 has to be paid. The Long Service Levy is payable at 0.35% of the total cost of the development, however this is a State Government Fee and can change without notice.
- 7. Prior to the issue of any Construction Certificate, at the proposed point of construction site entry, photographic survey showing the existing conditions of Council's infrastructure shall be submitted to Council and the Principal Certifying Authority. The survey shall detail the physical conditions and identify any existing damages to the road, kerb, gutter, footpath, driveways, street trees, street signs and any other Council assets fronting the property and extending to a distance of 20m from the development. Failure to do so will result in the applicant being liable for any construction related damages to these assets. Any damage to Council's infrastructure during the course of this development shall be restored at the applicant's cost.
- 8. Prior to the issue of any Construction Certificate, the applicant shall contact "Dial Before You Dig" to obtain a utility service diagram for, and adjacent to the property. The sequence number obtained from "Dial Before You Dig" shall be forwarded to the Principal Certifying Authority. All utilities within the work zone shall be protected during construction. Any adjustments or damage to public utilities/services as a

consequence of the development and associated construction works shall be restored or repaired at the applicant's expense.

9. A Waste Management Plan prepared in accordance with Council's Waste Management and Minimisation Guidelines Development Control Plan shall be submitted to the Council for approval prior to the issue of the Construction Certificate. The Waste Management Plan shall include the size and storage of bins, the collection point for the waste contractor recycling contractor, maintenance of the bins and the provision of recycling and composting facilities.
10. Prior to the issue of any Construction Certificate, detail design and construction plans in relation to stormwater management and disposal system for the development shall be submitted to the Principal Certifying Authority for approval. *(The detail drawings and specifications shall be prepared by a suitably qualified and experienced civil engineer and to be in accordance with Council's Development Control Plan 'Stormwater Management Technical Guidelines', AS/NSZ 3500 – Plumbing and Drainage Code and the BCA. All drawings shall correspond with the approved architectural plans.)* The plans shall incorporate but not limited to the provision for a Rainwater Tank within minimum 2000L capacity satisfying all relevant Australian Standards.
11. Prior to the issue of any Construction Certificate, the design and construction of the swimming pool and associated fencing and equipment must comply with:
 - a) Swimming Pools Act 1992;
 - b) Swimming Pools Regulation 2008;
 - c) National Construction Code (formally known as the Building Code of Australia);
 - d) AS 1926.1-2012 – Swimming Pool Safety – Safety Barriers for Swimming Pools;;
 - e) AS 2783-1992 - Use of reinforced concrete for small swimming pools;
 - f) Botany Bay Development Control Plan 2013; and
 - g) Protection of the Environment Operations Act 1997.

No water must be placed in the pool/spa until the safety fences have been completed in accordance with the approved plans and specifications and inspected by the Principal Certifying Authority. Details demonstrating compliance with the requirements of this condition are to be submitted to the Principal Certifying Authority.

12. In general, conditions to be adhered to by the applicant include, but not limited to the following:
 - a) Any work undertaken near Overhead Power lines needs to be done in accordance with WorkCover document ISSC 23 "Working Near Overhead Power Lines", Ausgrid Network Standards, and Ausgrid Electrical Safety Rules; and

- b) The location of underground cables by using “Dial Before You Dig” must underact and compliance met with the requirements of Ausgrids Network Standards 156: *Working Near or Around Underground Cables before any excavation works*.
- c) The applicant is required to make formal submission to Ausgrid by means of a duly completed Preliminary Enquiry and/or Connection Application form, to allow Ausgrid to assess any impacts on its infrastructure and determine the electrical supply requirements for the development (eg. Whether a substation is required on site). The applicant is to ensure that the proposed works do not contravene Ausgrids technical standards and statutory requirements, in regards to the safe and reliable operation of Ausgrid’s network. If further assistance required, please contact 9663 9519.

CONDITIONS WHICH MUST BE SATISFIED PRIOR TO THE COMMENCEMENT OF ANY DEVELOPMENT WORK

- 13. Prior to the commencement of works, the applicant must inform Council, in writing, of:
 - a) The name of the contractor, and license number of the licensee who has contracted to do, or intends to do, the work; or
 - b) The name and permit number of the owner-builder who intends to do the work.
 - c) The Council also must be informed if:
 - i) A contract is entered into for the work to be done by a different licensee; or
 - ii) Arrangements for the doing of the work are otherwise changed.
- 14. The Council also must be informed if:
 - a) In the case of work to be done by a licensee under the Home Building Act:
 - i) Has been informed in writing of the licensee name and contractor license number, and
 - ii) Is satisfied that the licensee has complied with the requirements of part 6 of the Home Building Act 1989; or
 - b) In the case of work to be done by any other person:
 - i) Has been informed in writing of the persons name and owner-builder permit number, or
 - ii) Has been given a declaration signed by the owner of the land that states that the reasonable market cost of the labour and materials involved in the

work is less than the amount prescribed for the purposes of the definition of owner builder work in Section 29 the Home Building Act 1989.

- c) And is given appropriate information and declarations under paragraphs (a) and (b) whenever arrangements for the doing of the work are changed in such a manner as to render out of date any information or declaration previously given under either of those paragraphs.
15. Building plans must be lodged with the Sydney Water 'Tap-in' Service for approval prior to commencement of works.
16. The following shall be complied with:
- a) A sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being carried out:
 - i) Stating the unauthorized entry to the work site is prohibited;
 - ii) Showing that unauthorized entry to the work site is prohibited;
 - b) The Development Approval number; and
 - c) The name of the Principal Certifying Authority including an after hours contact telephone number;
 - d) Any such sign is to be removed when the work has been completed.
17. Prior to commencement of any works, application(s) shall be made to Council's Customer Services Counter for the following approvals and permits on Council's property/road reserve under Road Act 1993 and Local Government Act 1993 as appropriate: -

(It should be noted that any works shown within Council's road reserve or other Council Lands on the development approval plans are indicative only and no approval for these works is given until this condition is satisfied.)

- a) Permit to erect hoarding on or over a public place, including Council's property/road reserve,
- b) Permit to construction works, place and/or storage building materials on footpaths, nature strips,
- c) Permit for roads and footways occupancy (long term/ short term),
- d) Permit to construct vehicular crossings, footpath, kerb and gutter over road reserve,
- e) Permit to open road reserve area, including roads, footpaths, nature strip, vehicular crossing or for any purpose whatsoever, such as relocation/re-adjustments of utility services,
- f) Permit to place skip/waste bin on footpath and/or nature strip, and

- g) Permit to use any part of Council's road reserve or other Council lands.
18. Erosion and sediment control devices shall be installed prior to the commencement of any demolition, excavation or construction works upon the site in order to prevent sediment and silt from site works (including demolition and/or excavation) being conveyed by stormwater into Council's stormwater system, natural watercourses, bushland, trees and neighbouring properties. In this regard, all stormwater discharge from the site shall meet the legislative requirements and guidelines. These devices shall be maintained in a serviceable condition AT ALL TIMES throughout the entire demolition, excavation and construction phases of the development and for a minimum one (1) month period after the completion of the development, where necessary.
19. If an excavation associated with the proposal extends below the level of the base of the footings of a building on an adjoining allotment of land or the common boundary fence the person causing the excavation to be made:
- a) Must preserve and protect the building/ fence from damage; and,
 - b) If necessary, underpin and support such building in an approved manner;
 - c) Must at least be 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of the intention to do so to the owner of the adjoining allotment of land and, furnish particulars of the excavation to the owner of the building being erected or demolished;
20. Existing structures and or services on this and adjoining properties are not endangered during any demolition excavation or construction work associated with the above project. The applicant is to provide details of any shoring, piercing, or underpinning prior to the commencement of any work. The construction shall not undermine, endanger or destabilise any adjacent structures. If the soil conditions required it:
- a) Retaining walls associated with the erection of a building (swimming pool) or other approved methods of preventing movement or other approved methods of preventing movement of the soil must be provided and:-
 - b) Adequate provision must be made for drainage.

DURING WORKS

21. All excavations and backfilling shall be executed safely and in accordance with appropriate professional standards; and all excavations shall be properly guarded and protected to prevent them from being dangerous to life or property;
22. Excavation associated with this development shall:
- a) Be undertaken to a maximum depth of 1.3 metres, and
 - b) If groundwater is encountered during excavation works, site de-watering shall be subject to the following requirements:

- i) Site de-watering to be undertaken under the guidance of an experienced professional.
 - ii) The groundwater extracted from the dewatering process is to be passed through a sand filter prior to its disposal to the street water table. The discharged water is to be visually clear of suspended solids; and
 - iii) The pump used to de-water must be electricity powered.
- 23. Any soil disposed of offsite shall be classified in accordance with the procedures in the NSW EPA Environmental Guidelines: Classifying Waste (2008).
- 24. The following shall be complied with during construction:
 - a) Construction Noise
 - i) Noise from construction activities associated with the development shall comply with the NSW Environment Protection Authority's Environmental Noise Manual – Chapter 171 and the Protection of the Environment Operations Act 1997.
 - b) Level Restrictions
 - i) Construction period of 4 weeks and under:
 - 1 The L10 sound pressure level measured over a period of not less than 15 minutes when the construction site is in operating must not less than 15 minutes when the construction site is in operating must not exceed the background level by more than 10dB(A).
 - c) Time Restrictions
 - i) Monday to Friday 07:00am to 05:00pm
 - ii) Saturday 08:00am to 01:00pm
 - iii) No Construction to take place on Sundays or Public Holidays.
 - d) Silencing
 - i) All possible steps should be taken to silence construction site equipment.
- 25. Throughout the construction period, Council's warning sign for soil and water management shall be displayed on the most prominent point of the building site, visible to both the street and site workers. A copy of the sign is available from Council's Customer Service Counter.
- 26. The Waste Management Plan required by this consent shall be complied with at all times during demolition works and construction works, and during the ongoing use of the premises.
- 27. During construction, care must be taken to protect Council's infrastructure, including street signs, footpath, kerb, gutter and drainage pits etc. Protecting measures shall be

maintained in a state of good and safe condition throughout the course of construction. The area fronting the site and in the vicinity of the development shall also be safe for pedestrian and vehicular traffic at all times. Any damage to Council's infrastructure (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub-contractors, concrete delivery vehicles) shall be fully repaired in accordance with Council's specification and AUS-SPEC at no cost to Council.

28. The principal contractor or owner builder must install and maintain water pollution, erosion and sedimentation controls in accordance with:
 - a) The Erosion and Sediment Control Plan;
 - b) "Managing Urban Stormwater - Soils and Construction" (2004) Landcom ('The Blue Book'); and
 - c) Protection of the Environment Operations Act 1997.
29. All materials excavated from the site (fill or natural) shall be classified in accordance with the NSW Environment Protection Authority (EPA) Waste Classification Guidelines (2014) prior to being disposed of to a NSW approved landfill or to a recipient site.

**CONDITIONS WHICH MUST BE SATISFIED PRIOR TO THE ISSUE OF A
OCCUPATION CERTIFICATE**

30. Prior to the issue of the Occupation Certificate, the swimming pool is to be registered with the NSW Government at www.swimmingpoolregister.nsw.gov.au and a registration certificate is to be submitted to the Council.
31. Any damage not shown in the photographic survey submitted to Council before site works have commenced will be assumed to have been caused by the site works (unless evidence to prove otherwise). All damages as a result from site works shall be rectified at the applicant's expense to Council's satisfaction, prior to occupancy of the development and release of damage deposit.
32. Prior to the issue of the Occupation Certificate, the following is required:
 - a) High-level overflows from the swimming pool shall be gravity fed and connected to Sydney Water's sewer via an approved system. The connection must not directly vent the receiving sewer. Upon completion, certification from a licence plumber shall be submitted to the Principal Certifying Authority to certify that the connection has been made in accordance with Sydney Water's requirements and the current plumbing codes.
 - b) The Principal Certifying Authority shall confirm the deck or concourse area surrounding the swimming pool have been constructed at minimum 1.0% grade towards the pool to prevent surface water overflowing into the adjoining properties.
 - c) The Principal Certifying Authority on which a swimming pool is situated must ensure that the swimming pool is at all times surrounded by a child-resistant barrier:

- i) that separates the swimming pool from any residential building situated on the premises and from any place (whether public or private) adjoining the premises, and
 - ii) that is designed, constructed, installed and maintained in accordance with Australian Standard 1926.1-2012.
- d) The Principal Certifying Authority shall confirm that a pool cover is installed across the entirety of the swimming pool to minimise evaporation.
- e) The provision of a suitable poster showing the details of resuscitation techniques shall be erected. This poster should also contain the advice that "YOUNG CHILDREN SHOULD BE SUPERVISED WHEN USING THIS SWIMMING POOL", together with details of resuscitation techniques (for adults, children and infants) set out in accordance with the relevant provisions of the document entitled "Cardio Pulmonary Resuscitation", according to the AS 1926.1 2012 and the Swimming Pool Regulation 2008.
- f) An approved resuscitation poster, outlining life-saving resuscitation procedures, shall be erected and displayed in a prominent position adjacent to the pool.

Note: The above notices shall be kept in a legible condition and at a visible location on the pool side at all times.

33. Prior to the issue of any Occupation Certificate, the construction of the stormwater drainage system approved and installed under DA11/105 shall be relocated to the private open space area to the rear of the site in accordance with the approved stormwater management construction plan(s), Council's 'Guidelines for the Design of Stormwater Drainage Systems within City of Botany Bay', Australian Rainfall & Runoff (AR&R), AS 3500 and BCA.

Documentation from the Principal Certifying Authority certifying that the stormwater drainage system has been constructed generally in accordance with the approved stormwater management construction plan(s) and accepted practice.

34. Prior to use and occupation of the building an Occupation Certificate must be obtained under Section 109C(1)(c) and 109M of the Environmental Planning and Assessment Act 1979.

CONDITIONS WHICH MUST BE SATISFIED DURING THE ONGOING USE OF THE DEVELOPMENT

35. The ongoing maintenance of the nature strip shall be undertaken by the occupier/owner. Maintenance shall include mowing, the removal of weeds and rubbish and maintaining a good, even coverage of grass at all times. Maintenance does not include pruning, trimming, shaping or any work to street trees located on the nature strip under any circumstances at any time. Pruning is undertaken by Council only.
36. The rear outbuilding is approved for use and occupation by a single family. It shall not be used for separate residential occupation or as separate residential flats. No plumbing fixtures, fittings other than those shown, walls deleted or added, doorways enclosed or

any other changes made from the approved plans without the prior Consent of the Council.

37. The pool must not be filled with bore water or groundwater.
38. Prior to use or operation of the swimming pool, any filtration equipment or pump(s) shall be enclosed with appropriate sound insulation materials to ensure noise levels do not exceed 5dBA above the ambient background noise level when measured at the side and rear boundaries of the property.
39. The fence including any access gate or other boundary construction that encloses the swimming pool for the purpose of child safety must at all times be maintained in a state of good repair and condition.
40. The applicant being informed that this approval shall be regarded as being otherwise in accordance with the information and particulars set out and described in the Development Application registered in Council's records as Development Application No. 16/99 dated 24 June 2016 and that any alteration, variation, or extension to the use, for which approval has been given, would require further approval from Council.

5.3 1 WIGGINS STREET, BOTANY. CONSTRUCTION OF A SINGLE STOREY SECONDARY DWELLING AT REAR OF PROPERTY.

File No: DA-16(10)

DA No:	16/ 10
Application Date:	4 February 2016
Property:	1 Wiggins Street, Botany
Lot /Sec/ DP No:	Lot 26, Sec 1, DP 848
Details:	Construction of a single storey detached secondary dwelling at the rear of the property
Applicant:	Superior Designs Pty Ltd
Applicant Address:	9 Nix Avenue, Malabar, NSW 2036
Owner:	Isabelle Scott
Property Location:	Located on the northern side of Wiggins Street between Trevelyan Street to the east and Wilson Street to the west
Zoning:	R2 Low Density Residential Botany Bay Local Environmental Plan 2013

Present Use:	Residential
Classification of Building:	Class 1a - Dwelling
Value:	\$132,000.00
Submissions:	Nil

On the motion of Councillor Curry, seconded Councillor Castle

COUNCIL RESOLVED THAT:

Development Application No. 16/10 for the construction of a new detached single storey secondary dwelling at the rear of the property at 1 Wiggins Street, Botany be approved, subject to the conditions in the attached Schedule.

Premises: 1 Wiggins Street, Botany

DA No: 16/ 10

SCHEDULE OF CONSENT CONDITIONS

GENERAL CONDITIONS

1. The development is to be carried in accordance with the following plans and documentation listed below and endorsed with Council's stamp, except where amended by other conditions of this consent.

Drawing Reference	Author	Dated and Received
Site plan & Adjoining Landuse Plan Drawing No. 02/16 sheet 1 of 4	Superior Designs Pty Ltd	Dated: 21 January 2016, Received: by Council 4 February 2016
Proposed Floor Plan Drawing No. 02/16 sheet 2 of 4	Superior Designs Pty Ltd	Dated: 21 January 2016, Received: by Council 4 February 2016
Sections, Northern elevation, Southern Drawing No. 02/16 sheet 3 of 4	Superior Designs Pty Ltd	Dated: 21 January 2016, Received: by Council 4 February 2016
Sections, Western elevation, Eastern elevation	Superior Designs Pty Ltd	Dated: 21 January 2016, Received: by Council 4 February 2016

Drawing No. 02/16 sheet 4 of 4		
Floor Space, Landscape Calculations Drawing No. 02/16 sheet 1 of 1	Superior Designs Pty Ltd	Dated: 21 January 2016, Received: by Council 4 February 2016
Stormwater Management Plan No. 02/16 sheet 1 of 1	Superior Designs Pty Ltd	Dated: 21 January 2016, Received: by Council 4 February 2016

Documents	Author	Dated and Received
Statement of Environmental Effects	Superior Designs Pty Ltd	Received: by Council 4 February 2016
Site Management, Demolition And Waste Management Plan	Superior Designs Pty Ltd	Received: by Council 4 February 2016
BASIX Certificate No.: 755929S	Victor Lin and Associates Pty Ltd	Dated: 29 August 2016, Received: by Council 29 August 2016

2. No construction works (including excavation) shall be undertaken prior to the issue to the Construction Certificate.
3. No works to other structures on the property is to be carried out, other than works pertaining to the construction of the proposed secondary dwelling.
4. This Consent relates to land in Lot 26 Sec 1 DP 848 and, as such, building works must not encroach on to adjoining lands or the adjoining public place.
5. All building work must be carried out in accordance with the provisions of the Building Code of Australia.
6. Pursuant to clause 97A(3) of the Environmental Planning & Assessment Regulation 2000, it is a condition of this development consent that all the commitments listed in each relevant BASIX Certificate No. 755929S issued 29 August 2016 prepared by Victor Lin and Associates Pty Ltd received by Council 29 August 2016 for the development are fulfilled.

Note:

- a) Relevant BASIX Certificate means:
 - i) A BASIX Certificate that was applicable to the development when this development consent was granted (or, if the development consent is modified under Section 96 of the Act, a BASIX Certificate that is applicable to the development when this development consent is modified); or

- ii) If a replacement BASIX Certificate accompanies any subsequent application for a construction certificate, the replacement BASIX Certificate.
 - b) BASIX Certificate has the meaning given to that term in the Environmental Planning and Assessment Regulation 2000.
7. The consent given does not imply that works can commence until such time that:
- a) Detailed plans and specifications of the building have been endorsed with a Construction Certificate by:
 - i) The consent authority; or,
 - ii) An accredited certifier; and,
 - b) The person having the benefit of the development consent:
 - i) Has appointed a principal certifying authority; and,
 - ii) Has notified the consent authority and the Council (if the Council is not the consent authority) of the appointment; and,
 - iii) The person having the benefit of the development consent has given at least 2 days notice to the Council of the person's intention to commence the erection of the building.

CONDITIONS WHICH MUST BE SATISFIED PRIOR TO THE ISSUE OF ANY CONSTRUCTION CERTIFICATE

- 8. Prior to the issue of the Construction Certificate the required Long Service Levy payable under Section 34 of the Building and Construction Industry Long Service Payments Act 1986 has to be paid. The Long Service Levy is payable at 0.35% of the total cost of the development, however this is a State Government Fee and can change without notice.
- 9. The applicant must prior to the issue of the Construction Certificate pay the following fees:

a) Builders Security Deposit	\$3,100.00
b) Development Control	\$840.00
- 10. Prior to the issue of any Construction Certificate, the applicant shall lodge a Builder's Damage Deposit of **\$3,100.00** (GST Exempt) by way of cash deposit or unconditional bank guarantee to Council against possible damage to Council's asset during the course of the building works. The deposit will be refunded subject to inspection by Council 12 months after the completion of all works relating to the proposed development and Final Occupational Certificate has been issued.
- 11. The payment of the following monetary contributions in accordance with Council's Section 94 Contributions Plan 2016: A total contribution of **\$12,064.06**, to be paid to

- Council prior to the issue of the Construction Certificate. This contribution will be indexed accordingly to the Plan. Please check with Council prior to payment.
12. Prior to the issue of any Construction Certificate, a site survey to AHD demonstrating the heights of existing floor levels and the land height at the location of the secondary dwelling must be submitted to the principal certifying authority for verification.
 13. Prior to the issue of any Construction Certificate, amended architectural plans shall be submitted to the certifying authority for approval. The plans must indicate the floor level of the secondary dwelling to be at least RL5.85m AHD.
 14. Prior to the issue of the Construction Certificate, a report is required from a qualified plumber certifying that the existing drainage system, up to where it connects with a Council drainage structure and/or discharges to the groundwater system, is clear of debris and fully operational. Where the existing system is determined deficient, damaged and/or not operational, a new system shall be designed and constructed by a suitably qualified Civil Engineer in accordance with Council's Stormwater Management Technical Guidelines (SMTG) & AS 3500.
 15. In accordance with the submitted BASIX certificate, a rainwater tank system shall be provided with a minimum of 1,200L capacity and shall service stormwater and landscaping in accordance with the requirements of Sydney Water and AS/NZS 3500 - National Plumbing and Drainage Code. First flush device shall also be incorporated into the tank systems. Overflow from the rainwater tank shall connect to the existing site drainage system
 16. Prior to the issue of any Construction Certificate, at the proposed point of construction site entry, photographic survey showing the existing conditions of Council's infrastructure shall be submitted to Council and Principal Certifying Authority. The survey shall detail the physical conditions and identify any existing damages to the roads, kerbs, gutters, footpaths, driveways, street trees, street signs and any other Council assets fronting the property and extending to a distance of 20m from the development. Failure to do so may result in the applicant/developer being liable for any construction related damages to these assets. Any damage to Council's infrastructure during the course of this development shall be restored at the applicant's cost.
 17. Prior to the issue of any Construction Certificate, detail design and construction plans in relation to stormwater management and disposal system for the development shall be submitted to the Principal Certifying Authority and Council for approval. *(The detail drawings and specifications shall be prepared by a suitably qualified and experienced civil engineer and to be in accordance with Council's Development Control Plan 'Stormwater Management Technical Guidelines', AS/NSZ 3500 – Plumbing and Drainage Code and the BCA. All drawings shall correspond with the approved architectural plans.)*
 18. Prior to the issue of the Construction Certificate, the applicant shall contact "Dial Before You Dig on 1100" to obtain a Service Diagram for, and adjacent to, the property. The sequence number obtained from "Dial Before You Dig" shall be forwarded to Principal Certifying Authority. Any damage to utilities/services will be repaired at the applicant's expense.

19. Prior to the issue of the Construction Certificate, a plan (written and/or diagrammatic) shall be submitted and approved by the Principal Certifying Authority, showing the storage location of construction building materials and plants and the method of access to the property. No storage of construction materials and plants to be allowed in road reserve area.

CONDITIONS WHICH MUST BE SATISFIED PRIOR TO THE COMMENCEMENT OF ANY DEVELOPMENT OR WORK

20. Prior to the commencement of works, a registered surveyor must set out the height of finished floor levels as outlined in Condition 13 above.
21. The demolisher shall lodge with Council, and at least forty-eight (48) hours prior to the commencement of work:
- a) Written notice, indicating the date when demolition of the building is to commence.
 - b) This person's full name and address.
 - c) Details of Public Liability Insurance.
22. The Principal Certifying Authority must be satisfied that:
- a) In the case of work to be done by a licensee under the Home Building Act:
 - i) Has been informed in writing of the licensee name and contractor licence number, and;
 - ii) Is satisfied that the licensee has complied with the requirements of Part 6 of the Home Building Act 1989; or,
 - b) In the case of work to be done by any other person:
 - i) Has been informed in writing of the persons name and owner-builder permit number, or;
 - ii) Has been given a declaration signed by the owner of the land that states that the reasonable market cost of the labour and materials involved in the work is less than the amount prescribed for the purposes of the definition of *owner builder work* in Section 29 the Home Building Act 1989.
 - c) And is given appropriate information and declarations under paragraphs (a) and (b) whenever arrangements for the doing of the work are changed in such a manner as to render out of date any information or declaration previously given under either of those paragraphs.
23. Prior to the commencement of works, the applicant must inform Council, in writing, of:
- a) The name of the contractor, and licence number of the licensee who has contracted to do, or intends to do, the work: or

- b) The name and permit number of the owner-builder who intends to do the work;
 - c) The Council also must be informed if:
 - i) A contract is entered into for the work to be done by a different licensee; or
 - ii) Arrangements for the doing of the work are otherwise changed.
24. Toilet facilities are to be provided at or in the vicinity of the work site on which work involves:
- a) demolition and construction of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site;
 - b) Each toilet provided:
 - i) must be standard flushing toilet; and,
 - ii) must be connected:
 - 1 to a public sewer; or
 - 2 if connection to a public sewer is not practicable to an accredited sewerage management facility approved by the Council; or,
 - 3 if connection to a public sewer or an accredited sewerage management facility is not practicable to some other sewerage management facility approved by the Council.
 - c) The provisions of toilet facilities in accordance with this condition must be in place before work commences.
25. The principal contractor or owner builder must install and maintain water pollution, erosion and sedimentation controls in accordance with:
- a) The Soil and Water Management Plan if required under this consent;
 - b) “Managing Urban Stormwater - Soils and Construction” (2004) (‘The Blue Book’); and
 - c) Protection of the Environment Operations Act 1997.
26. Building plans must be lodged at a ‘Sydney Water Tap In’ services for approval prior to commencement of works.
27. This Consent shall not preclude the demolisher from giving notice to other statutory authorities, such as Sydney Water Corporation, WorkCover, etc.
28. Prior to commencement of any works, application(s) shall be made to Council's Customer Services Counter for the following approvals and permits on Council's property/road reserve under Road Act 1993 and Local Government Act 1993 as appropriate:

- a) Permit to construction works, place and/or storage building materials on footpaths, nature strips.
 - b) Permit for roads and footways occupancy (long term/ short term).
 - c) Permit to construct vehicular crossings, footpath, kerb and gutter over road reserve.
 - d) Permit to open road reserve area, including roads, footpaths, nature strip, vehicular crossing or for any purpose whatsoever.
 - e) Permit to place skip/waste bin on footpath and/or nature strip.
29. Erosion and sediment control devices shall be installed and in function prior to the commencement of any demolition, excavation or construction works upon the site in order to prevent sediment and silt from site works (including demolition and/or excavation) being conveyed by stormwater into public stormwater drainage system, natural watercourses, bushland, trees and neighbouring properties. In this regard, all stormwater discharge from the site shall meet the legislative requirements and guidelines. These devices shall be maintained in a serviceable condition AT ALL TIMES throughout the entire demolition, excavation and construction phases of the development and for a minimum one (1) month period after the completion of the development, where necessary.
30. The proposed development shall comply with the following:
- a) A sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being carried out:
 - i) Stating that unauthorised entry to the work site is prohibited;
 - ii) Showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours;
 - iii) The Development Approval number; and
 - iv) The name of the Principal Certifying Authority including an after hours contact telephone number.
 - b) Any such sign is to be removed when the work has been completed.

DURING WORKS

31. During Demolition, Excavation and Construction, care must be taken to protect Council's infrastructure, including street signs, footpath, kerb, gutter and drainage pits etc. Protecting measures shall be maintained in a state of good and safe condition throughout the course of construction. The area fronting the site and in the vicinity of the development shall also be made safe for pedestrian and vehicular traffic at all times. Any damage to Council's infrastructure (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub-contractors, concrete delivery vehicles) shall be fully repaired in accordance with Council's specification and AUS-SPEC at no cost to Council.

32. Throughout the construction period, Council's warning sign for soil and water management shall be displayed on the most prominent point of the building site, visible to both the street and site workers. A copy of the sign is available from Council's Customer Service Counter.
33. The approved Waste Management Plan shall be complied with at all times during demolition, construction and on-going use of the site.
34. All possible and practicable steps shall be taken to prevent nuisance to the inhabitants of the surrounding neighbourhood from wind-blown dust, debris, noise and the like.
35.
 - a) All excavations and backfilling shall be executed safely and in accordance with appropriate professional standards; and all excavations shall be properly guarded and protected to prevent them from being dangerous to life or property;
 - b) It must be ensured that existing structures and or services on this and adjoining properties are not endangered during any demolition excavation or construction work associated with the above project. Where necessary, the PCA is to approve details of any shoring, piercing, or underpinning prior to the commencement of any work. The construction shall not undermine, endanger or destabilise any adjacent structures.
36. The following shall be complied with during construction and demolition:
 - a) Construction Noise
 - i) Noise from construction activities associated with the development shall comply with the NSW Environment Protection Authority's Environmental Noise Manual – Chapter 171 and the Protection of the Environment Operations Act 1997.
 - b) Level Restrictions
 - i) Construction period of 4 weeks and under:

The L10 sound pressure level measured over a period of not less than 15 minutes when the construction site is in operating must not exceed the background level by more than 20dB(A).
 - ii) Construction period greater than 4 weeks and not exceeding 26 weeks:

The L10 sound pressure level measured over a period of not less than 15 minutes when the construction site is in operating must not exceed the background level by more than 10 dB(A).
 - c) Time Restrictions
 - i) Monday to Friday 07:00am to 05:00pm
 - ii) Saturday 08:00am to 01:00pm

iii) No Construction to take place on Sundays or Public Holidays.

d) Silencing

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

37. Vibration levels induced by activities shall not exceed 1mm/sec peak particle velocity (ppv) when measured at the footing of any occupied building.

38. The principal contractor or owner builder must install and maintain water pollution, erosion and sedimentation controls in accordance with:

- a) The *Soil and Water Management* Plan if required under this consent;
- b) “Do it Right On Site, Soil and Water Management for the Construction Industry” published by the Southern Sydney Regional Organization of Councils, 2001; and
- c) “Managing Urban Stormwater – Soils and Construction” published by the NSW Department of Housing 4th Edition” (‘The Blue Book’).
- d) Where there is any conflict The Blue Book takes precedence.
- e) Note: The International Erosion Control Association – Australasia (<http://www.austieca.com.au/>) lists consultant experts who can assist in ensuring compliance with this condition. Where Soil and Water Management Plan is required for larger projects it is recommended that this be produced by a member of the International Erosion Control Association – Australasia.
- f) Note: The “Do it Right On Site,” can be downloaded free of charge from Council’s website at <http://www.botanybay.nsw.gov.au/council/services/planning/factsheets.htm>, further information on sediment control can be obtained from www.ssroc.nsw.gov.au.
- g) Note: A failure to comply with this condition may result in penalty infringement notices, prosecution, notices and orders under the Act and/or the Protection of the Environment Operations Act 1997 without any further warning. It is a criminal offence to cause, permit or allow pollution.
- h) Note: Section 257 of the Protection of the Environment Operations Act 1997 provides inter alia that “the occupier of premises at or from which any pollution occurs is taken to have caused the pollution”.
- i) Warning, irrespective of this condition any person occupying the site may be subject to proceedings under the Protection of the Environment Operations Act 1997 where pollution is caused, permitted or allowed as the result of their occupation of the land being developed.

39.

- a) In order to prevent vehicles tracking soil or other materials onto public roads and washing of materials into the street drainage system or watercourse, during Excavation, Construction and Deliveries, access to the site shall be available in

- all weather conditions. The area shall be stabilised and protected from erosion; and,
- b) In addition, concrete trucks and any other trucks that used for the transportation of building materials or similar, shall not traffic soil cement or other materials onto the road reserve. Hosing down of vehicle tyres shall only be conducted in a suitable off-street area where wash waters do not enter the stormwater system or enter Council's land.
 - c) Hosing down or hosing/washing out of any truck (concrete truck), plant (eg concrete pumps) or equipment (eg wheelbarrows) on Council's road reserve or other property is strictly prohibited. Fines and cleaning costs will apply to any breach of this condition.
 - d) Pavement surfaces adjacent to the ingress and egress points are to be swept and kept clear of earth, mud and other materials at all times and in particular at the end of each working day or as directed by Council's Engineer.
 - e) Building operations such as brick cutting, washing tools or brushes and mixing mortar shall not be carried out on public roadways or footways or in any other locations which could lead to the discharge of materials into the stormwater drainage system or onto Council's lands.
40. During Construction, care must be taken to protect Council's infrastructure, including street signs, footpath, kerb, gutter and drainage pits etc. Protecting measures shall be maintained in a state of good and safe condition throughout the course of construction. The area fronting the site and in the vicinity of the development shall also be safe for pedestrian and vehicular traffic at all times. Any damage to Council's infrastructure (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub-contractors, concrete delivery vehicles) shall be fully repaired in accordance with Council's specification and AUS-SPEC at no cost to Council.
41. During construction work the Council nature strip shall be maintained in a clean and tidy state. The Council nature strip shall be suitably repaired and/ or replaced in accordance with Council Specification at the completion of construction work and at the Applicant's expense.
42. All services (Utility, Council, etc) within the road reserve (including the footpath) shall be relocated/ adjusted to match the proposed/existing levels as required by the development.

CONDITIONS WHICH MUST BE SATISFIED PRIOR TO THE ISSUE OF ANY OCCUPATION CERTIFICATE

43. A registered surveyor must confirm the height of the finished floor levels via an identification survey pertaining to Condition 13.
44. The Council nature strip in Wiggins Street shall be repaired and/or replaced and maintained in accordance with Council Specification at the completion of all construction work at the Applicant's expense

45. Any damage not shown in the photographic survey submitted to Council before site works have commenced will be assumed to have been caused by the site works (unless evidence to prove otherwise). All damages as a result from site works shall be rectified at the applicant's expense to Council's satisfaction, prior to occupancy of the development and release of damage deposit.

CONDITIONS WHICH MUST BE SATISFIED FOR THE ONGOING USE

46. All intruder alarms shall be fitted with a timing device in accordance with the requirements of *Regulation 12A of the Noise Control Act, 1975*, and *AS2201, Parts 1 and 2 - 1978 Intruder alarm systems*
47. A person must not cause or permit an air conditioner to be used on residential premises in such a manner that it emits noise that can be heard within a habitable room in any other residential premises (regardless of whether any door or window to that room is open):
- a) Before 8 am or after 10 pm on any Saturday, Sunday or public holiday, or.
 - b) Before 7 am or after 10 pm on any other day.
48. The ongoing maintenance of the nature strip shall be undertaken by the occupier/owner. Maintenance shall include mowing, the removal of weeds and rubbish and maintaining a good, even coverage of grass at all times. Maintenance does not include pruning, trimming, shaping or any work to street trees located on the nature strip under any circumstances at any time. Pruning is undertaken by Council only.
49. The stormwater drainage system (including all pits, pipes, absorption, detention structures, treatment devices, infiltration systems and rainwater tanks) shall be regularly cleaned, maintained and repaired to ensure the efficient operation of the system from time to time and at all times. The system shall be inspected after every rainfall event to remove any blockage, silt, debris, sludge and the like in the system. All solid and liquid waste that is collected during maintenance shall be disposed of in a manner that complies with the appropriate Environmental Guidelines.
50. The operation of all plant and equipment shall not give rise to an equivalent continuous (LAeq) sound pressure level at any point on any residential property greater than 5dB(A) above the existing background LA90 level (in the absence of the noise under consideration).

The operation of all plant and equipment when assessed on any residential property shall not give rise to a sound pressure level that exceeds LAeq 50dB(A) day time and LAeq 40 dB(A) night time.

The operation of all plant and equipment when assessed on any neighbouring commercial/industrial premises shall not give rise to a sound pressure level that exceeds LAeq 65dB(A) day time/night time.

For assessment purposes, the above LAeq sound levels shall be assessed over a period of 10-15 minutes and adjusted in accordance with EPA guidelines for tonality,

frequency weighting, impulsive characteristics, fluctuations and temporal content where necessary.

51. The applicant being informed that this approval shall be regarded as being otherwise in accordance with the information and particulars set out and described in the Development Application registered in Council's records as Development Application No. 16/10 dated as 4 February 2016 and that any alteration, variation, or extension to the use, for which approval has been given, would require further approval from Council.

5.4 12 COLLINS STREET, PAGEWOOD - CONSTRUCTION OF A CARPORT ALONG THE NORTHERN SIDE OF AN EXISTING DWELLING HOUSE AND INTERNAL BATHROOM ALTERATIONS.

File No: DA-16(72)

DA No:	DA-16/72
Application Date:	17 May 2016
Property:	12 Collins Street, Pagewood NSW 2035
Lot & DP No:	Lot 16 Section P DP 5884
Proposal:	Construction of a carport along the northern side of the existing dwelling house and internal bathroom alterations.
Key Issues:	DCP Non-compliances: • Height of carport – Max 2.4m / Proposed 3.09m • Location – 1m behind building line / Proposed aligned with building line.
Applicant:	Superior Designs
Applicant Address:	9 Nix Avenue, Malabar NSW 2036
Property Location:	Eastern side of Collins Street between Page Street and Spring Street
Zoning:	R2 – Low Density Residential Botany Bay Local Environmental Plan 2013
Present Use:	Dwelling House
Value:	\$20,900.00
Submissions:	Nil

On the motion of Councillor Mitchell, seconded Councillor Glinatsis

COUNCIL RESOLVED THAT:

Development Application 16/72 for construction of a carport along the northern side of an existing dwelling house and internal bathroom alterations, at 12 Collins Street, Pagewood be approved, subject to the conditions in the attached Schedule.

**Premises: 12 Collins Street, Pagewood
16/72**

DA No: DA-

SCHEDULE OF CONSENT CONDITIONS

GENERAL CONDITIONS

1. The development is to be carried in accordance with the following plans and documentation listed below and endorsed with Council's stamp, except where amended by other conditions of this consent.

Plan	Author	Dated / Received by Council
Proposed Floor Plan Sheet 1 of 3, Issue A Dwg No. 37/16	Superior Designs	Dated: 05.05.2016 Received: 17.05.2016
Elevations and Section Sheet 2 of 3, Issue A Dwg No. 37/16	Superior Designs	Dated: 05.05.2016 Received: 17.05.2016
Stormwater Management Plan Sheet 3 of 3, Issue A Dwg No. 37/16	Superior Designs	Dated: 05.05.2016 Received: 17.05.2016

Document	Author	Dated / Received by Council
Statement of Environmental Effects	Superior Designs	Dated: Undated Received: 17.05.2016
Survey Job Ref. 2637	Jackson Surveyors Pty Ltd	Dated: 23.03.2016 Received: 17.05.2016

2. This Consent relates to land in Lot 16 Section P DP 5884 and, as such, building works must not encroach on to adjoining lands or the adjoining public place.
3. All building work must be carried out in accordance with the provisions of the Building Code of Australia.
4. The consent given does not imply that works can commence until such time that: -
 - a) Detailed plans and specifications of the building have been endorsed with a Construction Certificate by: -
 - i) The consent authority; or,
 - ii) An accredited certifier; and,
 - b) The person having the benefit of the development consent: -

- i) Has appointed a principal certifying authority; and,
- ii) Has notified the consent authority and the Council (if the Council is not the consent authority) of the appointment; and,
- iii) The person having the benefit of the development consent has given at least 2 days notice to the Council of the person's intention to commence the erection of the building.

CONDITIONS APPLYING BEFORE THE ISSUE OF A CONSTRUCTION CERTIFICATE

5. Prior to the issue of a Construction Certificate, the following fees are to be paid:-
- | | |
|----------------------------|------------------------|
| a) Builders Damage Deposit | \$3,100.00 (see below) |
| b) Development Control | \$235.00 |
| c) Long Service Levy | See below |
6. Prior to the issue of a Construction Certificate, the required Long Service Levy payable under Section 34 of the Building and Construction Industry Long Service Payments Act 1986 has to be paid. The Long Service Levy is payable at 0.35% of the total cost of the development, however this is a State Government Fee and can change without notice.
7. Prior to the issue of a Construction Certificate, the applicant shall lodge a Damage Deposit of \$3,100.00 (GST Exempt) by way of cash deposit or unconditional bank guarantee to Council against possible damage to Council's asset during the course of the building works. The deposit will be refunded subject to inspection by Council 12 months after the completion of all works relating to the proposed development and Final Occupational Certificate has been issued.
8. Prior to the issue of a Construction Certificate, at the proposed point of construction site entry, photographic survey showing the existing conditions of Council's infrastructure shall be submitted to Council and Principal Certifying Authority. The survey shall detail the physical conditions and identify any existing damages to the roads, kerbs, gutters, footpaths, driveways, street trees, street signs and any other Failure to do so may result in the applicant/developer being liable for any construction related damages to these assets. Any damage to Council's infrastructure during the course of this development shall be restored at the applicant's cost.
9. Prior to the issue of a Construction Certificate, the applicant shall contact "Dial Before You Dig on 1100" to obtain a Service Diagram for, and adjacent to, the property. The sequence number obtained from "Dial Before You Dig" shall be forwarded to Principal Certifying Authority. Any damage to utilities/services will be repaired at the applicant's expense.
10. Prior to the issue of a Construction Certificate, a report is required from a qualified plumber certifying that the existing drainage system, up to where it connects with a Council drainage structure and/or discharges to the groundwater system, is clear of debris and fully operational. Where the existing system is determined deficient,

damaged and/or not operational, a new system shall be designed and constructed by a suitably qualified Civil Engineer in accordance with Council's Stormwater Management Technical Guidelines (SMTG) & AS 3500.

11. Prior to the issue of a Construction Certificate, details are to be submitted demonstrating that the existing swimming pool complies with the following:
 - a) Swimming pools must comply with 'Swimming Pools Act 1992', 'Regulations 2008' and 'Australian Standards 1926.1-2012'.
 - b) Safety barrier provided to a swimming pool must separate the dwelling from the rest of the dwelling and other associated structures.

CONDITIONS APPLYING BEFORE THE WORKS COMMENCE

12. The proposed development shall comply with the following:
 - a) A sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being carried out:
 - i) Stating that unauthorised entry to the work site is prohibited;
 - ii) Showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours;
 - iii) The Development Approval number; and
 - iv) The name of the Principal Certifying Authority including an after hours contact telephone number.
 - b) Any such sign is to be removed when the work has been completed.
13. The Principal Certifying Authority must be satisfied that: -
 - a) In the case of work to be done by a licensee under the Home Building Act: -
 - i) Has been informed in writing of the licensee name and contractor licence number, and;
 - ii) Is satisfied that the licensee has complied with the requirements of Part 6 of the 'Home Building Act 1989'; or,
 - b) In the case of work to be done by any other person: -
 - i) Has been informed in writing of the persons name and owner-builder permit number, or;
 - ii) Has been given a declaration signed by the owner of the land that states that the reasonable market cost of the labour and materials involved in the work is less than the amount prescribed for the purposes of the definition of 'owner builder work' in Section 29 the 'Home Building Act 1989'.

14. A temporary hoarding or temporary construction site fence must be erected between the work site and adjoining lands before the works begin, and must be kept in place until after the completion of works, if the works:
 - a) could cause a danger, obstruction or inconvenience to pedestrian or vehicular traffic, or
 - b) could cause damage to adjoining lands by falling objects, or
 - c) involve the enclosure of a public place or part of a public place.
15. Toilet facilities must be available or provided at the work site before works begin, and must be maintained until the works are completed, at a ratio of one toilet plus one additional toilet for every 20 persons employed at the site. Each toilet must:
 - a) be a standard flushing toilet connected to a public sewer, or
 - b) have an on-site effluent disposal system approved under the 'Local Government Act 1993', or
 - c) be a temporary chemical closet approved under the 'Local Government Act 1993'.
16. A garbage receptacle must be provided at the work site before works begin and must be maintained until the works are completed. The garbage receptacle must have a tight fitting lid and be suitable for the reception of food scraps and papers.
17. Relevant application(s) shall be made to Council's Customer Services Counter for the following approvals and permits on Council's property/road reserve under 'Road Act 1993' and 'Local Government Act 1993' as appropriate: - (It is noted that any works shown within Council's road reserve or other Council Lands on the development approval plans are indicative only and no approval for these works is given until this condition is satisfied.)
 - a) Permit to erect hoarding on or over a public place, including Council's property/road reserve
 - b) Permit to construction works, place and/or storage building materials on footpaths, nature strips
 - c) Permit for roads and footways occupancy (long term/ short term)
 - d) Permit to construct vehicular crossings, footpath, kerb and gutter over road reserve
 - e) Permit to open road reserve area, including roads, footpaths, nature strip, vehicular crossing or for any purpose whatsoever
 - f) Permit to place skip/waste bin on footpath and/or nature strip
 - g) Permit to use any part of Council's road reserve or other Council lands

18. Erosion and sediment control devices shall be installed prior to the commencement of any demolition, excavation or construction works upon the site in order to prevent sediment and silt from site works (including demolition and/or excavation) being conveyed by stormwater into Council's stormwater system, natural watercourses, bushland, trees and neighbouring properties. In this regard, all stormwater discharge from the site shall meet the legislative requirements and guidelines. These devices shall be maintained in a serviceable condition at all times throughout the entire demolition, excavation and construction phases of the development and for a minimum one (1) month period after the completion of the development, where necessary.

CONDITIONS APPLYING DURING THE WORKS

19. All possible and practicable steps shall be taken to prevent nuisance to the inhabitants of the surrounding neighbourhood from wind-blown dust, debris, noise and the like.
20. The following shall be Noise from construction activities associated with the development shall comply with the NSW Environment Protection Authority's Environmental Noise Manual – Chapter 171 and the Protection of the Environment Operations Act 1997.

a) Level Restrictions

i) Construction period of 4 weeks and under:

- 1 The L10 sound pressure level measured over a period of not less than 15 minutes when the construction site is in operating must not exceed the background level by more than 20dB(A).

ii) Construction period greater than 4 weeks and not exceeding 26 weeks:

- 1 The L10 sound pressure level measured over a period of not less than 15 minutes when the construction site is in operating must not exceed the background level by more than 10 dB(A).

b) Time Restrictions

- | | |
|----------------------------------|--------------------|
| i) Monday to Friday: | 7:00am to 5:00pm |
| ii) Saturday: | 8:00am to 1:00pm |
| iii) Sundays or Public Holidays: | No works permitted |

c) Silencing

- i) All possible steps should be taken to silence construction site equipment.

21. The applicant shall conduct all construction and related deliveries wholly on site. If any use of Council's road reserve is required then separate applications are to be made at Council's Customer Services Department.

22. During Construction, care must be taken to protect Council's infrastructure, including street signs, footpath, kerb, gutter and drainage pits etc. Protecting measures shall be

maintained in a state of good and safe condition throughout the course of construction. The area fronting the site and in the vicinity of the development shall also be safe for pedestrian and vehicular traffic at all times. Any damage to Council's infrastructure (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub-contractors, concrete delivery vehicles) shall be fully repaired in accordance with Council's specification and AUS-SPEC at no cost to Council.

CONDITIONS APPLYING BEFORE THE ISSUE OF AN OCCUPATION CERTIFICATE

23. Prior to the issue of an Occupation Certificate, and prior to the release of the damage deposit, any damage not shown in the photographic survey submitted to Council before site works commenced will be assumed to have been caused as a result of the site works (unless evidence to prove otherwise). All damages as a result of site works shall be rectified at the applicant's expense to Council's satisfaction.

CONDITIONS APPLYING DURING THE ONGOING USE OF THE DEVELOPMENT

24. This approval shall be regarded as being otherwise in accordance with the information and particulars set out and described in the Development Application registered in Council's records as Development Application No. 16/72 dated as 17 May 2016 and that any alteration, variation, or extension to the use, for which approval has been given, would require further approval from Council.

5.5 100 MALONEY STREET EASTLAKES - USE OF THE EXISTING SHOP AS A THAI HEALTH MASSAGE CENTRE, INCLUDING FITOUT AND SIGNAGE

File No: DA-16(89)

DA No:	16/89
Application Date:	14 June 2016
Property:	100 Maloney Street, Eastlakes
Lot and DP No:	Lot 5 in DP 24933
Details:	Use of the existing shop as a Thai Health Massage Centre, including internal fitout and signage
Key Issues:	Car parking
Applicant:	Butsaba Yawiroeng

Applicant Address:	2/44 Rochester Street, Botany
Property Location:	Located on the eastern side of Maloney Street between Harry Street to the north and King Street to the south
Zoning:	B1 Neighbourhood Centre Zone Botany Bay Local Environmental Plan 2013
Present Use:	Vacant shop- previously used as a beauty salon
Classification of Building:	Class 6 - Shop
Value:	\$15,000.00

On the motion of Councillor Keneally, seconded Councillor Mitchell

COUNCIL RESOLVED THAT:

Development Application No. 16/89 for the use of the existing shop as a Thai Health Massage Centre, including internal fitout and signage at 100 Maloney Street, Eastlakes be approved, subject to the schedule of conditions.

Premises: 100 Maloney Street, Eastlakes

DA No: 16/89

SCHEDULE OF CONSENT CONDITIONS

GENERAL CONDITIONS

- The development is to be carried in accordance with the following plans and documentation listed below and endorsed with Council's stamp, except where amended by other conditions of this consent:

Drawing No.	Author	Date Received
Sheet No. A301- Site Plan (excluding the car space)	Sydney Drafting	Dated 28 May 2016; Received 14 June 2016
Sheet No. A302- Floor Plan	Sydney Drafting	Dated 28 May 2016; Received 14 June 2016

Sheet No. A303- Elevation/External Finishes	Sydney Drafting	Dated 28 May 2016; Received 14 June 2016
Sheet No. A304- Fire Safety Measures	Sydney Drafting	Dated 28 May 2016; Received 14 June 2016
Sheet No. A305- Signage Plan	Sydney Drafting	Dated 28 May 2016; Received 14 June 2016

Reference Document(s)	Author	Date Received
Statement of Environmental Effects	-	Received 14 June 2016
Certification relating to massage qualifications	-	Received 14 June 2016
Waste Management Plan	Sydney Drafting	Received 14 June 2016

2. This consent relates to land in Lot 5 in DP 24933 and as such, building works and operational works must not encroach on to adjoining lands or the adjoining public place.
3. All building work must be carried out in accordance with the provisions of the Building Code of Australia.
4. The following shall be complied with:
 - a) The signage shall be for business identification and advertising purposes only and be associated with the approved use carried out within the premises; and
 - b) The signage shall not be adapted or used for third party advertising purposes at any time; and
 - c) The signage shall be appropriately maintained at all times and kept in a clean and tidy condition.
5. No further signs or advertising which requires consent shall be installed or displayed at the property without an application being lodged with Council and consent thereto being given by Council.
6. The consent given does not imply that works can commence until such time that:
 - a) Detailed plans and specifications of the proposal have been endorsed with a Construction Certificate by:

- i) The consent authority; or,
 - ii) An accredited certifier; and,
- b) The person having the benefit of the development consent:
 - i) Has appointed a principal certifying authority; and,
 - ii) Has notified the consent authority and the Council (if the Council is not the consent authority) of the appointment; and,
- c) The person having the benefit of the development consent has given at least two (2) days notice to the council of the person's intention to commence the proposed works.

CONDITIONS WHICH MUST BE SATISFIED PRIOR TO THE ISSUE OF ANY CONSTRUCTION CERTIFICATE

7. The applicant must prior to the issue of the Construction Certificate, pay the following fees:
 - a) Development Control Fee \$285.00
8. Prior to the issue of the Construction Certificate, the required Long Service Levy payable under Section 34 of the Building and Construction Industry Long Service Payments Act 1986 has to be paid. The Long Service Levy is payable at 0.35% of the total cost of the development, however this is a State Government Fee and can change without notice.
9. Prior to the issue of the Construction Certificate, a plan shall be submitted and approved by the Principal Certifying Authority, showing all protection measures for pedestrians, vehicles, adjoining properties and public assets, storage location of construction building materials and plants and the method of access to the property. No storage of construction materials and plants shall be allowed in road reserve area.
10. Prior to the issue of any Construction Certificates, the applicant shall submit to Council a full photographic survey showing the existing conditions of Council's infrastructure shall be submitted to Council and Principal Certifying Authority.

The survey shall identify any existing damages to the road, kerb, gutter, footpath, driveways, street trees, street signs, and any other Council assets fronting the property and in the vicinity of the development. Failure to do so will result in the applicant being liable for any construction related damages to these assets. Any damage to Council's infrastructure during the course of this development shall be restored at the applicant's cost.

CONDITIONS WHICH MUST BE SATISFIED PRIOR TO THE COMMENCEMENT OF ANY DEVELOPMENT AT WORK

11. Prior to commencement of any works, application(s) shall be made to Council's Customer Services Counter for the following approvals and permits on Council's

property/road reserve under *Road Act 1993* and *Local Government Act 1993* as appropriate: -

- a) Permit to erect hoarding on or over a public place, including Council's property/road reserve
- b) Permit for roads and footways occupancy (long term/ short term)
- c) Permit to open road reserve area, including roads, footpaths, nature strip, vehicular crossing or for any purpose whatsoever, such as relocation / re-adjustments of utility services.
- d) Permit to place skip/waste bin on footpath and/or nature strip
- e) Permit to use any part of Council's road reserve or other Council lands
- f) Copy of the approved permits shall be submitted to the Principal Certifying Authority attesting this condition has been appropriately satisfied.

DURING WORKS

- 12. The approved Waste Management Plan shall be complied with at all times during works, and during the ongoing use of the premises.
- 13. The following shall be complied with during construction:
 - a) Construction Noise
 - i) Noise from construction activities associated with the development shall comply with the NSW Environment Protection Authority's Environmental Noise Manual – Chapter 171 and the Protection of the Environment Operations Act 1997.
 - b) Level Restrictions
 - i) Construction period of 4 weeks and under:
 - 1) The L10 sound pressure level measured over a period of not less than 15 minutes when the construction site is in operating must not less than 15 minutes when the construction site is in operating must not exceed the background level by more than 10dB(A).
 - c) Time Restrictions
 - i) Monday to Friday 07:00am to 05:00pm
 - ii) Saturday 08:00am to 01:00pm
 - iii) No Construction to take place on Sundays or Public Holidays.
 - d) Silencing
 - i) All possible steps should be taken to silence construction site equipment.

14. The applicant shall conduct all construction and related deliveries wholly on site. If any use of Council's road reserve is required then separate applications are to be made at Council's Customer Services Department.
15. During Construction, care must be taken to protect Council's infrastructure, including street signs, footpath, kerb, gutter and drainage pits etc. Protecting measures shall be maintained in a state of good and safe condition throughout the course of construction. The area fronting the site and in the vicinity of the development shall also be safe for pedestrian and vehicular traffic at all times. Any damage to Council's infrastructure (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub-contractors, concrete delivery vehicles) shall be fully repaired in accordance with Council's specification and AUS-SPEC at no cost to Council.
16. If the work involved in the fitout of the shop:
 - a) Is likely to cause pedestrians or vehicular traffic in a public place to be obstructed or rendered inconvenient; or,
 - b) Building works involves the enclosure of a public place:
 - c) A hoarding or fence must be erected between the work site and the public place.
 - i) If necessary an awning is to be erected sufficient to prevent any substance from or in connection with the work falling into the public place.
 - ii) The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.
 - iii) Any such hoarding, fence or awning is to be removed when the work has been completed.
17. The proposed sign(s) shall be suitably fixed and any damage caused by the installation of the sign shall be promptly repaired with identical or matching materials.

**CONDITIONS WHICH MUST BE SATISFIED PRIOR TO THE ISSUE OF AN
OCCUPATION CERTIFICATE**

18. Any damage not shown in the photographic survey submitted to Council before site works have commenced, will be assumed to have been caused as a result of the site works undertaken and must be rectified at the applicant's expense, prior to occupancy of the development.
19. Prior to occupation of the building, the operator shall enter into a commercial contract for the collection of trade waste and recyclables arising from the premises. A copy of all contracts and receipts shall be kept on the premises and made available to Council Officers on request.

20. Prior to issue of an Occupation Certificate a final fire safety certificate must be prepared and issued to Council. This certificate must state that each essential fire safety measures specified in the current fire safety schedule for the building to which the certificate relates:-
- a) has been assessed by a properly qualified person;
 - b) was found when assessed to be capable of performing to a standard not less than that required by the current fire safety schedule for the building for which the certificate is issued; and,
 - c) the date of assessment which must be within the period of 3 months prior to the date on which the final fire safety certificate is issued.

Note:

- i) The choice of person to carry out the assessment is up to the owner of the building;
 - ii) The person who carries out the assessment:-
 - 1 must inspect and verify the performance of each fire safety measure being assessed; and,
 - 2 must test the operation of each new item of equipment installed in the building premises that is included in the current fire safety schedule for the building;
 - iii) As soon as is practicable after a final fire safety certificate is issued the owner of the building to which it relates:-
 - 1 must cause a copy of the certificate (together with a copy of the current fire safety schedule to be given to the Commissioner of the New South Wales Fire and Rescue; and,
 - 2 must cause a further copy of the certificate (together with a copy of the current fire safety schedule) to be prominently displayed in the building.
21. The operators must provide adequate sanitary facilities for staff and visitors in operating the business and in the following manner –
- a) All sanitary facilities are to be self-contained and located within the centre;
 - b) Each working room should contain its own sanitary facilities;
 - c) If design or building constraints prevent the provision of adequate sanitary facilities in, or adjacent to, the working rooms, then these facilities must be

provided elsewhere in the centre and should aim to maximise access to these facilities from working rooms;

- d) As a guide, one toilet, hand wash basin and shower would be sufficient to serve three working rooms, or an operation of three masseurs and must be separate from and accessible to all working rooms. Ensuite facilities attached to a single working room would not be considered suitable;
 - e) In two or less working rooms, the sanitary facilities for clients can be shared with staff sanitary facilities where they are located outside of the staff areas;
22. It is recommended that private contractors be used to launder towels, sheets, and linen. Whether laundering is carried out on the premises or off-site, adequate equipment must be used. The following steps are to be addressed for the cleaning of linen:
- a) An adequate number of approved receptacles must be provided for the separate storage of clean linen and used linen;
 - b) Linen should be washed in a hot water wash that is at water temperature of 70°C using laundry detergent; and
 - c) All items of linen should be thoroughly dried before re-use.
23. The interior of the premises must be constructed of durable, impervious materials that are easy to be kept clean. The following provisions outline the requirements for cleaning:
- a) Cleaning should be carried out regularly with particular attention to all surfaces where the massage activity does or is likely to occur;
 - b) Consideration should also be given to providing appropriate cleaning and disinfection agents (including anti-bacterial wipes) for use by clients in the rooms;
 - c) At least one full daily cleaning of the premises must be conducted;
 - d) Spot cleaning must be conducted on a regular basis as needed and may be required more frequently during peak periods;
 - e) To enable adequate cleaning, the premises operator must maintain staff that are allocated to cleaning at all times whilst the premises are open;
 - f) This requirement for cleaning means that at least two staff must be on the premises at all times when spot cleaning is required unless the counter area can be secured and monitored, as the front counter/reception employee cannot also be responsible for spot cleaning duties;
 - g) A cleaning register must be established and kept on the premises at all times and must be available on demand to authorised officers; and

- h) This register must include but not be restricted to: date/time of all cleaning activities; printed name and signature of the employee(s) conducting the cleaning; and notation of specific areas requiring spot cleaning attention.
- 24. Prior to use and occupation of the proposal an Occupation Certificate must be obtained under Section 109C(1)(c) and 109N of the Environmental Planning and Assessment Act 1979.

CONDITIONS WHICH MUST BE SATISFIED DURING THE ONGOING USE OF THE DEVELOPMENT

- 25. The maximum number of permanent staff employed on-site at one-time shall not exceed three (3) staff members. Any additional staff employed on-site shall be subject to Council's approval.
- 26. All goods and equipment associated with the premises shall be kept wholly within the building and not within the designated car parking and vehicle manoeuvring areas.
- 27. The hours of operation of the premises shall be restricted to Monday to Sunday 10:00am to 9:00pm.
- 28. The premises must not be used as a 'sex services premises' as defined in the Standard Instrument.
- 29.
 - a) The use shall be restricted to a maximum of two massage rooms with a total of 2 beds/tables and two foot massage chairs.
 - b) The beds in each room shall be fold out "massage type" beds only. There shall be no permanent beds (sleeping beds) installed in the premises.
 - c) The premises shall be maintained in a clean, sanitary condition and kept in a satisfactory state of repair at all times.
 - d) Clean linen and towels shall be provided for the use of each client. Towels and linen shall be stored in receptacles made of impervious material.
 - e) The premises shall be provided with facilities to enable the hygienic storage of appliances and utensils.
 - f) Skin penetration activities are not to be undertaken on-site without prior approval from Council. A separate development application is to be submitted to Council for approval of any such services.
 - g) Lockers shall be provided for the storage of employees clothing and personal belongings.

30.

- a) The signage shall be for business identification purposes only and be associated with the approved use carried out within the premises; and
 - b) The signage shall not be adapted or used for third party advertising purposes at any time.
 - i) The signage shall not:
 - ii) Flash, move, be animated, scintillate or be decorated with rotating flashing lights;
 - iii) Include any apparatus to provide any sound;
 - iv) Carry a message which is offensive;
 - v) Give instructions to traffic by the use of the words, 'Halt', 'Stop', or any other direction, nor imitate traffic signs in respect to shape, layout or colour;
 - vi) Contain interchangeable or moveable parts;
 - vii) Impair or distract the vision of a driver through the intensity of the illumination of the site; and
 - viii) Must not impede the ability of the occupants to exit the building under emergency conditions.
 - c) The signage shall be appropriately maintained at all times and kept in a clean and tidy condition.
 - d) No further signs or advertising which require consent shall be installed or displayed at the property without a development application being lodged with Council and consent thereto being given by Council.
31. The operations of the premises shall be conducted in such a manner as not to interfere with or materially affect the amenity of the neighbourhood by reason of noise, vibration, odour, fumes, vapour, steam, soot, ash, dust, particulate matter, waste water, waste products or other impurities which are a nuisance or injurious to health.
32. All intruder alarms shall be fitted with a timing device in accordance with the requirements of *Regulation 12A of the Noise Control Act, 1975*, and *AS2201, Parts 1 and 2 - 1978 Intruder alarm systems*.
33. A person must not cause or permit an air conditioner to be used on residential premises in such a manner that it emits noise that can be heard within a habitable room in any other residential premises (regardless of whether any door or window to that room is open):
- a) Before 8 am or after 10 pm on any Saturday, Sunday or public holiday, or
 - b) Before 7 am or after 10 pm on any other day.

34. Should the external fabric of the building(s) and like constructions be subject to graffiti or like vandalism, then within seven (7) days of this occurrence, the graffiti must be removed and the affected surface(s) returned to a condition it was in before defilement.
- 35.
- a) The use of the premises must not give rise to the transmission of offensive noise to any place of different occupancy and must meet the City of Botany Bay Standard Noise Criteria.
 - b) Offensive noise is defined in the Protection of the Environment Operations Act 1997 as noise:
 - i) that, by reason of its level, nature, character or quality, or the time at which it is made, or any other circumstances:
 - ii) is harmful to (or is likely to be harmful to) a person who is outside the premises from which it is emitted, or
 - iii) interferes unreasonably with (or is likely to interfere unreasonably with) the comfort or repose of a person who is outside the premises from which it is emitted, or
 - iv) that is of a level, nature, character or quality prescribed by the regulations or that is made at a time, or in other circumstances, prescribed by the regulations.
 - c)
 - i) The operation of all plant and equipment shall not give rise to an equivalent continuous (LAeq) sound pressure level at any point on any residential property greater than 5dB(A) above the existing background LA90 level (in the absence of the noise under consideration).
 - ii) The operation of all plant and equipment when assessed on any residential property shall not give rise to a sound pressure level that exceeds LAeq 50dB(A) day time and LAeq 40 dB(A) night time.
 - iii) The operation of all plant and equipment when assessed on any neighbouring commercial/industrial premises shall not give rise to a sound pressure level that exceeds LAeq 65dB(A) day time/night time.
- For assessment purposes, the above LAeq sound levels shall be assessed over a period of 10-15 minutes and adjusted in accordance with EPA guidelines for tonality, frequency weighting, impulsive characteristics, fluctuations and temporal content where necessary.
36. The applicant being informed that this approval shall be regarded as being otherwise in accordance with the information and particulars set out and described in the

Development Application registered in Council's records as Development Application No. 16/89 dated as 14 June 2016 and that any alteration, variation, or extension to the use, for which approval has been given, would require further Approval from Council.

5.6 405-409 GARDENERS ROAD, ROSEBERY - REDEVELOPMENT OF THE FORMER MARINA THEATRE SITE

File No: DA-16(41).02

DA No:	16/041
Application Date:	21 March 2016, amended on 28 June 2016, amended on 3 August 2016, and amended on 24 August 2016
Property:	405-409 Gardeners Road, Rosebery
Lot & DP No:	Lot 1 in DP 201097, Lots 5 and 6 in DP 223717
Details:	Integrated Development Application for the demolition of the existing commercial building at No. 405, in situ retention of the heritage façade fronting Gardeners Road at No. 409, demolition of the remaining parts of the theatre building, excavation to accommodate three basement car parking levels for residential parking, construction of a six (6) storey building across both 405 and 409 Gardeners Road comprising of 40 apartments (being 10 studio apartments and 30 x 2 bedroom apartments), together with five (5) ground floor retail tenancies and associated retail and visitor parking at ground level.
Applicant:	CMT Architects Australia Pty Ltd
Applicant Address:	1, 32-36 Premier Street, Kogarah NSW 2217
Property Location:	Located on the south-eastern corner of Gardeners Road and Sutherland Street, Rosebery, bounded to the rear by Tramway Lane.
Zoning:	B 1 – Local Centre Heritage Item No. I104 – Former Roxy Theatre Botany Bay Local Environmental Plan 2013
Present Use:	Existing disused Theatre
Value:	\$16,200,000

Submissions: 1st round – 18 objections and 1 letter of support;
2nd round – 8 objections and 2 petitions.

On the motion of Councillor Troy, seconded Councillor Keneally

COUNCIL RESOLVED THAT:

1.

- a. The Clause 4.6 variation is well founded in respect to the western part of the site “the theatre” building, however is not accepted in respect to the degree of height variation to the “shop” building, which should not be given the additional height as this detracts from the prominence of the landmark feature of the façade of the building at this corner location and creates an adverse overshadowing impact on an adjoining property; and
- b. That Council grant a “Deferred Commencement” consent to development application 16/41 for the demolition of the existing commercial building at No. 405, in situ retention of the heritage façade fronting Gardeners Road at No. 409, demolition of the remaining parts of the theatre building, excavation to accommodate three basement car parking levels for residential parking, construction of a six (6) storey building across both 405 and 409 Gardeners Road comprising of 40 apartments (being 10 studio apartments and 30 x 2 bedroom apartments), together with five (5) ground floor retail tenancies and associated retail and visitor parking at ground level, subject to the following Schedule A conditions.

Note: This will reduce the total number of apartments by 4 from 40 to 36, equal to a GFA reduction of 232.15m² and FSR reduction from 3:1 to 2.79:1

2. The an additional Deferred Commencement condition, DC4 be applied as follows:

DC4 Three designs for a mural to be placed at the bottom rendered component of the Sutherland and Tramway Streets elevations representing the cultural contribution of the building to the community; are to be provided for selection by Council.

In the event that Council is not satisfied with any of the three submissions the applicant will be required to submit and alternate proposal to the satisfaction of Council.

The installation is to be prior to occupation certificate being granted.

Such mural is to be maintained by the body corporate.

3. That the period to satisfy the Deferred Commencement Conditions be 36 months.

4. Condition 15 of the Conditions is to read:

“15

(a) *Prior to commencement of any works on site, including any demolition, a bond in the form of a bank guarantee to the value of \$17 million shall be submitted to Council to ensure the retention of the heritage façade during construction work. The bond will only be released by Council once the roof has been placed on the building and maybe be released prior to the internal fitout of the units and tenancies is completed.*

(b) *The bond is to be irrevocable and unconditional in Council’s favour, in the event of destruction or material damage to the heritage item component of the building.”*

- 5 Condition 82 is to be deleted (replaced with DC condition 4)
6. Condition 80 is to refer to” Sutherland Street and Tramway Lane” and Condition 91(d) (previously 92(d)) is to refer to “Tramway Lane”, not “Hanna Street”.

Premises: 405-409 Gardeners Road, Rosebery

DA No: 16/41

SCHEDULE B CONDITIONS

GENERAL CONDITIONS

1. The development is to be carried in accordance with the following plans and documentation listed below and endorsed with Council’s stamp, except where amended by other conditions of this consent.

Drawing N°	Author	Date Received
Basement 3, Drawing No. DA 1.97 Issue A	CMT Architects	6 September 2016
Basement 2, Drawing No. DA 1.98 Issue A	CMT Architects	6 September 2016
Basement 1, Drawing No. DA 1.99 Issue A	CMT Architects	6 September 2016
Ground Floor, Drawing No. DA 2.00 Issue A	CMT Architects	6 September 2016
First Floor, Drawing No. DA 2.01 Issue A	CMT Architects	6 September 2016
Second Floor, Drawing No. DA 2.02 Issue A	CMT Architects	6 September 2016
Third Floor, Drawing No. DA 2.03 Issue A	CMT Architects	6 September 2016
Fourth Floor, Drawing No. DA 2.04 Issue A	CMT Architects	6 September 2016
Fifth Floor, Drawing No. DA 2.05, Issue A	CMT Architects	6 September 2016
North Elevation, Drawing No. 4.01, Issue A	CMT Architects	6 September 2016
East Elevation, Drawing No. DA 4.02, Issue A	CMT Architects	6 September 2016

South Elevation, Drawing No, DA 4.03, Issue A	CMT Architects	6 September 2016
West Elevation, Drawing No. DA 4.04, Issue 4	CMT Architects	6 September 2016
External Materials and Finishes	CMT Architects	6 September 2016
Shadow Diagrams, Drawing No. DA2.01	CMT Architects	6 September 2016
Survey Plan, Surveyors Ref No. 202288	W Buxton Pty Ltd Registered Surveyors	21 March 2016
Soil & Water Management Plan, Drawing No. DA6.00	CMT Architects	21 March 2016
Landscape Plan Colour, Drawing No. C100, dated 1 September 2016	Site Image	2 September 2016
Landscape Plan Ground Level, Drawing No. 101, dated 1 September 2016	Site Image	2 September 2016
Landscape Plan Level 1, Drawing No. 102, dated 1 September 2016	Site Image	2 September 2016
Landscape Details and Specifications, Drawing No. 501, dated 1 September 2016	Site Image	2 September 2016
Concept Stormwater Drainage Plans, Drawing Nos. D1-D8, Revision C dated 6 September 2016	LMW Design Group Pty Ltd	7 September 2016

Documents	Author	Date Received
Statement of Environmental Effects	DDC Urban Planning	21 March 2016
SEPP 65 Design Verification Statement	CMT Architects	21 March 2016
Statement of Heritage Impact, Project No. P16-048, dated 21 March 2016	Placemark Architecture and Cultural Heritage	21 March 2016
Waste Management Plan	CTM Architects	21 March 2016
Traffic and Parking Impact Assessment Report, Ref No. 16024 dated 30 August 2016	Terraffic Pty Ltd	6 September 2016
Geotechnical Investigation Report No. G165, dated June 2016	Benviron Group	13 July 2016
Detailed Site Investigation, Job No. E850, Revision 1, dated 29 August 2016	Benviron Group	29 August 2016
BASIX Certificate No. 713773M	Building & Energy Consultants	6 September 2016
Access Report, MSA1151_Rev01	Accessibility Solutions (NSW) Pty Ltd	-

2. This Consent relates to land in Lot 1 in DP 217097 and Lots 5 and 6 in DP 223717, as such, building works must not encroach on to adjoining lands or the adjoining public place, except as otherwise permitted by conditions of this consent.
3.
 - a) All building work must be carried out in accordance with the provisions of the Building Code of Australia;
 - b) All plumbing stacks, vent pipes, stormwater downpipes including balcony drainage and the like shall be kept within the building and suitably concealed from view. This Condition does not apply to the venting to atmosphere of the stack above roof level;
 - c) All air conditioning units shall be appropriately treated to ensure that they are concealed from view and compliant with Australian Standard AS1668.2.
4. All costs associated with these development conditions shall be borne by the applicant. If, when actioning these conditions Council's solicitor is required to act on behalf of Council, then Council's solicitor's fees and charges shall also be borne by the Applicant.
5. Pursuant to clause 97A(3) of the Environmental Planning & Assessment Regulation 2000, it is a condition of this development consent that all the commitments listed in the relevant BASIX Certificate No. 713773M for the development are fulfilled.

Note: Should the design amendments required by the conditions of this consent require an updated BASIX Certificate, a revised BASIX Certificate shall be submitted with the Construction Certificate.
6. The consent given does not imply that works can commence until such time that:
 - a) Detailed plans and specifications of the building have been endorsed with a Construction Certificate by:
 - i) The consent authority; or
 - ii) An accredited certifier; and
 - b) The person having the benefit of the development consent:
 - i) Has appointed a principal certifying authority; and
 - ii) Has notified the consent authority and the Council (if the Council is not the consent authority) of the appointment; and
 - iii) The person having the benefit of the development consent has given at least 2 days notice to the Council of the person's intention to commence the erection of the building.

CONDITIONS IMPOSED BY EXTERNAL AUTHORITIES

7. The developer is required to make a formal submission to **Ausgrid** by means of a duly completed Preliminary Enquiry and/or Connection Application Form, to allow Ausgrid to determine the method of electrical supply for the development.
8. Any work undertaken near Overhead Power lines needs to be done in accordance with
 - WorkCover Document ISSC 23 "Working Near Overhead Power Lines";
 - Ausgrid Network Standards;
 - Ausgrid Electrical Safety Rules
9. The location of underground cables by using *Dial Before You Dig* and comply with the requirements of Ausgrids Network Standard 156: *Working Near or Around Underground Cables* before any excavation works are undertaken.
10. Existing Ausgrid easements, leases and/or right of ways must be maintained at all times to ensure 24 hour access. No temporary or permanent alterations to this property tenure can occur without written approval from Ausgrid. For further details refer to Ausgrid's Newtork Standard 143.
11. The approved plans must be submitted to a **Sydney Water** Tap in Service to determine whether the development will affect any Sydney Water sewer or water main, stormwater drains and/or easement, and if further requirements need to be met. Plans will be appropriately stamped.
12. The proposed development is to comply with the following requirements issued by **Sydney Airport Corporation Limited** (SACL) dated 24 May 2016. The conditions are as follows:
 - a) Height Restrictions
 - b) The PROPERTY DEVELOPMENT at 405-409 Gardeners Road, Rosebery, lies within an area defined in schedules of the Civil Aviation (Buildings Control) Regulation, which limit the height of structures to 50 feet (15.24 metres) above existing ground height (AEGH) without prior approval of the Civil Aviation Safety Authority;
 - c) In this instance, Peter Bleasdale, an authorised person of the Civil Aviation Safety Authority (CASA), under Instrument Number: CASA 229/11 in the capacity as Airfield Design Manager has advised that he has "no objection to the erection of the proposed development to a maximum height of **33** metres above Australian Height Datum (AHD)";
 - d) The approved height is inclusive of all lift over-runs, vents, chimneys, aerials, TV antennae, construction cranes etc;
 - e) Should you wish to exceed 33 metres above Australian Height Datum (AHD), a new application must be submitted;
 - f) Should the height of any temporary structure and/or equipment be greater than 50 feet (15.24 metres) above existing ground height (AEGH), a new approval must

be sought in accordance with the Civil Aviation (Buildings Control) Regulations Statutory Rules 1988, No.161;

- g) Construction cranes may be required to operate at a height significantly higher than that of the proposed controlled activity and consequently, may not be approved under the Airports (Protection of Airspace) Regulations;
- h) SACL advises that approval to operate construction equipment (i.e. cranes) should be obtained prior to any commitment to construct;
- i) Information required by Sydney Airport prior to any approval is to include:
 - i) the location of any temporary structure or equipment, i.e. construction cranes, planned to be used during construction relative to Mapping Grid of Australia 1994;
 - ii) the swing circle of any temporary structure/equipment used during construction;
 - iii) the maximum height, relative to Australian Height Datum (AHD), of any temporary structure or equipment i.e. construction cranes, intended to be used in the erection of the proposed structure/activity;
 - iv) the period of the proposed operation (i.e. construction cranes) and desired operating hours for any temporary structures.
 - v) Any application for approval containing the above information, should be submitted to SACL at least 35 days prior to commencement of works in accordance with the Airports (Protection of Airspace) Regulations Statutory Rules 1996, No.293, which now apply to this Airport;
- j) Under Section 186 of the Airports Act 1996, it is an offence not to give information to the Airport Operator that is relevant to a proposed “controlled activity” and is punishable by up to 50 penalty units;
- k) The height of the prescribed airspace at the site is approximately 51.0 metres above Australian Height Datum (AHD). In accordance with Regulation 9 of the Airports (Protection of Airspace) Regulations Statutory Rules 1996, No. 293, “a thing to be used in erecting the building, structure or thing would, during the erection of the building, structure or thing, intrude into PANS OPS airspace for the Airport, cannot be approved.”

l) Bird and Obstacle Hazard Management

- m) To minimise the potential for bird habitation and roosting, the applicant must ensure that non-bird attracting plant species are used in any landscape design;
- n) Any landscaping design must minimise the attractiveness for foraging birds, i.e. site it kept clean regularly, refuse bins are covered and detention ponds are netted.
- o) All trees to be planted shall not be capable of intruding in to the Obstacle Limitation Surface when mature.

13. General Terms of Approval from **Water NSW**

- a) An authorisation shall be obtained for the take of groundwater as part of the activity. Groundwater shall not be pumped or extracted for any purpose other than temporary construction dewatering at the site identified in the development application. The authorisation shall be subject to a currency period of 12 months from the date of issue and will be limited to the volume of groundwater take identified.
- b) 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 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.
- c) 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:
 - i) any 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
 - ii) any elevated water table is more than 1.0 m below the natural ground surface existent at the location immediately prior to the construction of the structure; and
 - iii) where the habitable part of the structure (not being footings or foundations) is founded in bedrock or impermeable natural soil then the requirement to maintain groundwater flows beneath the structure is not applicable.
- d) 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.
- e) DPI Water requires documentation (referred to as 'report') comprising measurements, maps, bore logs, calculations, results, discussion and justification for various matters related to the dewatering process. Information will be required at several stages: prior to construction commencing (initial report - which will accompany the application for the authorisation), at any time when an authorisation renewal is required or a significant change in activities occurs (intermediate report); and at the completion of dewatering and related operations (completion report). Reports need to be submitted to DPI Water at Parramatta Office, in a format consistent with electronic retrieval without editing restrictions; raw data should be presented in Excel spreadsheets without editing restrictions.

Prior to excavation

- f) The following shall be included in the initial report:
 - i) measurements of groundwater levels beneath the site from a minimum of three relevant monitoring bores, together with details of the bores used in the assessment including bore logs and three-dimensional identification information.
 - ii) a map of the site and its immediate environs depicting the water table (baseline conditions) shown relative to the topography and approved construction footprint from the surface level and below. An assessment of the potential variation in the water table during the life of the proposed building together with a discussion of the methodology and information on which this assessment is based.
14. The following conditions are imposed by the **NSW Police Service**;
- a) Any proposed landscaping and vegetation should adhere to the following principles:
 - i) Shrubs, bushes, plants should remain under 900mm where possible;
 - ii) Branches of large trees should start at a height of two (2) metres and higher;
 - iii) This will assist with natural surveillance and reduce hiding spots and dark areas for potential offenders.
 - b) Bicycle parking areas should be located within view of capable guardians. The provision of covered lockable racks to secure bicycles increases the effort required to commit crime.
 - c) As the proposed development may be exposed to Break and Enter Steals, Stealing, Steal from persons, Malicious Damage and Steal from Motor Vehicle offences, a closed circuit surveillance system (CCTV) which complies with the Australian Standard - Closed Circuit Television System (CCTV) AS:4806:2006 shall to be implemented to receive, hold or process data for the identification of people involved in anti-social behaviour prior to the issue of the Occupation Certificate. The system is obliged to conform with Federal, State or Territory Privacy and Surveillance Legislation;
 - d) This system should consist of surveillance cameras strategically located in and around the development to provide maximum surveillance coverage of the area, particularly in areas that are difficult to supervise.
 - e) Cameras should be strategically mounted outside the development buildings and within the car parking areas to monitor activity within these areas.
 - f) One or more cameras should be strategically mounted at entry and exit points to monitor activities around these areas (underground car park, foyer entrance);
 - g) Digital technology should be used to receive, store, and process data. Recording equipment should be secured away from public access areas to restrict tampering

with equipment and data. This equipment need to be checked and maintained on a regular basis. It is crucial even in the development stage that these cameras are installed as soon as power is available to the site.

- h) Lighting (lux) levels for this development must be commensurate with a medium crime risk identified in this evaluation. The emphasis should be on installing low glare/high uniformity lighting levels in line with Australian Standard AS:1158.
- i) Clear street number signs should be displayed and appropriately positioned at the front of the business to comply with Local Government Act, 1993 Section 124 (8). Failure to comply with any such order is an offence under Section 628 of the Act. Offences committed under Section 628 of the Act attract a maximum penalty of 50 penalty units (currently \$5500) for an individual and 100 penalty units (currently \$11000) for the corporation. The numbers should be in contrasting colours to the building materials and be larger than 120mm.
- j) Warning signs should be strategically posted around the buildings to warn intruders of what security treatments have been implemented to reduce opportunities for crime, including:
 - i) Warning, trespassers will be prosecuted;
 - ii) Warning, these premises are under electronic surveillance
- k) A graffiti management plan needs to be incorporated into the maintenance plan for the development. Research has shown that the most effective strategy for reducing graffiti attacks is the quick removal of such material generally within 24 hours.
- l) An Emergency control and evacuation plan which complies with the Australian Standard, Emergency Control Organisation and Procedures for Buildings, Structures and Workplace, AS:3745:2002 should be prepared and maintained by your development to assist management and staff in the event of an emergency. This standard sets out the requirements for the development of procedures for the controlled evacuation of the building, structures and workplaces during emergencies. Further information in relation to planning for emergencies can be obtained from Emergency NSW <http://www.emergency.nsw.gov.au> or Emergency Management Australia <http://www.ema.gov.au>.
- m) Any sliding doors MUST be fitted with lockable bolts in the bottom and top of the door frame.
- n) The windows and window-frames to these premises should be of solid construction. These windows should be fitted with locks with comply with the Australian Standard — Mechanical Locksets for windows in buildings, AS:4145 <http://www.standards.org.au> to restrict unauthorised access. This standard specifies the general design criteria, performance requirements, and procedures for testing mechanical lock sets and latch sets for their resistance to forced entry and efficiency under conditions of light to heavy usage. The standard covers lock sets for typical windows, such a wooden, glass or metal hinged swinging windows or sliding windows in residential and business premises, including public buildings, warehouses and factories. Requirements for both the lock and

associated furniture are included. Certain areas may require higher level of locking devices not referred to in this standard. (e.g. locking bars, electronic locking devices, detection devices, alarms).

PRIOR TO COMMENCEMENT OF ANY DEMOLITION OR EXCAVATION

- ~~15. Prior to commencement of any works on site, including any demolition, bond in the form of a bank guarantee to the value of \$17 million shall be submitted to Council to ensure the retention of the heritage facade during construction work. The bond will only be released by Council once the roof has been placed on the new building and only after the internal fitout of the units and tenancies is completed.~~
- a) Prior to commencement of any works on site, including any demolition, a bond in the form of a bank guarantee to the value of \$17 million shall be submitted to Council to ensure the retention of the heritage façade during construction work. The bond will only be released by Council once the roof has been placed on the building and maybe be released prior to the internal fitout of the units and tenancies is completed.
 - b) The bond is to be irrevocable and unconditional in Council's favour, in the event of destruction or material damage to the heritage item component of the building.
16. Prior to commencement of any works on-site, a dilapidation survey and report (including photographic record) must be prepared by a suitably qualified consultant who details the pre-developed condition of the existing public infrastructure in the vicinity of the development site, including Gardeners Road, Sutherland Street and Tramway Lane. Particular attention must be paid to accurately recording any pre-developed damaged areas so that Council is fully informed when assessing any damage to public infrastructure caused as a result of the development. A copy of the dilapidation survey and report is to be submitted to the Certifying Authority for approval prior to the issue of the relevant Construction Certificate.

The developer may be held liable for all damage to public infrastructure in the vicinity of the site, where such damage is not accurately recorded and demonstrated as pre-existing under the requirements of this condition.

The developer shall bear the cost of carrying out works to restore all public infrastructure damaged as a result of the carrying out of the development.

A copy of the dilapidation survey and report must be lodged with the City of Botany Bay by the Certifying Authority with submission of the Construction Certificate documentation.

NOTE: This condition would be satisfied by the dilapidation report submitted prior to demolition provided construction follows directly after demolition.

17. Prior to commencement of any works on-site, a full dilapidation survey and report on the visible and structural condition of all neighbouring structures both at No. 403 Gardeners Road, Rosebery and within the "zone of influence" of the required excavations/works must be submitted to the Certifying Authority for approval prior to

the issue of the relevant Construction Certificate. This zone is to be defined as the horizontal distance from the edge of the excavation face to twice the excavation depth.

The dilapidation report and survey is to be prepared by a consulting structural/geotechnical engineer and provided to the owner of affected adjoining property.

All costs incurred in achieving compliance with this condition shall be borne by the person entitled to act on this Consent.

In the event that access for undertaking the dilapidation survey is denied by an adjoining owner, the applicant **MUST DEMONSTRATE**, in writing, to the satisfaction of Council that all reasonable steps have been taken to obtain access and advise the affected property owner of the reason for the survey and that these steps have failed. Written concurrence must be obtained from Council in such circumstances.

Note: This documentation is for record keeping purposes only, and may be used by the developer or affected property owner to assist in any action required to resolve any dispute over damage to adjoining properties arising from the works. It is in the applicant's and adjoining owner's interest for it to be as full and detailed as possible.

NOTE: This condition would be satisfied by the dilapidation reports submitted prior to demolition provided construction follows directly after demolition.

18.

- a) There shall be no loss of support to the Council's nature strip area as a result of the construction within the site. Details prepared by a practicing Structural Engineer of how this support will be maintained during the demolition works shall be submitted to Council prior to the commencement of works.
- b) Council's property shall be supported at all times. Where any shoring is to be supporting (or located on) Council's property, certified engineering drawings showing all details including the extent of encroachment, the type of shoring and the method of removal, shall be submitted prior to the issue of the Construction Certificate. If the shoring cannot be removed, it shall be cut to 150mm below footpath level and the gap between the shoring and any buildings shall be filled with a 5Mpa lean concrete mix.

19. As the development involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:

- a) Protect and support the adjoining premises from possible damage from the excavation, and
- b) Where necessary, underpin the adjoining premises to prevent any such damage.

20. Prior to the commencement of demolition work, a licensed demolisher who is registered with the WorkCover Authority must prepare a Work Method Statement to the satisfaction of the Principal Certifying Authority (Council or an accredited certifier)

and a copy sent to Council (if it is not the PCA). A copy of the Statement must also be submitted to the WorkCover Authority.

The statement must be in compliance with: AS2601-1991 Demolition of Structures,” the requirements of WorkCover Authority and conditions of the Development Approval, and must include provisions for:

- a) Enclosing and making the site safe, any temporary protective structures must comply with the “Guidelines for Temporary Protective Structures (April 2001)”;
 - b) Induction training for on-site personnel;
 - c) Inspection and removal of asbestos, contamination and other hazardous materials (by appropriately licensed contractors);
 - d) Dust control – Dust emission must be minimised for the full height of the building. A minimum requirement is that perimeter scaffolding, combined with chain wire and shade cloth must be used, together with continuous water spray during the demolition process. Compressed air must not be used to blow dust from the building site;
 - e) Disconnection of Gas and Electrical Supply;
 - f) Fire Fighting – Fire fighting services on site are to be maintained at all times during demolition work. Access to fire services in the street must not be obstructed;
 - g) Access and Egress – No demolition activity shall cause damage to or adversely affect the safe access and egress of this building;
 - h) Waterproofing of any exposed surfaces of adjoining buildings;
 - i) Control of water pollution and leachate and cleaning of vehicles tyres – Proposals shall be in accordance with the “Protection of the Environmental Operations Act 1997”;
 - j) Working hours, in accordance with this Development Consent;
 - k) Confinement of demolished materials in transit;
 - l) Location and method of waste disposal and recycling in accordance with the “Waste Minimisation and Management Act 1995”;
 - m) Sewer – common sewerage system;
 - n) On site monitoring both during asbestos removal and the remainder of demolition activities.
21. The Applicant must indemnify Council against all loss of or damage to the property of others and injury or death to any persons which may arise out of or in consequence of the carrying out of the work and against all claims, demands, proceedings, costs, charges and expenses whatsoever in respect thereof or in relation thereto. In this regard, the Applicant shall take out a public liability policy during the currency of the works in

the sum of not less than \$20,000,000 and to be endorsed with City of Botany Bay Council as principal, and keep such policy in force at the Applicant's own expense. A certificate from the Applicant's insurers to this effect is to be LODGED WITH COUNCIL BEFORE ANY WORK IS COMMENCED. The amount of Common Law liability shall be unlimited.

22. A Hazardous Building Material Assessment (HBMA) shall be carried out and a report provided to council to ensure that any hazardous materials that may have been used within the structural components of buildings and infrastructure are adequately addressed to protect site personnel and the public from the risk of exposure. This shall be undertaken by an appropriately qualified consultant and shall be submitted to the Principal Certifying Authority.

Should any hazardous materials be identified a Work Management Plan shall be submitted to the Principal Certifying in accordance with AS2601 – Demolition of Buildings. The report shall contain details regarding the type of hazardous material and the proposed methods of containment and disposal.

CONDITIONS WHICH MUST BE SATISFIED PRIOR TO THE ISSUE OF THE CONSTRUCTION CERTIFICATE

23. The applicant must, prior to the issue of the Construction Certificate, pay the following fees, bonds and contributions:

a)	Builders Security Deposit	\$295,170.00
b)	Development Control Fee	\$5,000.00
c)	Section 94 Contributions	\$471,515.70

24. Prior to the issue of any Construction Certificate, the applicant shall lodge a Damage Deposit of \$ **295,170.00** (GST Exempt) by way of cash deposit or unconditional bank guarantee to Council against possible damage to Council's asset during the course of the building works. The deposit will be refunded subject to inspection by Council 12 months after the completion of all works relating to the proposed development and Final Occupational Certificate has been issued.

25. The payment of the following monetary contributions in accordance with Council's Section 94 Contributions Plan 2016:

a)	No Bedroom Apartment	\$75,171.60
b)	Two bedroom Apartment	\$396,344.10

This result is a total contribution of **\$471,515.70**, to be paid to Council prior to the issue of the Construction Certificate. The Section 94 Contribution fees are subject to annual review and the current rates are applicable for the financial year in which your consent is granted. If you pay the contribution in a later financial year you will be required to pay the fee applicable at the time.

26. Prior to the release of the Construction Certificate the required Long Service Levy payable under Section 34 of the Building and Construction Industry Long Service

payments Act 1986 must be paid. The Long Service Levy is payable at 0.35% of the total cost of the development, however, this is a State Government fee and can change without notice.

27. A sufficient area shall be provided onsite to enable separate stockpiling of excavated materials for sampling and analysis prior to removal or reuse on site. Details of this area shall be provided in the Erosion and Sediment Control Plan (ESCP) prior to the release of the construction certificate.

This plan shall incorporate and reference the construction environmental management plan and address site limitations.

28. All management measures recommended and contained within the Erosion and Sediment Control Plan (ESCP) submitted as part of the construction certificate shall be implemented in accordance with the Landcom Managing Urban Stormwater – Soils and Construction 4th Edition (2004). This plan shall be implemented prior to commencement of any site works or activities. All controls in the plan shall be maintained at all times and made available to council officers on request.

29. Prior to the issue of the Construction Certificate, an acoustic report shall be commissioned to address the impacts of road traffic noise and that the development is designed in accordance with *AS2021- 2015: Acoustics, Aircraft Noise Intrusion, Building Siting and Construction*. The report is to include any required noise attenuation to the structure of the building to meet the above standard and acoustically treated mechanical ventilation, if necessary, to comply with the above standard.

If the applicant chooses to install air conditioning to meet the mechanical ventilation requirements, the installation must be designed to meet the additional requirements, applying to air conditioners on residential properties contained in the Protection of the Environment Operations (Noise Control) Regulation 2000. (Information attached in the Advisory section). The recommendations of the acoustic report shall be incorporated into the construction certificate drawings to be submitted to Principal Certifying Authority prior to the issue of the Construction Certificate.

30. Where any electricity substation is required for the approved development, this must be housed within the building structure. These items reduce the visual amenity of the development, public spaces and the public domain. Above-ground utilities including fire boosters must be appropriately screened in an enclosure. Details of the proposed screen shall be submitted to and approved by the Manager – Statutory Planning, City of Botany Bay prior to the issue of the Construction Certificate.

31.

- a) Building Plan Approval – The approved plans must be submitted to a Sydney Water Quick Check agent to determine whether the development will affect any Sydney Water sewer or water main, stormwater drains and/or easement, and if further requirements need to be met. Plans will be appropriately stamped. For further assistance please telephone 132092 or refer to Sydney water's website www.sydneywater.com.au for:

- i) Quick check agent details – see Building and Development then Quick Check; and
- ii) Guidelines for Building Over/adjacent to Sydney Water Assets – see Building and Development then Building and Renovating.

Requirement for a Section 73 Certificate – Sydney Water will assess the impact to the development when the proponent applies for a Section 73 Certificate. This assessment will enable Sydney Water to specify any works required as a result of the development and to assess if amplification and/or changes to the system are applicable. The proponent must fund any adjustments needed to Sydney Water infrastructure as a result of any development.

The proponent should engage a Water Servicing Coordinator to get a Section 73 Certificate and manage the servicing aspects of the development. The Water Servicing Coordinator will ensure submitted infrastructure designs are sized and configured according to the Water supply Code of Australia (Sydney Water Edition WSA 03-2002) and the Sewerage Code of Australia (Sydney Water Edition WSA 02-2002).

32. The Landscape Plans by Site Image, Drawing Nos. C100-501 received 2 September 2016 shall be submitted to and approved by the City of Botany Bay Council Landscape Architect prior to the issue of the Construction Certificate. The landscape documentation is to be prepared by a suitably qualified Landscape Architect, in accordance with Council's Landscape DCP and include the following amendments:
- a) The raised planter beds must be capable of supporting minimum 1 large canopy tree (in addition to medium sized trees) to provide amelioration of the development in the absence of perimeter deep soil areas. Landscaping within the garden bed shall also incorporate a mix of shrubs and groundcovers of varying heights to ensure there is a dense layered landscape scheme consisting of trees, shrubs and groundcovers.
 - b) Provide elevated planter box sectional details and drainage details. All planter box depths and dimensions shall be in accordance with Council's DCP and capable of supporting medium to large sized trees.
 - c) Indicate areas of paving, amenity/pedestrian lighting, furniture and fences. Include a schedule of materials.
 - d) Include additional seating opportunities, such as bench seating, within the communal areas.
33. A Public Domain Landscape Plan is required for both the Sutherland Street and Gardeners Road areas. The plan shall be submitted to and approved by the City of Botany Bay Council Landscape Architect prior to the issue of the Construction Certificate. The landscape plan shall be in accordance with Council's specifications.
34. A suitable intercom system linked to all units within the development shall be provided at the vehicle entrance to the basement car parking area to ensure any visitors to the site can gain access to the visitor parking located within the basement car park. The details of the intercom system shall be submitted to Principal Certifying Authority prior to the

issue of a Construction Certificate and its location and specifications endorsed on the construction drawings.

35. Prior to the issue of any Construction Certificate, at the proposed point of construction site entry, photographic survey showing the existing conditions of Council's infrastructure shall be submitted to Council and Principal Certifying Authority.

The survey shall detail the physical conditions and identify any existing damages to the roads, kerbs, gutters, footpaths, driveways, street trees, street signs and any other Council assets fronting the property and extending to a distance of 50m from the development. Failure to do so may result in the applicant/developer being liable for any construction related damages to these assets. Any damage to Council's infrastructure during the course of this development shall be restored at the applicant's cost.

36. To ensure that utility authorities and Council are advised of any effects to their infrastructure by the development, the applicant shall:

- a) Carry out a survey of all utility and Council services within the site including relevant information from utility authorities and excavation if necessary to determine the position and level of services;
- b) Negotiate with the utility authorities (eg Ausgrid, Sydney Water and Telecommunications Carriers) and Council in connection with:
 - i) The additional load on the system; and
 - ii) The relocation and/or adjustment of the services affected by the construction;
- c) All above ground utilities shall be relocated underground in accordance with Ausgrid and any other affected and relevant service provider,
- d) All underground and above ground infrastructure shall be constructed as specified by Ausgrid, RMS, Council and any other affected service provider. The location of the new electrical pillars, new lighting poles, any new pits and trenches for utilities shall be confirmed with Council prior to the issue of the Construction Certificate; and
- e) Any costs in the relocation, adjustment, provision of land or support of services as requested by the service authorities and Council are to be the responsibility of the developer.

37. A Construction Management Program shall be submitted to, and approved in writing by the Council 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 public 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 Accredited Certifier (Structural Engineering), or equivalent;
 - i) Proposed protection for Council and adjoining properties;
 - j) The location and operation of any on site crane. Please note that a crane may require prior approval from Sydney Airports Corporation; and
 - k) The location of any Construction Zone (if required) approved by Council's Traffic Committee, including a copy of that approval.
38. A detailed Traffic Management Plan for the pedestrian and traffic management of the site during construction shall be prepared and submitted to the relevant road authority (Council or Roads and Maritime Services) for approval prior to the issue of the Construction Certificate. The plan shall:
- a) Be prepared by a RMS accredited consultant,
 - b) Nominate a contact person who is to have authority without reference to other persons to comply with instructions issued by Council's Traffic Engineer, RMS or the Police, and
 - c) If required, implement a public information campaign to inform any road changes well in advance of each change. The campaign may be required to be approved by the Traffic Committee.
 - d) Note: Any temporary road closure shall be confined to weekends and off-peak hour times and is subject to Council's Traffic Engineer's approval. Prior to

implementation of any road closure during construction, Council shall be advised of these changes and Traffic Control Plans shall be submitted to Council for approval. This Plan shall include times and dates of changes, measures, signage, road markings and any temporary traffic control measures.

39. Prior to the release of the Construction Certificate, the following required section(s) are to be submitted to and approved by Council:
- a) All driveways/access ramps/vehicular crossings shall conform to Australian Standards AS 2890.1 and Council requirements;
 - b) For multi-unit developments, the applicant shall provide longitudinal sections along the extremities and the centre line of each internal driveway/access ramp at a scale of 1:25. These long sections shall extend from the horizontal parking area within the property to the centre line of the roadway. The sections shall also show the clear height from the ramp to any overhead structure; and
 - c) The crest of the driveways in Tramway Lane shall be a minimum 300mm above the invert of the adjacent kerb and gutter.
40. Prior to the release of the Construction Certificate, a plan (written and/or diagrammatic) shall be submitted and approved by the Engineering and Regulatory Services Department, showing the method of access of building materials and plant to the property, and storage location on the property during construction and shall include all existing structures.
41. Prior to the issue of any Construction Certificate, the applicant shall contact “Dial Before You Dig” to obtain a utility service diagram for, and adjacent to the property. The sequence number obtained from “Dial Before You Dig” shall be forwarded to Principal Certifying Authority. All utilities within the work zone shall be protected during construction.

Any adjustments or damage to public utilities/services as a consequence of the development and associated construction works shall be restored or repaired at the applicant's expense.

42. Prior to the issue of any Construction Certificate, detailed design and construction plans in relation to stormwater management and disposal system for the development shall be submitted to the Principal Certifying Authority and Council for approval.

The detail drawings and specifications shall be prepared by a suitably qualified and experienced civil engineer and to be in accordance with Council's Development Control Plan 'Stormwater Management Technical Guidelines', AS/NSZ 3500 – Plumbing and Drainage Code, Sydney Water regulations and the BCA. All drawings shall correspond with the approved architectural plans.

The plans shall incorporate but not be limited to the following:

- a) The On-Site Detention System (OSD) shall be designed according to Part 6 of the SMTG. It should be noted that OSD systems shall be designed to detain the stormwater runoff from the site for all storm events up to and including 1 in 100 year ARI storm and permissible site discharge (PSD) shall be based on 1 in 5 year

- ARI peak flow generated from the site under the “State of Nature” condition (i.e. the site is totally grassed/turfed), rather than pre-development condition;
- b) Provision of a minimum 10kL rainwater tank collection system for internal reuse in accordance with Section 4 of Botany Bay’s SMTG;
 - c) If an OSD system is proposed, incorporate a Stormwater Quality Improvement system to ensure compliance with Section 16 of Botany Bay’s SMTG;
 - d) The water quality improvement system and WSUD strategy proposal shall be designed to capture and treat at least 85% flows generated from the site;
 - e) A WSUD Strategy and MUSIC model must be prepared and submitted to Council for the development. The MUSIC model must be prepared in line with the Draft NSW MUSIC Modelling Guidelines (Sydney Metro CMA). Sydney’s Water’s requirements are that the water quality improvement should meet or exceed the target as described in the “Botany Bay & Catchment Water Quality Improvement Plan” which was prepared by the Sydney Metropolitan Catchment Management Authority in April 2011, and
 - f) The submission of detailed calculations including computer modelling where required supporting the proposal.
43. Where any Acid Sulfate Soils are encountered during works, an Acid Sulfate Soils Management Report (prepared by a suitably qualified and experienced environmental/geotechnical consultant) shall be submitted to the Principal Certifying Authority prior to the issue of any Construction Certificate. This report shall include any site specific procedures and mitigation measures required and shall include a site analysis from a NATA registered laboratory. The report shall provide details of the following:
- a) Site specific mitigation measures to both minimise the disturbance of acid sulfate soils as well as any measures relating to acid generation and acid neutralisation of the soil;
 - b) Management of acid sulfate soil affected excavated material;
 - c) Measures taken to neutralise the acidity of any acid sulfate affected material; and
 - d) Run-off control measures for the acid sulfate affected soil.
 - e) This report shall be provided prior to the issue of any construction certificate and all recommendations of the report shall be implemented during works on site.

CONDITIONS WHICH MUST BE SATISFIED PRIOR TO THE COMMENCEMENT OF ANY DEVELOPMENT OR WORK

44. An Erosion and Sediment Soil and Water Management Plan (ESCP) shall be prepared in accordance with the Landcom *Managing Urban Stormwater – Soils and Construction* 4th Edition (2004). All management measures recommended and contained within the Erosion and Sediment Control Plan (ESCP) shall be implemented in accordance with the *Landcom Managing Urban Stormwater – Soils and*

Construction 4th Edition (2004). This plan shall be implemented prior to commencement of any site works or activities. All controls in the plan shall be maintained at all times. A copy of the ESCP shall be kept on-site at all times and made available to Council Officers on request.

45. Erosion and sediment control devices shall be installed and functioning prior to the commencement of any demolition, excavation or construction works upon the site in order to prevent sediment and silt from site works (including demolition and/or excavation) being conveyed by stormwater into public stormwater drainage system, natural watercourses, bushland and neighbouring properties. In this regard, all stormwater discharge from the site shall meet the legislative requirements and guidelines including the *Protection of the Environment Operations Act 1997*.

These devices shall be maintained in a serviceable condition AT ALL TIMES throughout the entire demolition, excavation and construction phases of the development and for a minimum one (1) month period after the completion of the development, where necessary.

46. The vehicular entry/exits to the site must be protected from erosion and laid with a surface material which will not wash into the street drainage system or watercourse.
47. For any water from site dewatering to be permitted to go to stormwater, the water must meet ANZECC 2000 Water Quality Guidelines for Fresh and Marine Water for the 95% protection trigger values for marine water. The results of all testing must be completed by a NATA accredited laboratory.

All laboratory results must be accompanied by a report prepared by a suitably qualified person indicating the water meets these guidelines and is acceptable to be released into council's stormwater system. If it is not acceptable, details of treatment measures to ensure that the water is suitable for discharge shall be provided in this report.

Reports shall be provided to council prior to discharge of any groundwater to the stormwater system.

48. Prior to commencement of any works, application(s) shall be made to Council's Customer Services Counter and obtained the following approvals and permits on Council's property/road reserve under Road Act 1993 and Local Government Act 1993: (It should be noted that any works shown within Council's road reserve or other Council Lands on the development approval plans are indicative only and no approval for these works is given until this condition is satisfied.)
- a) Permit to erect hoarding on or over a public place, including Council's property/road reserve;
 - b) Permit to construction works, place and/or storage building materials on footpaths, nature strips;
 - c) Permit to install temporary ground anchors in public land;
 - d) Permit to discharge ground water to Council's stormwater drainage system;

- e) Permit for roads and footways occupancy (long term/ short term);
 - f) Permit to construct vehicular crossings, footpaths, kerbs and gutters over road reserve;
 - g) Permit to open road reserve area, including roads, footpaths, nature strip, vehicular crossing or for any purpose whatsoever, such as relocation / re-adjustments of utility services;
 - h) Permit to place skip/waste bin on footpath and/or nature strip; and
 - i) Permit to use any part of Council's road reserve or other Council lands.
49. Where any shoring is to be located on or is supporting Council's property, or any adjoining private property, engineering drawings certified as being adequate for their intended purpose by an appropriately qualified and practising structural engineer, showing all details, including the extent of encroachment and the method of removal (or any other method) and de-stressing of shoring elements, shall be submitted with the Construction Certificate to the Principle Certifying Authority along with Council's (or other) consent if the works intrude on Council's (or other) property.

CONDITIONS WHICH MUST BE SATISFIED DURING ANY DEVELOPMENT OR WORK

50. Upon completion of works to stabilise the party wall façade and shop awning on 403 Gardeners Road Rosebery, the council must receive for the public record a certificate from a professional engineer (as defined in the Building Code of Australia) that the stabilisation works complies in all respects with the structural engineers details prepared for the process and the relevant Australian Standards as required by Part B of the Building Code of Australia.
51. 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.
52. During the entire construction phase signage shall be fixed on site identifying the PCA and principal contractor (the coordinator of the building work), and providing phone numbers.
53. For any water from site dewatering to be permitted to go to stormwater, the water must meet ANZECC 2000 Water Quality Guidelines for Fresh and Marine Water for the 95% protection trigger values for Marine Water. All testing must be completed by a NATA accredited laboratory. All laboratory results must be accompanied by a report prepared by a suitably qualified and experienced person indicating the water is acceptable to be released into Councils stormwater system.
- If the groundwater does not meet these guideline levels a Trade Waste permit from Sydney Water must be sought to put the groundwater to sewer.
54. Any material containing asbestos found on site during the demolition process shall be removed and disposed of in accordance with:

- a) WorkCover NSW requirements. An appropriately licensed asbestos removalist must complete all asbestos works if they consist of the removal of more than 10m² of bonded asbestos and/or any friable asbestos;
 - b) Protection of the Environment Operations Act 1997;
 - c) Protection of the Environment Operation (Waste) Regulation;
 - d) DECC Waste Classification Guidelines 2008.
55. The Development is to be constructed to meet the following construction noise requirements:
- a) Construction Noise
 - i) Noise from construction activities associated with the development shall comply with the NSW Environment Protection Authority's Environmental Noise Manual – Chapter 171 and the Protection of the Environment Operations Act 1997.
 - b) Level Restrictions
 - i) Construction period of 4 weeks and under:
 - 1. The L10 sound pressure level measured over a period of not less than 15 minutes when the construction site is in operating must not exceed the background level by more than 10dB(A).
 - ii) Construction period greater than 4 weeks and not exceeding 26 weeks:
 - 1. The L10 sound pressure level measured over a period of not less than 15 minutes when the construction site is in operating must not exceed the background level by more than 10 dB(A).
 - c) Time Restrictions
 - i) Monday to Friday 07:00am to 06:00pm;
 - ii) Saturday 08:00am to 04:00pm;
 - iii) No Construction to take place on Sundays or Public Holidays.
 - d) Silencing
 - i) All possible steps should be taken to silence construction site equipment.
56. Results of the monitoring of any field parameters such as soil, groundwater, surface water, dust, or noise measurements shall be made available to Council Officers upon request throughout the remediation and construction works.
57. All materials excavated from the site (fill or natural) shall be classified in accordance with the NSW Department of Environment and Climate Change (DECC) Waste

Classification Guidelines (2008) prior to being disposed of to a NSW approved landfill or to a recipient site.

58. To prevent contaminated soil being used onsite and to ensure that it is suitable for the proposed land use, all imported fill shall be appropriately certified material and shall be validated in accordance with the:

- a) Office of Environment and Heritage (OEH) approved guidelines; and
- b) Protection of the Environment Operations Act 1997; and
- c) Protection of the Environment Operations (Waste) Regulation 2014.
- d) All imported fill shall be accompanied by documentation from the supplier which certifies that the material has been analysed and is suitable for the proposed land use.

59.

- a) The applicant is responsible for the installation and protection of all regulatory/parking / street signs fronting the site during construction. Any damaged or missing street signs as a consequence of the construction works associated with the development shall be replaced at full cost to the applicant.
- b) During excavation and construction and any associated delivery activities, care must be taken to protect Council's infrastructure, including street signs, footpath, kerb, gutter and drainage pits etc;
- c) Protection measures shall be maintained in a state of good and safe condition throughout the course of demolition, excavation and construction;
- d) The area fronting the site and in the vicinity of the development shall also be made safe for pedestrian and vehicular traffic at all times;
- e) Any damage to Council's infrastructure (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub-contractors, concrete delivery vehicles) shall be fully repaired in accordance with Council's specification and AUS-SPEC at no cost to Council.
- f) The applicant shall conduct all construction works and any related deliveries/activities wholly within the site. If any use of Council's road reserve is required, approval and permits shall be obtained from Council;
- g) Construction operations such as brick cutting, washing tools or brushes and mixing mortar shall not be carried out on park/road reserve or in any other locations which could lead to the discharge of materials into the stormwater drainage system or onto Council's lands;
- h) Hosing down or hosing/washing out of any truck (concrete truck), plant (e.g. concrete pumps) or equipment (e.g. wheelbarrows) on Council's road reserve or other property is strictly prohibited. Fines and cleaning costs will apply to any breach of this condition;

- i) The vehicular entry/exits to the site must be protected from erosion and laid with a surface material which will not wash into the street drainage system or watercourse;
 - j) Pavement surfaces adjacent to the ingress and egress points are to be swept and kept clear of earth, mud and other materials at all times and in particular at the end of each working day or as directed by Council's Engineer;
 - k) During the construction works, the Council footpath shall be maintained in a clean and tidy state at all times;
 - l) Shaker pads are to be installed at the entry/exit points to the site to prevent soil material leaving the site on the wheels of vehicles and /or other plant and equipment.
60. During construction, the applicant shall ensure that all works and measures have been implemented in accordance with approved Traffic Management Plan and Construction Management Plan at all times.
61. The Principal Contractor must install and maintain water pollution, erosion and sedimentation controls in accordance with:
- a) The Soil and Water Management Plan if required under this consent;
 - b) "Do it Right On Site, Soil and Water Management for the Construction Industry" published by the Southern Sydney Regional Organisation of Councils, 2001; and
 - c) "Managing Urban Stormwater - Soils and Construction" published by the NSW Department of Housing 4th Edition" ('The Blue Book').
 - d) Where there is any conflict The Blue Book takes precedence.
 - e) Note: The International Erosion Control Association – Australasia (<http://www.austieca.com.au/>) lists consultant experts who can assist in ensuring compliance with this condition. Where Soil and Water Management Plan is required for larger projects it is recommended that this be produced by a member of the International Erosion Control Association – Australasia.
 - f) Note: The "Do it Right On Site," can be down loaded free of charge from Council's website at <http://www.botanybay.nsw.gov.au/council/services/planning/factsheets.htm>, further information on sediment control can be obtained from www.ssroc.nsw.gov.au.
 - g) Note: A failure to comply with this condition may result in penalty infringement notices, prosecution, notices and orders under the Act and/or the Protection of the Environment Operations Act 1997 without any further warning. It is a criminal offence to cause, permit or allow pollution.
 - h) Note: Section 257 of the Protection of the Environment Operations Act 1997 provides inter alia that "the occupier of premises at or from which any pollution occurs is taken to have caused the pollution"

i) Warning: Irrespective of this condition any person occupying the site may be subject to proceedings under the Protection of the Environment Operations Act 1997 where pollution is caused, permitted or allowed as the result of their occupation of the land being developed.

62. The following shall be complied with:

- a) The construction of the premises shall not give rise to transmission of vibration at any affected premises that exceeds the vibration in buildings criteria outlined in the NSW Environmental Noise Control Manual;
- b) Vibration levels induced by the demolition and construction activities shall not exceed 1mm/sec peak particle velocity (ppv) when measured at the footing of any occupied building.
- c) Vibration levels induced by the demolition and construction activities shall not exceed 1mm/sec peak particle velocity (ppv) when measured at the footing of any unoccupied building.
- d) The upper noise level from the demolition and construction operations measured over a period of 10 minutes must not exceed the background noise level by more than 10dB(A).

63. Throughout the construction period, Council's warning sign for soil and water management shall be displayed on the most prominent point of the building site, visible to both the street and site workers. A free copy of the sign is available from Council's Customer Service Counter.

64. During construction and any associated delivery activities, care must be taken to protect Council's infrastructure, including street signs, footpath, kerb, gutter and drainage pits etc. Protecting measures shall be maintained in a state of good and safe condition throughout the course of demolition, excavation and construction. The area fronting the site and in the vicinity of the development shall also be made safe for pedestrian and vehicular traffic at all times. Any damage to Council's infrastructure (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub-contractors, concrete delivery vehicles) shall be fully repaired in accordance with Council's specification and AUS-SPEC at no cost to Council.

65. An experienced Landscape Contractor shall be engaged to undertake all landscaping (site and public domain) work and shall be provided with a copy of both the approved landscape drawing and the conditions of approval to satisfactorily construct the landscape to Council requirements. The contractor shall be engaged weekly for a minimum period of 52 weeks from final completion of landscaping for maintenance and defects liability, replacing plants in the event of death, damage, theft or poor performance. After that time regular and ongoing maintenance is required.

66. During Construction and any associated deliveries activities, the applicant shall ensure that all works and measures have been implemented in accordance with following approved plans at all times:

- a) Approved Erosion and Sediment Control Plan;

- b) Approved Construction Traffic Management Plan;
 - c) Approved Construction Management Plan; and
 - d) Approved Waste Management Plan.
67. A sign must be erected in a prominent position on any work site on which work involved in the erection of a building is being carried out:
- a) stating that unauthorised entry to the work site is prohibited;
 - b) showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours;
 - c) the Development Approval number;
 - d) the name of the Principal Certifying Authority including an after hours contact telephone number; and
 - e) any such sign is to be removed when the work has been completed.
- 68.
- a) All excavations and backfilling shall be executed safely and in accordance with appropriate professional standards;
 - b) All excavations shall be properly guarded and protected to prevent them from being dangerous to life or property.
69. If the soil conditions require it:
- a) retaining walls associated with the erection or demolition of a building or other approved methods of preventing movement of the soil must be provided and;
 - b) adequate provision must be made for drainage.
70. Existing structures and or services on this and adjoining properties are not endangered during any excavation or construction work associated with the development. The applicant is to provide details of any shoring, piercing, or underpinning prior to the commencement of any work. The construction shall not undermine, endanger or destabilise any adjacent structures.
71. If an excavation associated with the proposal extends below the level of the base of the footings of a building on an adjoining allotment of land or the common boundary fence the person causing the excavation to be made:
- a) Must preserve and protect the building/ fence from damage; and
 - b) If necessary, underpin and support such building in an approved manner;
 - c) Must at least be 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of the intention to do so to the owner of the adjoining allotment of land and, furnish

particulars of the excavation to the owner of the building being erected or demolished;

- d) Any retained existing structures and or services on this and adjoining properties are not endangered during any demolition excavation or construction work associated with the above project. The applicant is to provide details of any shoring, piling, or underpinning prior to the commencement of any work. The construction shall not undermine, endanger or destabilise any adjacent structures.
- e) If the soil conditions required it:
 - i) Retaining walls associated with the erection of a building or other approved methods of preventing movement or other approved methods of preventing movement of the soil must be provided, and
 - ii) Adequate provision must be made for drainage.

CONDITIONS WHICH MUST BE SATISFIED PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE

- 72. Any damage not shown in the dilapidation report submitted to Council before site works have commenced, will be assumed to have been caused by the site works undertaken (unless evidence to prove otherwise). All damages as a result from site works shall be rectified at the applicant's expense to Council's satisfaction, prior to the issue of Final Occupation Certificate.
- 73. Prior to the issue of an Occupation Certificate;
 - a) The public footpath in Gardeners Road and Sutherland Street shall be constructed in accordance with the approved Public Domain Plan and Council specifications. The footpath dimensions, location, paver type and construction methods shall be in accordance with these specifications. Hold points and Council inspections are required after formwork setback and to prior pouring the concrete blinding slab, at the commencement of paving works and at final completion as a minimum. Any pavers shall be ordered allowing for adequate lead time for manufacture (10-12 weeks).
 - b) Any new street trees at the pot size specified shall be installed in the accordance with the approved landscape plan. The trees shall be sourced from a reputable supplier that grows stock to the NATSPEC specifications. A Dial-Before-You-Dig enquiry is required prior to all planting - Council is not liable for any damage to subsurface infrastructure during public domain works. Two hold point inspections are required: prior planting trees to ensure plant stock is suitable and post-planting.
 - c) Any sub-surface OSD tank or infiltration trench is required to be partially or wholly located underneath the driveway or paved areas to maximize the area available for deep soil, effective and site responsive tree planting and landscaping on the property. If this cannot be achieved the OSD shall cover no more than 50% of the landscape area, be appropriately located to allow effective tree planting and be constructed so that the top of the structure is 1.2m below final surface levels.

- d) Planter boxes constructed over a concrete slab shall be built in accordance with the following requirements:
 - i) Ensure soil depths and dimensions in accordance with Council's DCP allowing a minimum soil depth of 1 metre to support trees. The base of the planter must be screeded to ensure drainage to a piped internal drainage outlet of minimum diameter 90mm, with no low points elsewhere in the planter. There are to be no external weep holes.
 - ii) A concrete hob or haunch shall be constructed at the internal join between the sides and base of the planter to contain drainage to within the planter.
 - iii) Planters are to be fully waterproofed and sealed internally with a proprietary sealing agent and applied by a qualified and experienced tradesman to eliminate water seepage and staining of the external face of the planter. All internal sealed finishes are to be sound and installed to manufacturer's directions prior to backfilling with soil. An inspection of the waterproofing and sealing of edges is required by the Certifier prior to backfilling with soil.
 - iv) Drainage cell must be supplied to the base and sides of the planter to minimize damage to the waterproof seal during backfilling and facilitate drainage. Apply a proprietary brand filter fabric and backfill with an imported lightweight soil suitable for planter boxes compliant with AS 4419 and AS 3743. Install drip irrigation including to lawns.
 - v) Finish externally with a suitable paint, render or tile to co-ordinate with the colour schemes and finishes of the building.
- 74. Prior to the issue of any Occupation Certificates, documentation from a practising civil engineer shall be submitted to the Principal Certifying Authority certifying that the stormwater drainage system has been constructed generally in accordance with the approved stormwater management construction plan(s) and all relevant standards.
- 75. At the completion of landscaping on the site, the Applicant is required to obtain a Certificate of Compliance from the Landscape Consultant to certify that the landscaping has been installed in accordance with the Council approved landscape plan. The Certificate is to be submitted to the City of Botany Bay Council prior to the issue of an Occupation Certificate.
- 76. Prior to the issue of any Occupation Certificate, the applicant shall carry out the following works in Public Domain and Road Reserve areas:
 - a) On the Tramway Lane frontage, demolish the existing driveways and driveway laybacks and construct new kerb and gutter as per Council and RMS Infrastructure Specifications;
 - b) On the Gardeners Road, Sutherland Street and Tramway Lane frontages, reconstruct existing kerb and gutter for the full length of the property in accordance with Council and RMS Infrastructure Specifications;

- c) On the Gardeners Road and Sutherland Street frontages, re-construct existing paved footpath as per Council's Landscape Architect and Council's Infrastructure specifications;
- d) *Note: To ensure satisfactory performance of the completed external public infrastructure works, a maintenance period of twelve (12) months shall apply to all public domain works completed in relation to this application. The performance period shall commence from the issue date of the Final Occupational Certificate.*
77. Prior to the issue of any Occupation Certificate, inspection reports (formwork and final) for the works on the road reserve shall be obtained from Council's engineer and submitted to the Principal Certifying Authority attesting that this condition has been appropriately satisfied.
78. Prior to the issue of the Occupation Certificate, a restriction on Use of Land and Positive Covenant(s) shall be imposed on the development. The following covenants shall be imposed under Section 88(E) of the Conveyancing Act 1919 and lodged with the NSW Land and Property Information:
- a) Restriction on Use of Land for On-Site Detention System. Refer to Appendix B of the SMTG for suggested wording, and
- b) Restriction on Use of Land for Stormwater Quality Improvement Device. Refer to Appendix E of the SMTG for suggested wording.
- c) The terms of the 88E instruments are to be submitted to Council for review and approval and Proof of registration at the Lands and Property Information Office shall be submitted to the Principal Certifying Authority and Council prior to occupation.
79. Prior to the issue of the Occupation Certificate, eighty two (82) off-street car parking bays shall be provided to the development as shown on the approved architectural plans. All parking bays and loading bays shall be line marked. The allocation of parking bays shall be in accordance with the following:

	Required Spaces
1 space/ Studio	8
2 spaces/ 2 bedroom	56
1 visitor car space per 5 dwellings	8
1 space/40m² commercial floor area	10
TOTAL	82

80. A qualified practitioner, with a certificate of attainment in NWP331A Perform Conduit Evaluation, shall undertake a closed circuit television (CCTV) inspection and then report on the existing condition of the existing stormwater drainage infrastructure on

Sutherland Street and Tramway Lane. The camera and its operation shall comply with the following:

- a) The internal surface of the drainage pipe/culvert shall be viewed and recorded in a clear and concise manner;
 - b) The CCTV camera used shall be capable to pan, tilt and turning at right angles to the pipe axis over an entire vertical circle to view the conduit joints;
 - c) Distance from the manholes shall be accurately measured, and
 - d) The inspection survey shall be conducted from manhole to manhole;
 - e) The written report, together with a copy of the digital video footage of the pipeline and detail maps recording which video is of which pipe shall be submitted to Council for review. Any defect/damage to the culvert/pipeline since the commencement of construction on the site shall be repaired in full to the satisfaction of Council. A written acknowledgement shall be obtained from Council (attesting this condition being appropriately satisfied) and submitted to the Principal Certifying Authority.
81. Prior to the issue of the Occupation Certificate, the development shall be constructed to meet all recommendations and requirements that have been detailed in the acoustic report required under Condition No. 29 to address road traffic noise and to certify that the development is constructed in accordance with *AS2021- 2015: Acoustics, Aircraft Noise Intrusion, Building Siting and Construction*.
82. ~~Prior to the issue of the Occupation Certificate, the applicant is to undertake a public art competition for the creation of a Mural on the base of the Sutherland Street elevation~~
83. Prior to the issue of the Occupation Certificate, the following shall be complied with:
- a) That before entering a purchase/lease/occupancy agreement, or individual units are on-sold, all tenants and occupiers of the development are to be advised by the owner of the building that residents are not eligible to participate in on-street resident parking schemes;
 - b) Prior to the issue of the Occupation Certificate, a sign to this effect shall be located in a prominent place, to Council's satisfaction, such as a directory board or notice board, where it can easily be observed and read by persons entering the building;
 - c) Where a building is to be Strata Subdivided, a condition should be placed in the by-laws advising residents that they are not eligible to participate in on-street resident parking schemes.
- 84.
- a) An Occupation Certificate (Interim or Final) must be obtained from the Principal Certifying Authority (PCA) and a copy furnished to Council in accordance with Clause 151 of the Environmental Planning and Assessment Regulation 2000 prior

to commencement of occupation or use of the whole or any part of the new building.

CONDITIONS WHICH MUST BE SATISFIED DURING THE ONGOING USE OF THE DEVELOPMENT

85. A separate application shall be lodged for the first use of each of approved commercial tenancies prior to the occupation of those tenancies.
86. The maintenance and upkeep of the Sutherland Street Mural is the ongoing responsibility of the Owner Corporation.
87. The Strata subdivision or otherwise of the development shall be the subject of a further Development Application to Council; and this subdivision application must be accompanied by the following documentation that indicates:
 - a) The requirement for the employment of a person to manage the collection of waste material by Council, including, but not limited to bin placement at the road edge and retrieval of bins soon after collection of contents, cleansing of bins, storage of bins in the compound and the like.
 - b) Responsibilities with regard to the ongoing maintenance of the building and landscaped areas at the property in accordance with the plans and details approved under this Development Consent.
 - c) Responsibilities with regard to the operation maintenance of artificial features at the property in accordance with the plans and details approved under this Development Consent.
 - d) Responsibilities for ensuring owners and/or tenants have adequate and hygienic waste disposal and collection arrangements and for ensuring the waste storage area is appropriately maintained and kept in a clean and safe state at all times.
 - e) Responsibilities to ensure that receptacles for the removal of waste, recycling etc. are put out for collection between 4.00pm and 7.00pm the day prior to collection, and, on the day of collection, being the day following, returned to the premises by 12.00 noon.
 - f) The Owners Corporation obligations under clauses 177, 182, 183, 184, 185 and 186 of the Environmental Planning and Assessment Regulation 2000.
 - g) The prohibition on the sub-leasing of car parking spaces.
 - h) Maintenance of the buildings vital mechanical plant and equipment including but not limited to pumps, ventilation systems, passenger lifts.
 - i) The Owners Corporation/Executive Committee obligations to ensure all wastewater and stormwater treatment devices (including drainage systems, sumps and traps) are regularly maintained in order to remain effective. All solid and liquid wastes collected from the devices shall be disposed of in a manner that

does not pollute waters and in accordance with the Protection of the Environment Operations Act 1997.

88. New street trees shall be maintained by the Applicant/Owner/Strata Corporation for a period of 24 months after final inspection by Council. Maintenance includes twice weekly watering within the first 6 months then weekly thereafter to sustain adequate growth and health, bi-annual feeding, weed removal round the base, mulch replenishment at 3 monthly intervals (to 75mm depth) and adjusting of stakes and ties. Maintenance but does not include trimming or pruning of the trees under any circumstances.
89. Ongoing maintenance of the road verge, footpath and nature strip in Gardeners Road, Sutherland Street, and Tramway Lane shall be undertaken by the owner/body corporate/Strata Corporation. Maintenance includes mowing, watering and maintaining the landscaping in these areas at all times. Maintenance does not include pruning, trimming, shaping or any work to street trees at any time.
90. To ensure satisfactory growth and maintenance of the landscaping, a fully automatic drip irrigation system is required in all landscaped areas. The system shall be installed by a qualified landscape contractor and provide full coverage of planted areas with no more than 300mm between drippers, automatic controllers and backflow prevention devices, and should be connected to a recycled water source. Irrigation shall comply with both Sydney Water and Council requirements as well as Australian Standards, and be maintained in effective working order at all times.
91. The stormwater drainage system (including all pits, pipes, absorption, detention structures, treatment devices, infiltration systems and rainwater tanks) shall be regularly cleaned, maintained and repaired in accordance with the maintenance schedule submitted to Council to ensure the efficient operation of the system from time to time and at all times. The system shall be inspected after every rainfall event to remove any blockage, silt, debris, sludge and the like in the system. All solid and liquid waste that is collected during maintenance shall be disposed of in a manner that complies with the appropriate environmental guidelines.
92. The operation of the site and movements of vehicles shall comply with the following requirements:
 - a) All vehicles (including deliveries) shall enter and exit the premises to the public road in a forward direction;
 - b) Vehicular manoeuvring area shall be kept clear at all times. All vehicles shall be parked in the marked parking bays;
 - c) All parking bays shown on the approved architectural plans shall be set aside for parking and loading/unloading purpose only and shall not be used for other purposes, e.g. storage of goods;
 - d) Any deliveries to the premises or loading and unloading activities associated with the site shall occur via the Tramway Lane access driveway and are not to interfere with pedestrian and vehicular movements on Tramway Lane, public places and

- road related areas (e.g. footpath, nature strip, road shoulder, road reserve, public carpark, service station etc);
- e) All deliveries and waste collection to the site shall not occur between the hours of 9:00pm and 7:00am.
93. All waste collection for this development is to be carried out by a private contractor.
94. Council's footway (area between property boundary and street kerb) is to be kept clean, tidy, washed and maintained at the applicant's expense.
95. No roller shutters are to be installed to any of the commercial premises that front Gardeners Road.
96. The landscaped areas on the property shall be maintained in accordance with the approved landscape documentation and to Council's satisfaction at all times. The automatic drip irrigation system shall be maintained in working order plan at all times.
97. The hours of operation of any future commercial use must be restricted to the hours of 7:00am to 10:00pm Monday to Saturday and 7:00am to 8:00pm Sunday and public holidays.
- 98.
- a) Each residential dwelling (apartment) is approved as a single dwelling for use and occupation by a single family. They shall not be used for separate residential occupation or as separate residential flats. No plumbing fixtures, fittings, walls shall be deleted or added, doorways enclosed or any other changes made from the approved plans in Condition No. 1 of this Consent without the prior Consent of the Council;
- b) The adaptable apartments approved under this development consent are to remain unaltered at all times; and
- c) The storage areas located within the basement shall be allocated to the relevant residential dwelling in any future subdivision of the site. In addition, any isolated storage areas and other spaces identified by the NSW Police, shall be monitored by CCTV cameras at all times.
99. The use of the premises shall not give rise to any of the following when measured or assessed at "sensitive" positions within any other property. These "sensitive" positions should be selected to reflect the typical use of a property (ie any outdoor areas for day and evening but closer to the façade at night time), unless other positions can be shown to be more relevant.
- a) The operation of all plant and equipment shall not give rise to an equivalent continuous (LAeq) sound pressure level at any point on any residential property greater than 5dB(A) above the existing background LA90 level (in the absence of the noise under consideration);

- b) The operation of all plant and equipment when assessed on any residential property shall not give rise to a sound pressure level that exceeds LAeq 50dB(A) day time and LAeq 40 dB(A) night time;
 - c) The operation of all plant and equipment when assessed on any neighbouring commercial/industrial premises shall not give rise to a sound pressure level that exceeds LAeq 65dB(A) day time/night time; and
 - d) For assessment purposes, the above LAeq sound levels shall be assessed over a period of 10-15 minutes and adjusted in accordance with EPA guidelines for tonality, frequency weighting, impulsive characteristics, fluctuations and temporal content where necessary.
100. Any air conditioning units shall comply with the following requirements:
- a) Air conditioning units are not to be visible from the street or public place and are not to obscure windows/window frames or architectural features of the dwelling.
 - b) A person must not cause or permit an air conditioner to be used on residential premises in such a manner that it emits noise that can be heard within a habitable room in any other residential premises (regardless of whether any door or window to that room is open):
 - i) Before 8 am or after 10 pm on any Saturday, Sunday or public holiday, or
 - ii) Before 7 am or after 10 pm on any other day.
 - c) The transmission of vibration to any place of different occupancy above the requirements of AS2670, Australian Standard AS2021- 2000: Acoustics, Aircraft Noise Intrusion, Building Siting and Construction. Australian Standard AS2107 2000: Recommended Design Sound levels and Reverberation levels for Building Interiors.
 - d) Any air-conditioning unit shall comply with the City of Botany Bay's General Noise Criteria detailed above.
101. The applicant being informed that this approval shall be regarded as being otherwise in accordance with the information and particulars set out and described in the Development Application registered in Council's records as Development Application No. 16/41 received on 23 March 2016 and that any alteration, variation, or extension to the use, for which approval has been given, would require further approval from Council.

5.7 27-29 ROBESY STREET MASCOT- INTEGRATED DEVELOPMENT APPLICATION FOR THE DEMOLITION OF THE EXISTING STRUCTURES AND ERECTION OF A MIXED USE DEVELOPMENT COMPRISING OF 18 APARTMENTS AND BASEMENT CAR PARKING FOR 31 VEHICLES

File No: DA-15(254).05

DA No:	15/254
Application Date:	29 December 2015
Property:	27-29 Robey Street, Mascot
Lot/DP No:	Lot 20-22 Sec A in DP 4115
Details:	Integrated Development Application for the demolition of the existing structures, excavation and construction of a five storey mixed use development comprising of 18 apartments and two levels of basement car parking for 37 vehicles and one commercial tenancy.
Applicant:	Greg Barr, Adamo Properties Pty Ltd
Applicant Address:	2201/101 Grafton Street Bondi Junction NSW 2022
Property Location:	Located on the northern side of Robey Street between Botany Road to the east and O’Riordan Street to the west
Zoning:	B2 Local Centre zone Botany Bay Local Environmental Plan 2013
Present Use:	Two dwelling houses and ancillary structures over three allotments
Classification of Building:	Class 2 – Residential Apartment Building Class 6 – Shop Class 7a- Carpark
Value:	\$7,128,000.00
Submissions:	Nil
Key issues:	Flood affectation, height and clause 4.6 submission, building massing

On the motion of Councillor Troy, seconded Councillor Glinatsis

COUNCIL RESOLVED THAT:

1. Council is satisfied that the applicant’s written request has adequately addressed the matters required to be demonstrated by Clause 4.6(3) of Botany Bay Local Environmental Plan 2013 and that the proposed development is in the public interest

because it is consistent with the objective of the Height Standard and the objectives for the B2 Local Centre zone.

2. Development Application for the demolition of the existing structures, excavation and construction of a five storey mixed use development comprising of 18 apartments and two levels of basement car parking for 37 vehicles and one commercial tenancy, at 27-29 Robey Street, Mascot be approved, subject to the conditions in the attached Schedule.

Premises: 27-29 Robey Street, Mascot

DA No: 15/254

SCHEDULE OF CONSENT CONDITIONS

1. The development is to be carried in accordance with the following plans and endorsed with Council's stamp, except where amended by other conditions of this consent. Reference documentation is also listed.

Drawing No.	Author	Date Received
A101 Rev D- Demolition Plan	Australian Consulting Architects	Dated 24 August 2016 Received 24 August 2016
A102 Rev D- Site Plan		Dated 24 August 2016 Received 24 August 2016
A103 Rev D- Site Analysis and Location Plan		Dated 24 August 2016 Received 24 August 2016
A104 Rev D- Basement 2 Floor Plan		Dated 24 August 2016 Received 24 August 2016
A105 Rev D- Basement 1 Floor Plan		Dated 24 August 2016 Received 24 August 2016
A106 Rev D- Ground Floor Plan		Dated 24 August 2016 Received 24 August 2016
A107 Rev D- Level 1 Floor Plan		Dated 24 August 2016 Received 24 August 2016
A108 Rev D- Level 2 Floor Plan		Dated 24 August 2016 Received 24 August 2016
A109 Rev D- Level 3 Floor Plan		Dated 24 August 2016 Received 24 August 2016
A110 Rev D- Level 4 Floor Plan		Dated 24 August 2016 Received 24 August 2016
A111 Rev D- Roof Terrace Plan		Dated 24 August 2016 Received 24 August 2016
A112 Rev D- Pre and Post Adaptable Plans		Dated 24 August 2016 Received 24 August 2016
A200 Rev D- South and West Elevations		Dated 24 August 2016 Received 24 August 2016
A201 Rev D- East and North Elevations		Dated 24 August 2016 Received 24 August 2016

A202 Rev C - Detailed Elevation		Dated 24 August 2016 Received 24 August 2016
A300 Rev D- Sections 01		Dated 24 August 2016 Received 24 August 2016
A301 Rev D- Sections 02		Dated 24 August 2016 Received 24 August 2016
A302 Rev B - Internal Stair Sections 4.01 and 4.02		Dated 24 August 2016 Received 24 August 2016
A500 Rev D- Waste Management Plan		Dated 24 August 2016 Received 24 August 2016
A600 Rev D- Door and Window Schedule		Dated 24 August 2016 Received 24 August 2016
A700 Rev D- Perspectives		Dated 24 August 2016 Received 24 August 2016
A701 Rev D- Colours and Materials Schedule		Dated 24 August 2016 Received 24 August 2016
A800 Rev A- 3D Height Plane		Dated 24 August 2016 Received 24 August 2016
A801 Rev A- 3D		Dated 24 August 2016 Received 24 August 2016
L01 Rev F- Landscape Plan- Ground and Level 4	Habit8	Dated 24 August 2016 Received 24 August 2016
L02 Rev F- Landscape Plan- Roof terrace, planting schedule and images		Dated 24 August 2016 Received 24 August 2016

Reference Document(s)	Author	Date Received
Amended Clause 4.6 Variation to vary the Height Development Standard	BBC Consulting Planners	Dated August 2016 Received 4 August 2016
R16/110- Tree Impact Statement	Angophora Consulting Arborist	Dated 30 May 2016 Received 30 May 2016
Arboricultural Impact Assessment	Sydney Arbor Trees	Dated 13 August 2015 Received 29 December 2015
Letter regarding radar root mapping	GBG Australia	Dated November 5 2015 Received 29 December 2015
Letter regarding radar root mapping	Sydney Arbor Trees	Dated 18 May 2016 Received 19 May 2016
Construction Management Plan Tree Retention	Greg Barr	Dated 19 May 2016 Received 19 May 2016
610.15981-R2- Letter of Advice	SLR	Dated 21 April 2016 Received 27 April 2016
Apartment Design Guide Compliance Table	Australian Consulting Architects	Received 13 January 2016
Construction Management Plan	Adamo Properties Pty Ltd	Dated 24 December 2015 Received 29 December 2015

Waste Management Plan	Australian Consulting Architects	Received 29 December 2015
610.15981-R1- Stage 1 Preliminary Site Investigation	SLR	Dated 9 December 2015 Received 29 December 2015
State Environmental Planning Policy No. 65 Apartment Design Code- Design Verification Statement	Australian Consulting Architects	Dated November 2015 Received 29 December 2015
SEPP 65 Overall Compliance Analysis	Australian Consulting Architects	Received 29 December 2015
Job No. 15-052- Statement of Environmental Effects	BBC Consulting Planners	Dated December 2015 Received 29 December 2015
WC810-01F02 (Rev0)- WS Report	Windtech	Dated 27 November 2015 Received 29 December 2015
Adaptable Housing (AS4299-1995)- P215_208-2 (AS 4299) LS	Design Confidence	Dated 16 December 2015 Received 29 December 2015
Ref: 15123- Assessment of Traffic and Parking Implications- Rev D	Transport and Traffic Planning Associates	Dated August 2016 Received 8 August 2016
Ref: 28480Lrpt- Geotechnical Investigation	JK Geotechnics	Dated 24 August 2015 Received 29 December 2015
Ref: 3491-R1- Report on Preliminary Acid Sulfate Soil Desk Study Assessment	Asset Geotechnical	Dated 30 November 2015 Received 29 December 2015
Report No. 610.15981- Stage 2 Detailed Site Investigation	SLR Global Environmental Solutions	Dated 9 August 2016; Received 9 August 2016
Ref: 2716/D02- Acoustic Report	Sebastian Giglio Acoustic Consultant	Dated 11 December 2015 Received 29 December 2015
BASIX Certificate No. 683722M_02	Prepared by Eco Certificates Pty Ltd	Dated 29 August 2016 Received 30 August 2016
Stormwater Management Cover Letter	Henry&Hymas	Dated 7 August 2016; Received 8 August 2016
Stormwater Sketch	Australian Consulting Architects	Received 8 August 2016
15805_DA_C100 Rev 02- General Arrangement Site Plan		Dated 20 April 2016 Received 27 April 2016
15805_DA_C101 Rev 02- Detail Plan Sheet 1 of 2		Dated 20 April 2016 Received 27 April 2016
15805_DA_C102 Rev 02- Detail Plan Sheet 2 of 2		Dated 20 April 2016 Received 27 April 2016
15805_DA_C110 Rev 02- Basement Level 1 Plan		Dated 20 April 2016 Received 27 April 2016

15805_DA_C111 Rev 02- Basement Level 2 Plan	Henry&Hymas	Dated 20 April 2016 Received 27 April 2016
15805_DA_C200 Rev 02- Stormwater Miscellaneous Details and Pit Schedule		Dated 20 April 2016 Received 27 April 2016
15805_DA_C201 Rev 02- OSD Tanks Sections and Details		Dated 20 April 2016 Received 27 April 2016
15805_DA_C250 Rev 01- Stormwater Catchment Plan		Dated 20 April 2016 Received 27 April 2016
15805_DA_C251 Rev 02- Music/Water Quality Catchment Plan		Dated 20 April 2016 Received 27 April 2016
15805_DA_SE01 Rev 02- Sediment and Erosion Control Plan Pre Deep Excavation		Dated 20 April 2016 Received 27 April 2016
15805_DA_SE02 Rev 02- Sediment and Erosion Control Plan Deep Excavation Stage		Dated 20 April 2016 Received 27 April 2016
15805_DA_SE03 Rev 02- Sediment and Erosion Control Typical Sections and Details		Dated 20 April 2016 Received 27 April 2016
15032011_1000- Angle Stacker	Hercules Car Parking System	Received 8 August 2016

2.

- a) The applicant must prior to the issue of the first Construction Certificate, pay the following bond and fee:

i)	Builders Security Deposit	\$82,305.00
ii)	Development Control	\$5,250.00;
iii)	Section 94 Contributions	\$218,364.69

3.

- a) This Consent relates to land in Lot 20-22 Sec A in DP 4115, and as such, building works must not encroach on to adjoining lands or other public places, except as otherwise permitted by this consent.
- b) Separate development applications must be lodged with Council for the use of the individual retail tenancy and associated signage.

4.

- a) All building work must be carried out in accordance with the provisions of the Building Code of Australia;
 - b) All plumbing stacks, vent pipes and the like shall be kept within the building and suitably concealed from view. This Condition does not apply to the venting to atmosphere of the stack above roof level;
 - c) All air conditioning units shall be appropriately treated to ensure that they are concealed from view and compliant with Australian Standard AS1668.2;
 - d) The basement of the building must be designed and built so that on completion, the basement is a “fully tanked” structure, i.e. it is designed and built to prevent the entry of ground water / ground moisture into the inner parts of the basement car park;
 - e) The provision of disabled access throughout the development is required and shall be in compliance with the Building Code of Australia Part D3 “Access for People with Disabilities” and Australian Standard AS1428.1 (2001) – Design for Access and Mobility – Part 1 General Requirements for Access – Buildings. This requirement shall be reflected on the Construction Certificate plans; and
 - f) The car stackers are to be certified that they are functioning as designed to, prior to the issue of the Occupation Certificate.
5. All costs associated with these development conditions shall be borne by the applicant. If, when actioning these conditions Council’s solicitor is required to act on behalf of Council, then Council’s solicitor’s fees and charges shall also be borne by the Applicant.
6. Pursuant to clause 97A(3) of the *Environmental Planning & Assessment Regulation 2000*, it is a condition of this development consent that all the commitments listed in the approved BASIX Certificate/s for the development are fulfilled.
- a) Relevant BASIX Certificate means:
 - i) A BASIX Certificate that was applicable to the development when this development consent was granted (or, if the development consent is modified under section 96 of the Act, a BASIX Certificate that is applicable to the development when this development consent is modified); or
 - ii) If a replacement BASIX Certificate accompanies any subsequent application for a construction certificate, the replacement BASIX Certificate.
 - b) BASIX Certificate has the meaning given to that term in the *Environmental Planning and Assessment Regulation 2000*.
7. The consent given does not imply that works can commence until such time that: -

- a) Detailed plans and specifications of the building have been endorsed with a Construction Certificate by: -
 - i) The consent authority; or,
 - ii) An accredited certifier; and,
- b) The person having the benefit of the development consent: -
 - i) Has appointed a principal certifying authority; and,
 - ii) Has notified the consent authority and the Council (if the Council is not the consent authority) of the appointment; and,
 - iii) The person having the benefit of the development consent has given at least 2 days notice to the Council of the person's intention to commence the erection of the building.

CONDITIONS IMPOSED BY EXTERNAL AUTHORITIES

8. The following conditions imposed by **Ausgrid** are as follows:

- a) The developer is required to make a formal submission to Ausgrid by means of a duly completed Preliminary Enquiry and/ or Connection Application form, to allow Ausgrid to assess any impacts on its infrastructure and determine the electrical supply requirements for the development (eg. whether a substation is required on site).
- b) In general, works to be considered by Ausgrid include, but are not limited to, the following:
 - i) Changes in electrical load requirements
 - ii) Changes to Ausgrids infrastructure (ie. asset relocations, decommissioning substations etc.)
 - iii) Works affecting Ausgrids easements, leases and/ or right of ways
 - iv) Changing the gradients of any roads or paths
 - v) Changing the level of roads or foot paths
 - vi) Widening or narrowing of roads
 - vii) Closing roads or laneways to vehicles
 - viii) In all cases Ausgrid is to have 24 hour access to all its assets
- c) Any work undertaken near overhead power lines needs to be done in accordance with:
 - i) Workcover Document ISSC 23 "Working Near Overhead Power Lines"

- ii) Ausgrids Network Standard
 - iii) Ausgrids Electrical Safety Rules
 - d) The developer is to ensure that the proposed works do not contravene Ausgrids technical standards and statutory requirements, in regards to the safe and reliable operation and maintenance of Ausgrid's network.
9. The following conditions imposed by **Sydney Water** are as follows:
- a) The approved plans must be submitted to the Sydney Water [Tap in™](#) online service to determine whether the development will affect any Sydney Water sewer or water main, stormwater drains and/or easement, and if further requirements need to be met.
 - b) *The Sydney Water [Tap in™](#) online self-service replaces our Quick Check Agents as of 30 November 2015.*
 - c) The [Tap in™](#) service provides 24/7 access to a range of services, including:
 - i) building plan approvals
 - ii) connection and disconnection approvals
 - iii) diagrams
 - iv) trade waste approvals
 - v) pressure information
 - vi) water meter installations
 - vii) pressure boosting and pump approvals
 - viii) changes to an existing service or asset, e.g. relocating or moving an asset.
 - d) A Section 73 Compliance Certificate under the *Sydney Water Act 1994* must be obtained from Sydney Water. It is recommended that applicants apply early for the certificate, as there may be water and sewer pipes to be built and this can take some time. This can also impact on other services and building, driveway or landscape design. Application must be made through an authorised Water Servicing Coordinator. For help either visit www.sydneywater.com.au > Plumbing, building and developing > Developing > Land development or telephone 13 20 92.
10. The following conditions have been imposed in accordance with the recommendations made by **Sydney Airport Corporation Limited (SACL)**.

Height Restrictions

- a) The property development at 27-29 Robey Street Mascot, lies within an area defined in schedules of the Civil Aviation (Buildings Control) Regulation, which limit the height of structures to 50 feet (15.24 metres) above existing ground height (AEGH) without prior approval of the Civil Aviation Safety Authority;
- b) In this instance, Peter Bleasdale, an authorised person of the Civil Aviation Safety Authority (CASA), under Instrument Number: CASA 229/11 in the capacity as Airfield Design Manager has advised that he has “no objection to the erection of the proposed development to a maximum height of 21.2 metres above Australian Height Datum (AHD)”;
- c) The approved height is inclusive of all lift over-runs, vents, chimneys, aerials, TV antennae, construction cranes etc;
- d) Should you wish to exceed 21.2 metres above Australian Height Datum (AHD), a new application must be submitted;
- e) Should the height of any temporary structure and/or equipment be greater than 50 feet (15.24 metres) above existing ground height (AEGH), a new approval must be sought in accordance with the *Civil Aviation (Buildings Control) Regulations Statutory Rules 1988*, No.161;
- f) Construction cranes may be required to operate at a height significantly higher than that of the proposed controlled activity and consequently, may not be approved under the *Airports (Protection of Airspace) Regulations*;
- g) SACL advises that approval to operate construction equipment (i.e. cranes) should be obtained prior to any commitment to construct;
- h) Information required by Sydney Airport prior to any approval is to include:
 - i) the location of any temporary structure or equipment, i.e. construction cranes, planned to be used during construction relative to Mapping Grid of Australia 1994;
 - ii) the swing circle of any temporary structure/equipment used during construction;
 - iii) the maximum height, relative to Australian Height Datum (AHD), of any temporary structure or equipment i.e. construction cranes, intended to be used in the erection of the proposed structure/activity;
 - iv) the period of the proposed operation (i.e. construction cranes) and desired operating hours for any temporary structures.
- i) Any application for approval containing the above information, should be submitted to SACL at least 35 days prior to commencement of works in accordance with the *Airports (Protection of Airspace) Regulations Statutory Rules 1996*, No.293, which now apply to this Airport;

- j) Under Section 186 of the *Airports Act 1996*, it is an offence not to give information to the Airport Operator that is relevant to a proposed “controlled activity” and is punishable by up to 50 penalty units;
- k) The height of the prescribed airspace at the site is approximately 51.0 metres above Australian Height Datum (AHD). In accordance with Regulation 9 of the *Airports (Protection of Airspace) Regulations Statutory Rules 1996*, No. 293, “a thing to be used in erecting the building, structure or thing would, during the erection of the building, structure or thing, intrude into PANS OPS airspace for the Airport, cannot be approved.”

Planning for Aircraft Noise and Public Safety Zones

- l) Current planning provisions (s. 117 Direction 3.5 NSW Environmental Planning and Assessment Act 1979) for the assessment of aircraft noise for certain land uses are based on the Australian Noise Exposure Forecast (ANEF). The current ANEF for which Council may use as the land use planning and for Sydney Airport was endorsed by Air services Australia on 13 March 2009 (Sydney Airport 2029 ANEF).
 - m) Whilst there are currently no national aviation standards relating to defining public safety areas beyond the airport boundary, it is recommended that proposed land uses which have high population densities should be avoided.
11. The following Terms of Approval are imposed by the NSW Department of Primary Industries- Water.:

General

- a) An authorisation shall be obtained from NSW Office of Water for the take of groundwater as part of the activity. Groundwater shall not be pumped or extracted for any purpose other than temporary construction dewatering at the site identified in the development application. The authorisation shall be subject to a currency period of 12 months from the date of issue and will be limited to the volume of groundwater take identified.
- b) 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 in contact with groundwater watertight for the anticipated life of the building. Waterproofing of below-ground levels must be sufficiently extensive to incorporate adequate provision for reasonably foreseeable high water table elevations to prevent potential future inundation.
- c) 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:
 - i. Any 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

- ii. 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
 - iii. Where the habitable structure is founded in bedrock or impermeable natural soil then the requirement to maintain groundwater flows beneath the structure is not applicable.
- d) 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.
- e) DPI Water requires documentation (referred to as 'report') comprising measurements, maps, bore logs, calculations, results, discussion and justification for various matters related to the dewatering process. Information will be required at several stages; prior to construction commencing (initial report- which will accompany the application for the authorisation), at any time when an authorisation renewal is required or a significant change in activities occurs (intermediate report); and at the completion of dewatering and related operations (completion report). Reports need to be submitted to DPI Water at Parramatta Office, in a format consistent with electronic retrieval without editing restrictions; raw data should be presented in Excel spreadsheets without editing restrictions.

Prior to excavation

- f) The following measures shall be included in the initial report:
 - i. measurements of groundwater levels beneath the site from a minimum of three relevant monitoring bores, together with details of the bores used in the assessment including bore logs and three-dimensional identification information.
 - ii. a map of the site and its immediate environs depicting the water table (baseline conditions) shown relative to the topography and approved construction footprint from the surface level and below. An assessment of the potential variation in the water table during the life of the proposed building together with a discussion of the methodology and information on which this assessment is based.
 - iii. details of the present and potential groundwater flow paths and hydraulic gradients is and around the site; the latter in response to the final volumetric emplacement of the construction.
 - iv. a schedule for the ongoing water level monitoring and description of the methodology to be used, from the date of consent until at least two months after the cessation of pumping. [DPI Water prefers that monitoring be undertaken on a continuous basis using automatic loggers in boreholes.]
- g) The Applicant shall assess the likely impacts of the dewatering activities on other groundwater users or structures or public infrastructure; this

assessment will include an appropriate bore, spring or groundwater seep census and considerations relevant to potential subsidence or excessive settlement induced in nearby buildings and property, and be documented together with all calculations and information to support the basis of these in the initial report.

- h) The Applicant shall assess the likely impacts of the dewatering activities on other groundwater users or structures or public infrastructure; this assessment will include an appropriate bore, spring or groundwater seep census and considerations relevant to potential subsidence or excessive settlement induced in nearby buildings and property, and be documented together with all calculations and information to support the basis of these in the initial report.
- i) Groundwater quality testing generally in accordance with Clause 8, shall be undertaken on any anniversary or other renewal or alteration of any dewatering authorisation.
- j) A reasonable estimate of the total volume of groundwater to be extracted shall be calculated and included in the initial report; together with details and calculation methods for the parameters and supporting information to confirm their development or measurement (e.g. permeability predicted by slug-testing, pump-testing or other means).
- k) A copy of a valid consent for the development shall be provided in the initial report.
- l) The method of disposal of pumped water shall be nominated (i.e. reinjection, drainage to the stormwater system or discharge to sewer) and a copy of the written permission from the relevant controlling authority shall be provided in the initial report. The disposal of any contaminated pumped groundwater (sometimes called "tailwater") must comply with the provisions of the Protection of the Environment Operations Act 1997 and any requirements of the relevant controlling authority.
- m) Contaminated groundwater (i.e. above appropriate NEPM 2013 thresholds) shall not be reinjected into any aquifer. The reinjection system design and treatment methods to remove contaminants shall be nominated and included in the initial report and any subsequent intermediate report as necessary. The quality of any pumped water that is to be reinjected must be demonstrated to be compatible with, or improve, the intrinsic or ambient groundwater in the vicinity of the reinjection site.

During excavation

- n) Engineering measures designed to transfer groundwater around and beneath the basement shall be incorporated into the basement construction to prevent the completed infrastructure from restricting pre-existing groundwater flows.
- o) Piping, piling or other structures used in the management of pumped groundwater shall not create a flooding hazard or induce mounding of

groundwater. Control of pumped groundwater is to be maintained at all times during dewatering to prevent unregulated off-site discharge.

- p) Measurement and monitoring arrangements to the satisfaction of DPI Water 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.
- q) Pumped groundwater shall not be allowed to discharge off-site (e.g. adjoining roads, stormwater system, sewerage system, etc.) without the controlling authority's approval and/or owner's consent/so The' pH of discharge water shall be managed to be between 6.5 and 8.5. The requirements of any other approval for the discharge of pumped groundwater shall be complied with.
- r) Dewatering shall be undertaken in accordance with groundwater-related management plans applicable to the excavation site. The requirements of any management plan (such as acid sulfate soils management plan or remediation action plan) shall not be compromised by the dewatering activity.
- s) The location and construction of groundwater extraction works that are decommissioned are to be recorded in the completion report. The method of decommissioning is to be identified in the documentation.
- t) Access to groundwater management works used in the activity is to be provided to permit inspection when required by DPI Water under appropriate safety procedures.

Following excavation

- u) Following completion of the dewatering operations, the applicant shall submit to DPI Water, Parramatta Office, the completion report which shall include:
 - i) 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
 - ii) a water table map depicting the aquifer's settled groundwater condition and a comparison to the baseline conditions; and
 - iii) 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.
- v) The completion report is to be assessed by DPI Water prior to any certifying agency's approval for occupation or use of the completed construction.

12. The following conditions are imposed by the NSW Police Service:

a)

- i) As the proposed development may be exposed to Break and Enter Steals, Stealing, Steal from persons, Malicious Damage and Steal from Motor Vehicle offences, a closed circuit surveillance system (CCTV) which complies with the Australian Standard - Closed Circuit Television System (CCTV) AS:4806:2006 shall to be implemented to receive, hold or process data for the identification of people involved in anti-social behaviour prior to the issue of the Occupation Certificate. The system is obliged to conform with Federal, State or Territory Privacy and Surveillance Legislation;
- ii) The CCTV system should consist of surveillance cameras strategically located in and around the development to provide maximum surveillance coverage of the area, particularly in areas that are difficult to supervise. Cameras should be strategically mounted outside the development buildings and within the car parking areas to monitor activity within these areas. One or more cameras should be strategically mounted at entry and exit points to monitor activities around these areas (underground car park, foyer entrance); and
- iii) Digital technology should be used to receive, store and process data. Recording equipment should be secured away from public access areas to restrict tampering with the equipment and data.

b) Any proposed landscaping and vegetation to the street frontage should adhere to the following principles:

- i) Shrubs bushes, plants should remain under 900mm in height;
- ii) Branches or large trees should start at a height of two (2) metres and higher;

c)

- i) Bicycle parking areas should be located within view of capable guardians. The provision of covered lockable racks to secure bicycles increases the effort required to commit crime;
- ii) Any storage cages in the underground car park areas should not be constructed in an isolated area. CCTV cameras must cover this area, as they are easy targets when they have little supervision. Solid steel housing and quality key locks should be used to prevent access.

d) An Emergency control and evacuation plan which complies with the Australian Standard, Emergency Control Organisation and Procedures for Buildings, Structures and Workplace, AS:3745:2002 should be prepared and maintained by your development to assist management and staff in the event of an emergency. This standard sets out the requirements for the development of procedures for the controlled evacuation of the building, structures and workplaces during

emergencies. Further information in relation to planning for emergencies can be obtained from Emergency NSW <http://www.emergency.nsw.gov.au> or Emergency Management Australia <http://www.ema.gov.au>.

PRIOR TO COMMENCEMENT OF DEMOLITION WORKS OR ANY DEVELOPMENT OR WORK

13. Prior to commencement of any works on-site, a dilapidation report of the adjoining properties and public infrastructure (including Council and public utility infrastructure) shall be prepared by a qualified person and submitted to Council and to the subject property owners. The report shall include records and photographs of the following area that will be impacted by the development:

- a) All properties adjoining the site; and
- b) Robey Street.

The applicant shall bear the cost of all restoration works to buildings/ structures and public infrastructure that been damaged during the course the excavation, site clearing and site remediation works. Any damage to buildings/structures, infrastructures, roads, lawns, trees, gardens and the like shall be fully rectified by the applicant/developer, at the applicant/developer's expense. In addition, the following issues shall also be complied with:

- i) A copy of the dilapidation report together with the accompanying photographs shall be given to all immediately adjoining properties owners and public utility authorities. The report shall be agreed by all affected parties as a fair record of existing conditions prior to commencement of any works;
- ii) A second dilapidation report, including a photographic survey shall then be submitted at least one month after the completion of demolition/excavation works. A copy of the second dilapidation report together with the accompanying photographs shall be given to Council, the subject adjoining property owners and public utilities authorities and all adjoining properties owners;
- iii) It is a condition of consent that should demolition, site clearing and site remediation works cause rise to public safety and/or workplace safety; works shall halt until absolute safety is restored.;

Note: Prior to commencement of the surveys, the applicant/ owner of the development shall advise (in writing) all property owners of buildings to be surveyed of what the survey will entail and of the process for making a claim regarding property damage. A copy of this information shall be submitted to the owners and to Council.

- 14.

- a) There shall be no loss of support to the Council's nature strip area as a result of the construction within the site. Details prepared by a practicing Structural

Engineer of how this support will be maintained during the demolition works shall be submitted to Council prior to the commencement of works.

- b) Where any shoring is to be located on or is supporting Council's property, or any adjoining private property, engineering drawings certified as being adequate for their intended purpose by an appropriately qualified and practising engineer, showing all details, including the extent of encroachment and the method of removal (or any other method) and de-stressing of shoring elements, shall be submitted with the Construction Certificate to the Principal Certifying Authority along with Council's (or other) consent if the works intrude on Council's (or other) property.
15. Prior to the commencement of demolition work a licensed demolisher who is registered with WorkCover NSW must prepared a Work Method Statement to the satisfaction of the Principal Certifying Authority (Council or an accredited certifier) and a copy shall be sent to Council (if it is not the PCA). A copy of the Statement shall also be submitted to WorkCover NSW.

The statement must be in compliance with AS2601:1991 – 'Demolition of Structures', the requirements of WorkCover NSW and conditions of the Development Approval, and shall include provisions for:

- a) Enclosing and making the site safe, any temporary protective structures must comply with the "Guidelines for Temporary Protective Structures (April 2001)";
- b) Induction training for on-site personnel;
- c) Inspection and removal of asbestos, contamination and other hazardous materials (by appropriately licensed contractors);
- d) Dust control – Dust emission must be minimised for the full height of the building. A minimum requirement is that perimeter scaffolding, combined with chain wire and shade cloth must be used, together with continuous water spray during the demolition process. Compressed air must not be used to blow dust from the building site;
- e) Disconnection of Gas and Electrical Supply;
- f) Fire Fighting – Fire fighting services on site are to be maintained at all times during demolition work. Access to fire services in the street must not be obstructed;
- g) Access and Egress – No demolition activity shall cause damage to or adversely affect the safe access and egress of this building;
- h) Waterproofing of any exposed surfaces of adjoining buildings;
- i) Control of water pollution and leachate and cleaning of vehicles tyres – Proposals shall be in accordance with the "Protection of the Environmental Operations Act 1997";

- j) Working hours, in accordance with this Development Consent;
 - k) Confinement of demolished materials in transit;
 - l) Proposed truck routes, in accordance with this Development Consent;
 - m) Location and method of waste disposal and recycling in accordance with the “Waste Minimisation and Management Act 1995”.
 - n) Sewer – common sewerage system ad08.
16. To ensure that utility authorities and Council are advised of any effects to their infrastructure by the development, the applicant shall:
- a) Carry out a survey of all utility and Council services within the site including relevant information from utility authorities to determine the position and level of services;
 - b) Negotiate with the utility authorities (eg Energy Australia, Sydney Water and Telecommunications Carriers) and Council in connection with:
 - i) The additional load on the system; and
 - ii) The relocation and/or adjustment of the services affected by the construction.

Any costs in the relocation, adjustment, and provision of land or support of services as requested by the service authorities and Council are to be the responsibility of the developer.

17. An Erosion and Sediment Control Plan (ESCP) shall be prepared in accordance with the Landcom *Managing Urban Stormwater – Soils and Construction* 4th Edition (2004). All management measures recommended and contained within the Erosion and Sediment Control Plan (ESCP) shall be implemented in accordance with the *Landcom Managing Urban Stormwater – Soils and Construction* 4th Edition (2004). This plan shall be implemented prior to commencement of any site works or activities. All controls in the plan shall be maintained at all times. A copy of the ESCP shall be kept on-site at all times and made available to Council Officers on request.
18. The vehicular entry/exits to the site must be protected from erosion and laid with a surface material which will not wash into the street drainage system or watercourse.
19. Erosion and sediment control devices shall be installed and functioning prior to the commencement of any demolition, excavation or construction works upon the site in order to prevent sediment and silt from site works (including demolition and/or excavation) being conveyed by stormwater into public stormwater drainage system, natural watercourses, bushland and neighbouring properties. In this regard, all stormwater discharge from the site shall meet the legislative requirements and guidelines including the *Protection of the Environment Operations Act 1997*.

These devices shall be maintained in a serviceable condition AT ALL TIMES throughout the entire demolition, excavation and construction phases of the

- development and for a minimum one (1) month period after the completion of the development, where necessary.
20. For any water from site dewatering to be permitted to go to stormwater, the water must meet ANZECC 2000 Water Quality Guidelines for Fresh and Marine Water for the 95% protection trigger values for marine water. The results of all testing must be completed by a NATA accredited laboratory.
 21. All laboratory results must be accompanied by a report prepared by a suitably qualified person indicating the water meets these guidelines and is acceptable to be released into council's stormwater system. If it is not acceptable, details of treatment measures to ensure that the water is suitable for discharge shall be provided in this report.
 22. Reports shall be provided to council prior to discharge of any groundwater to the stormwater system.
 23. Should any hazardous materials be identified a Work Management Plan completed in accordance with AS2601 – Demolition of Buildings shall be submitted to the Principal Certifying Authority prior to the demolition of any building or structure. The report shall contain details regarding the type of hazardous material and the proposed methods of containment and disposal.
 24. Prior to demolition of any building constructed before 1970, the person acting on this consent shall ensure compliance with Australian Standard AS2601-2001, *Demolition of Structures* by a person with suitable expertise and experience. This may involve a Work Plan that identifies any hazardous materials including surfaces coated with lead paint, method of demolition, the precautions to be employed to minimize any dust nuisance and the disposal methods for hazardous materials, including:
 - a) Removal, cleaning and disposal of lead-based paint shall conform to the current EPA guidelines. Demolition of materials incorporating lead is to be conducted in strict accordance with sections 1.5, 1.6, 1.7, 3.1 and 3.9 of the AS2601-1991 *Demolition of structure*.
 - b) Hazardous dust shall not be allowed to escape from the site. Any existing accumulations of dust (e.g.; ceiling voids and wall cavities) shall be removed by the use of an industrial vacuum fitted with a high efficiency particulate air (HEPA) filter. All dusty surfaces and dust created from work is to be suppressed by a fine water spray. Water shall not be allowed to enter the street and stormwater systems. Demolition is not to be performed during high winds, which may cause dust to spread beyond the site boundaries.
 - c) All contractors and employees directly involved in the removal of hazardous dusts and substances wearing protective equipment conforming to Australian Standard AS1716 *Respiratory Protective Devices* and shall adopt work practices in accordance with the requirements of WorkSafe's *Control of Inorganic Lead At Work* (NOHSC: 102(1994) and NOHSC: 2015(1994).
 - d) All lead-contaminated materials being disposed of in accordance with the Environment Protection Authorities Environmental Guidelines; *Assessment*,

Classification and Management of Liquid and Non Liquid Wastes (1999) and The Protection of the Environment Operations Act 1997 (NSW).

25.

- a) Demolition work shall be carried out in accordance with Australian Standards AS 2601-1991 Demolition of Structures and the requirements of the NSW WorkCover Authority; and
- b) The demolisher shall comply with Australian Standard 2601 - 1993 "*Demolition of Structures*".

26. Hazardous or intractable wastes arising from the demolition process shall be removed and disposed of in accordance with the requirements of WorkCover NSW and the Department of Environment and Climate Change and Water and with the provisions of:

- a) New South Wales Occupational Health and Safety Act, 2000;
- b) The Occupational Health and Safety (Hazardous Substances) Regulation 2001;
- c) The Occupational Health and Safety (Asbestos Removal Work) Regulation 2001;
- d) Protection Of the Environment Operations Act 1997 (NSW); and
- e) Department of Environment and Climate Change Waste Classification Guidelines (2008).

27. Prior to commencement of any works, application(s) shall be made to Council's Customer Services Counter and obtained the following approvals and permits on Council's property/road reserve under Road Act 1993 and Local Government Act 1993: - (It should be noted that any works shown within Council's road reserve or other Council Lands on the development approval plans are indicative only and no approval for these works is given until this condition is satisfied.)

- a) Permit to erect hoarding on or over a public place, including Council's property/road reserve,
- b) Permit to construction works, place and/or storage building materials on footpaths, nature strips,
- c) Permit to install temporary ground anchors in public land,
- d) Permit to discharge ground water to Council's stormwater drainage system,
- e) Permit for roads and footways occupancy (long term/ short term),
- f) Permit to construct vehicular crossings, footpaths, kerbs and gutters over road reserve,

- g) Permit to open road reserve area, including roads, footpaths, nature strip, vehicular crossing or for any purpose whatsoever, such as relocation / re-adjustments of utility services,
 - h) Permit to place skip/waste bin on footpath and/or nature strip, and
 - i) Permit to use any part of Council's road reserve or other Council lands.
28. Erosion and sediment control devices shall be installed and in function prior to the commencement of any demolition, excavation or construction works upon the site in order to prevent sediment and silt from site works (including demolition and/or excavation) being conveyed by stormwater into public stormwater drainage system, natural watercourses, bushland, trees and neighbouring properties. In this regard, all stormwater discharge from the site shall meet the legislative requirements and guidelines. These devices shall be maintained in a serviceable condition AT ALL TIMES throughout the entire demolition, excavation and construction phases of the development and for a minimum one (1) month period after the completion of the development, where necessary.
29. The Applicant must indemnify Council against all loss of or damage to the property of others and injury or death to any persons which may arise out of or in consequence of the carrying out of the work and against all claims, demands, proceedings, costs, charges and expenses whatsoever in respect thereof or in relation thereto. In this regard, the Applicant shall take out a public liability policy during the currency of the works in the sum of not less than \$20,000,000 and to be endorsed with City of Botany Bay Council as principal, and keep such policy in force at the Applicant's own expense. A certificate from the Applicant's insurers to this effect is to be LODGED WITH COUNCIL BEFORE ANY WORK IS COMMENCED. The amount of Common Law liability shall be unlimited.
30. Prior to excavation works, a Stage 2 Detailed Site Investigation shall be completed by a suitably qualified and experienced environmental consultant in accordance with:
- a) NSW Office of Environment and Heritage (OEH) 'Contaminated Sites – Guidelines for Consultants Reporting on Contaminated Sites';
 - b) NSW Environment Protection Authority (NSW EPA) approved guidelines under the Contaminated Land Management Act 1997; and
 - c) State Environmental Planning Policy 55 (SEPP55) – Remediation of Land.

Following completion of the Stage 2 Detailed Site Investigation, if required a Stage 3 Remedial Action Plan shall be prepared and remediation of the site shall be carried out. Approvals from appropriate government departments where required shall be obtained and full details of the investigation and site remediation are to be submitted to and approved by Botany Bay City Council, in accordance with Section 80(A)2 of the Environmental Planning and Assessment Act 1979 prior to the commencement of any excavation or building works onsite.

31. Prior to any excavation works an acid sulfate soil (ASS) assessment shall be undertaken to determine the presence and extent of any ASS at the site. Should any potential acid

sulfate soil (PASS) or actual acid sulfate soil (AASS) be identified then the an Acid Sulfate Soils Management Plan shall be prepared which shall include any site specific procedures and mitigation measures required and a site analysis from a NATA registered laboratory. All recommendations of the report shall be implemented prior to the commencement of excavation and building works.

32. A sign must be erected in a prominent position on any work site on which work involved in the erection of a building is being carried out;
 - a) stating that unauthorised entry to the work site is prohibited;
 - b) showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours;
 - c) the Development Approval number;
 - d) the name of the Principal Certifying Authority including an after hours contact telephone number; and
 - e) any such sign is to be removed when the work has been completed.
33. Toilet facilities are to be provided at or in the vicinity of the work site on which work involves the erection of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site;
 - a) Each toilet provided:
 - b) must be standard flushing toilet; and,
 - c) must be connected:
 - i) to a public sewer; or
 - ii) if connection to a public sewer is not practicable to an accredited sewerage management facility approved by the Council; or,
 - iii) if connection to a public sewer or an accredited sewerage management facility is not practicable to some other sewerage management facility approved by the Council.
 - d) The provisions of toilet facilities in accordance with this clause must be completed before any other work is commenced.
34. All works carried out on the public roads shall be inspected and approved by Council's engineer. Documentary evidence of compliance with Council's requirements shall be obtained prior to proceeding to the subsequent stages of construction, encompassing not less than the following key stages:
 - a) Initial pre-construction on-site meeting with Council's engineers to discuss concept and confirm construction details, traffic controls and site conditions/constraints prior to commencement of the construction of the civil works associated with the road widening;

- b) Prior to placement of concrete (kerb and gutter and footpath);
- c) Prior to construction and placement of road pavement materials; and
- d) Final inspection.

Note: Council's standard inspection fee will apply to each of the above set inspection key stages. Additional inspection fees may apply for additional inspections required to be undertaken by Council.

35. During demolition, excavation, remediation and construction, the applicant shall ensure that all works and measures have been implemented in accordance with following approved plans at all times:

- a) Approved Erosion and Sediment Control Plan;
- b) Approved Traffic Management Plan and;
- c) Approved Construction Management Plan.

36. In order to ensure that the following Council trees as identified in the Arborist report (Sydney Arbor Trees, 13th August 2015) Tree 4, Tree 5, Tree 9, Tree 12, Tree 13 and Tree 14 located within John Curtin Reserve and Tree 20 and Tree 22 located within the nature strip fronting the property, are retained and protected during construction, and their health and structural stability ensured, the following is required:

- a) Engage the Consultant Arborist – Sydney Arbor Trees or Angophora Consulting Arborist for all tree advice, all root pruning and any canopy pruning. Comply with the recommendations and requirements as contained within the Arborist report by Sydney Arbor Trees (dated 13 August 2015) and supplementary Tree Impact Statement provided by Angophora Arborists (Version iii, 30 May 2016) specifically Section 11.0 and Section 12.0.
- b) Prior to commencing demolition/any works the retained trees are to be physically protected by fencing the Tree Protection Zone (TPZ) – refer Arborist report, using 1.8 metre high chainwire fence. The fences shall remain in place until all construction work is complete.
- c) The area within the fencing is to be mulched with leaf mulch to a depth of 100mm and a weekly deep watering program undertaken during the construction period.
- d) If there is insufficient space to erect fencing in a particular area (during construction only), wrap the trunk with hessian or carpet underlay to a height of 2.5 metres or to the tree's first lateral branch, whichever is greater, and affix timber palings around the tree with strapping or wire (not nails).
- e) Before any works commence on site, the Applicant is required to provide Council with Consulting Arborist certification of the fenced TPZ.

- f) Before any works commence on site, the Applicant is required to provide Council with Consulting Arborist details of any canopy pruning required to Tree 14, for approval by Council's Arborist.
 - g) All detailed Construction Certificate plans shall show the tree to be protected and the TPZ of all trees to be retained.
 - h) Care shall be taken with construction work in the primary root zone of all existing neighbouring trees to be retained, including the trees within the Council reserve to the north. These trees must be retained and construction works are to accommodate tree roots, branches and canopy without damage or impact. Trees are not to be pruned back to the boundary fence line under any circumstances. The canopy may otherwise overhang the property.
37. The Applicant is required to remove the following trees: T1, T2, T3, T6, T7, T8, as identified by the Consultant Arborist in the report by (Sydney Arbor Trees, 13th August 2015). Note: Trees are not permitted to be removed until the Construction Certificate has been issued. Tree removal shall be undertaken by the Applicant at their own expense and adhere to the following:
- a) A qualified Arborist with their own public liability insurance must be engaged.
 - b) All work is to take place on the Council road reserve with the appropriate safety and directional signage implemented to ensure public safety and access otherwise road and footpath closures require a Council Road Occupancy Permit.
 - c) A Dial-Before-You-Dig enquiry is required prior to stump grinding the trunk and shall occur without damage to Council infrastructure or underground services/utilities.

CONDITIONS WHICH MUST BE SATISFIED PRIOR TO THE ISSUE OF ANY CONSTRUCTION CERTIFICATE

38. Prior to the issue of a Construction Certificate, the following amendments shall be made to the architectural plans:
- a) To provide cross ventilation to apartments, highlight window/s with a minimum sill height of 1.8m, should be provided as follows:
 - i) Window/s with a 2m long openable area to both the western wall of Unit 4.01 and the eastern wall of Unit 4.02.
 - ii) A window with a 1m long openable area to the western wall of both bedrooms within Unit 3.01
 - iii) A window with a 1m long openable area to the eastern wall of Bedroom 1, and a window with a 0.75m long openable area to the eastern wall of the en suite, to Unit 3.02.
39. If a substation is not required on the site, the area on the plans that is allocated for this purpose, must be converted to form part of the commercial tenancy. Following the

receipt of written advice from Ausgrid, if a substation is not required, amended plans are to be submitted to the Certifying Authority.

40. The required Long Service Levy payable under Section 34 of the Building and Construction Industry Long Service Payments Act 1986 has to be paid. The Long Service Levy is payable at 0.35% of the total cost of the development, however this is a State Government Fee and can change without notice.
41. The City of Botany Bay being satisfied that the proposed development will increase the demand for public amenities within the area, and in accordance with the *City of Botany Bay Section 94 Contributions Plan 2016*, a contribution of **\$218,364.69** is to be paid to Council prior to the issue of the first Construction Certificate.

Note: The Section 94 Contribution fees are subject to annual review and the current rates are applicable for the financial year in which your consent is granted. If you pay the contribution in a later financial year you will be required to pay the fee applicable at the time.

42. The applicant shall lodge a Damage Deposit of **\$82,305.00** (GST Exempt) by way of cash deposit or unconditional bank guarantee to Council against possible damage to Council's asset during the course of the building works. The deposit will be refunded subject to inspection by Council 12 months after the completion of all works relating to the proposed development and Final Occupational Certificate has been issued.
43. Prior to the issue of the Construction Certificate, amended plans are to be submitted to Council demonstrating the following:
 - a) Storage areas within apartments are to comply with the minimum sizes under the ADG;
 - b) The floor surface of the entry, dining room and kitchen floor and internal storage area are to be water-resistant and easy to be cleaned and maintained within three bedroom apartments;
 - c) Amend Unit G.01 to comprise one bathtub within one of the bathrooms;
 - d) Flood barriers, to a height of RL 6.10 AHD, are to be installed in front of the fire stairs at ground level.
44. At the proposed point of construction site entry, photographic survey showing the existing conditions of Council's and RMS infrastructure shall be submitted to Council and Principal Certifying Authority. The survey shall detail the physical conditions and identify any existing damages to the roads, kerbs, gutters, footpaths, driveways, street trees, street signs and any other Council assets fronting the property and extending to a distance of 50m from the development. Failure to do so may result in the applicant/developer being liable for any construction related damages to these assets. Any damage to Council's infrastructure during the course of this development shall be restored at the applicant's cost.

45. Details on the mechanical plant and equipment to be submitted to the Principal Certifying Authority prior to the release of the Construction Certificate. The report must:
- a) identify each item of plant and equipment;
 - b) the following additional criteria adopted by City of Botany Bay Council:
 - i) The operation of all plant and equipment shall not give rise to an equivalent continuous (L_{Aeq}) sound pressure level at any point on any residential property greater than 5dB(A) above the existing background L_{A90} level (in the absence of the noise under consideration).
 - ii) The operation of all plant and equipment when assessed on any residential property shall not give rise to a sound pressure level that exceeds L_{Aeq} 50dB(A) day time and L_{Aeq} 40 dB(A) night time.
 - iii) The operation of all plant and equipment when assessed on any neighbouring commercial/industrial premises shall not give rise to a sound pressure level that exceeds L_{Aeq} 65dB(A) day time/night time.
 - iv) For assessment purposes, the above L_{Aeq} sound levels shall be assessed over a period of 10-15 minutes and adjusted in accordance with EPA guidelines for tonality, frequency weighting, impulsive characteristics, fluctuations and temporal content where necessary.

Note “sensitive” positions should be selected to reflect the typical use of a property (i.e. any outdoor areas for day and evening but closer to the façade at night time), unless other positions can be shown to be more relevant.

46. A qualified practitioner, with a certificate of attainment in NWP331A Perform Conduit Evaluation, shall undertake a closed circuit television (CCTV) inspection and then report on the existing condition of the adjacent Council drainage pipeline. The camera and its operation shall comply with the following:
- a) The internal surface of the drainage pipe shall be viewed and recorded in a clear and concise manner,
 - b) The CCTV camera used shall be capable to pan, tilt and turning at right angles to the pipe axis over an entire vertical circle to view the conduit joints,
 - c) Distance from the manholes shall be accurately measured, and
 - d) The inspection survey shall be conducted from manhole to manhole.

The written report, together with a copy of the digital video footage of the pipeline shall be submitted to Council prior to the commencement of any works. A written acknowledgment shall be obtained from Council (attesting to this condition being appropriately satisfied) and submitted to the Principal Certifying Authority.

Note: If the existing pipe is full of debris preventing the effective inspection of the pit and pipe system, the contractor shall clear the pipe to a degree where CCTV inspection is possible at the applicants expense.

47. A Construction Management Program shall be submitted to, and approved in writing by the Council 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 public 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 Accredited Certifier (Structural Engineering), or equivalent,
 - i) Proposed protection for Council and adjoining properties, and
 - j) The location and operation of any on site crane. Please note that a crane may require prior approval from Sydney Airports Corporation.

The location of any Construction Zone (if required) approved by Council's Traffic Committee, including a copy of that approval.

48. A detailed Traffic Management Plan for the pedestrian and traffic management of the site during construction shall be prepared and submitted to the relevant road authority (Council or Roads and Maritime Services) for approval. The plan shall:
- a) be prepared by a RMS accredited consultant,

- b) nominate a contact person who is to have authority without reference to other persons to comply with instructions issued by Council's Traffic Engineer or the Police,
- c) if required, implement a public information campaign to inform any road changes well in advance of each change. The campaign may be required to be approved by the Traffic Committee.

Note: Any temporary road closure shall be confined to weekends and off-peak hour times and is subject to Council's Traffic Engineer's approval. Prior to implementation of any road closure during construction, Council shall be advised of these changes and Traffic Control Plans shall be submitted to Council for approval. This Plan shall include times and dates of changes, measures, signage, road markings and any temporary traffic control measures.

49. Prior to the release of the Construction Certificate, the following required section(s) are to be submitted to and approved by Council:

- a) All driveways/access ramps/vehicular crossings shall conform with Australian Standards AS 2890.1 and Council requirements including but not limited to Section 8(v) of the DCP Stormwater Management Technical Guidelines,
- b) For commercial developments, the applicant shall provide longitudinal sections along the extremities and the centre line of each internal driveway/access ramp at a scale of 1:25. These long sections shall extend from the horizontal parking area within the property to the centre line of the roadway. The sections shall also show the clear height from the ramp to any overhead structure, and
- c) The basement ramps shall be fitted with a traffic control system. The proposed system shall be submitted to Council's Traffic Engineer for assessment and approval.

50. Prior to the release of the Construction Certificate, the following required section(s) are to be submitted to and approved by Council:

- a) Four (4) disabled car parking spaces shall be provided and clearly marked as per the Australian Standards AS 2890.6, SEPP 65 Design Code and Council requirements, and
- b) All off street disabled parking shall have access to the adjacent road(s) and to the communal open space as per Australian Standards AS 2890.6 and Council requirements.

51. Prior to the issue of any Construction Certificate, the applicant shall contact "Dial Before You Dig" to obtain a utility service diagram for, and adjacent to the property. The sequence number obtained from "Dial Before You Dig" shall be forwarded to Principal Certifying Authority. All utilities within the work zone shall be protected during construction. Any adjustments or damage to public utilities/services as a consequence of the development and associated construction works shall be restored or repaired at the applicant's expense.

52. To ensure that utility authorities and Council are advised of any effects to their infrastructure by the development, the applicant shall:
- a) Carry out a survey of all utility and Council services within the site including relevant information from utility authorities and excavation if necessary to determine the position and level of services,
 - b) Negotiate with the utility authorities (eg AusGrid, Sydney Water, Telecommunications Carriers and Council in connection with:
 - i) The additional load on the system, and
 - ii) The relocation and/or adjustment of the services affected by the construction.
 - c) As part of this development, one (1) Ausgrid power pole on Robey St, will need to be decommissioned and new lighting pole shall be constructed satisfying P2 lighting requirements and any other requirements as specified by Council, and any other service provider,
 - d) All above ground utilities shall be relocated underground in accordance with Ausgrid and any other affected and relevant service provider, and
 - e) All underground and above ground infrastructure shall be constructed as specified by Ausgrid, RMS, Council and any other affected service provider. The location of the new electrical pillars, new lighting poles, any new pits and trenches for utilities shall be confirmed with Council prior to the issue of the Construction Certificate.

Any costs in the relocation, adjustment, and provision of land or support of services as requested by the service authorities and Council are to be the responsibility of the developer.

53. Prior to the issue of any Construction Certificate, detail design and construction plans in relation to stormwater management and disposal system for the development shall be submitted to the Principal Certifying Authority and Council for approval. *(The detail drawings and specifications shall be prepared by a suitably qualified and experienced civil engineer and to be in accordance with Council's Development Control Plan 'Stormwater Management Technical Guidelines', AS/NSZ 3500 – Plumbing and Drainage Code and the BCA. All drawings shall correspond with the approved architectural plans.* The plans shall incorporate but not be limited to the following:
- a) The Stormwater Drainage Plans by Henry & Hymas, dated 27 November 2015,
 - b) The design shall be amended such that any electronic or electric flood mitigation devices are replaced with a failsafe system.
 - c) Provision of a minimum 10kL rainwater tank collection system for internal reuse in accordance with Section 4 of Botany Bay's SMTG,

- d) No pump-out shall be used to drain seepage from the basement due to the elevated water table level. That is the basement shall be designed as a “fully tanked” structure,
 - e) The pump-out can only be utilized to dispose runoff that may enter the basement carpark from driveway access to the basement,
 - f) The pump out system from the basement carpark proposed shall discharge to the on-site stormwater infiltration system,
 - g) Incorporate a Stormwater Quality Improvement system to ensure compliance with Section 16 of Botany Bay’s SMTG,
 - h) Discharge to Council’s kerb and gutter on shall be limited to 10L/s. Alternatively, the discharge pipe shall be connected to Council’s stormwater pit and pipe system,
 - i) The water quality improvement system and WSUD strategy proposal shall be designed to capture and treat at least 85% flows generated from the site.
 - j) A WSUD Strategy and MUSIC model must be prepared and submitted to Council for the development. The MUSIC model must be prepared in line with the Draft NSW MUSIC Modelling Guidelines (Sydney Metro CMA). Sydney’s Water’s requirements are that the water quality improvement should meet or exceed the target as described in the “Botany Bay & Catchment Water Quality Improvement Plan” which was prepared by the Sydney Metropolitan Catchment Management Authority in April 2011, and
 - k) The submission of detailed calculations including computer modelling where required to support the proposal.
- 54 An Acid Sulfate Soils Management Plan, that has been prepared by a suitably qualified and experienced environmental/geotechnical consultant, shall be submitted to the Principal Certifying Authority (and the Council if the Council is not the Principal Certifying Authority) prior to the issue of any Construction Certificate. This plan shall include any site specific procedures and mitigation measures required and shall include a site analysis from a NATA registered laboratory. The plan shall provide details of the following:
- a) Site specific mitigation measures to both minimise the disturbance of acid sulfate soils as well as any measures relating to acid generation and acid neutralisation of the soil;
 - b) Management of acid sulfate affected excavated material;
 - c) Measures taken to neutralise the acidity of any acid sulfate affected material; and
 - d) Run-off control measures for the acid sulfate affected soil.

This report shall be provided prior to the issue of any construction certificate and all recommendations of the report shall be implemented during works on site.\

55. The Applicant is to submit payment for a Tree Preservation Bond of \$13,300 to ensure protection of four (4) trees in total. These include three trees (Trees 9, 13 and 14) within John Curtin Reserve and one Council street tree (Tree 20) in the nature strip fronting the property, from damage during construction. The duration of the Bond shall be limited to a period of 24 months after issue of the Occupation Certificate. At the completion of the 24 month period the Tree Preservation Bond shall be refunded pending a satisfactory inspection by a qualified Arborist and a report to Council. If a tree was found to be in decline, damaged (including roots), dead or pruned without Council permission or, if tree protection measures were not satisfied at any time during construction, then Council will forfeit all, or part thereof, of the bond. The Tree Preservation Bond was calculated using the Thyer Tree Evaluation method.
56. Fire booster assemblies and electrical kiosks are to be housed within the building structure. All above-ground utilities must be appropriately sited and located in unobtrusive locations away from pedestrian entrances to the site and public spaces. These items reduce the visual amenity of the development, public spaces or the public domain. The location and treatment of these utilities is to be approved by Council's Landscape Architect prior to their installation.
57. The Landscape Concept Plan by Habit8 (Drawing number L01 to L02, Issue E, dated April 2016) shall be submitted to and approved by the City of Botany Bay Council Landscape Architect prior to Issue of Construction Certificate. The landscape documentation is to be prepared by a suitably qualified Landscape Architect, in accordance with Council's Landscape DCP and include the following amendments:
- a) A planting plan at 1:100 showing all plant locations/groupings and plant centres/species. Increase planting densities of ground covers and shrubs. Incorporate additional medium to large shrubs within landscape areas to ensure there is a dense layered planting scheme consisting of trees, shrubs and groundcovers in all landscape areas.
 - b) The feature tree on the ground floor fronting Robey Street is located in deep soil and is required to be a canopy tree to ameliorate the development and improve amenity of the public domain. Replace the proposed tree-grate with low level planting to the tree pit to increase greening within the front setback.
 - c) All existing trees are required to be numbered (as identified on the Arborist Report) on all plans. Indicate trees to be removed and retained on all landscape plans.
 - d) Elevated planter box sectional details and drainage details. All planter box depths and dimensions shall be in accordance with Council's DCP and capable of supporting medium to large trees.
 - e) Indicate areas of paving, amenity/pedestrian lighting, furniture and fences. Include a schedule of materials.
58. A Public Domain Landscape Plan is required for Robey Street. The plan shall be submitted to and approved by the City of Botany Bay Council Landscape Architect

prior to Issue of Construction Certificate. The landscape plan shall include the following amendments:

- a) Treatment of the nature strip and footpath to CoBB specification. Location of any above ground electrical pillars needs to be considered and shown on plan.
59. A Tree Planting Landscape Plan is required for John Curtin Reserve Applicant. The plan shall indicate the location of compensatory planting within John Curtin Reserve, to compensate for the removal of Tree 1, Tree 2, Tree 3, Tree 6, Tree 7 and Tree 8 located within John Curtin Reserve. The plan shall be submitted to and approved by the City of Botany Bay Council Landscape Architect prior to Issue of Construction Certificate.
60. The building shall be constructed in accordance with *AS2021- 2000: Acoustics, Aircraft Noise Intrusion, Building Siting and Construction*, the details of which must be prepared by a practicing professional acoustical consultant. The report shall be submitted to Principal certifying authority and the building plans endorsed with the required acoustical measures.

The measures required in the acoustical assessment report prepared by **Sebastian Giglio, Acoustic Consultant Report dated 11 December 2015, Reference # 2716/D02** shall be undertaken in accordance with the provisions of *AS 2021 – 2000: Acoustics - Aircraft Noise Intrusion - Building Siting and Construction* to establish components of construction to achieve indoor design sound levels in accordance with Table 3.3 of AS2021 – 2000 shall be incorporated into the construction of the building.

The work detailed in the report includes:

- a) Appropriate acoustic glazing to stated windows and doors,
- b) Detailed roof and ceiling construction,
- c) Wall and ceiling corner details and,
- d) External door specification,
- e) Acoustically treated mechanical ventilation.

Note: In many cases the applicant chooses to install air conditioning to meet mechanical ventilation requirements above. If they do it will require consideration of the noise from the air conditioner (advice concerning noise from air conditioners is attached below).

61. A suitable intercom system linked to all units within the development shall be provided at the vehicle entrance to the development to ensure any visitors to the site can gain access to the visitor parking in the car parking area. The details of the intercom system shall be submitted to Principal Certifying Authority and its location and specifications endorsed on the construction drawings.
62. Design verification is required to be submitted from a qualified designer to confirm the development is in accordance with the approved plans and details and continues to

satisfy the design quality principles in State Environmental Planning Policy No. 65 Design Quality of Residential Apartment Development.

63. Plans and specifications for the storage room for waste and recyclable materials shall be submitted to the Principal Certification Authority with the application for the Construction Certificate. Storage of Waste and recycling shall meet the following requirements:
- a) The rooms for the storage of garbage and recyclable materials shall be:
 - i) fully enclosed;
 - ii) adequately ventilated;
 - iii) Constructed with a concrete floor, concrete or cement rendered walls coved to the floor;
 - iv) The floor shall be graded to an approved sewer connection incorporating a sump and galvanized grate cover or basket in accordance with the requirements of Sydney Water Corporation.
 - v) Washing facilities shall be provided within close proximity to the garbage and recycling storage area.
64. Design certification, prepared by a suitably qualified engineer shall be submitted to Principal Certifying Authority certifying the car parking area shown on the construction plans has been designed in accordance with AS 2890.1, AS2890.2 (for loading area) and AS2890.6.
65. In order to maximise visibility in the basement car parks, the ceilings shall be painted a light colour. This requirement shall be reflected on the Construction Certificate plans.
66. The fire hydrant and booster assembly are required to be housed within an external façade/wall of the building or elsewhere within the building structure and shall be enclosed/screened with doors to Council or PCA approval.
67. Plans and specifications for the storage room for waste and recyclable materials shall be submitted to the Principal Certification Authority with the application for the Construction Certificate. The garbage and recycling storage area shall be adequately ventilated, roofed and screened from public view. The floor shall be made of an impervious surface, drained to sewer and include a dry arrestor pit with a removable basket. Washing facilities shall be provided within close proximity to the garbage and recycling storage area.

CONDITIONS TO BE SATISFIED DURING WORKS

68. If the work involved in the construction of a building:
- a) likely to cause pedestrians or vehicular traffic in a public place to be obstructed or rendered inconvenient; or,

- b) involves the enclosure of a public place:
 - i) a hoarding or fence must be erected between the work site and the public place.
 - ii) If necessary an awning is to be erected sufficient to prevent any substance from or in connection with the work falling into the public place.
 - iii) The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to person(s) in the public place.
 - iv) Any such hoarding, fence or awning is to be removed when the work has been completed.
 - c) Suitable consent shall be obtained from Council prior to the erection of any hoarding at the property.
69. The land to which this Consent relates must be fenced and enclosed to protect the entry or access to the land and site by lawful persons. The fencing must be in place before demolition works commence.
70. Throughout the demolition and construction period, Council's warning sign for soil and water management shall be displayed on the most prominent point of the building site, visible to both the street and site workers. A copy of the sign is available from Council's Customer Service Counter.
71. During demolition and construction works, the applicant/builder is required to ensure the protection and preservation of all boundary fencing or boundary walls between the subject site and adjoining properties. Any damage caused as a result of such works will be at the full cost of the applicant/builder.
72. Vibration levels induced by the excavation, demolition, and construction activities shall not exceed 1mm/sec peak particle velocity (ppv) when measured at the footing of any neighbouring building.
73. Should the demolition process require a building waste container(s) (builders' skip), then such container must not be placed or left upon the public road, footpath, reserve or the like without the prior approval of the Council. The use of any part of Council's road reserve must also have prior approval of Council.
74. The Applicant shall conduct all demolition, construction and related deliveries wholly on site. If any use of Council's road reserve is required then separate applications are to be made at Council's Customer Services Department.
75. The approved Waste Management Plan shall be complied with at all times during demolition, construction and on-going use of the site.
76. All vehicles transporting soil, sand or similar materials to or from the site shall cover their loads at all times.
- 77.

- a) Existing structures and or services on this and adjoining properties shall not be endangered during any demolition associated with the above project. The Applicant is to provide details of any stabilisation works required to adjacent developments to Council.
 - b) As the development involves an excavation that extends below the level of the base of the footings of a building or road on adjoining land, the person having the benefit of the development consent must, at the person's own expense:
 - i) Protect and support the adjoining premises from possible damage from the excavation, and
 - ii) Where necessary, underpin the adjoining premises to prevent any such damage.
 - iii) Must at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of his intention to do so to the owner of the adjoining allotment of land and, furnish particulars of the excavation to the owner of the building being erected or demolished.
78. If the land to which the application relates is served by a common sewerage system that is also used by others, then measures must be placed in effect and prior to the commencement of work to ensure the operation of the sewerage system is without disruption to other joint users.
79. 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.
80. Noise from construction activities associated with the development shall comply with the NSW Environment Protection Authority's Environmental Noise Manual – Chapter 171 and the *Protection of the Environment Operations Act 1997*.

a) Level Restrictions

Construction period of 4 weeks and under:

the L₁₀ sound pressure level measured over a period of not less than 15 minutes when the construction site is in operating must not exceed the background level by more than 20 dB(A).

Construction period greater than 4 weeks and not exceeding 26 weeks:

the L₁₀ sound pressure level measured over a period of not less than 15 minutes when the construction site is in operating must not exceed the background level by more than 10 dB(A).

b) Time Restrictions

Construction/demolition work shall be limited to the following hours:

Monday to Friday: 07:00 am to 05:00 pm

Saturday: 08:00 am to 01:00 pm

No Construction to take place on Sundays or Public Holidays.

c) Silencing

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

81. During Demolition, Excavation and Construction, care must be taken to protect Council's infrastructure, including street signs, footpath, kerb, gutter and drainage pits etc. Protecting measures shall be maintained in a state of good and safe condition throughout the course of demolition, excavation and construction. The area fronting the site and in the vicinity of the development shall also be made safe for pedestrian and vehicular traffic at all times. Any damage to Council's infrastructure (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub-contractors, concrete delivery vehicles) shall be fully repaired in accordance with Council's specification and AUS-SPEC at no cost to Council.
82. During Demolition, Excavation, Construction and Deliveries, access to the site shall be available in all weather conditions. The area shall be stabilised and protected from erosion to prevent any vehicles (including deliveries) tracking soil materials onto street drainage system/watercourse, Council's lands, public roads and road-related areas. Hosing down of vehicle tyres shall only be conducted in a suitable off-street area where wash waters do not enter the stormwater system or Council's land.
83. If an excavation associated with the proposal extends below the level of the base of the footings of a building on an adjoining allotment of land or the common boundary fence the person causing the excavation to be made:
 - a) Must preserve and protect the building/ fence from damage; and,
 - b) If necessary, underpin and support such building in an approved manner;
 - c) Must at least be 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of the intention to do so to the owner of the adjoining allotment of land and, furnish particulars of the excavation to the owner of the building being erected or demolished;

Any retained existing structures and or services on this and adjoining properties are not endangered during any demolition excavation or construction work associated with the above project. The applicant is to provide details of any shoring, piling, or underpinning prior to the commencement of any work. The construction shall not undermine, endanger or destabilise any adjacent structures.

If the soil conditions required it:

- i) Retaining walls associated with the erection of a building or other approved methods of preventing movement or other approved methods of preventing movement of the soil must be provided, and
- ii) Adequate provision must be made for drainage.

84. During construction, the applicant shall ensure that all works and measures have been implemented in accordance with approved Traffic Management Plan and Construction Management Plan at all times.
85. 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.
86. 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. All work on site shall cease until the council is notified and appropriate measures to assess and manage the contamination in accordance with any relevant NSW EPA adopted guidelines is completed by an appropriately qualified and experienced environmental consultant.
87. All remediation work must be carried out in accordance with:
 - a) NSW Office of Environment and Heritage (OEH) 'Contaminated Sites – Guidelines for Consultants Reporting on Contaminated Sites';
 - b) NSW Environment Protection Authority (NSW EPA) guidelines under the Contaminated Land Management Act 1997;
 - c) State Environmental Planning Policy 55 (SEPP55) – Remediation of Land; and
88. Any material containing asbestos found on site during the demolition process shall be removed and disposed of in accordance with:
 - a) SafeWork NSW requirements. An appropriately licensed asbestos removalist must complete all asbestos works if they consist of the removal of more than 10m² of bonded asbestos and/or any friable asbestos.
 - b) Protection of the Environment Operations Act 1997.
 - c) Protection of the Environment Operations (Waste) Regulation 2014.
 - d) NSW Environment Protection Authority Waste Classification Guidelines 2014.
89. The management of potential and actual acid sulfate soils shall be conducted in accordance with all recommendations within the Acid Sulfate Soil Management Plan required to be submitted prior to any construction certificate including:
 - a) Site specific mitigation measures to both minimise the disturbance of acid sulfate soils as well as any measures relating to acid generation and acid neutralisation of the soil; and
 - b) Management of acid sulfate affected excavated material;
 - c) Measures taken to neutralise the acidity of any acid sulfate affected material; and

- d) Run-off control measures for the acid sulfate affected soil.
90. For any water from site dewatering to be permitted to go to stormwater, the water must meet ANZECC 2000 Water Quality Guidelines for Fresh and Marine Water for the 95% protection trigger values for Marine Water. All testing must be completed by a NATA accredited laboratory. All laboratory results must be accompanied by a report prepared by a suitably qualified and experienced person indicating the water is acceptable to be released into Councils stormwater system. If the groundwater does not meet these guideline levels a Trade Waste permit from Sydney Water must be sought to put the groundwater to sewer.
91. To ensure that relevant engineering and water quality provisions are met during the period of dewatering for construction, prior to any water from site dewatering to be permitted to go to stormwater a permit to discharge to the stormwater shall be obtained from Council. Dewatering shall not commence until this is issued by Council.
92. All materials excavated from the site (fill or natural) shall be classified in accordance with the NSW Environment Protection Authority (EPA) Waste Classification Guidelines (2014) prior to being disposed of to a NSW approved landfill or to a recipient site.
93. To prevent contaminated soil being used onsite and to ensure that it is suitable for the proposed land use, all imported fill shall be appropriately certified material and shall be validated in accordance with the:
- a) Office of Environment and Heritage (OEH) approved guidelines; and
 - b) Protection of the Environment Operations Act 1997; and
 - c) Protection of the Environment Operations (Waste) Regulation 2014.
- All imported fill shall be accompanied by documentation from the supplier which certifies that the material has been analysed and is suitable for the proposed land use.
94. The principal contractor or owner builder must install and maintain water pollution, erosion and sedimentation controls in accordance with:
- a) The Erosion and Sediment Control Plan;
 - b) “Managing Urban Stormwater - Soils and Construction” (2004) Landcom (‘The Blue Book’); and
 - c) Protection of the Environment Operations Act 1997.
95. During demolition, excavation, construction and any associated delivery activities, access to the site shall be available in all weather conditions. The area shall be stabilised and protected from erosion to prevent any construction-related vehicles (including deliveries) tracking soil materials onto street drainage system/watercourse, Council’s lands, public roads and road-related areas. Hosing down of vehicle tyres

shall only be conducted in a suitable off-street area where wash waters do not enter the stormwater system or Council's lands.

96. In order to ensure that the following Council trees as identified in the Arborist report (Sydney Arbor Trees, 13th August 2015) Tree 4, Tree 5, Tree 9, Tree 12, Tree 13 and Tree 14 located within John Curtin Reserve and Tree 20 and Tree 22 located within the nature strip fronting the property, are retained and protected during construction, and their health and structural stability ensured, the following is required:
- a) Engage the Consultant Arborist – Sydney Arbor Trees, or Angophora Consulting Arborist for all tree advice, all root pruning and any canopy pruning.
 - b) Comply with the recommendations and requirements as contained within the Arborist report by Sydney Arbor Trees (dated 13 August 2015) and supplementary information provided by Angophora Consulting Arborist (Tree impact Statement, version iii, 30 May 2016) specifically Section 11.0 and Section 12.0.
 - c) Comply with the Construction Management Plan (prepared by Morehuman Pty. Ltd., 19 May 2016). The consultant Arborist is required to be on site whilst the site boundary is being cleared
 - d) There shall be NO works outside of the site boundary. No construction works are to occur within John Curtin Reserve.
 - e) The TPZ is a “No-Go” zone. There shall be no access, no stockpiling, storage or sorting of waste or building materials, no construction work, no concrete mixing, strictly no washing down of concrete mixers or tools, no chemicals mixed/disposed of, no excavation or filling and no service trenching. Any unavoidable work within the fenced zone shall be under the direction of the Consultant Arborist only and the specified precautionary or protection measures employed.
 - f) Where unavoidable foot access is required in the TPZ, provide temporary access with timber sheets to minimise soil compaction, spillage or root damage.
 - g) Excavation within the TPZ shall be carried out manually using hand tools only to minimise root damage or disturbance.
 - h) Any tree roots of any size that require pruning shall be done only under the direction of the Consulting Arborist after a site inspection so as not to impact the tree. There is to be no pruning of roots over 30mm diameter without authorisation from Council Arborist.
 - i) It is the Applicant's responsibility to ensure that there is no damage to the canopy, trunk or root system (including the surrounding soil) of the tree by contractors, sub-contractors or deliveries attending to the site. There shall be no canopy pruning unless approval has been granted by Council's Tree Officer under separate application in coordination with the Consulting Arborist. Approved pruning shall be undertaken by a qualified Arborist in accordance with AS 4373.

- j) It is the Applicants responsibility to ensure that there is no damage to the canopy, trunk or root system from shoring or piling equipment along the northern site boundary.
- k) There shall be no walls, pavements, change in levels, trenching for new subsurface utilities or the location of new overhead services within the TPZ or canopy of the tree. Any such structures in close proximity to trees must accommodate tree roots without damage or pruning.
- l) There shall be NO alteration to existing soil levels within the entire TPZ of the trees.
- m) There shall be NO trenching for subsurface utilities within the entire TPZ of the trees.
- n) All waste concrete and debris shall be removed from areas to be landscaped on the site, not buried, to minimise soil contamination.
- o) The Applicant shall undertake any tree maintenance/remedial pruning as required by Council or the Consultant Arborist at the completion of construction.

If there is any contravention of these tree preservation conditions, or a tree was found to be damaged (including roots), in decline, dead or pruned without permission, then Council may claim all or part of the lodged security bond prior to its release as well as require remedial pruning work. Epicormic growth is evidence of root damage.

- 97. An experienced Landscape Contractor shall be engaged to undertake all landscaping (site and public domain) work and shall be provided with a copy of both the approved landscape drawing and the conditions of approval to satisfactorily construct the landscape to Council requirements. The contractor shall be engaged weekly for a minimum period of 52 weeks from final completion of landscaping for maintenance and defects liability, replacing plants in the event of death, damage, theft or poor performance. After that time regular and ongoing maintenance is required.
- 98. To ensure satisfactory growth and maintenance of the landscaping, a fully automatic drip irrigation system is required in all landscaped areas. The system shall be installed by a qualified landscape contractor and provide full coverage of planted areas with no more than 300mm between drippers, automatic controllers and backflow prevention devices, and should be connected to a recycled water source. Irrigation shall comply with both Sydney Water and Council requirements as well as Australian Standards, and be maintained in effective working order at all times.
- 99. The public footpath in Robey Street shall be constructed in accordance with the approved Public Domain Plan and Council specifications. The footpath dimensions, location, paver type and construction methods shall be in accordance with these specifications. Hold points and Council inspections are required after formwork setback and to prior pouring the concrete blinding slab, at the commencement of paving works and at final completion as a minimum. Any pavers shall be ordered allowing for adequate lead time for manufacture (10-12 weeks).

100. New street tree at the pot size specified shall be installed in the accordance with the approved landscape plan. The trees shall be sourced from a reputable supplier that grows stock to the NATSPEC specifications. A Dial-Before-You-Dig enquiry is required prior to all planting - Council is not liable for any damage to subsurface infrastructure during public domain works. Two hold point inspections are required: prior planting trees to ensure plant stock is suitable and post-planting.
101. Planter boxes constructed over a concrete slab shall be built in accordance with the following requirements:
- a) Ensure soil depths and dimensions in accordance with Council's DCP allowing a minimum soil depth of 1 metre to support trees. The base of the planter must be screeded to ensure drainage to a piped internal drainage outlet of minimum diameter 90mm, with no low points elsewhere in the planter. There are to be no external weep holes.
 - b) A concrete hob or haunch shall be constructed at the internal join between the sides and base of the planter to contain drainage to within the planter.
 - c) Planters are to be fully waterproofed and sealed internally with a proprietary sealing agent and applied by a qualified and experienced tradesman to eliminate water seepage and staining of the external face of the planter. All internal sealed finishes are to be sound and installed to manufacturer's directions prior to backfilling with soil. An inspection of the waterproofing and sealing of edges is required by the Certifier prior to backfilling with soil.
 - d) Drainage cell must be supplied to the base and sides of the planter to minimize damage to the waterproof seal during backfilling and facilitate drainage. Apply a proprietary brand filter fabric and backfill with an imported lightweight soil suitable for planter boxes compliant with AS 4419 and AS 3743. Install drip irrigation including to lawns.
 - e) Finish externally with a suitable paint, render or tile to co-ordinate with the colour schemes and finishes of the building.

CONDITIONS WHICH MUST BE SATISFIED PRIOR TO THE ISSUE OF ANY OCCUPATION CERTIFICATE

102. A successful test of the flood barrier devices shall be undertaken, with evidence provided to the Certifying Authority prior to the issue of any Occupation Certificate.
- 103.
- a) A notice of requirement shall be obtained from the Water Board;
 - b) A Certificate under Section 73 of the Water Board (Corporation) Act 1994 shall be obtained and submitted to Council for each stage of construction to ensure that the developer has complied with all relevant Sydney Water requirements, including appropriate connections, correctly sized amplifications, procurement of trade waste agreements, where necessary, and the payment of developer charges.

Note: Immediate application should be made to Sydney Water for this Certificate to avoid problems in servicing the development.

104. All applications associated with works on Council's land must be made at least 7-10 days prior to the programmed completion of works and all construction must be completed and approved by Council.
105. Any damage not shown in the photographic survey submitted to Council before site works have commenced will be assumed to have been caused by the site works (unless evidence to prove otherwise). All damages as a result from site works shall be rectified at the applicant's expense to Council's satisfaction, prior to occupancy of the development and release of damage deposit.
106. Prior to release of the Occupation Certificate the developer must submit to the Principal Certification Authority an acoustic report to verify that the measures stated in the acoustic report have been carried out and certify that the construction meets the above requirements. The report must be prepared by a qualified practicing acoustic engineer (who is a member of either the Australian Acoustical Society or the Association of Australian Acoustical Consultants).
107. A qualified practitioner, with a certificate of attainment in NWP331A Perform Conduit Evaluation, shall undertake a closed circuit television (CCTV) inspection and then report on the existing condition of the adjacent Council drainage pipeline. The camera and its operation shall comply with the following:
 - a) The internal surface of the drainage pipe shall be viewed and recorded in a clear and concise manner,
 - b) The CCTV camera used shall be capable to pan, tilt and turning at right angles to the pipe axis over an entire vertical circle to view the conduit joints,
 - c) Distance from the manholes shall be accurately measured, and
 - d) The inspection survey shall be conducted from manhole to manhole.

The written report, together with a copy of the digital video footage of the pipeline shall be submitted to Council prior to the commencement of any works. A written acknowledgment shall be obtained from Council (attesting to this condition being appropriately satisfied) and submitted to the Principal Certifying Authority.

108. Prior to the issue of any Occupation Certificates, documentation from a practising civil engineer shall be submitted to the Principal Certifying Authority certifying that the stormwater drainage system has been constructed generally in accordance with the approved stormwater management construction plan(s) and all relevant standards.
109. Prior to the issue of any Occupation Certificate, the applicant shall carry out the following works:
 - a) On Robey Street, reconstruct existing Kerb Inlet Pit with 2.4metre Lintel and a Steel Galvanised Grate, in accordance with Council's Infrastructure Specifications,

- b) On Robey Street, adjacent to development, reconstruct existing Kerb and Gutter for the full length of the property in accordance with Council's Infrastructure Specifications,
 - c) On Robey Street, adjacent to development, demolish existing concrete footpath and construct new paved footpath as per Council's Infrastructure and Landscape Architect specifications, and
 - d) On Robey Street, reconstruct half width of the road pavement adjacent to the development in accordance with Council's Infrastructure Specifications.
110. Prior to the issue of any Occupation Certificate, inspection reports (formwork and final) for the works on the road reserve shall be obtained from Council's engineer and submitted to the Principal Certifying Authority attesting that this condition has been appropriately satisfied.
111. Prior to the issue of any Occupation Certificate, a restriction on Use of Land and Positive Covenant(s) shall be imposed on the development. The following covenants shall be imposed under Section 88(E) of the Conveyancing Act 1919 and lodged with the NSW Land and Property Information:
- a) Restriction on Use of Land for On-Site Detention System. Refer to Appendix B of the SMTG for suggested wording, and
 - b) Restriction on Use of Land for Stormwater Quality Improvement Device. Refer to Appendix E of the SMTG for suggested wording.
 - c) Restriction on Use of Land for On-site Flood Control System. Confirm with Council wording.

The terms of the 88 E instruments are to be submitted to Council for review and approval and Proof of registration at the Lands and Property Information Office shall be submitted to the Principal Certifying Authority and Council prior to occupation.

112. A Stage 4 – Site Validation Report (SVR) shall be prepared by a suitably qualified contaminated land consultant and shall be in accordance with:
- a) NSW Office of Environment and Heritage (OEH) 'Contaminated Sites – Guidelines for Consultants Reporting on Contaminated Sites';
 - b) NSW Environment Protection Authority (NSW EPA) approved guidelines under the Contaminated Land Management Act 1997; and
 - c) State Environmental Planning Policy 55 (SEPP55) – Remediation of Land.

The site validation report shall provide a notice of completion of remediation works, whether there are any ongoing site management requirements and a clear statement on the suitability of the likely proposed site use. The report shall be submitted to the Principal Certifying Authority (and the Council if the Council is not the Principal Certifying Authority). The report is to be submitted after completion of remediation works and prior to the issue of any occupation certificate.

113. At the completion of landscaping on the site, the Applicant is required to obtain a Certificate of Compliance from the Landscape Consultant to certify that the landscaping has been installed in accordance with the Council approved landscape plan. The Certificate is to be submitted to the City of Botany Bay Council prior to the Issue of an Occupation Certificate.
114. A report prepared by a qualified air quality/mechanical engineer certifying that the mechanical ventilation/exhaust system as installed complies in all respects with the design and operation standards of AS 1668 – Mechanical Ventilation and Air Conditioning Codes, and the relevant provisions of the Protection of the Environment Operations Act 1997 shall be submitted to Council within 21 days of the installation of the system and prior to the occupation of the premises.
115. Prior to the issue of the Final Occupation Certificate, the Principal Certifying Authority is to ensure all units within the development are connected to an intercom system located at the vehicle entrance to the car parking area to ensure visitors to the site can access the visitor parking.
116. Street numbers shall be clearly displayed with such numbers being of contrasting colour and adequate size and location for viewing from the footway and roadway. Details of street numbering shall be submitted to Council for approval.
117. The public area of the residential parts of each building must be designed by a practicing Interior Designer or other appropriately qualified person and include (but not limited to) colour schemes, artwork surface finishes, timber mid rails/skirting boards etc.
118. The 37 car parking spaces shall be made available to permanent occupants and visitors at all times, with such spaces being clearly marked and signposted prior to issue of any Occupation Certificate.
119. A Plan of Management is to be submitted to Council to demonstrate that the car stackers function in accordance with the design and in the event of a breakdown, alternate vehicular parking and access solutions.
120. Prior to use and occupation of the building an Occupation Certificate must be obtained under Section 109C(1)(c) and 109M of the Environmental Planning and Assessment Act 1979.

CONDITIONS WHICH MUST BE SATISFIED DURING THE ONGOING USE OF THE DEVELOPMENT

121. New street trees shall be maintained by the Applicant/Owner/Strata Corporation for a 24 months after final inspection by Council. Maintenance includes twice weekly watering within the first 6 months then weekly thereafter to sustain adequate growth and health, bi-annual feeding, weed removal round the base, mulch replenishment at 3 monthly intervals (to 75mm depth) and adjusting of stakes and ties. Maintenance but does not include trimming or pruning of the trees under any circumstances.
122. The stormwater drainage system (including all pits, pipes, absorption, detention structures, treatment devices, infiltration systems and rainwater tanks) shall be regularly cleaned, maintained and repaired to ensure the efficient operation of the

system from time to time and at all times. The system shall be inspected after every rainfall event to remove any blockage, silt, debris, sludge and the like in the system. All solid and liquid waste that is collected during maintenance shall be disposed of in a manner that complies with the appropriate Environmental Guidelines.

123. The flood mitigation system (including all flood gate type structures) shall be regularly cleaned, maintained and repaired to ensure the efficient operation of the system at all times. The system shall be inspected annually and after every activation to remove any blockage, silt, debris, sludge and the like in the system. All solid and liquid waste that is collected during maintenance shall be disposed of in a manner that complies with the appropriate Environmental Guidelines.
124. Ongoing maintenance of the road verge, footpath and nature strip in Robey Street shall be undertaken by the owner/body corporate/Strata Corporation. Maintenance includes mowing, watering and maintaining the landscaping in these areas at all times. Maintenance does not include pruning, trimming, shaping or any work to street trees at any time.
125. No roller shutters are to be installed to any of the commercial shopfronts that front Gardeners Road.
126. Council's footway (area between property boundary and street kerb) is to be kept clean, tidy, washed and maintained at the applicant's expense.
127. Any BBQ area shall be managed in a manner so as to not adversely impact the amenity of the surrounding residents.
128. Vehicles making deliveries (including goods, merchandise and the like) and accessing the site shall comply with the following requirements:
 - a) The maximum size of vehicles making deliveries and accessing to the site shall be limited to B99 vehicles (5.2m in length, as denoted by the current version of AS/NZS 2890.1) only.
 - b) All loading and unloading of vehicles shall be carried out wholly within the site. No deliveries to the premises shall be made direct from a public places, public streets or any road related areas (eg. footpath, nature strip, road shoulder, road reserve, public car park, service station etc).
 - c) Should the external fabric of the building(s), walls to landscaped areas and like constructions be subject to graffiti or similar vandalism, then within seven (7) days of this occurrence, the graffiti must be removed and the affected surface(s) returned to a condition it was in before defilement.
129.
 - a) Each residential dwelling (apartment) is approved as a single dwelling for use and occupation by a single family. They shall not be used for separate residential occupation or as separate residential flats. No plumbing fixtures, fittings, walls shall be deleted or added, doorways enclosed or any other changes made from the approved plans in Condition No. 1 of this Consent without the prior Consent of the Council;

- b) The adaptable apartments approved under this development consent are to remain unaltered at all times; and
 - c) The storage areas located within the basement shall be allocated to the relevant residential dwelling in any future subdivision of the site. In addition, any isolated storage areas and other spaces identified by the NSW Police conditions, shall be monitored by CCTV cameras at all times.
130. All intruder alarms shall be fitted with a timing device in accordance with the requirements of *Regulation 12A of the Noise Control Act, 1975*, and *AS2201, Parts 1 and 2 - 1978 Intruder alarm systems*.
131. A lock, coded device, or the like, shall be provided to the pedestrian access to the site from John Curtin Reserve, in order to prevent unauthorised access to the development site. Details are to be provided to the Certifying Authority.
132. A person must not cause or permit an air conditioner to be used on residential premises in such a manner that it emits noise that can be heard within a habitable room in any other residential premises (regardless of whether any door or window to that room is open):
- a) Before 8 am or after 10 pm on any Saturday, Sunday or public holiday, or
 - b) Before 7 am or after 10 pm on any other day.
133. The operation of all plant and equipment shall not give rise to an equivalent continuous (LAeq) sound pressure level at any point on any residential property greater than 5dB(A) above the existing background LA90 level (in the absence of the noise under consideration).

The operation of all plant and equipment when assessed on any residential property shall not give rise to a sound pressure level that exceeds LAeq 50dB(A) day time and LAeq 40 dB(A) night time.

The operation of all plant and equipment when assessed on any neighbouring commercial/industrial premises shall not give rise to a sound pressure level that exceeds LAeq 65dB(A) day time/night time.

For assessment purposes, the above LAeq sound levels shall be assessed over a period of 10-15 minutes and adjusted in accordance with EPA guidelines for tonality, frequency weighting, impulsive characteristics, fluctuations and temporal content where necessary.

134. The applicant being informed that this approval shall be regarded as being otherwise in accordance with the information and particulars set out and described in the Development Application registered in Council's records as Development Application No. 15/254 dated as 29 December 2015 and that any alteration, variation, or extension to the use, for which approval has been given, would require further Approval from Council.

5.8 1213 BOTANY ROAD, MASCOT: SECTION 96(1A) MODIFICATION APPLICATION TO AMEND DEVELOPMENT CONSENT DA-14/245 TO REDUCE THE REAR OF THE BUILDING AT GROUND (APPROVED DENTAL SURGERY) AND FIRST FLOOR (APPROVED RESIDENTIAL UNIT), INCLUDING MINOR INTERNAL RECONFIGURATION TO ACCOMMODATE THE FUTURE ROAD WIDENING OF BOTANY LANE.

File No: DA-14(245)

DA No:	DA-14/245/02
Application Date:	9 June 2016
Property:	1213 Botany Road, Mascot NSW 2020
Lot and DP No:	Lot 1 on DP 204954
Details:	Application to amend Development Consent DA-14/245 to reduce the rear of the building at ground (approved Dental Surgery) and first floor (approved residential unit), including minor internal reconfiguration to accommodate the future road widening of Botany Lane.
Key Issues:	• Heritage Item • Car parking non-compliance (a□ approved)
Applicant:	Joseph Rafla
Applicant Address:	32 Mutual Road, Mortdale NSW 2223
Owner:	BJG Management Pty Ltd
Property Location:	Located on the eastern side of Botany Road between Botany Lane to the east, Hollingshed Street to the south, and King Street to the north.
Zoning:	B2 Local Centre (Heritage Item I46 – Commercial Building Group) Botany Local Environmental Plan 2013
Present Use:	Dental Surgery and residential dwelling
Classification of Building:	5 – office building for professional purposes 4 – dwelling
Value:	Nil

Submissions: Nil

On the motion of Councillor Mitchell, seconded Councillor Glinatsis

COUNCIL RESOLVED THAT:

Development Consent No. 14/245 for the site at 1213 Botany Road, Mascot be modified under Section 96(1A) of the *Environmental Planning and Assessment Act 1979* by:

1. Amending Condition No. 1 to reference the plans as amended showing an increased rear setback to accommodate the future widening of Botany Lane;
2. Deleting Condition No. 3 as it refers to the requirement to enter into a deed for the road widening;
3. Adding Condition No. 12(b) referring to the construction of the rear driveway crossover;
4. Adding Condition No. 12(c) requiring a boundary survey prior to the issue of any Construction Certificate;
5. Adding Condition No. 12(d) requiring the submission of Construction Certificate drawings to Council for approval showing the area of dedication;
6. Delete part of Condition No. 29 as it relates to outward swinging egress doors which have been rectified in the plans (as amended);
7. Adding Condition No. 43(a) requiring the area of dedication to be dedicated to Council and transferred as road prior to the issue of any Occupation Certificate;
8. Deletion of Condition No. 45 as it relates to the use of one car space until the road widening is affected. The plans as amended have retained the car parking space; and
9. Amending Condition No. 50 to refer to the consent as amended by this modification.

Premises: 1213 Botany Road, Mascot

DA-14/245/02

SCHEDULE OF CONSENT CONDITIONS

1. The development is to be carried in accordance with the following plans (in its amended form) and documentation listed below and endorsed with Council's stamp, except where amended by other conditions of this consent:

Drawing Name	Author	Dated
Ground, First & Roof Plan (Sheet No. 2, Issue No. A) (DA-14/245/02)	Rafla Arch	Dated 15/02/2014 <i>Received by Council 31/08/2016</i>
Front & Back Elevation Plan (Sheet No. 4, Issue No. A) (DA-14/245/02)	Rafla Arch	<i>Dated 15/02/2014</i>

		Received by Council 30/08/2016
<i>Northern & Southern Elevation Plan (Sheet No. 5, Issue No. A)</i>	<i>Rafla Arch</i>	<i>Dated 15/02/2014</i> <i>Received by Council</i> <i>12/08/2016</i>

Referenced Documents

Document Name	Author	Dated
Site Plan & Landscape (Sheet No. 1, Issue No. A)	Rafla Arch	Dated 15/02/2014 Received by Council 06/07/2015
Statement of Environmental Effects	GM Planning Services	Dated July 2015 Received by Council 10/10/2014
Fire Safety Letter	Joseph Rafla	Dated 09/10/2014 Received by Council 10/10/2014
BASIX Certificate No. 563794S	Joseph Rafla	Dated 26/07/2014 Received by Council 10/10/2014
Traffic & Parking Impact Assessment	Hemanote Consultants	Dated June 2014 Received by Council 10/10/2014
Model Site Waste Minimisation and Management Plan (Council Form)	-	Received by Council 10/10/2014
Waste Management Plan	-	Received by Council 10/10/2014
Schedule of Finishes	-	Received by Council 10/10/2014
Statement of Heritage Impact	Graham Hall	Dated September 2014 Received by Council 10/10/2014
Aircraft Noise Assessment	DK Acoustics Pty Ltd	Dated 07/10/2014 Received by Council 10/10/2014

2. This consent relates to land in Lot 1, in DP 204954 and, as such, building works must not encroach onto adjoining lands or the adjoining public place.

3. —

- ~~a) Prior to the issue of the Occupation Certificate, the applicant and the owner must enter into a deed ("the Deed") with the Council dealing with the dedication to the Council of the area of the land adjoining Botany Lane at the rear of the site for the purpose of widening Botany Lane at no cost to Council; and~~
- ~~b) The land to be dedicated is that dimensions of land measured 3.66m inward from the western alignment of Botany Lane, and~~
- ~~c) Land dedication is to be completed in accordance with the Deed, and~~
- ~~d) Any buildings or structures constructed over the land to be dedicated are to be removed by the Applicant and the Owner in accordance with the Deed when Council is ready to commence the widening of Botany Lane.~~

(DA-14/245/02)

4. The following shall be complied with:

- a) All building work must be carried out in accordance with the provisions of the Building Code of Australia; and
- b) In accordance with Clause 94 *Environment Planning & Assessment Regulation 2000*, an automatic smoke detection and alarm system for early warning of occupants must be installed in the building (dwelling). The installation must satisfy the following:-
 - i) smoke alarms must comply with AS3786 - 1993;
 - ii) smoke alarms must be connected to the consumer mains power where consumer power is supplied to the building; and
 - iii) be located in a position as required by Vol 2. BCA.

5. Pursuant to clause 97A(3) of the *Environmental Planning & Assessment Regulation 2000*, it is a condition of this development consent that all the commitments listed in the relevant BASIX Certificate (as referenced at Condition No. 1) for the development are fulfilled.

Note:

- a) Relevant BASIX Certificate means:
 - i) A BASIX Certificate that was applicable to the development when this development consent was granted (or, if the development consent is modified under Section 96 of the Act, a BASIX Certificate that is applicable to the development when this development consent is modified); or

- ii) If a replacement BASIX Certificate accompanies any subsequent application for a construction certificate, the replacement BASIX Certificate.
 - b) BASIX Certificate has the meaning given to that term in the *Environmental Planning and Assessment Regulation 2000*.
6. Prior to construction of the approved development, it is necessary to obtain a Construction Certificate. A Construction Certificate may be issued by Council or an Accredited Certifier. Plans submitted with the Construction Certificate are to be amended to incorporate the conditions of the Development Consent.

**CONDITIONS WHICH MUST BE SATISFIED PRIOR TO THE ISSUE OF ANY
CONSTRUCTION CERTIFICATE**

7. The consent given does not imply that works can commence until such time that:
 - a) Detailed plans and specifications of the building have been endorsed with a Construction Certificate by:-
 - i) The consent authority; or,
 - ii) An accredited certifier; and
 - b) The person having the benefit of the development consent:-
 - i) Has appointed a principal certifying authority; and
 - ii) Has notified the consent authority and the Council (if the Council is not the consent authority) of the appointment; and
 - iii) The person having the benefit of the development consent has given at least 2 days notice to the council of the persons intention to commence the erection of the building.
8. The applicant must prior to issue of a construction certificate pay the following fees:-

a) Builders Security Deposit	\$3,100.00
b) Development Control	\$840.00
9. Prior to the issue of any Construction Certificate, the applicant shall lodge a Builder's Damage Deposit of \$3,100.00 (GST Exempt) by way of cash deposit or unconditional bank guarantee to Council against possible damage to Council's asset during the course of the building works. The deposit will be refunded subject to inspection by Council 12 months after the completion of all works relating to the proposed development and Final Occupational Certificate has been issued.
10. Prior to the issue of any Construction Certificate, at the proposed point of construction site entry, photographic survey showing the existing conditions of Council's infrastructure shall be submitted to Council and Principal Certifying Authority. The

survey shall detail the physical conditions and identify any existing damages to the roads, kerbs, gutters, footpaths, driveways, street trees, street signs and any other Council assets fronting the property and extending to a distance of 20m from the development. Failure to do so may result in the applicant/developer being liable for any construction related damages to these assets. Any damage to Council's infrastructure during the course of this development shall be restored at the applicant's cost.

11. Prior to the issue of any Construction Certificate, the applicant shall contact "Dial Before You Dig" to obtain a utility service diagram for, and adjacent to the property. The sequence number obtained from "Dial Before You Dig" shall be forwarded to Principal Certifying Authority. All utilities within the work zone shall be protected during construction. Any adjustments or damage to public utilities/services as a consequence of the development and associated construction works shall be restored or repaired at the applicant's expense.

12.

- a) Prior to the issue of the Construction Certificate, a report is required from a qualified plumber certifying that the existing drainage system, up to where it connects with a Council drainage structure and/or discharges to the groundwater system, is clear of debris and fully operational. Where the existing system is determined deficient, damaged and/or not operational, a new system shall be designed and constructed by a suitably qualified Civil Engineer in accordance with Council's Stormwater Management Technical Guidelines (SMTG) & AS3500.

- b) **Prior to the issue of any Construction Certificate, all driveways/access ramps/vehicular crossings shall conform to the current Australian Standards AS 2890.1 and Council's Infrastructure Specifications. These include but are not limited to E-01, E-04, E-07 and E-16.**

As part of this development, a new concrete driveway shall be constructed between the new building alignment and the existing road alignment. (DA-14/245/02)

- c) **Prior to the issue of any Construction Certificate, a boundary survey is to be carried out at the rear of the site and specifically with regard to the area to be dedicated as road. The information from the boundary survey is to be incorporated into the Construction Certificate plans. (DA-14/245/02)**
- d) **Prior to the issue of any Construction Certificate, the applicant is to submit Construction Certificate drawings to Council for approval showing the area of dedication. The area of dedication is to be dimensioned and the total area provided. All information from the boundary survey is to be incorporated into the Construction Certificate drawings. (DA-14/245/02)**

13. All building work must be carried out in accordance with the provisions of the Building Code of Australia. The applicant shall engage a specialist Building Code of Australia (BCA) consultant to provide a compliance report to be submitted with the Construction Certificate application. The report shall address BCA Parts C, D and E and shall also

make recommendation for the upgrading of the existing building. A list of all currently installed and proposed essential services shall also be provided. The building must comply with the Category 1 fire safety provisions, namely, EP1.3, EP1.4, EP1.6, EP2.1, EP2.2 and EP3.2 in Volume One.

Note: The obligation under this subclause to comply with the Category 1 fire safety provision may require building work to be carried out where none is proposed or required in the relevant development consent. In this clause, Category 1 fire safety provision has the same meaning as it has in the Environmental Planning and Assessment Regulations.

14. The building shall be constructed in accordance with the Aircraft Noise Assessment prepared by DK Acoustics Pty Ltd and received by Council dated 10/10/2014 and AS2021- 2000: *Acoustics, Aircraft Noise Intrusion, Building Siting and Construction*, the details of which must be prepared by a practicing professional acoustical consultant. The report shall be submitted to Principal certifying authority prior to the release of the Construction Certificate and the building plans endorsed with the required acoustical measures.

The measures required in the acoustical assessment report prepared by DK Acoustics Pty Ltd shall be undertaken in accordance with the provisions of AS 2021 – 2000: *Acoustics - Aircraft Noise Intrusion - Building Siting and Construction* to establish components of construction to achieve indoor design sound levels in accordance with Table 3.3 of AS2021 – 2000 shall be incorporated into the construction of the building.

CONDITIONS TO BE SATISFIED PRIOR TO DEMOLITION WORKS

15. Demolition work shall be carried out in accordance with Australian Standards AS 2601-1991 Demolition of Structures and the requirements of the NSW WorkCover Authority.
16. Vibration levels induced by the demolition activities shall not exceed 1mm/sec peak particle velocity (ppv) when measured at the footing of any occupied building.
17. Hazardous or intractable wastes arising from the demolition process shall be removed and disposed of in accordance with the requirements of WorkCover NSW and the Department of Environment and Climate Change and Water and with the provisions of:
 - a) New South Wales Occupational Health and Safety Act, 2000;
 - b) The Occupational Health and Safety (Hazardous Substances) Regulation 2001;
 - c) The Occupational Health and Safety (Asbestos Removal Work) Regulation 2001;
 - d) Protection Of the Environment Operations Act 1997 (NSW); and
 - e) Department of Environment and Climate Change Waste Classification Guidelines (2008).
18. If any material containing asbestos is found on site during the demolition process the material is to be removed and disposed of in accordance with WorkCover requirements.

An appropriately licensed asbestos removalist must complete all asbestos works if they consist of the removal of more than 10m² of bonded asbestos and/or any friable asbestos.

19. No demolition materials shall be burnt or buried on the site.

CONDITIONS WHICH MUST BE SATISFIED PRIOR TO THE COMMENCEMENT OF ANY DEVELOPMENT AT WORK

20. Erosion and sediment control devices shall be installed and in function prior to the commencement of any demolition, excavation or construction works upon the site in order to prevent sediment and silt from site works (including demolition and/or excavation) being conveyed by stormwater into public stormwater drainage system, natural watercourses, bushland, trees and neighbouring properties. In this regard, all stormwater discharge from the site shall meet the legislative requirements and guidelines. These devices shall be maintained in a serviceable condition AT ALL TIMES throughout the entire demolition, excavation and construction phases of the development and for a minimum one (1) month period after the completion of the development, where necessary.
21. The demolisher shall lodge with Council, and at least forty-eight (48) hours prior to the commencement of work:-
- a) Written notice, indicating the date when demolition of the building is to commence.
 - b) This persons full name and address.
 - c) Details of Public Liability Insurance.
22. The Principal Certifying Authority must be satisfied that:-
- a) In the case of work to be done by a licensee under the Home Building Act:-
 - i) Has been informed in writing of the licensee name and contractor license number, and,
 - ii) Is satisfied that the licensee has complied with the requirements of part 6 of the Home Building Act 1989; or,
 - b) In the case of work to be done by any other person:-
 - i) Has been informed in writing of the persons name and owner-builder permit number, or
 - ii) Has been given a declaration signed by the owner of the land that states that the reasonable market cost of the labour and materials involved in the work is less than the amount prescribed for the purposes of the definition of owner builder work in Section 29 the Home Building Act 1989.
 - c) And is given appropriate information and declarations under paragraphs (a) and (b) whenever arrangements for the doing of the work are changed in such a

manner as to render out of date any information or declaration previously given under either of those paragraphs.

23. Toilet facilities are to be provided at or in the vicinity of the work site on which work involves:
- a) demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site;
 - b) Each toilet provided:
 - i) must be standard flushing toilet; and,
 - ii) must be connected:
 - 1 to a public sewer; or
 - 2 if connection to a public sewer is not practicable to an accredited sewerage management facility approved by the Council; or,
 - 3 if connection to a public sewer or an accredited sewerage management facility is not practicable to some other sewerage management facility approved by the Council.
 - c) The provisions of toilet facilities in accordance with this condition must be in place before work commences.
24. Prior to the commencement of works, the applicant must inform Council, in writing, of:-
- a) The name of the contractor, and license number of the licensee who has contracted to do, or intends to do, the work; or
 - b) The name and permit number of the owner-builder who intends to do the work.
- The Council also must be informed if:-
- c) A contract is entered into for the work to be done by a different licensee; or
 - d) Arrangements for the doing of the work are otherwise changed.
25. Existing structures and or services on this and adjoining properties are not to be endangered during any demolition, excavation or construction work associated with the above project. The applicant is to provide details of any shoring, piling, or underpinning prior to the commencement of any work. The construction shall not undermine, endanger or destabilise any adjacent structures.
26. Building plans must be lodged at a Sydney Water Quick Agent for approval prior to commencement of works.

27. This Consent shall not preclude the demolisher from giving notice to other statutory authorities, such as Sydney Water Corporation, WorkCover, etc.
28. Prior to commencement of any works, application(s) shall be made to Council's Customer Services Counter for the following approvals and permits on Council's property/road reserve under *Road Act 1993* and *Local Government Act 1993* **as appropriate**: -

(It should be noted that any works shown within Council's road reserve or other Council Lands on the development approval plans are indicative only and no approval for these works is given until this condition is satisfied.)

- a) Permit to erect hoarding on or over a public place, including Council's property/road reserve.
- b) Permit to construction works, place and/or storage building materials on footpaths, nature strips.
- c) Permit for roads and footways occupancy (long term/ short term).
- d) Permit to construct vehicular crossings, footpath, kerb and gutter over road reserve.
- e) Permit to open road reserve area, including roads, footpaths, nature strip, vehicular crossing or for any purpose whatsoever.
- f) Permit to place skip/waste bin on footpath and/or nature strip.
- g) Permit to use any part of Council's road reserve or other Council lands.

DURING WORKS

29. The building works must not encroach on to adjoining lands or the adjoining public place. ~~The egress doors opening onto Botany Lane shall be recessed or reversed to remove the encroachment. Details shall accompany the application for construction certificate. (DA-14/245/02)~~
30. During Demolition, Excavation and Construction, care must be taken to protect Council's infrastructure, including street signs, footpath, kerb, gutter and drainage pits etc. Protecting measures shall be maintained in a state of good and safe condition throughout the course of construction. The area fronting the site and in the vicinity of the development shall also be make safe for pedestrian and vehicular traffic at all times. Any damage to Council's infrastructure (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub-contractors, concrete delivery vehicles) shall be fully repaired in accordance with Council's specification and AUS-SPEC at no cost to Council.
31. A sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being carried out:

- a) Stating the unauthorized entry to the work site is prohibited;
 - b) Showing that unauthorized entry to the work site is prohibited;
 - c) The Development Approval number; and
 - d) The name of the Principal Certifying Authority including an after hours contact telephone number;
 - e) Any such sign is to be removed when the work has been completed.
32. The approved Waste Management Plan (as referenced at Condition No. 1) shall be complied with at all times during demolition works and construction works, and during the ongoing use of the premises.
33. Noise from construction activities associated with the development shall comply with the NSW Environment Protection Authority's Environmental Noise Manual – Chapter 171 and the *Protection of the Environment Operations Act 1997*.
- a) Construction Noise
 - i) Noise from construction activities associated with the development shall comply with the NSW Environment Protection Authority's Environmental Noise Manual – Chapter 171 and the *Protection of the Environment Operations Act 1997*.
 - b) Level Restrictions
 - i) Construction period of 4 weeks and under:
 - 1 The L10 sound pressure level measured over a period of not less than 15 minutes when the construction site is in operating must not exceed the background level by more than 10dB(A).
 - ii) Construction period greater than 4 weeks and not exceeding 26 weeks:
 - 1 the L10 sound pressure level measured over a period of not less than 15 minutes when the construction site is in operating must not exceed the background level by more than 10 dB(A).
 - c) Time Restrictions
 - i) Monday to Friday 07:00am to 05:00pm
 - ii) Saturday 08:00am to 01:00pm
 - iii) No Construction to take place on Sundays or Public Holidays.
 - d) Silencing

- i) All possible steps should be taken to silence construction site equipment.

34.

- a) The principal contractor or owner builder must install and maintain water pollution, erosion and sedimentation controls in accordance with:
 - i) The *Soil and Water Management Plan* if required under this consent;
 - ii) “Do it Right On Site, Soil and Water Management for the Construction Industry” published by the Southern Sydney Regional Organization of Councils, 2001; and
 - iii) “*Managing Urban Stormwater – Soils and Construction*” published by the NSW Department of Housing 4th Edition” (‘The Blue Book’).
 - iv) Where there is any conflict The Blue Book takes precedence.
 - v) Note: The International Erosion Control Association – Australasia (<http://www.austieca.com.au/>) lists consultant experts who can assist in ensuring compliance with this condition. Where Soil and Water Management Plan is required for larger projects it is recommended that this be produced by a member of the International Erosion Control Association – Australasia.
 - vi) Note: The “Do it Right On Site,” can be downloaded free of charge from Council’s website at <http://www.botanybay.nsw.gov.au/council/services/planning/factsheets.htm>, further information on sediment control can be obtained from www.ssroc.nsw.gov.au.
 - vii) Note: A failure to comply with this condition may result in penalty infringement notices, prosecution, notices and orders under the Act and/or the Protection of the Environment Operations Act 1997 without any further warning. It is a criminal offence to cause, permit or allow pollution.
 - viii) Note: Section 257 of the Protection of the Environment Operations Act 1997 provides inter alia that “the occupier of premises at or from which any pollution occurs is taken to have caused the pollution”.
 - ix) **Warning**, irrespective of this condition any person occupying the site may be subject to proceedings under the Protection of the Environment Operations Act 1997 where pollution is caused, permitted or allowed as the result of their occupation of the land being developed.

35. All possible and practicable steps shall be taken to prevent nuisance to the inhabitants of the surrounding neighbourhood from wind-blown dust, debris, noise and the like.

- a) In order to prevent vehicles tracking soil or other materials onto public roads and washing of materials into the street drainage system or watercourse, during Excavation, Construction and Deliveries, access to the site shall be available in

all weather conditions. The area shall be stabilised and protected from erosion; and,

- b) In addition, concrete trucks and any other trucks that used for the transportation of building materials or similar, shall not traffic soil cement or other materials onto the road reserve. Hosing down of vehicle tyres shall only be conducted in a suitable off-street area where wash waters do not enter the stormwater system or enter Council's land.
- c) Hosing down or hosing/washing out of any truck (concrete truck), plant (eg concrete pumps) or equipment (e.g. wheelbarrows) on Council's road reserve or other property is strictly prohibited. Fines and cleaning costs will apply to any breach of this condition.
- d) Pavement surfaces adjacent to the ingress and egress points are to be swept and kept clear of earth, mud and other materials at all times and in particular at the end of each working day or as directed by Council's Engineer.
- e) Building operations such as brick cutting, washing tools or brushes and mixing mortar shall not be carried out on public roadways or footways or in any other locations which could lead to the discharge of materials into the stormwater drainage system or onto Council's lands.

**CONDITIONS WHICH MUST BE SATISFIED PRIOR TO THE ISSUE OF A
OCCUPATION CERTIFICATE**

- 36. Any damage not shown in the photographic survey submitted to Council before site works have commenced as required by Condition No. 9, will be assumed to have been caused as a result of the site works undertaken and must be rectified at the applicant's expense, prior to occupancy of the development.
- 37. Prior to the issue of an Occupation Certificate the connection of new gutters and downpipes to the existing gutter system shall be connected to the proposed rainwater tank (where required) and completed generally in accordance with AS/NSZ 3500 – Plumbing and Drainage Code and the BCA.
- 38. A street number for the property is to be clearly identifiable from the street.
- 39. The installation of signage must comply with the following:
 - a) No illuminated signs are permitted.
 - b) Signage must be designed to be harmonious with the heritage significance of the area. High quality materials such as brass, copper, bronze and/or stainless steel are required to be used and should not include significant amounts of plastics like clear or coloured acrylic materials.
 - c) Colour schemes including corporate colours are required to be modified to complement the heritage nature of the building.

- d) Fluorescent and iridescent paints are inappropriate. Corporate colours may appear as part of advertising signs, but are not to be used as the principal or dominant colour scheme for buildings.
 - e) Flashing, pulsing or moving signs are not permitted.
 - f) Where a number of tenancies occupy the same building or row of properties, consistency of sign shape, background colour, size, fixing methods and lighting is required. Consistency of fonts and graphics is preferred. Consistency in signs between neighbouring buildings which have a common architectural style, whether traditional or contemporary, is also encouraged.
40. Prior to release of the Occupation Certificate the developer must submit to the Principal Certification Authority a supplementary acoustic report to verify that the measures stated in the approved acoustic report have been carried out and certify that the construction meets the above requirements. The report must be prepared by a qualified practicing acoustic engineer (who is a member of either the Australian Acoustical Society or the Association of Australian Acoustical Consultants).
41. Prior to the occupation of the building a final fire safety certificate must be prepared and issued to Council. This certificate must state that:-
- a) each essential fire safety measures specified in the current fire safety schedule for the building to which the certificate relates:-
 - b) has been assessed by a properly qualified person;
 - c) was found when assessed to be capable of performing to a standard not less than that required by the current fire safety schedule for the building for which the certificate is issued; and,
 - d) the date of assessment which must be within the period of 3 months prior to the date on which the final fire safety certificate is issued.

Note:

The choice of person to carry out the assessment is up to the owner of the building;

The person who carries out the assessment:-

- e) must inspect and verify the performance of each fire safety measure being assessed; and,
- f) must test the operation of each new item of equipment installed in the building premises that is included in the current fire safety schedule for the building;
- g) As soon as is practicable after a final fire safety certificate is issued the owner of the building to which it relates:-

- h) must cause a copy of the certificate (together with a copy of the current fire safety schedule to be given to the Commissioner of the New South Wales Fire Brigades, and,
 - i) must cause a further copy of the certificate (together with a copy of the current fire safety schedule) to be prominently displayed in the building.
42. A report prepared by a qualified air quality/mechanical engineer certifying that the mechanical ventilation/exhaust system as installed complies in all respects with the design and operation standards of AS 1668 – Mechanical Ventilation and Air Conditioning Codes, and the relevant provisions of the Protection of the Environment Operations Act 1997 shall be submitted to Council within 21 days of the installation of the system and prior to the occupation of the premises.
- 43.
- a) ***Prior to the issue of any Occupation Certificate, the area of dedication is to be dedicated to Council and transferred as road. (DA-14/245/02)***
 - b) Prior to use and occupation of the building an Occupation Certificate must be obtained under Section 109C(1)(c) and 109(b) of the *Environmental Planning and Assessment Act 1979*.

CONDITIONS WHICH MUST BE SATISFIED DURING THE ONGOING USE OF THE DEVELOPMENT

44. The building is approved as a medical centre (dental surgery) and ancillary dwelling. The ancillary dwelling shall be used by an employee of the dental surgery and shall not be used for separate residential occupation or as separate residential flats. No plumbing fixtures, fittings other than those shown, walls deleted or added, doorways enclosed or any other changes made from the approved plans without the prior Consent of the Council.
- ~~45. One car space shall be used for the dental surgery up until the road widening is affected. (DA-14/245/02)~~
46. Deliveries to the site shall be undertaken to Botany Lane only.
47. Hours of Operation – Monday to Friday 8.00am to 8.00pm Saturday 8.00am -5.00pm.
48. The maximum number of staff associated with the dental surgery is 5 full time staff.
- 49.
- a) Air conditioning units are not to be visible from the street or public place and are not to obscure windows/window frames or architectural features of the dwelling.
 - b) Noise from any air-conditioning units (measured as the L_{aeq} 15 minute) is not to exceed the background level (measured as the L_{a90} 15 minute) by more than 5dBA at any time. The measurement is to be taken at boundary of the property. If the noise from the air conditioner contains any annoying characteristics, the measurements

are to be corrected in accordance with the New South Wales Industrial Noise Policy. In addition noise from any air conditioning units are not to be audible within habitable room of other residence before 7am or after 10pm (Monday to Friday) or before 8am or after 10pm (Sat/Sun/Public Holidays).

Note: In order to meet this condition, the compressors and any other noise generating part of the air conditioning unit, are to be located a sufficient distance from any residential boundary to permit the sound from the unit to decay sufficiently to meet the standard, or enclosed in a suitable acoustic enclosure.

50. The applicant being informed that this approval shall be regarded as being otherwise in accordance with the information and particulars set out and described in the Development Application registered in Council's records as Development Application No. 14(245) dated as 10 October 2014 ***and as amended by DA-14/245/02 dated 9 June 2016*** and that any alteration, variation, or extension to the use, for which approval has been given, would require further approval from Council. ***(DA-14/245/02)***

5.9 8L, 15 LINDEN STREET, MASCOT - CONSTRUCTION OF AN IN-GROUND SWIMMING POOL AT THE REAR

File No: DA-15(167)

DA No:	15/167
Application Date:	17 September 2015
Property:	8L, 15 Linden Street, Mascot NSW 2020
Lot No:	Lot 8 DP 285886
Details:	Construction of an in-ground swimming pool at the rear of the subject site
Key Issues	Landscaping
Applicant:	Nicholas Kalis
Applicant Address:	8L, 15 Linden Street, Mascot NSW 2020
Owner:	George Kiouisis
Property Location:	The subject site is located on the southern side of the private internal road within the Linden Gardens Estate
Zoning:	R2 – Low Density Residential Botany Local Environmental Plan 2013

Present Use:	Dwelling with an attached garage and a second detached garage with an attached enclosed outdoor recreation area at the rear of the subject site
Classification of Building:	Class 1a- Dwelling House Class 10a – Outbuilding/Garage Class10 b – Swimming Pool
Value:	\$33,000.00
Submissions	Nil

On the motion of Councillor Keneally, seconded Councillor Glinatsis

COUNCIL RESOLVED THAT:

Development Application No. 15/167 for the construction of an in-ground swimming pool at the rear of 8L, 15 Linden Street, Mascot be approved, subject to the conditions in the attached Schedule.

Premises: 8L, 15 Linden Street, Mascot

DA No: 15/167

SCHEDULE OF CONSENT CONDITIONS

GENERAL CONDITIONS

1. The development is to be carried in accordance with the following plans and documentation listed below and endorsed with Council's stamp, except where amended by other conditions of this consent.

Drawing Number	Author	Dated Received
Site Plan, Drawing No. A02, Revision B	ICR Design	Dated 3 August 2016, Received by Council 3 August 2016
Pool Details – Sheet 1, Drawing No. A03, Revision B	ICR Design	Dated 3 August 2016, Received by Council 3 August 2016
Pool Details – Sheet 2, Drawing No. A04, Revision B	ICR Design	Dated 3 August 2016, Received by Council 3 August 2016

Plan Showing Selected Features & Levels	Sydney Surveying Services	Dated 13 June 2015, Received by Council 17 September 2015
Reference Document (s)	Author	Date Received
Cover Sheet, Drawing No. A01, Revision B	ICR Design	Dated 3 August 2016, Received by Council 3 August 2016
Sediment and Erosion Control Plan, Drawing No.A05, Revision A	ICR Design	Dated 11 September 2015, Received by Council 3 August 2016
Statement of Environmental Effects	ICR Design	No date, Received by Council 17 September 2015
Waste Management Plan	No author	Dated 31 August 2015, Received by Council 17 September 2015

2. No construction works (including excavation) shall be undertaken prior to the issue to the Construction Certificate.
3. This Consent relates to land in Lot 8 in DP 285886 and, as such, building works must not encroach on to adjoining lands or the adjoining public place.
4. This Consent does not approve crane access via the internal private road of the adjoining residential estate at DP 286365 (also known as the King Garden Estate). A separate authority from the owners of Lot 1 in DP 286365 is required prior to installation of the pool and any associated works.
5. The applicant must prior to the obtainment of the approved plans and specifications pay the following fees:-
 - a) Builders Security Deposit \$3,100.00 (Condition 10)
 - b) Development Control \$235.00
6. All building work must be carried out in accordance with the provisions of the Building Code of Australia.
7. The consent given does not imply that works can commence until such time that: -
 - a) Detailed plans and specifications of the building have been endorsed with a Construction Certificate by: -
 - i) The consent authority; or,
 - ii) An accredited certifier; and,

- b) The person having the benefit of the development consent: -
 - i) Has appointed a principal certifying authority; and,
 - ii) Has notified the consent authority and the Council (if the Council is not the consent authority) of the appointment; and,
 - iii) The person having the benefit of the development consent has given at least 2 days notice to the Council of the person's intention to commence the erection of the building.

CONDITIONS WHICH MUST BE SATISFIED PRIOR TO THE DEMOLITION OF ANY BUILDING OR STRUCTURE

- 8. The demolisher shall lodge with Council, and at least forty-eight (48) hours prior to the commencement of work:-
 - a) Written notice, indicating the date when demolition of the building is to commence.
 - b) This persons full name and address.
 - c) Details of Public Liability Insurance.

- 9. Prior to demolition, the applicant shall contact "Dial Before You Dig" to obtain a utility service diagram for, and adjacent to the property. The sequence number obtained from "Dial Before You Dig" shall be forwarded to Principal Certifying Authority. All utilities within the work zone shall be protected and/or removed.

Any adjustments or damage to public utilities/services as a consequence of the development and associated construction works shall be restored or repaired at the applicant's expense.

- 10. The site to which this approval relates must be adequately fenced or other suitable measures employed that are acceptable to the Principal Certifying Authority to restrict public access to the site and building works. Such fencing or other measures must be in place before the approved activity commences.

CONDITIONS WHICH MUST BE SATISFIED PRIOR TO THE ISSUE OF ANY CONSTRUCTION CERTIFICATE

- 11. Prior to the issue of a Construction Certificate, the following amendments shall be made to the architectural plans:
 - a) The existing concrete area located between the front and rear garage, and adjoining the grassed area, must be deleted. Two strips of permeable paving, up to 600mm in width, may be provided to enable vehicles to travel between the two

garages. The remainder of this area must be provided with natural turf and/or soft landscaping.

12. Prior to the issue of any Construction Certificate, the applicant shall lodge a Builder's Damage Deposit of **\$3,100.00** (GST Exempt) by way of cash deposit or unconditional bank guarantee to Council against possible damage to Council's asset during the course of the building works. The deposit will be refunded subject to inspection by Council 12 months after the completion of all works relating to the proposed development and Final Occupational Certificate has been issued.
13. Prior to the issue of the Construction Certificate the required Long Service Levy payable under Section 34 of the Building and Construction Industry Long Service Payments Act 1986 has to be paid. The Long Service Levy is payable at 0.35% of the total cost of the development, however this is a State Government Fee and can change without notice.
14. Prior to the issue of any Construction Certificate, at the proposed point of construction site entry, photographic survey showing the existing conditions of Council's infrastructure shall be submitted to Council and Principal Certifying Authority.

The survey shall detail the physical conditions and identify any existing damages to the roads, kerbs, gutters, footpaths, driveways, street trees, street signs and any other Council assets fronting the property and extending to a distance of 20m from the development. Failure to do so may result in the applicant/developer being liable for any construction related damages to these assets. Any damage to Council's infrastructure during the course of this development shall be restored at the applicant's cost.

15. Prior to the issue of any Construction Certificate, the applicant shall contact "Dial Before You Dig" to obtain a utility service diagram for, and adjacent to the property. The sequence number obtained from "Dial Before You Dig" shall be forwarded to Principal Certifying Authority. All utilities within the work zone shall be protected during construction.

Any adjustments or damage to public utilities/services as a consequence of the development and associated construction works shall be restored or repaired at the applicant's expense.

16. All plumbing stacks, vent pipes, stormwater downpipes and the like shall be kept within the building and suitably concealed from view. This condition does not apply to the venting to atmosphere of the stack above roof level. Details shall be submitted to the Principal Certifying Authority prior to issue of the Construction Certificate.
17. Prior to the issue of the Construction Certificate, a plan (written and/or diagrammatic) shall be submitted and approved by the Principal Certifying Authority, showing the storage location of construction building materials and plants and the method of access to the property. No storage of construction materials and plants to be allowed in road reserve area.
18. The design and construction of the swimming pool and associated fencing and equipment must comply with:

- a) Swimming Pools Act 1992;
- b) Swimming Pools Regulation 2008;
- c) National Construction Code (formally known as the Building Code of Australia);
- d) AS 1926.1-2012 – Swimming Pool Safety – Safety Barriers for Swimming Pools;
- e) Botany Bay Development Control Plan 2013; and
- f) Protection of the Environment Operations Act 1997.

No water must be placed in the pool/spa until the safety fences have been completed in accordance with the approved plans and specifications and inspected by the Principal Certifying Authority. Details demonstrating compliance with the requirements of this condition are to be submitted to the Principal Certifying Authority prior to the issue of the Construction Certificate

CONDITIONS WHICH MUST BE SATISFIED PRIOR TO THE COMMENCEMENT OF ANY DEVELOPMENT OR WORK

19. The Principal Certifying Authority must be satisfied that: -

- a) In the case of work to be done by a licensee under the Home Building Act: -
 - i) Has been informed in writing of the licensee name and contractor licence number, and;
 - ii) Is satisfied that the licensee has complied with the requirements of Part 6 of the Home Building Act 1989; or,
- b) In the case of work to be done by any other person: -
 - i) Has been informed in writing of the persons name and owner-builder permit number, or;
 - ii) Has been given a declaration signed by the owner of the land that states that the reasonable market cost of the labour and materials involved in the work is less than the amount prescribed for the purposes of the definition of *owner builder work* in Section 29 the Home Building Act 1989.

20. Prior to the commencement of works, the applicant must inform Council, in writing, of:

- a) The name of the contractor, and licence number of the licensee who has contracted to do, or intends to do, the work: or
- b) The name and permit number of the owner-builder who intends to do the work;

- c) The Council also must be informed if: -
 - i) A contract is entered into for the work to be done by a different licensee;
or
 - ii) Arrangements for the doing of the work are otherwise changed.
- 21. The site to which this approval relates must be adequately fenced or other suitable measures employed that are acceptable to the Principal Certifying Authority to restrict public access to the site and building works. Such fencing or other measures must be in place before the approved activity commences.
- 22. If an excavation associated with the proposal extends below the level of the base of the footings of a building on an adjoining allotment of land or the common boundary fence the person causing the excavation to be made:
 - a) Must preserve and protect the building/ fence from damage; and,
 - b) If necessary, underpin and support such building in an approved manner;
 - c) Must at least be 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of the intention to do so to the owner of the adjoining allotment of land and, furnish particulars of the excavation to the owner of the building being erected or demolished;

Existing structures and or services on this and adjoining properties are not endangered during any demolition excavation or construction work associated with the above project. The applicant is to provide details of any shoring, piercing, or underpinning prior to the commencement of any work. The construction shall not undermine, endanger or destabilise any adjacent structures.

 - d) Retaining walls associated with the erection of a building (swimming pool) or other approved methods of preventing movement or other approved methods of preventing movement of the soil must be provided and:-
 - e) Adequate provision must be made for drainage.
- 23. Dewatering is not permitted on this site without NSW-EPA approval.
- 24. Building plans must be lodged at a Sydney Water Tap In for service approval prior to commencement of works.
- 25. This Consent shall not preclude the demolisher from giving notice to other statutory authorities, such as Sydney Water Corporation, WorkCover, etc.
- 26. If the land to which the application relates is served by a common sewerage system that is also used by others, then measures must be placed in effect and prior to the commencement of work to ensure the operation of the sewerage system is without disruption to other joint users.
- 27. Erosion and sediment control devices shall be installed and in function prior to the commencement of any demolition, excavation or construction works upon the site in

order to prevent sediment and silt from site works (including demolition and/or excavation) being conveyed by stormwater into public stormwater drainage system, natural watercourses, bushland, trees and neighbouring properties. In this regard, all stormwater discharge from the site shall meet the legislative requirements and guidelines. These devices shall be maintained in a serviceable condition AT ALL TIMES throughout the entire demolition, excavation and construction phases of the development and for a minimum one (1) month period after the completion of the development, where necessary.

28. Prior to commencement of any works, relevant application(s) shall be made to Council's Customer Services Counter and obtained the following approvals and permits on Council's property/road reserve under Road Act 1993 and Local Government Act 1993:

(It should be noted that any works shown within Council's road reserve or other Council Lands on the development approval plans are indicative only and no approval for these works is given until this condition is satisfied.)

- a) Permit to erect hoarding on or over a public place, including Council's property/road reserve
 - b) Permit to construction works, place and/or storage building materials on footpaths, nature strips
 - c) Permit for roads and footways occupancy (long term/ short term)
 - d) Permit to construct vehicular crossings, footpath, kerb and gutter over road reserve
 - e) Permit to open road reserve area, including roads, footpaths, nature strip, vehicular crossing or for any purpose whatsoever
 - f) Permit to place skip/waste bin on footpath and/or nature strip
 - g) Permit to use any part of Council's road reserve or other Council lands
29. All materials excavated from the site (fill or natural) shall be classified in accordance with the NSW Environment Protection Authority (EPA) Waste Classification Guidelines (2014) prior to being disposed of to a NSW approved landfill or to a recipient site
30. The principal contractor or owner builder must install and maintain water pollution, erosion and sedimentation controls in accordance with:
- a) The erosion and Sediment Control Plan;
 - b) "Managing Urban Stormwater - Soils and Construction" (2004) Landcom ('The Blue Book'); and
 - c) Protection of the Environment Operations Act 1997.

DURING WORKS

31. During Demolition, Excavation and Construction, care must be taken to protect Council's infrastructure, including street signs, footpath, kerb, gutter and drainage pits etc. Protecting measures shall be maintained in a state of good and safe condition throughout the course of construction. The area fronting the site and in the vicinity of the development shall also be made safe for pedestrian and vehicular traffic at all times. Any damage to Council's infrastructure (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub-contractors, concrete delivery vehicles) shall be fully repaired in accordance with Council's specification and AUS-SPEC at no cost to Council.
32. Vibration levels induced by the demolition, excavation and construction activities shall not exceed 1mm/sec peak particle velocity (ppv) when measured at the footing of any occupied building.
33. The proposed development shall comply with the following:
 - a) A sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being carried out:
 - i) Stating that unauthorised entry to the work site is prohibited;
 - ii) Showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours;
 - iii) The Development Approval number; and
 - iv) The name of the Principal Certifying Authority including an after hours contact telephone number.
 - b) Any such sign is to be removed when the work has been completed.
34. The demolisher shall comply with Australian Standard 2601 - 2001 "Demolition of Structures".
35. Precautions to be taken shall include compliance with the requirements of the WorkCover Authority of New South Wales, including but not limited to:
 - a) Protection of site workers and the general public.
 - b) Erection of hoardings where appropriate.
 - c) Asbestos handling and disposal where applicable.
 - d) Any disused service connections shall be capped off.
 - e) The disposal of refuse is to be to an approved waste disposal depot.
36. Hazardous or Special Wastes arising from the demolition process shall be removed and disposed of in accordance with the requirements of WorkCover NSW and the

Department of Environment, Climate Change and Water and with the provisions of the:

- a) Occupational Health and Safety Act, 2000;
 - b) Occupational Health and Safety Regulation 2001;
 - c) Protection Of the Environment Operations Act 1997 (NSW); and
 - d) NSW Department of Environment and Climate Change Waste Classification Guidelines (2008).
37. Any material containing asbestos found on site during the demolition process the shall be removed and disposed of in accordance with:
- a) WorkCover NSW requirements. An appropriately licensed asbestos removalist must complete all asbestos works if they consist of the removal of more than 10m2 of bonded asbestos and/or any friable asbestos;
 - b) Protection of the Environment Operations Act 1997;
 - c) Protection of the Environment Operation (Waste) Regulation;
 - d) DECC Waste Classification Guidelines 2008.
 - e) No demolition materials shall be burnt or buried on the site.
38. The demolition and disposal of materials incorporating lead such as lead paint and dust shall be conducted in accordance with:
- a) AS2601-2001 - Demolition of structure.
 - b) AS4361.2-1998 – Guide to Lead Paint Management-Residential and Commercial Buildings
39. In order to ensure safe handling of asbestos materials, the re-use or sale of asbestos building materials is strictly prohibited.
- 40.
- a) To ensure that utility authorities and Council are advised of any effects to their infrastructure by the development, the applicant shall: -
 - i) Carry out a survey of all utility and Council services within the site including relevant information from utility authorities and excavation if necessary to determine the position and level of services.
 - ii) Negotiate with the utility authorities (eg Energy Australia, Sydney Water and Telecommunications Carriers) and Council in connection with: -
 - 1 The additional load on the system; and

- 2 The relocation and/or adjustment of the services affected by the construction.
- b) Any costs in the relocation, adjustment, and provision of land or support of services as requested by the service authorities and Council are to be the responsibility of the developer.
41. Should the demolition or construction process require a building waste container(s) (builders' skip), then such container must not be placed or left upon the public road, footpath, reserve or the like without the prior approval of the Council. The use of any part of Council's road reserve must also have prior approval of Council.
42. Throughout the construction period, Council's warning sign for soil and water management shall be displayed on the most prominent point of the building site, visible to both the street and site workers. A copy of the sign is available from Council's Customer Service Counter.
43. The approved Waste Management Plan shall be complied with at all times during demolition, construction and on-going use of the site.
44. All possible and practicable steps shall be taken to prevent nuisance to the inhabitants of the surrounding neighbourhood from wind-blown dust, debris, noise and the like.
45.
 - a) All excavations and backfilling shall be executed safely and in accordance with appropriate professional standards; and all excavations shall be properly guarded and protected to prevent them from being dangerous to life or property;
 - b) Existing structures and or services on this and adjoining properties are not endangered during any demolition excavation or construction work associated with the above project. The applicant is to provide details of any shoring, piling, or underpinning prior to the commencement of any work. The construction shall not undermine, endanger or destabilise any adjacent structures.
 - c) As the development involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:
 - i) Protect and support the adjoining premises from possible damage from the excavation, and
 - ii) Where necessary, underpin the adjoining premises to prevent any such damage.
46. The following shall be complied with during construction and demolition:
 - a) Construction Noise

Noise from construction activities associated with the development shall comply with the NSW Environment Protection Authority's Environmental

Noise Manual – Chapter 171 and the Protection of the Environment Operations Act 1997.

b) Level Restrictions

i) Construction period of 4 weeks and under:

The L10 sound pressure level measured over a period of not less than 15 minutes when the construction site is in operating must not exceed the background level by more than 20dB(A).

ii) Construction period greater than 4 weeks and not exceeding 26 weeks:

The L10 sound pressure level measured over a period of not less than 15 minutes when the construction site is in operating must not exceed the background level by more than 10 dB(A).

c) Time Restrictions

i) Monday to Friday 7:00am to 06:00pm

ii) Saturday 7:00am to 01:00pm

iii) No Construction to take place on Sundays or Public Holidays.

d) Silencing

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

47. The applicant shall conduct all construction and related deliveries wholly on site. If any use of Council's road reserve is required then separate applications are to be made at Council's Customer Services Department.

48.

- a) In order to prevent vehicles tracking soil or other materials onto public roads and washing of materials into the street drainage system or watercourse, during Excavation, Construction and Deliveries, access to the site shall be available in all weather conditions. The area shall be stabilised and protected from erosion; and,
- b) In addition, concrete trucks and any other trucks that used for the transportation of building materials or similar, shall not traffic soil cement or other materials onto the road reserve. Hosing down of vehicle tyres shall only be conducted in a suitable off-street area where wash waters do not enter the stormwater system or enter Council's land.
- c) Hosing down or hosing/washing out of any truck (concrete truck), plant (eg concrete pumps) or equipment (eg wheelbarrows) on Council's road reserve or other property is strictly prohibited. Fines and cleaning costs will apply to any breach of this condition.

- d) Pavement surfaces adjacent to the ingress and egress points are to be swept and kept clear of earth, mud and other materials at all times and in particular at the end of each working day or as directed by Council's Engineer.
- e) Building operations such as brick cutting, washing tools or brushes and mixing mortar shall not be carried out on public roadways or footways or in any other locations which could lead to the discharge of materials into the stormwater drainage system or onto Council's lands.

CONDITIONS WHICH MUST BE SATISFIED PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE

- 49. Prior to the issue of any Occupation Certificate, the existing concrete area located between the front and rear garage, and adjoining the grassed area, must be demolished and removed from the site. Landscaping must be provided as required by Construction Certificate plans and Condition 11.
- 50. Prior to the issue of the Occupation Certificate, the swimming pool is to be registered with the NSW Government at www.swimmingpoolregister.nsw.gov.au and a registration certificate is to be submitted to the Council.
- 51. Prior to the issue of the Occupation Certificate, high-level overflows from the swimming pool shall be gravity fed and connected to Sydney Water's sewer via an approved system. The connection must not directly vent the receiving sewer. Upon completion, certification from a licence plumber shall be submitted to the Principal Certifying Authority to certify that the connection has been made in accordance with Sydney Water's requirements and the current plumbing codes.
- 52. Prior to issue of any Occupation Certificate, Principal Certifying Authority shall confirm the deck or concourse area surrounding the swimming pool have been constructed at minimum 1.0% grade towards the pool to prevent surface water overflowing into the adjoining properties.
- 53. Prior to issue of any Occupation Certificate, Principal Certifying Authority shall confirm that all the safety barriers enclosing the new swimming pool are installed and satisfy AS1926.1 Swimming Pool Safety – Safety Barriers for Swimming Pools.
- 54. Prior to issue of any Occupation Certificate, Principal Certifying Authority shall confirm that a pool cover is installed across the entirety of the swimming pool to minimise evaporation rates.
- 55. Prior to the issue of any Occupation Certificate, all applications associated with works on Council's land must be made at least 7-10 days prior to the programmed completion of works and all construction must be completed and approved by Council.
- 56. Any damage not shown in the photographic survey submitted to Council before site works have commenced will be assumed to have been caused by the site works (unless evidence to prove otherwise). All damages as a result from site works shall be rectified at the applicant's expense to Council's satisfaction, prior to occupancy of the development and release of damage deposit.

57. Prior to use and occupation of the building an Occupation Certificate must be obtained under Section 109C(1)(c) and 109N of the Environmental Planning and Assessment Act, 1979.

CONDITIONS WHICH MUST BE SATISFIED FOR THE ONGOING USE

58. The stormwater drainage system (including all pits, pipes, absorption, detention structures, treatment devices, infiltration systems and rainwater tanks) shall be regularly cleaned, maintained and repaired to ensure the efficient operation of the system from time to time and at all times. The system shall be inspected after every rainfall event to remove any blockage, silt, debris, sludge and the like in the system. All solid and liquid waste that is collected during maintenance shall be disposed of in a manner that complies with the appropriate Environmental Guidelines.
59. The fence including any access gate or other boundary construction that encloses the swimming pool for the purpose of child safety must at all times be maintained in a state of good repair and condition
60. The pool must not be filled with bore water or groundwater.
61. The swimming pool including overflow water shall be drained to the sewer. The consent of Sydney Water to dispose of waste water shall be obtained and compliance with any conditions imposed in connection therewith.
62. Prior to use or operation of the swimming pool, any filtration equipment or pump(s) shall be enclosed with appropriate sound insulation materials to ensure noise levels do not exceed 5dBA above the ambient background noise level when measured at the side and rear boundaries of the property.
- 63.
- a) The noise emitted from a domestic swimming pool pump, spa and related fixed equipment should not exceed the background level (LA90) by more than 5dB(A) when measured on any neighbouring property. The measured level (LA90), measured for not less than five (5) minutes, should be made at a time when the equipment is intended to be operated and the background levels are lowest.
 - b) A correction of 5dB(A) should be added to the measured level if the noise is tonal.
 - c) The noise emitted from the swimming pool and spa equipment should not be audible within any room of any other residence.
 - d) A time switch should be installed on the equipment to control its operating hours.
 - e) Structural transmitted vibration from the equipment should not be perceived in any room of any other residence.
64. The applicant being informed that this approval shall be regarded as being otherwise in accordance with the information and particulars set out and described in the

Development Application registered in Council's records as Development Application No. 15/167 dated as 17 September 2015 and that any alteration, variation, or extension to the use, for which approval has been given, would require further approval from Council.

AT THIS STAGE (7:25 pm), Councillor Kondilios re-iterated his interest in relation to Item 5.10 - 161 Coward Street, Mascot and 5.12 Land Use Safety Study and left the Committee Room before the address to the Committee for these items and the determination of Items 5.10 and 5.12. Councillor Kondilios was not present during the discussion of this item nor did he vote in respect of this item.

During Councillor Kondilios' absence Councillor Troy took the Chair.

5.10 161 COWARD STREET, MASCOT - CONSTRUCTION OF ALTERATIONS AND ADDITIONS TO AN EXISTING SEMI-DETACHED DWELLING INCORPORATING ALTERATIONS TO GROUND FLOOR AND ADDITION OF A FIRST FLOOR

File No: DA-16(92)

DA No:	DA-16(92)
Application Date:	17 June 2016
Property:	161 Coward Street, Mascot
Lot & DP No:	Lot 8 in DP 569370
Details:	Construction of alterations and additions to an existing semi-detached dwelling incorporating alterations to ground floor and addition of a first floor
Applicant:	Ann Kondilios
Applicant Address:	PO Box 197 Mascot, NSW 2020
Property Location:	Located on the southern side of Coward Street, between Aloha Street to the east, Forster Street to the south and Oliver Street to the west
Zoning:	R2 Low Density Residential Botany Bay Local Environmental Plan 2013
Present Use:	Residential Dwelling (semi-detached)
Value:	\$180,000.00

Submissions: No submissions received

On the motion of Councillor Glinatsis, seconded Councillor Keneally

COUNCIL RESOLVED THAT:

1. Council is satisfied that the applicant's written request has adequately addressed the matters required to be demonstrated by Clause 4.6(3) of Botany Bay LEP 2013 and that the proposed development is in the public interest because it is consistent with the objectives of the FSR standard and the objectives for development in the R2 Low Density Residential zone; and
2. Development Application No. 16/92 for alterations and additions including a first floor addition to the existing semi-detached dwelling at 161 Coward Street, Mascot be approved, subject to the conditions in the attached Schedule.

Premises: 161 Coward Street

DA No: 16/92

SCHEDULE OF CONSENT CONDITIONS

GENERAL CONDITIONS

1. The development is to be carried in accordance with the following plans and documentation listed below and endorsed with Council's stamp, except where amended by other conditions of this consent.

Plan	Prepared by	Dated
Site Plan (DA/CC 1/10)	Buildcorp Partners Pty Ltd	05/2016
Site Analysis (DA/CC 2/10)		05/2016
Existing Floor Plan (DA/CC 3/10)		05/2016
Proposed Ground Floor Plan (DA/CC 4/10)		05/2016
Proposed First Floor Plan (DA/CC 5/10)		05/2016
Elevations Plan (DA/CC 6/10)		05/2016
Elevations Plan (DA/CC 7/10)		05/2016
Section Plan (DA/CC 8/10)		05/2016
Shadow Plan (DA/CC 9/10)		05/2016
Shadow Plan (DA/CC 10/10)		05/2016

Document	Prepared by	Date
Statement of Environmental Effects	Unknown	14 June 2016

Clause 4.6 Statement	Mr Kondilios	19 August 2016
BASIX Certificate	No A258463	29 August 2016

2. This Consent relates to land in Lot 8 in DP 569370 and, as such, building works must not encroach on to adjoining lands or the adjoining public place.
3. The applicant must prior to the obtainment of the approved plans and specifications pay the following fees:-
 - a) Builders Security Deposit \$3,100 (GST exempt)
 - b) Development Control \$855 (GST exempt)
4. The following shall be complied with:
 - a) All building work must be carried out in accordance with the provisions of the Building Code of Australia; and
 - b) In accordance with Clause 94 *Environment Planning & Assessment Regulation 2000*, an automatic smoke detection and alarm system for early warning of occupants must be installed in the building (dwelling). The installation must satisfy the following:-
 - i) smoke alarms must comply with AS3786 - 1993;
 - ii) smoke alarms must be connected to the consumer mains power where consumer power is supplied to the building; and
 - iii) be located in a position as required by Vol 2. BCA.
 - c) The Construction Certificate must be accompanied by a Certificate of Adequacy prepared by a practising professional Structural Engineer in accordance with Part 1.2 of the Building Code of Australia to the effect that the existing footings and structure are capable of withstanding the additional loads to be imposed thereon;
 - d) Where steel sections (arch bars, flat bars, lintels and the like) are used to support masonry over openings in external walls of masonry materials, they are to be protected against corrosion by hot-dip galvanizing.
5. Where practical, the proposed building materials for the extension are to match the materials and finishes of the existing building.
6. Pursuant to clause 97A(3) of the *Environmental Planning & Assessment Regulation 2000*, it is a condition of this development consent that all the commitments listed in each relevant BASIX Certificate (No. A258463) for the development are fulfilled.

Note:

- a) Relevant BASIX Certificate means:

- i) A BASIX Certificate that was applicable to the development when this development consent was granted (or, if the development consent is modified under Section 96 of the Act, a BASIX Certificate that is applicable to the development when this development consent is modified); or
 - ii) If a replacement BASIX Certificate accompanies any subsequent application for a construction certificate, the replacement BASIX Certificate.
 - b) BASIX Certificate has the meaning given to that term in the *Environmental Planning and Assessment Regulation 2000*.
7. The consent given does not imply that works can commence until such time that:
- a) Detailed plans and specifications of the building have been endorsed with a Construction Certificate by:-
 - i) The consent authority; or
 - ii) An accredited certifier; and
 - b) The person having the benefit of the development consent:-
 - i) Has appointed a principal certifying authority; and
 - ii) Has notified the consent authority and the Council (if the Council is not the consent authority) of the appointment; and
 - iii) The person having the benefit of the development consent has given at least 2 days' notice to the council of the persons intention to commence the erection of the building.

CONDITIONS WHICH MUST BE SATISFIED PRIOR TO THE ISSUE OF ANY CONSTRUCTION CERTIFICATE

- 8. Prior to the issue of any Construction Certificate, the applicant shall lodge a Damage Deposit of \$3,100.00 (GST Exempt) by way of cash deposit or unconditional bank guarantee to Council against possible damage to Council's asset during the course of the building works. The deposit will be refunded subject to inspection by Council 12 months after the completion of all works relating to the proposed development and Final Occupational Certificate has been issued.
- 9. Prior to the issue of any Construction Certificate, at the proposed point of construction site entry, a full photographic survey showing the existing conditions of Council's infrastructure shall be submitted to Council and the Principal Certifying Authority. The survey shall detail the physical conditions and identify any existing damages to the road, kerb, gutter, footpath, driveways, street trees, street signs and any other Council assets fronting the property and extending to a distance of 20m from the development. Failure to do so will result in the applicant being liable for any

construction related damages to these assets. Any damage to Council's infrastructure during the course of this development shall be restored at the applicant's cost.

10. Prior to the issue of the Construction Certificate, a report is required from a qualified plumber certifying that the existing drainage system, up to where it connects with a Council drainage structure and/or discharges to the groundwater system, is clear of debris and fully operational. Where the existing system is determined deficient, damaged and/or not operational, a new system shall be designed and constructed by a suitably qualified Civil Engineer in accordance with Council's Stormwater Management Technical Guidelines (SMTG) & AS 3500.
11. Prior to the issue of the Construction Certificate the required Long Service Levy payable under Section 34 of the Building and Construction Industry Long Service Payments Act 1986 has to be paid. The Long Service Levy is payable at 0.35% of the total cost of the development, however this is a State Government Fee and can change without notice.
12. The applicant shall contact "Dial Before You Dig on 1100" to obtain a Service Diagram prior to the issue of a Construction Certificate. The sequence number obtained from "Dial Before You Dig" shall be forwarded to Council for records. All utilities within the work zone shall be protected during construction.

Any adjustments or damage to public utilities/services as a consequence of the development and associated construction works shall be restored or repaired at the applicant's expense.

13. The building shall be designed in accordance with *AS2021- 2000: Acoustics, Aircraft Noise Intrusion, Building Siting and Construction*. The report is to include any required noise attenuation to the structure of the building to meet the above standard and acoustically treated mechanical ventilation, if necessary, to comply with the above standard. If the applicant chooses to install air conditioning to meet the mechanical ventilation requirements, the installation must be designed to meet the additional requirements, applying to air conditioners on residential properties contained in the *Protection of the Environment Operations (Noise Control) Regulation 2000*. (Information attached in the Advisory section). Details shall be submitted to Principal Certifying Authority prior to the issue of the Construction Certificate.

CONDITIONS WHICH MUST BE SATISFIED PRIOR TO THE COMMENCEMENT OF ANY DEVELOPMENT AT WORK

14. Prior to commencement of any works, relevant application(s) shall be made to Council's Customer Services Counter and obtained the following approvals and permits on Council's property/road reserve under Road Act 1993 and Local Government Act 1993: - (It should be noted that any works shown within Council's road reserve or other Council Lands on the development approval plans are indicative only and no approval for these works is given until this condition is satisfied).
 - a) Permit to erect hoarding on or over a public place, including Council's property/road reserve,

- b) Permit to construction works, place and/or storage building materials on footpaths, nature strips,
 - c) Permit for roads and footways occupancy (long term/ short term),
 - d) Permit to construct vehicular crossings, footpaths, kerbs and gutters over road reserve,
 - e) Permit to open road reserve area, including roads, footpaths, nature strip, vehicular crossing or for any purpose whatsoever, such as relocation / re-adjustments of utility services,
 - f) Permit to place skip/waste bin on footpath and/or nature strip, and
 - g) Permit to use any part of Council's road reserve or other Council lands.
15. Prior to the commencement of works, the applicant must inform Council, in writing, of:-
- a) The name of the contractor, and license number of the licensee who has contracted to do, or intends to do, the work; or
 - b) The name and permit number of the owner-builder who intends to do the work.
 - c) The Council also must be informed if:-
 - i) A contract is entered into for the work to be done by a different licensee; or
 - ii) Arrangements for the doing of the work are otherwise changed.
16. The site to which this approval relates must be adequately fenced or other suitable measures employed that are acceptable to the Principal Certifying Authority to restrict public access to the site and building works. Such fencing or other measures must be in place before the approved activity commences.
17. Erosion and sediment control devices are to be installed prior to the commencement of any demolition, excavation or construction works upon the site in order to prevent sediment and silt from site works (including demolition and/or excavation) being conveyed by stormwater into Council's stormwater system, natural watercourses, bushland, trees and neighbouring properties. In this regard, all stormwater discharge from the site shall meet the requirements of the Protection of Environment Operations Act 1997 and the Department of Environment, Climate Change and Water guidelines. These devices shall be maintained in a serviceable condition AT ALL TIMES throughout the entire demolition, excavation and construction phases of the development and for a minimum three (3) month period after the completion of the development, where necessary.
18. Toilet facilities are to be provided at or in the vicinity of the work site on which work involves:

- a) Demolition and construction of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site;
 - b) Each toilet provided:
 - i) must be standard flushing toilet; and,
 - ii) must be connected:
 - 1 to a public sewer; or
 - 2 if connection to a public sewer is not practicable to an accredited sewerage management facility approved by the Council; or,
 - 3 if connection to a public sewer or an accredited sewerage management facility is not practicable to some other sewerage management facility approved by the Council.
 - c) The provisions of toilet facilities in accordance with this condition must be in place before work commences.
19. The demolisher shall lodge with Council, and at least forty-eight (48) hours prior to the commencement of work:-
- a) Written notice, indicating the date when demolition of the building is to commence;
 - b) This persons full name and address;
 - c) Details of Public Liability Insurance.
20. The Principal Certifying Authority must be satisfied that:-
- a) In the case of work to be done by a licensee under the Home Building Act:-
 - i) Has been informed in writing of the licensee name and contractor license number, and,
 - ii) Is satisfied that the licensee has complied with the requirements of part 6 of the Home Building Act 1989; or,
 - b) In the case of work to be done by any other person:-
 - i) Has been informed in writing of the person's name and owner-builder permit number, or
 - ii) Has been given a declaration signed by the owner of the land that states that the reasonable market cost of the labour and materials involved in the work is less than the amount prescribed for the purposes of the definition of owner builder work in Section 29 the Home Building Act 1989.

- c) And is given appropriate information and declarations under paragraphs (a) and (b) whenever arrangements for the doing of the work are changed in such a manner as to render out of date any information or declaration previously given under either of those paragraphs.

21.

- a) Existing structures and or services on this and adjoining properties are not endangered during any demolition, excavation or construction work associated with the above project. The applicant is to provide details of any shoring, piling, or underpinning prior to the commencement of any work. The construction shall not undermine, endanger or destabilise any adjacent structures.
- b) As the development involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:
 - i) Protect and support the adjoining premises from possible damage from the excavation, and
 - ii) Where necessary, underpin the adjoining premises to prevent any such damage.

22. Building plans must be lodged at a Sydney Water Quick Check Agent for approval prior to commencement of works.

23. This Consent shall not preclude the demolisher from giving notice to other statutory authorities, such as Sydney Water Corporation, WorkCover, etc.

24. If the land to which the application relates is served by a common sewerage system that is also used by others, then measures must be placed in effect and prior to the commencement of work to ensure the operation of the sewerage system is without disruption to other joint users.

DURING WORKS

25. The shingles on the front gable of the ground floor are to be removed prior to demolition and protected during the course of demolition and construction. During construction, the original shingles are to be replaced on the front gable as per the annotation on Drawing 6/10 as referenced at Condition No. 1.

26. The following shall be complied with:

- a) A sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being carried out:
 - i) Stating the unauthorized entry to the work site is prohibited;
 - ii) Showing that unauthorized entry to the work site is prohibited;
 - iii) The Development Approval number; and

- iv) The name of the Principal Certifying Authority including an after-hours contact telephone number;
 - v) Any such sign is to be removed when the work has been completed.
- 27. Throughout the construction period, Council's warning sign for soil and water management shall be displayed on the most prominent point of the building site, visible to both the street and site workers. A free copy of the sign is available from Council's Customer Service Counter.
- 28. Demolition work shall be carried out in accordance with Australian Standards AS 2601-1991 Demolition of Structures and the requirements of the NSW WorkCover Authority.
- 29. Hazardous or intractable wastes arising from the demolition process shall be removed and disposed of in accordance with the requirements of WorkCover NSW and the Department of Environment and Climate Change and Water and with the provisions of:
 - a) New South Wales Occupational Health and Safety Act, 2000;
 - b) The Occupational Health and Safety (Hazardous Substances) Regulation 2001;
 - c) The Occupational Health and Safety (Asbestos Removal Work) Regulation 2001;
 - d) Protection Of the Environment Operations Act 1997 (NSW); and
 - e) Department of Environment and Climate Change Waste Classification Guidelines (2008)
- 30. If any material containing asbestos is found on site during the demolition process the material is to be removed and disposed of in accordance with WorkCover requirements. An appropriately licensed asbestos removalist must complete all asbestos works if they consist of the removal of more than 10m² of bonded asbestos and/or any friable asbestos.
- 31. The demolition and disposal of materials incorporating lead such as lead paint and dust shall be conducted in accordance with:
 - a) AS2601-2001 - Demolition of structure.
 - b) AS4361.2-1998 – Guide to Lead Paint Management-Residential and Commercial Buildings.
- 32. The Waste Management provisions of *Botany Bay Development Control Plan 2013* shall be complied with at all times during demolition works and construction works, and during the ongoing use of the premises.
- 33. Noise from construction activities associated with the development shall comply with the NSW Environment Protection Authority's Environmental Noise Manual – Chapter 171 and the *Protection of the Environment Operations Act 1997*.

- a) Construction Noise
 - i) Noise from construction activities associated with the development shall comply with the NSW Environment Protection Authority's Environmental Noise Manual – Chapter 171 and the Protection of the Environment Operations Act 1997.
- b) Level Restrictions
 - i) Construction period of 4 weeks and under:

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

The L10 sound pressure level measured over a period of not less than 15 minutes when the construction site is in operating must not exceed the background level by more than 10 dB(A).
- c) Time Restrictions
 - i) Monday to Friday 07:00am to 06:00pm
 - ii) Saturday 08:00am to 01:00pm
 - iii) No Construction to take place on Sundays or Public Holidays.
- d) Silencing
 - i) All possible steps should be taken to silence construction site equipment.

34.

- a) The principal contractor or owner builder must install and maintain water pollution, erosion and sedimentation controls in accordance with:
 - i) The Soil and Water Management Plan if required under this consent;
 - ii) “Do it Right On Site, Soil and Water Management for the Construction Industry” published by the Southern Sydney Regional Organization of Councils, 2001; and
 - iii) “*Managing Urban Stormwater – Soils and Construction*” published by the NSW Department of Housing 4th Edition” (‘The Blue Book’).
 - iv) Where there is any conflict The Blue Book takes precedence.
 - v) Note: The International Erosion Control Association – Australasia (<http://www.austieca.com.au/>) lists consultant experts who can assist in ensuring compliance with this condition. Where Soil and Water

Management Plan is required for larger projects it is recommended that this be produced by a member of the International Erosion Control Association – Australasia.

- vi) Note: The “Do it Right On Site,” can be downloaded free of charge from Council’s website at <http://www.botanybay.nsw.gov.au/council/services/planning/factsheets.htm>, further information on sediment control can be obtained from www.ssroc.nsw.gov.au.
 - vii) Note: A failure to comply with this condition may result in penalty infringement notices, prosecution, notices and orders under the Act and/or the *Protection of the Environment Operations Act 1997* without any further warning. It is a criminal offence to cause, permit or allow pollution.
 - viii) Note: Section 257 of the *Protection of the Environment Operations Act 1997* provides inter alia that “the occupier of premises at or from which any pollution occurs is taken to have caused the pollution”.
 - ix) Warning: irrespective of this condition any person occupying the site may be subject to proceedings under the *Protection of the Environment Operations Act 1997* where pollution is caused, permitted or allowed as the result of their occupation of the land being developed.
35. All possible and practicable steps shall be taken to prevent nuisance to the inhabitants of the surrounding neighbourhood from wind-blown dust, debris, noise and the like.
- a) In order to prevent vehicles tracking soil or other materials onto public roads and washing of materials into the street drainage system or watercourse, during Excavation, Construction and Deliveries, access to the site shall be available in all weather conditions. The area shall be stabilised and protected from erosion; and,
 - b) In addition, concrete trucks and any other trucks that used for the transportation of building materials or similar, shall not traffic soil cement or other materials onto the road reserve. Hosing down of vehicle tyres shall only be conducted in a suitable off-street area where wash waters do not enter the stormwater system or enter Council’s land.
 - c) Hosing down or hosing/washing out of any truck (concrete truck), plant (e.g. concrete pumps) or equipment (e.g. wheelbarrows) on Council’s road reserve or other property is strictly prohibited. Fines and cleaning costs will apply to any breach of this condition.
 - d) Pavement surfaces adjacent to the ingress and egress points are to be swept and kept clear of earth, mud and other materials at all times and in particular at the end of each working day or as directed by Council's Engineer.
 - e) Building operations such as brick cutting, washing tools or brushes and mixing mortar shall not be carried out on public roadways or footways or in any other

locations which could lead to the discharge of materials into the stormwater drainage system or onto Council's lands.

36. During Construction, care must be taken to protect Council's infrastructure, including street signs, footpath, kerb, gutter and drainage pits etc. Protecting measures shall be maintained in a state of good and safe condition throughout the course of construction. The area fronting the site and in the vicinity of the development shall also be safe for pedestrian and vehicular traffic at all times. Any damage to Council's infrastructure (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub-contractors, concrete delivery vehicles) shall be fully repaired in accordance with Council's specification and AUS-SPEC at no cost to Council.
37. During Demolition, Excavation, Construction and Deliveries, access to the site shall be available in all weather conditions. The area shall be stabilised and protected from erosion to prevent any construction-related vehicles (including deliveries) tracking soil materials onto street drainage system/ watercourse, Council's lands, public roads and road-related areas. Hosing down of vehicle tyres shall only be conducted in a suitable off-street area where wash waters do not enter the stormwater system or enter Council's land.
38. During construction, the applicant shall ensure that all works and measures have been implemented in accordance with the approved Construction Management Plan at all times.
39. All services (Utility, Council, etc.) within the road reserve (including the footpath) shall be relocated/adjusted to match the proposed/existing levels as required by the development.
40. During the construction works the Council nature strip shall be maintained in a clean and tidy state at all times and shall be suitably repaired and/or replaced in accordance with Council Specifications at the completion of construction works at the Applicant's expense.

**CONDITIONS WHICH MUST BE SATISFIED PRIOR TO THE ISSUE OF A
OCCUPATION CERTIFICATE**

41. Prior to the issue of the Occupation Certificate, all applications associated with works on Council's land must be made at least 7-10 days prior to the programmed completion of works and all construction must be completed and approved by Council.
42. Prior to the issue of the Occupation Certificate the applicant must submit to the Principal Certifying Authority an acoustic report to verify that the measures stated in the above report in Condition No. 13 have been carried out and certify that the construction meets the above requirements and the indoor sound levels of AS2021-2000. The report must be prepared by a qualified practicing acoustic engineer (who is a member of either the Australian Acoustical Society or the Association of Australia Acoustical Consultants).
43. Any damage not shown in the photographic survey submitted to Council before site works have commenced will be assumed to have been caused by the site works

(unless evidence to prove otherwise). All damages as a result from site works shall be rectified at the applicant's expense to Council's satisfaction, prior to occupancy of the development and release of damage deposit.

44. Prior to the issue of an Occupation Certificate the connection of new gutters and downpipes to the existing gutter system shall be connected to the proposed rainwater tank (where required) and completed generally in accordance with AS/NSZ 3500 – Plumbing and Drainage Code and the BCA.

45.

- a) Prior to use and occupation of the building an Occupation Certificate must be obtained under Section 109C(1)(c) and 109M of the *Environmental Planning and Assessment Act 1979*.
- b) Condition Numbers 41-44 of this consent are pre-conditions to the issue of the Occupation Certificate.

CONDITIONS WHICH MUST BE SATISFIED DURING THE ONGOING USE OF THE DEVELOPMENT

46. The ongoing maintenance of the nature strip shall then be undertaken by the occupier/owner. Maintenance shall include mowing, the removal of weeds and rubbish and maintaining a good, even coverage of grass at all times.

47.

- a) Air conditioning units are not to be visible from the street or public place and are not to obscure windows/window frames or architectural features of the dwelling.
- b) Noise from any air-conditioning units (measured as the Laeq 15 minute) is not to exceed the background level (measured as the La90 15 minute) by more than 5dBA at any time. The measurement is to be taken at boundary of the property. If the noise from the air conditioner contains any annoying characteristics, the measurements are to be corrected in accordance with the New South Wales Industrial Noise Policy. In addition noise from any air conditioning units are not to be audible within habitable room of other residence before 7am or after 10pm (Monday to Friday) or before 8am or after 10pm (Sat/Sun/Public Holidays).

Note: In order to meet this condition, the compressors and any other noise generating part of the air conditioning unit, are to be located a sufficient distance from any residential boundary to permit the sound from the unit to decay sufficiently to meet the standard, or enclosed in a suitable acoustic enclosure.

48. The building is approved as a single dwelling for use and occupation by a single family. It shall not be used for separate residential occupation or as separate residential flats. No plumbing fixtures, fittings other than those shown, walls deleted

or added, doorways enclosed or any other changes made from the approved plans without the prior Consent of the Council.

49. The applicant being informed that this approval shall be regarded as being otherwise in accordance with the information and particulars set out and described in the Development Application registered in Council's records as Development Application No. 16/92 dated as 17 June 2016 and that any alteration, variation, or extension to the use, for which approval has been given, would require further approval from Council.

5.12 LAND USE SAFETY STUDY - REVIEW OF PLANNING CONTROLS IN THE AREA SURROUNDING DENISON STREET HILLSDALE

File No: 12/91-06

On the motion of Councillor Keneally, seconded Councillor Mitchell

COUNCIL RESOLVED THAT:

1. The contents of this report are noted.
2. That Council make the report *Denison Street Land Use Safety Study Review of Planning Controls* public on its website.
3. That a further report on the possible changes required to the current planning controls be presented at a future Development Committee Meeting.

AT THIS STAGE (7:35 pm), Councillor Kondilios returned to the Committee Room and resumed the Chair.

5.11 UPDATE ON PLANNING PROPOSAL - DELETION OF THE BONUS PROVISIONS - CLAUSES 4.3(2A) AND 4.4B

File No: S15/65-03

On the motion of Councillor Mitchell, seconded Councillor Curry

COUNCIL RESOLVED THAT:

1. The contents of the report be noted;

2. The *Peer Review – Planning Proposal 1/2015* dated August 2016 be made public and placed on Council's website; and
3. That Council proceed with the consultation stage of the process.

5.13 LIST OF UNDETERMINED DEVELOPMENT AND MODIFICATION APPLICATIONS

File No: S12/111

On the motion of Councillor Troy, seconded Councillor Keneally

COUNCIL RESOLVED THAT:

The report be received.

5.14 DA APPROVALS AND MODIFICATIONS TO APPROVED DEVELOPMENT APPLICATIONS FROM 20 JULY 2016 UNTIL 25 AUGUST 2016.

File No: S12/111

On the motion of Councillor Curry, seconded Councillor Glinatsis

COUNCIL RESOLVED THAT:

The report be received.

5.15 UPDATE OF APPLICATIONS TO BE DETERMINED BY THE JRPP

File No: 09/24

On the motion of Councillor Curry, seconded Councillor Troy

COUNCIL RESOLVED THAT:

Council note the above report on the summary and status of applications where the determining authority is the JRPP.

At 7:30 p.m. on the motion of Councillor Mitchell seconded Councillor Castle, the Committee moved into closed session.

6 MEMBERS ONLY REPORTS

6.1 UPDATE ON COURT APPEALS

File No: S14/139

On the motion of Councillor Troy, seconded Councillor Glinatsis

COUNCIL RESOLVED THAT:

In accordance with Section 10A(2) of the Local Government Act 1993, this matter be dealt with in closed session of the meeting by reason that the report be withheld from the media and public as it relates to or contains advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.

At 8:08 p.m. on the motion of Councillor Curry, seconded Councillor Glinatsis, the Committee moved into open session.

The Chairman advised that, in relation to Item 6.1, the Committee recommended that:

The update on legal matters be received and noted.

7 CLOSURE OF MEETING

Councillor Kondilios closed the meeting at 8:10 pm.

CONFIRMED.....
Chairperson of Committee

NOTE: Due to the proclamation of Bayside Council on 9 September 2016, this was the final meeting of the Development Committee and therefore, these Minutes were unable to be listed for confirmation by the Committee.

MEMORANDUM

TO Michael McCabe – Director of City Planning & Development
 FROM Anne Qin – Urban Designer
 THROUGH Cathy McMahon – Manager of Strategic Planning 61/111 C.I / 2 /16
 DATE Monday 19 December 2016
 SUBJECT Planning Proposal No.1/2015 – Deletion of Bonus Provisions
 Consultation for Additional Affected Sites

PURPOSE

To seek endorsement to re-notify landowners of sites affected by Planning Proposal No.1/2015 – Deletion of Bonus Provisions that have not yet lodged a submission with Council.

BACKGROUND

The *Botany Bay Local Environmental Plan (BBLEP) 2013* contains bonus provisions that allow additional height and FSR on R3 Medium Density and R4 High Density zoned residential sites that are over 2,000m². A Gateway Determination was issued for the Planning Proposal to remove Clause 4.3(2A) and Clause 4.4B from the *BBLEP 2013*. In October 2016, notification letters were sent to all landowners of R3 and R4 zoned sites as required by the Gateway conditions. At the same time, Council officers were also in discussion with Land and Housing Corporation (LAHC) regarding their seven affected sites.

The Executive Committee considered a report on 29 November 2016 recommending that Council's comments on LAHC's draft proposal for their sites be included in a future Planning Proposal to be lodged by LAHC. The Executive Committee resolved to re-notify landowners of the two sites over 2,000m² that have not yet lodged a submission and 15 other sites that may have the possibility of being consolidated with adjoining sites to form 2,000m² as identified in SJB Planning's *Peer Review* report.

ISSUE

The following 17 sites are identified in the *Peer Review* as sites that may utilise the bonus provisions but for which Council have not received a submission:

- Site 1 70 Mascot Drive, Eastlakes
- Site 2 10A Aylesbury Street, Botany
- Site 3 1331 Botany Road, Botany
- Site 4 1069 Botany Road & 2-20 Tunbridge Street, Mascot
- Site 5 24-36 Tunbridge Street & 38-42 Middlemiss Street, Mascot
- Site 6 44-58 Middlemiss Street, Mascot
- Site 7 25-33 Daphne Street, Botany
- Site 8 2-10 Rancom Street & 3-5 Wilson Street, Botany
- Site 9 41-45 Rhodes Street, Hillsdale
- Site 10 12-14 Maloney Street, 1-7 Evans Avenue & 2-20 Mascot Drive, Eastlakes
- Site 11 2-64 Miles Street, Mascot
- Site 12 461-487 Gardeners Road, Rosebery

Site 13	12-46 Nilson Avenue, Hillsdale
Site 14	1A-15 Rhodes Street, Hillsdale
Site 15	2-20 Rhodes Street & 52-56 Beauchamp Road, Hillsdale
Site 16	30-42 Beauchamp Road, Hillsdale
Site 17	22-60A Mascot Drive, Eastlakes

CONSIDERATION

Council officers have conducted a review of the existing mapped controls and considered the development potential of all 17 sites based on the surrounding context and *Peer Review* findings (refer to **Attachment 1**). Subject to further discussion with landowners, these sites may be excluded from the Planning Proposal. A summary of recommendations from Council officers is provided below:

- **Site 1 to Site 3:** re-notification is required as these sites exceed 2,000m² without consolidation.
- **Site 4 to Site 10:** site consolidation would provide opportunities for an uplift of dwelling yield on these sites. Development potential would likely be limited by the removal of the bonus provisions. Re-notification is recommended.
- **Site 11 to Site 17:** unlikely to be developed utilising the bonus provisions due to site constraints including risk, local heritage items. difficulty in consolidating small allotments and insufficient depth to achieve appropriate transition to adjacent low density zones. Re-notification is not recommended.

CONCLUSION

As no submissions were received from the 17 sites during the notification period in October 2016, Council officers have determined that letters specifically addressing each site would be appropriate for re-notifying the landowners of **Site 1 to Site 10**.

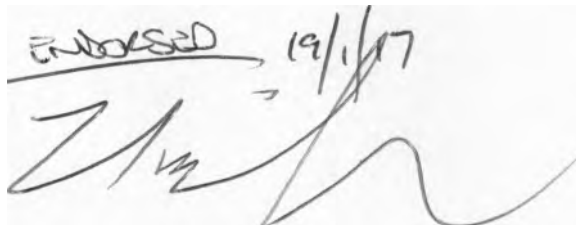
All landowners will be given until Friday 10 February 2017 to indicate their support or objection to the Planning Proposal. Meetings will be arranged with landowners of sites who submit an objection. A massing model as outlined in the *Urban Context Report Guide* (refer to **Attachment 2**) will be requested to inform whether the site should be excluded from the Planning Proposal.

RECOMMENDATION

That the landowners of **Site 1 to Site 10** be notified in writing of the effects of the Planning Proposal on their site with site specific letters outlining the suggested lot amalgamation to achieve higher densities.



Anne Qin
Urban Designer
19 December 2016



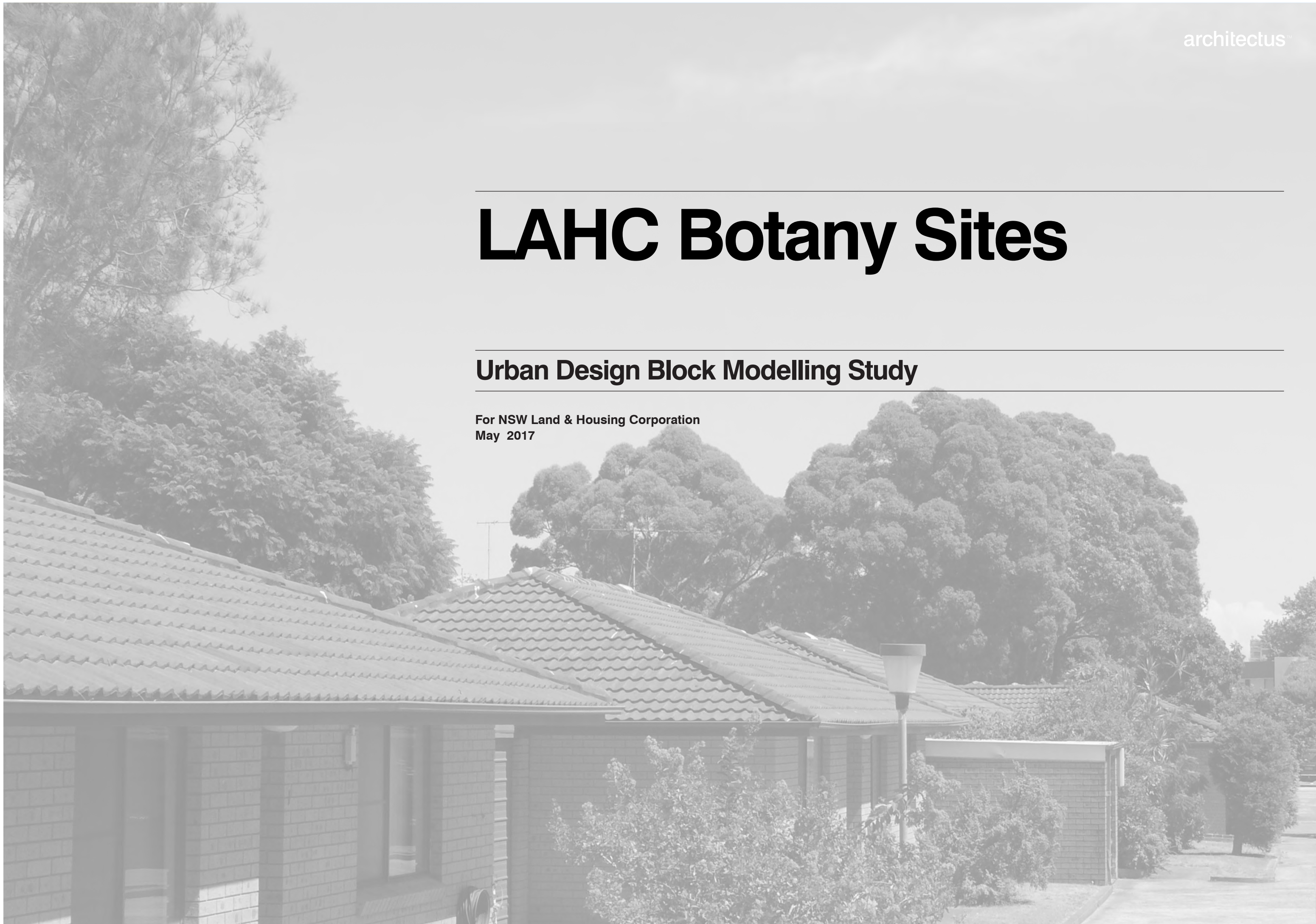
Attachment 1 – Review of Additional Sites Affected by Planning Proposal
Attachment 2 – Urban Context Report Guide

Endorsed Date:

LAHC Botany Sites

Urban Design Block Modelling Study

For NSW Land & Housing Corporation
May 2017



Architectus Group Pty Ltd
ABN 90 131 245 684

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Managing Director Sydney
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1.0 Introduction

1.1 Introduction and overview of the proposal

Purpose of this report

Bayside Council (formally City of Botany Bay and Rockdale Council) are currently preparing a planning proposal to remove clause 4.4B(3) of the 2013 Botany Bay Local Environment Plan (LEP). This clause applies to land zoned R3 Medium Density Residential and R4 High Density Residential and allows for an exception to floor space ratio (FSR) controls on sites over 2000m2 that results in an FSR not exceeding 1.65:1.

Architectus has been commissioned by the NSW Land and Housing Corporation (LAHC), Department of Family and Community Services to prepare block modelling scenarios for seven sites within the Botany Council area (see location plan right) to which this bonus FSR provision would apply.

An indicative urban design concept has been developed for each site to demonstrate a potential development scenario that is capable of achieving the provisions of clause 4.4B along with height of building controls (22m as per clause 4.3) adequate building separation, open space, deep soils zones, appropriate response to local character and solar access and shadow impacts within the site itself and on neighbouring properties.

Report objectives

The objectives for this report are to:

- Understand the sites' strategic planning contexts, local character, site constraints and existing planning controls;
- Identify appropriate urban design principles for each of the sites;
- Prepare an indicative urban design concept that is capable of achieving appropriate built form and open space outcomes.
- Demonstrate the sites ability to comply with clause 4.4B(3) of the 2013 Botany Bay LEP (Exceptions to floor space ratio in Zone R3 and R4)
- Demonstrate the sites ability to comply with clause 4.3 of the 2013 Botany Bay LEP (Height of buildings)
- Demonstrate the sites ability to comply with the NSW Apartment Design Guidelines with particular regard to building separation, communal and public open space, deep soil zones and solar access.



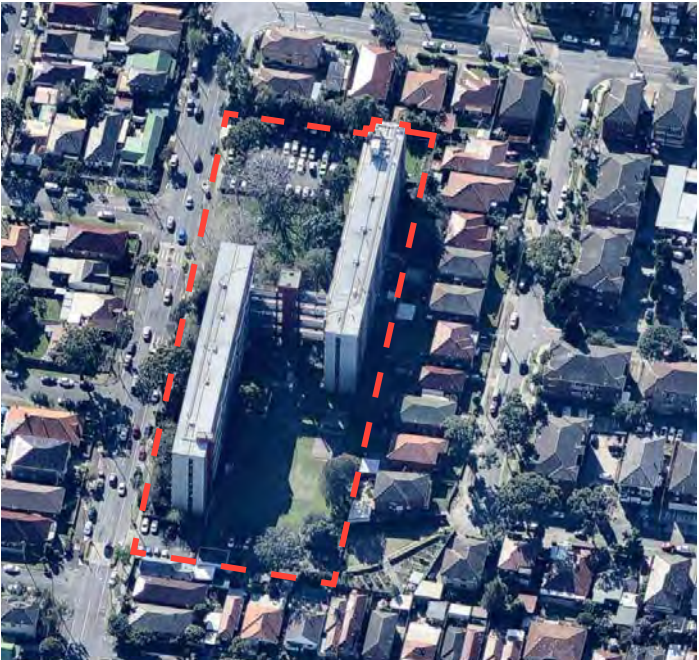
Sites 1-7, Location Plan



Site 1



Site 2



Site 3



Site 4



Site 5



Site 6



Site 7



2.0 Site 1

77-81 Gardeners Road



Existing built form model

2.1 Site 1 - Local context

- Direct bus links into Sydney CBD, Mascot, Bondi Junction, Eastgardens and the University of NSW.
- 10-15min walk to future light rail station at Kingsford.
- Within 800m (10 mins walk) of two shopping/commercial centres (Kingsford and Eastlakes).
- Two schools within a 10-15 minute walk radius.
- Numerous sports fields and public open spaces within a 5-10 minute walk radius.
- Existing cycle links with opportunities to link the site with schools, shops and open spaces.
- Potential links into and through the Eastlakes wetlands.

Legend

- Site Boundary
- Additional site area subject to land assembly
- Potential future development on adjacent site.
- Major Road
- Bus Route / Stop
- Cycle Link
- Future Light Rail/Station
- - - Potential Wetlands Pedestrian Link
- Commercial Centre
- Public Open Space/Recreation
- School



2.2 Site 1 - Key planning controls

The Botany Bay Local Environment Plan (LEP) 2013 applies the following development controls to the site.

Land Use Zone

The subject site is zoned R4 - High Density Residential uses.

Building height

The maximum building height for development on the site is 14 metres.

Because the site area is over 2,000m2 clause 4.3 (2A) of the LEP allows for building heights up to 22m.

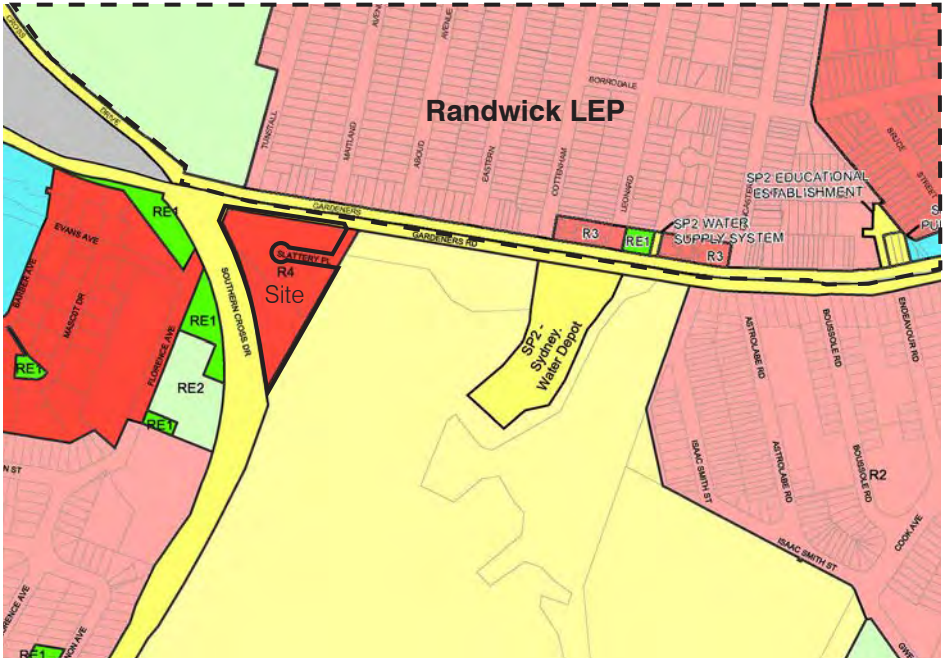
Floor space ratio

The maximum floor space ratio for development on the site is currently 1:1.0

Because the site area is over 2,000m2 clause 4.4B (3) of the LEP allows for up to FSR 1.65:1.

Heritage

The site itself is not heritage listed, however is adjacent to a landscape heritage item, being the Botany Wetlands.



Land Use Zoning



Floor Space Ratio



2.3 Site 1 - Site analysis



1 View from pedestrian crossing on Gardeners Road



2 Intersection of Slattery Place and Gardeners Road



3 View south-east from existing 5 storey apartments



4 Open space and level change to north west corner of site



5 Eastern boundary vegetation and level change



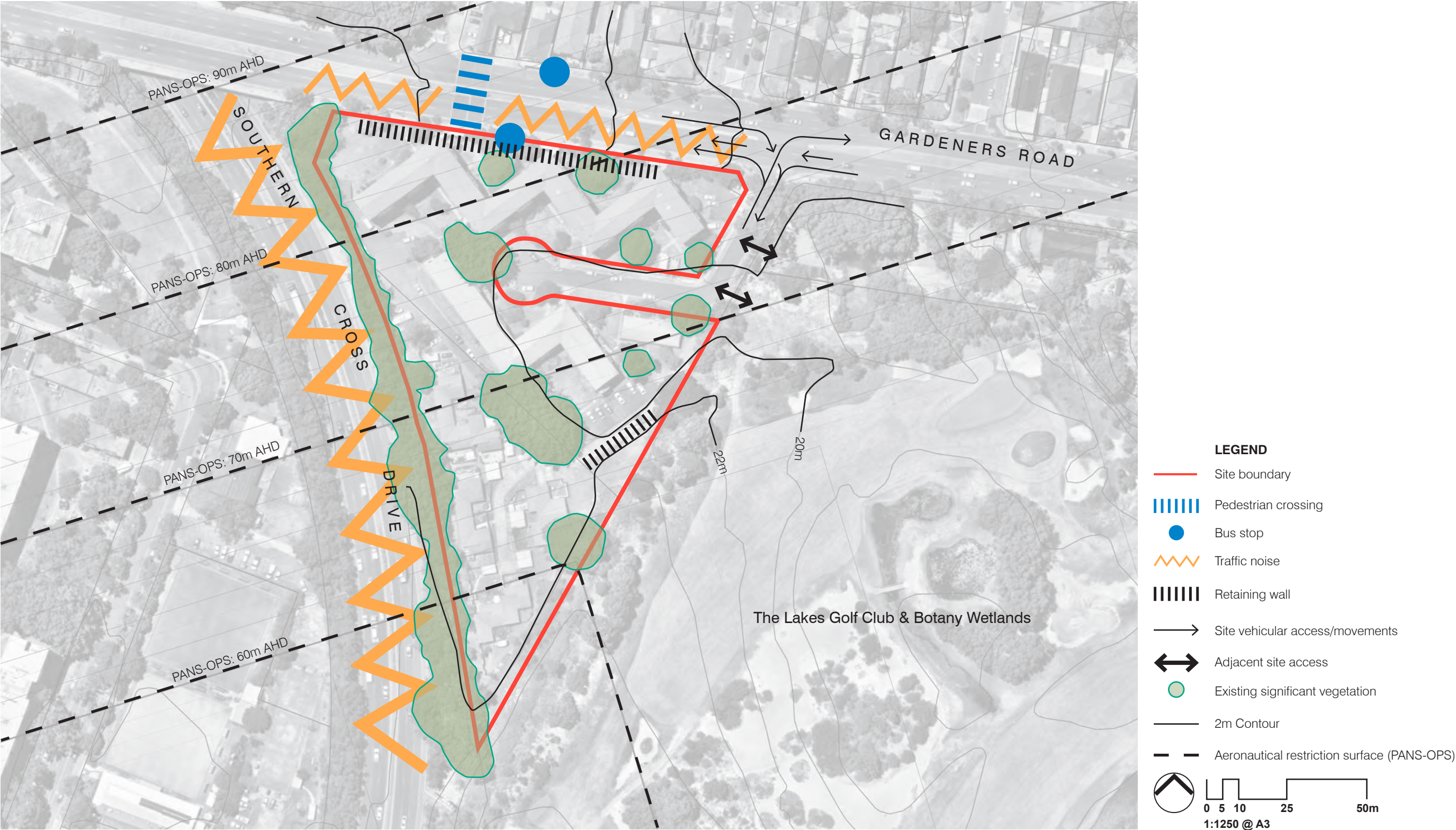
6 Existing large Fig trees in the centre of the site



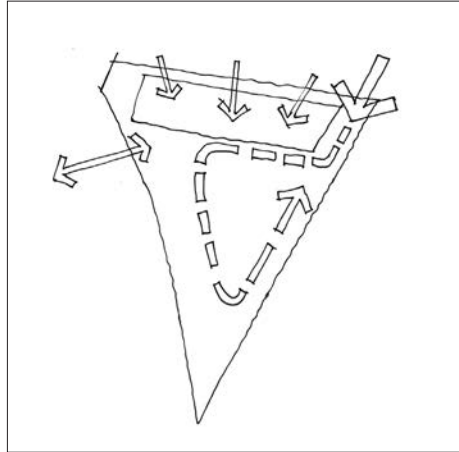
7 1 storey dwellings in the southern part of the site



8 Western boundary vegetation along Southern Cross Drive

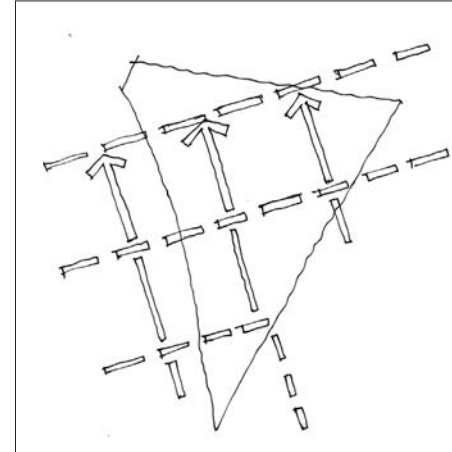


2.4 Site 1 - Design principles



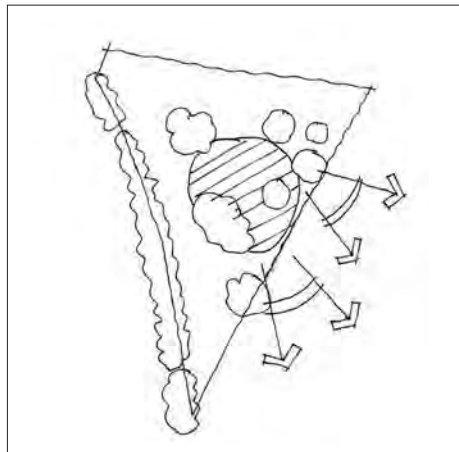
Access, Circulation and Parking

- Maintain the existing vehicular access from Gardeners Road
- Provide clear and legible vehicular circulation that promotes passive surveillance
- Provide basement parking to maximise of space and landscape opportunities
- Allow for multiple pedestrian access points/addresses to Gardeners Road



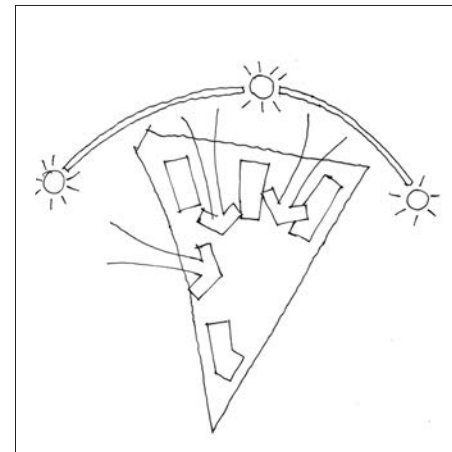
Building Heights & Uses

- Comply with aviation (PANS-OPS) height restriction relating to Sydney Airport
- Utilise a mix of building heights/forms that consider adjacent land uses, views and solar access
- Provide a mix of primarily residential units/apartments that can accommodate a broad social mix of residents as part of a sustainable community.



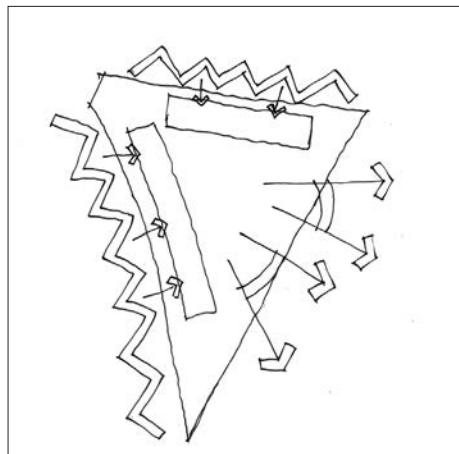
Open Space and Landscape

- Maintain a existing mature trees as valuable landscape features where possible
- Create a focal space to encourage social interaction and a sense of community
- Maximise views to Landscape both within and beyond the site boundary
- Utilise podium landscape to create communal residential gardens for individual buildings.



Solar Access

- Orientate buildings to maximise solar access to habitable rooms.
- Maximise solar access to open space.
- Minimise overshadowing of adjacent properties including the The Lakes golf course.



Building Location, Views and Noise

- Orientate buildings to maximise views to landscape including the Botany Wetlands and Lakes Golf Course
- Maximise the effect of Road noise by orienting buildings away from the Southern Cross Drive.
- Utilise built form to block/mitigate road noise within the site.

2.5 Site 1 - Indicative urban design concept



Indicative development statistics

Site 1 (1.65:1 FSR / 22m HOB)

Building ID	Building envelope	Storeys	Total GBA (m²)	GFA @75% (m²)
Podium	1,140	1	1,140	855
A	675	7	4,725	3,544
B	675	7	4,725	3,544
C	1,150	7	8,050	6,038
D	500	7	3,500	2,625
E	275	5	1,375	1,031
F	480	7	3,360	2,520
G	280	5	1,400	1,050
H	975	7	6,825	5,119
I	900	4	3,600	2,700
Total GFA				29,025
Site Area				17,547
FSR				1.65 :1

	m²	
Site Coverage	7,464	43%
Communal Open Space (non-park)	7,200	41%
Public Park	4,450	25%
Deep Soil Area	9,850	56%

*GFA is calculated at 75% of total gross building area (GBA)

- Master plan key strengths**
- Complies with aviation (PANS-OPS) height restriction relating to Sydney Airport.
 - Utilises a mix of building forms that consider adjacent land uses, views and solar access.
 - Replaces surface parking with basement parking allowing for more generous communal open space areas.
 - Retains significant mature trees on the site.
 - Delivers additional dwelling capacity in the area to accommodate growth and increase the diversity of housing.

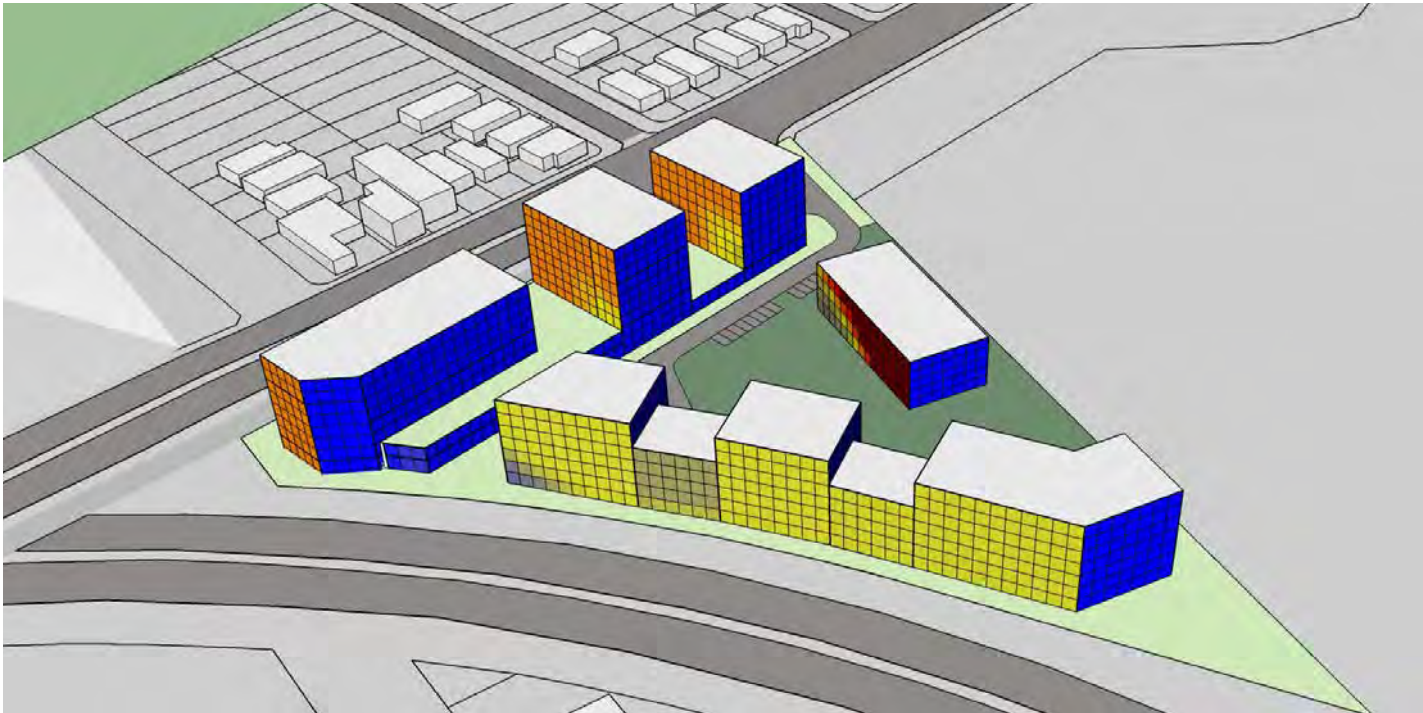
- Issues for testing at DA stage**
- Proximity of apartments to road noise from Southern Cross Drive and south facing apartments.
 - Overshadowing/proximity to The Lakes golf course.

Recommended development controls

Height of buildings: 22m
FSR 1.65:1

2.6 Site 1 - Solar access

Winter solstice



View looking north-east



View looking south-west

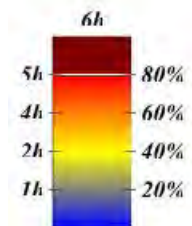


View looking west

Solar access summary during the winter solstice

Sites data	Building face (m ²)	Percentage (%)
Less than 2 hours	5,000	30.4%
2+ hours	5,360	71.5%
Total	17,540	100%

Percentage of building faces with 2+ hours of sun access from 9am-3pm during winter solstice: 71.5%



2.7 Site 1 - Shadow analysis

9 am



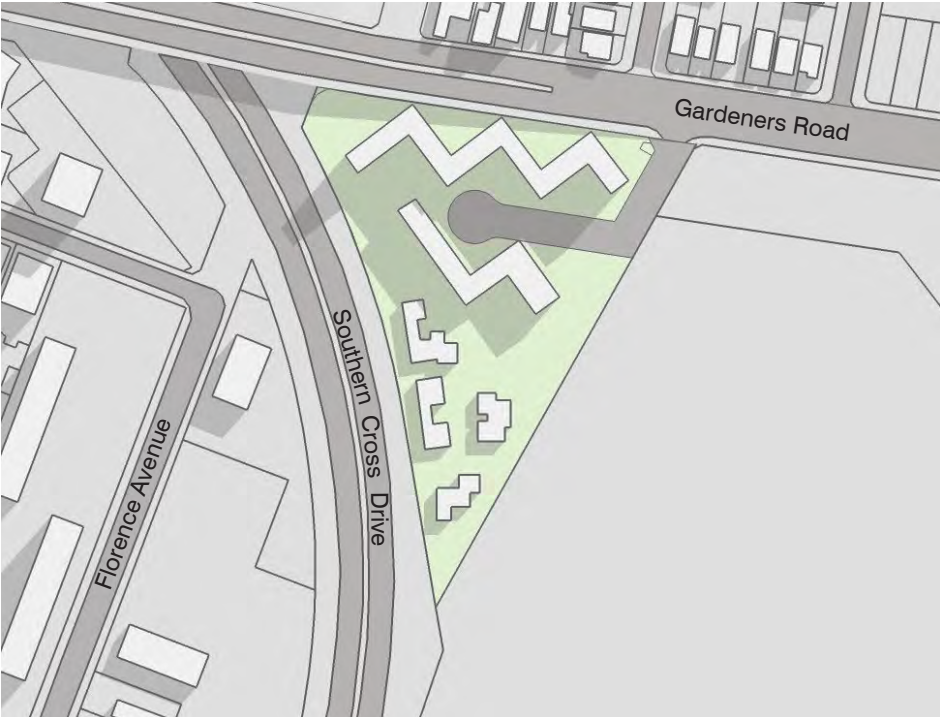
12 noon



3 pm



Site 2 - Potential development scenario: Overshadowing on 21 June



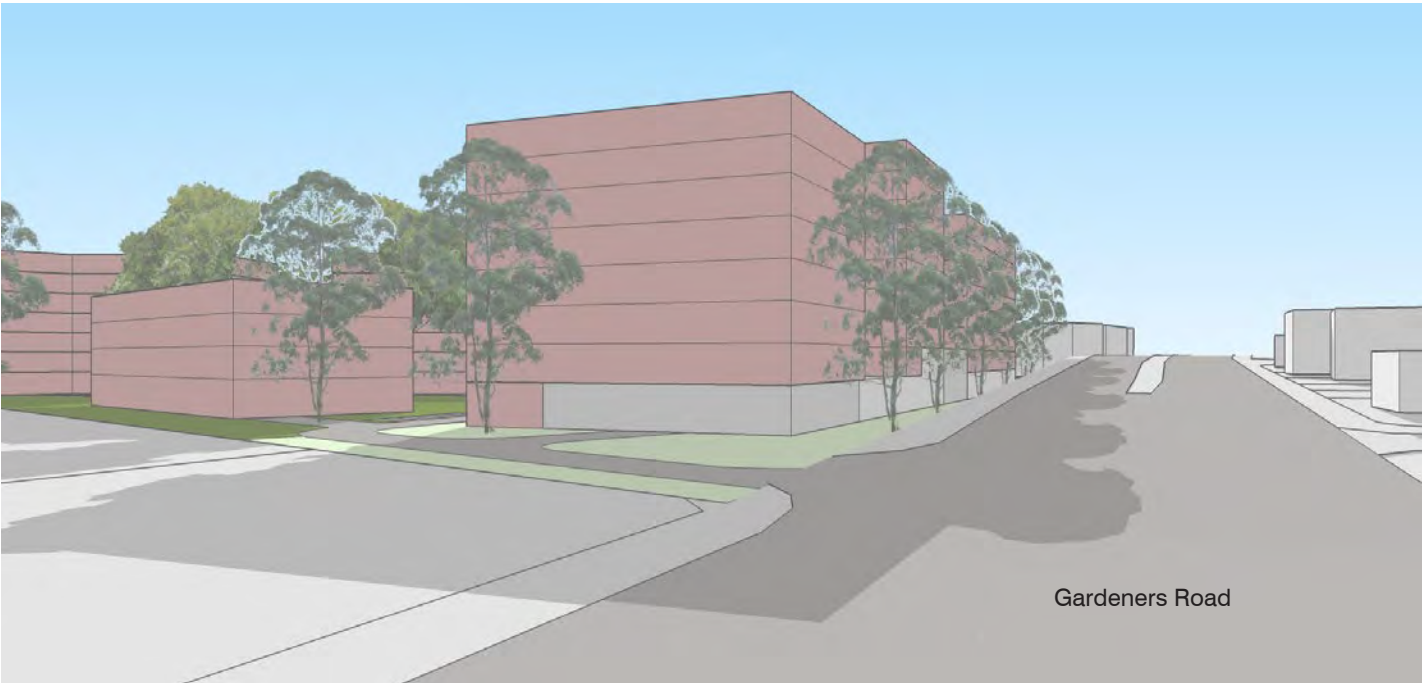
Site 2 - Existing development: Overshadowing on 21 June

2.8 Site 1 - Perspective views

Aerial view looking north-east



View looking south-west along Florence Street



Aerial view looking north



View looking north-west from Mascot Drive



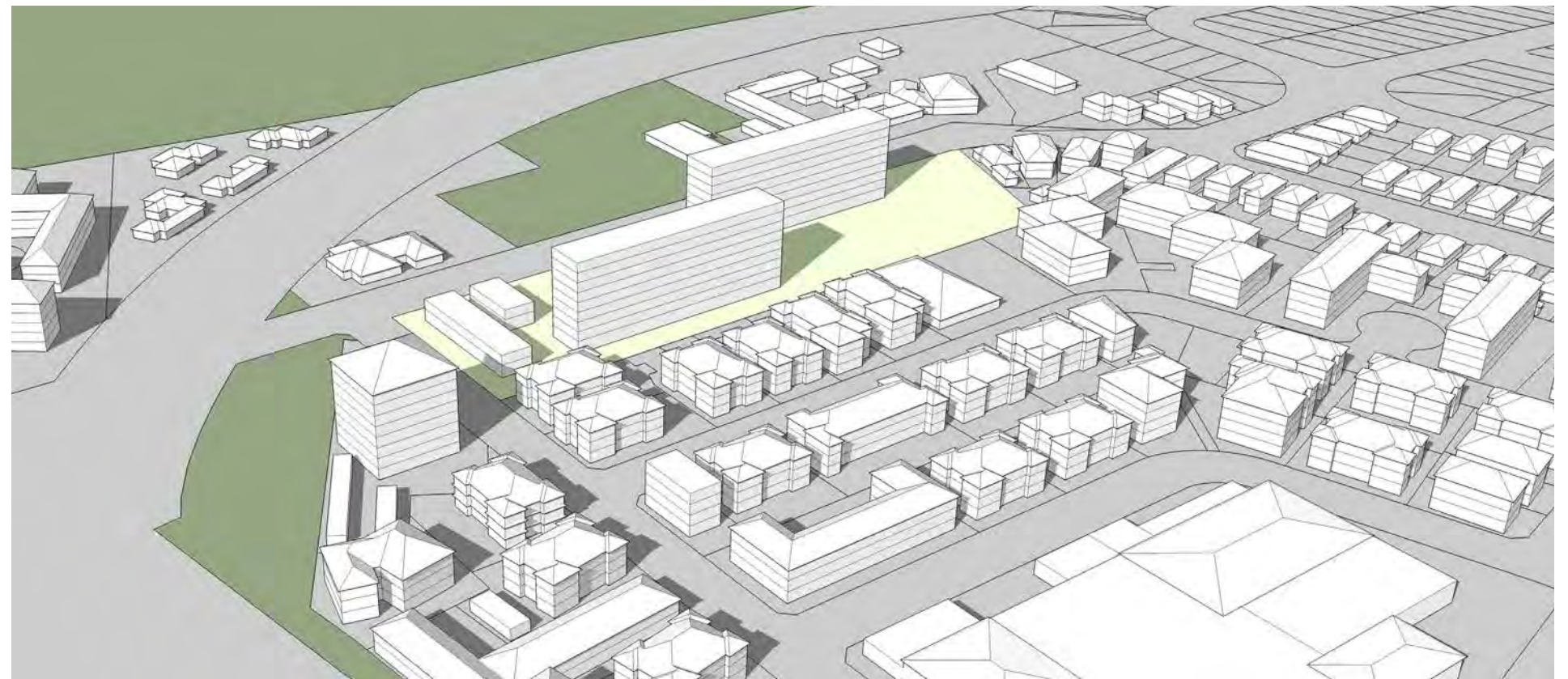
View looking west along Florence Street





3.0 Site 2

1-5 Florence Avenue



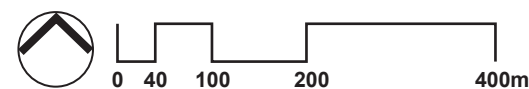
Existing built form model

3.1 Site 2 - Local context

- The site is within 400m (5 minutes walk) of the Eastlakes Shopping Centre, including two supermarkets and general services;
- Eastlakes Reserve lies approximately 400m to the west of the site, including a children's playground and passive open space;
- Close proximity to two schools, including the Eastlakes Public School and JJ Cahill Memorial High School.

LEGEND

- Site
- Significant open space
- Pedestrian catchment
- Major road
- Heritage
- School / social infrastructure
- LAHC Site



3.2 Site 2 - Key planning controls

The Botany Bay Local Environment Plan (LEP) 2013 applies the following development controls to the site.

The site is identified as Lot 3 DP 1257604

Land Use Zone

The subject site is zoned R4 - High Density Residential.

Building height

The maximum building height for development on the site is 14 metres.

Because the site area is over 2,000m2 clause 4.3 (2A) of the LEP allows for building heights up to 22m.

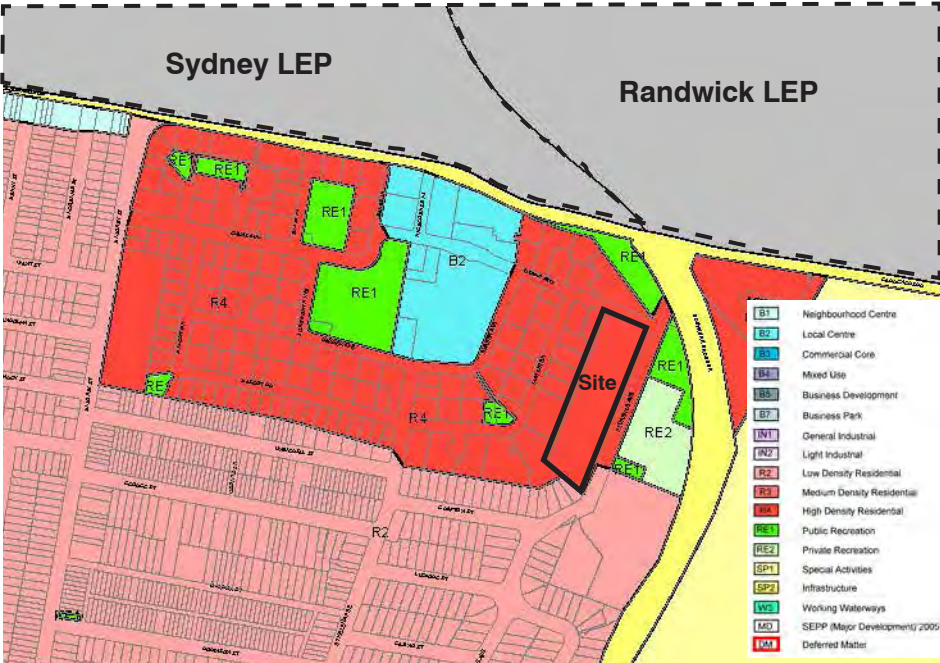
Floor space ratio

The maximum floor space ratio for development on the site is currently 1.0:1.

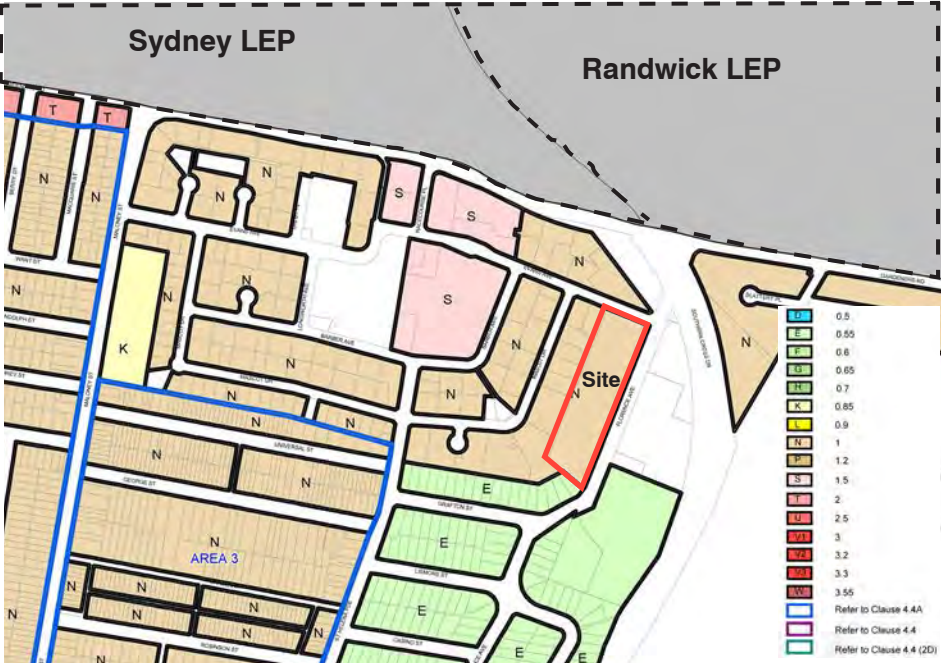
Because the site area is over 2,000m2 clause 4.4B (3) of the LEP allows for up to FSR 1.65:1.

Heritage

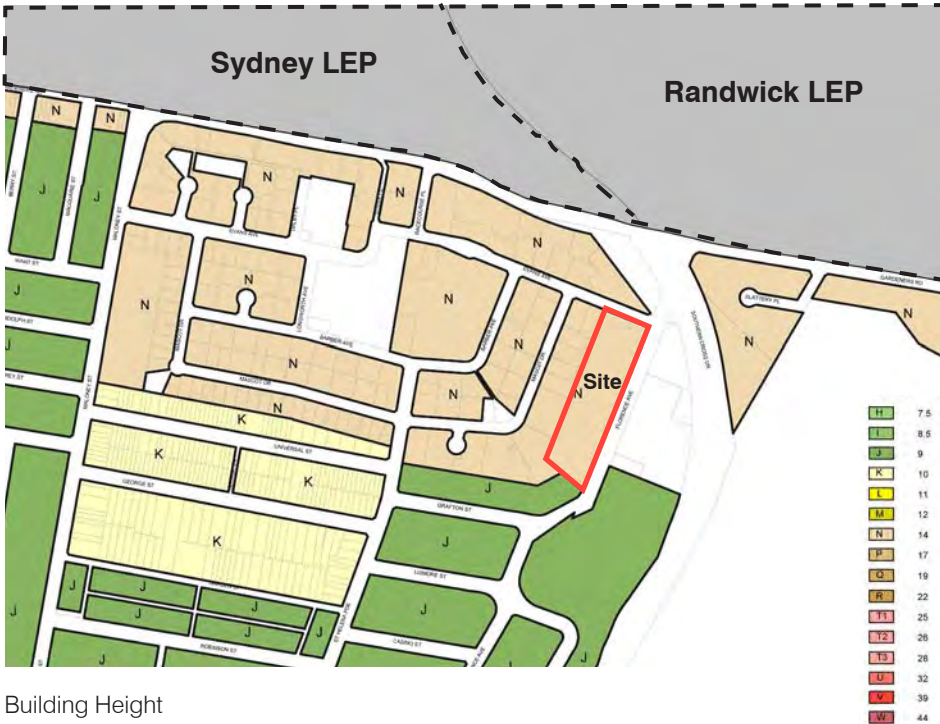
The site is not heritage listed, and it is not within the general vicinity of a heritage item.



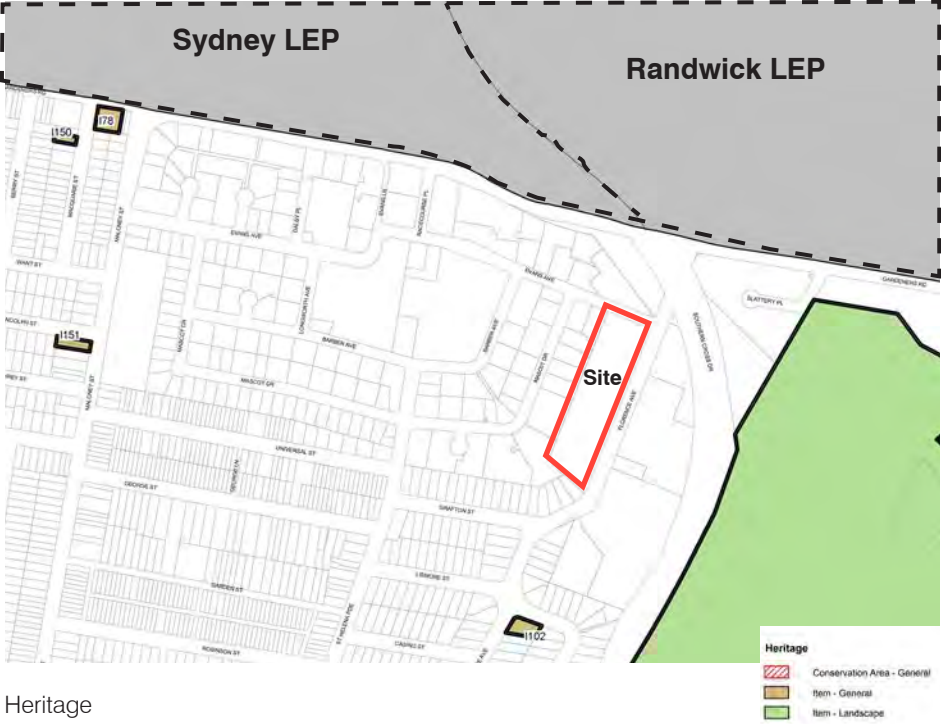
Land Use Zone



Floor Space Ratio



Building Height



Heritage

3.3 Site 2 - Site analysis



① Cyclist along Florence Ave, East side of the site



② Evans Ave northern side, Cycleway entrance to the park



③ Existing 9 & 2 storey residential units



④ Existing playground on the southern part of the site



⑤ Western boundary, large trees adjacent to the church



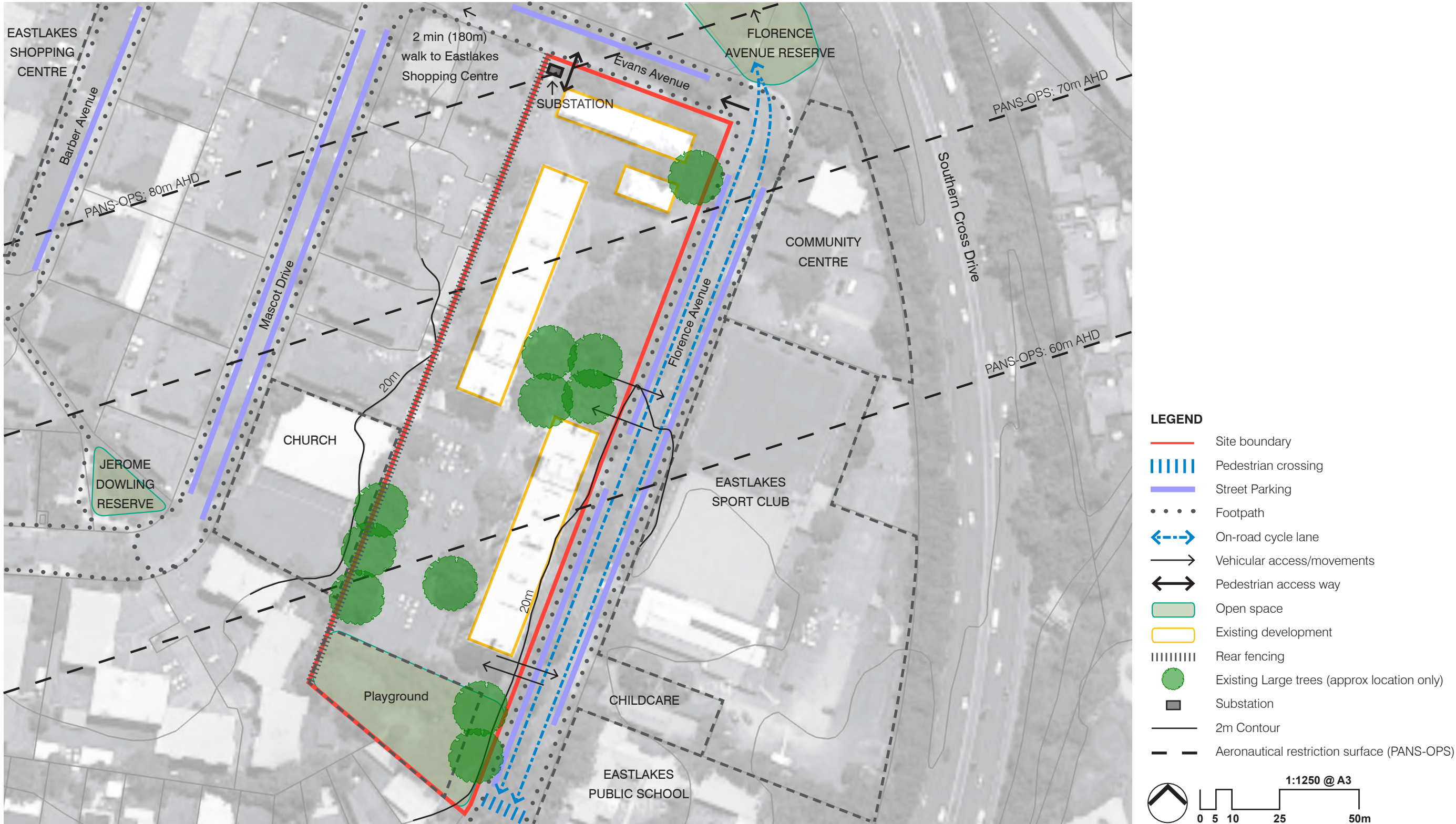
⑥ Existing large Fig trees in the centre of the site



⑦ Adjacent Community Centre on Florence Ave opposite the site



⑧ Existing Substation in the northern part of the site



Site 2 - Site analysis

3.4 Site 2 - Design principles

Access and movement

- Maintain a site access from Florence Avenue.

Open space and landscape

- Retain the mature trees within the existing garden area fronting Florence Avenue as part of a communal open space.
- Retain existing trees along western boundary of the site.
- Provide rationalised internal communal landscape areas with good solar access.
- Maintain a minimum 5m landscape setback to Florence Avenue.

Built form

- Consider an appropriate transition in scale to adjacent lower scale residential uses that minimises visual impact and overshadowing.
- Maintain setbacks to all lot boundaries to allow for future residential flat development on those sites.
- Maximum heights not to exceed aviation restrictions (PANS-OPS) for Sydney Airport.
- Achieve a variety of building forms to add interest and diversity to the built form.
- No additional overshadowing that that caused by the existing buildings.



Green internal communal courtyards can provide opportunities for relaxation and social interaction, as well as an attractive outlook for apartments. Capella, Kensington by FJMT



Providing ground level apartments with a landscaped setback and a defensible private space can help to improve visual amenity, street activation and passive surveillance. EVE Erskinvile by DKO.

3.5 Site 2 - Indicative urban design concept



Indicative development statistics

Site 2 (1.65:1 FSR / 22m HOB)				
Building ID	Building envelope	Storeys	Total GBA (m²)	GFA @75% (m²)
A (Podium)	1,600	4	6,400	4,800
A1	1,040	2.8	2,912	2,184
B (Podium)	1,600	4	6,400	4,800
B1	1,040	2.8	2,912	2,184
C (Podium)	1,900	4	7,600	5,700
C1	1,265	2.8	3,542	2,657
			Total GFA	22,325
			Site Area	13,525
			FSR	1.65 :1

	m²	
Site coverage	5,100	38%
Communal Open Space	8,425	62%
Deep Soil Area	5,400	40%

*GFA is calculated at 75% of total gross building area (GBA)

Master plan key strengths

- Complies with aviation (PANS-OPS) height restriction relating to Sydney Airport.
- Utilises a mix of building forms that consider adjacent land uses, views and solar access.
- Replaces surface parking with basement parking allowing for more generous communal open space areas.
- Retains significant mature trees on the site.
- Delivers additional dwelling capacity in the area to accommodate growth and increase the diversity of housing.

Issues for testing at DA stage

- Minor additional overshadowing of dwellings directly to the south for limited hours during the winter months.
- Some additional overshadowing of the bowls club to the east, although reduced from the existing built form.

Recommended development controls

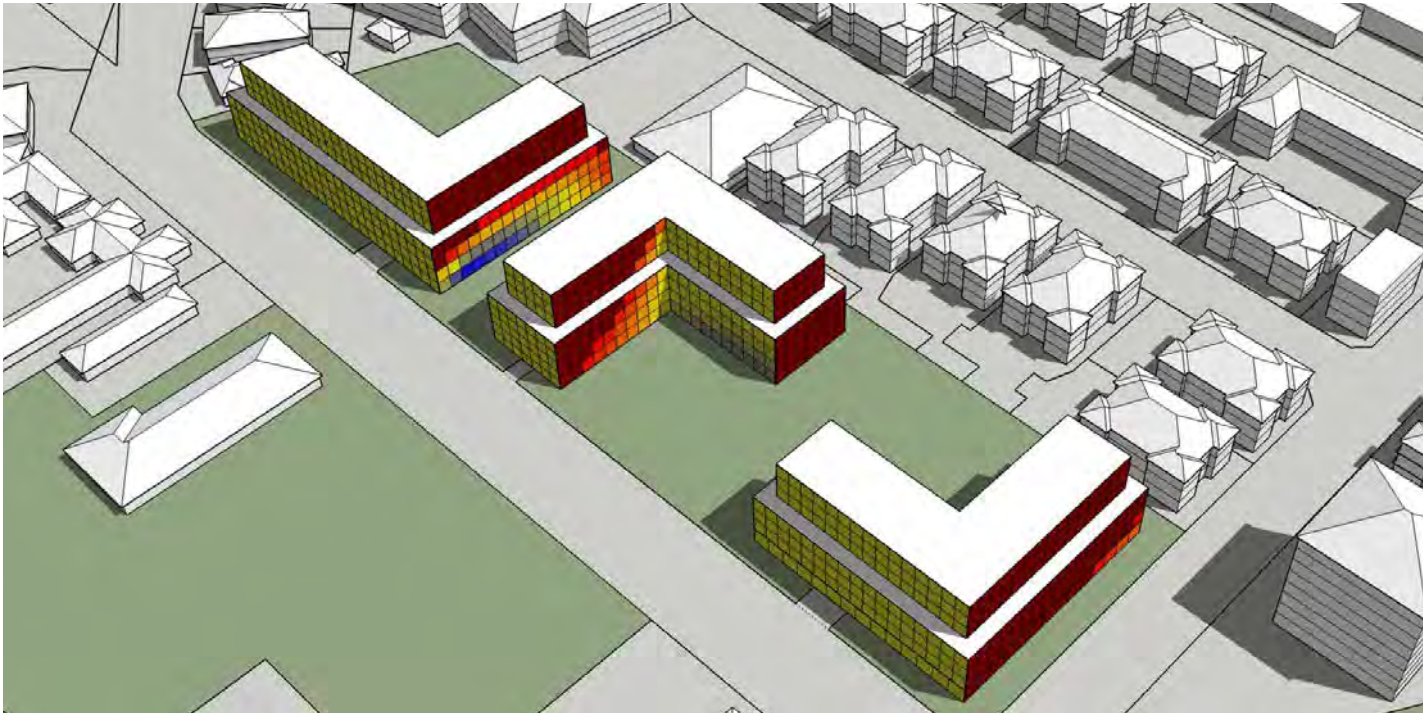
Height of buildings: 22m
FSR 1.65:1

3.6 Site 2 - Solar access

Winter solstice



View looking south-east



View looking south-west

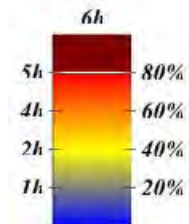


View looking north-east

Solar access summary during the winter solstice

Sites data	Building face (m ²)	Percentage (%)
Less than 2 hours	3,862	29.1%
2+ hours	3,968	70.9%
Total	13,270	100%

Percentage of building faces with 2+ hours of sun access from 9am-3pm during winter solstice: 70.9%



3.7 Site 2 - Shadow analysis

9 am



Site 2 - Potential development scenario: Overshadowing on 21 June

12 noon



3 pm



Site 2 - Existing development: Overshadowing on 21 June



3.8 Site 2 - Perspective views

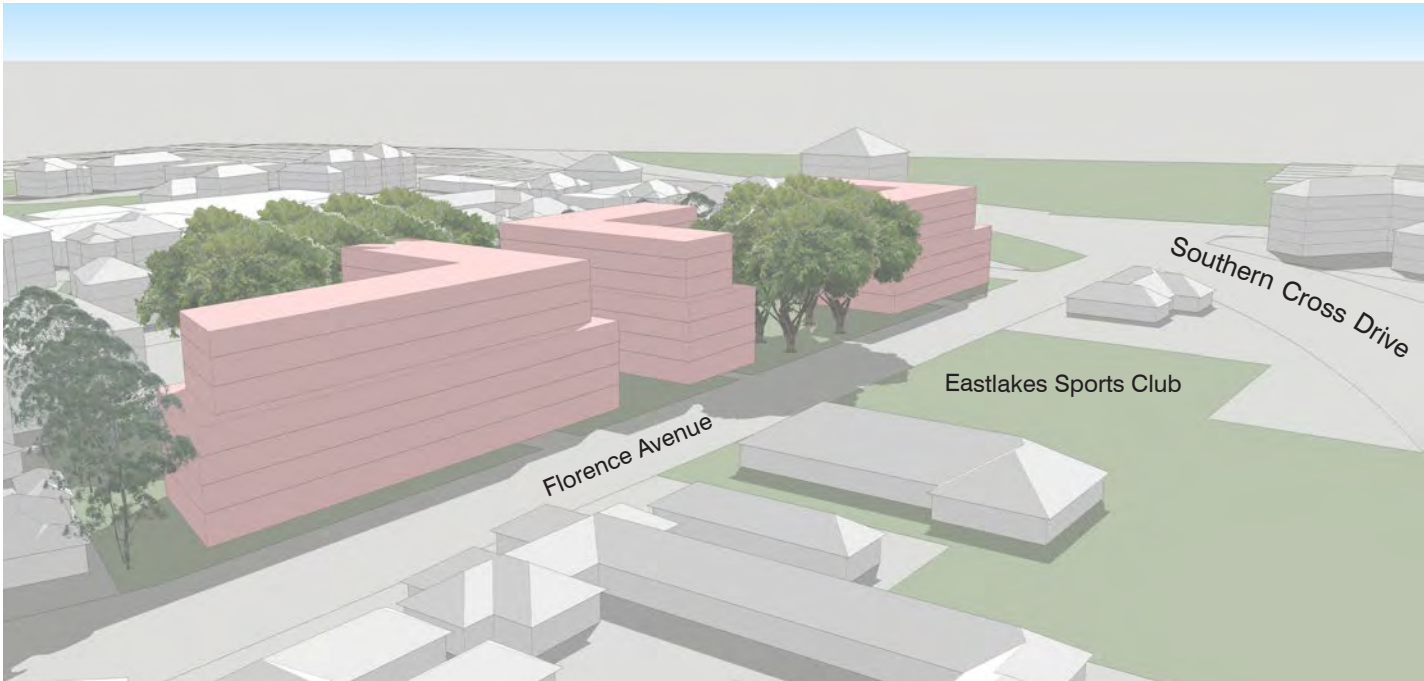
Aerial view looking north-east



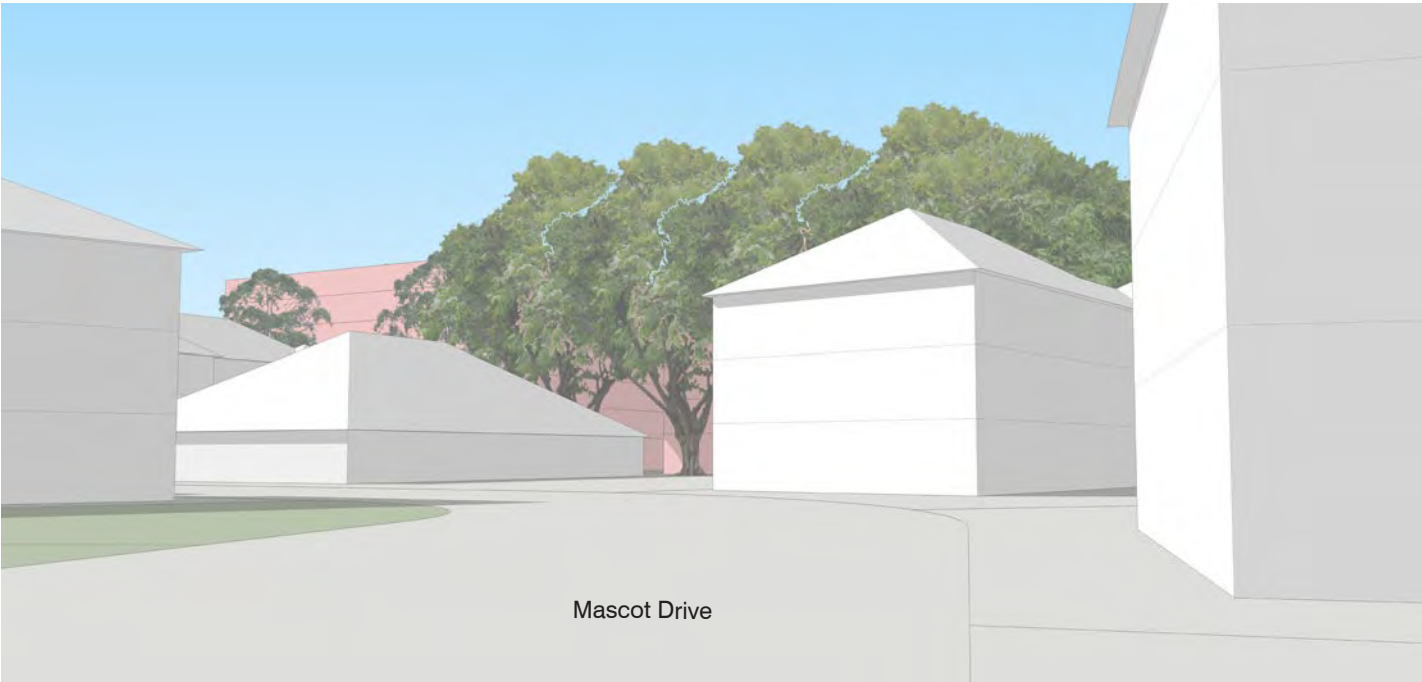
View looking south-west along Florence Street



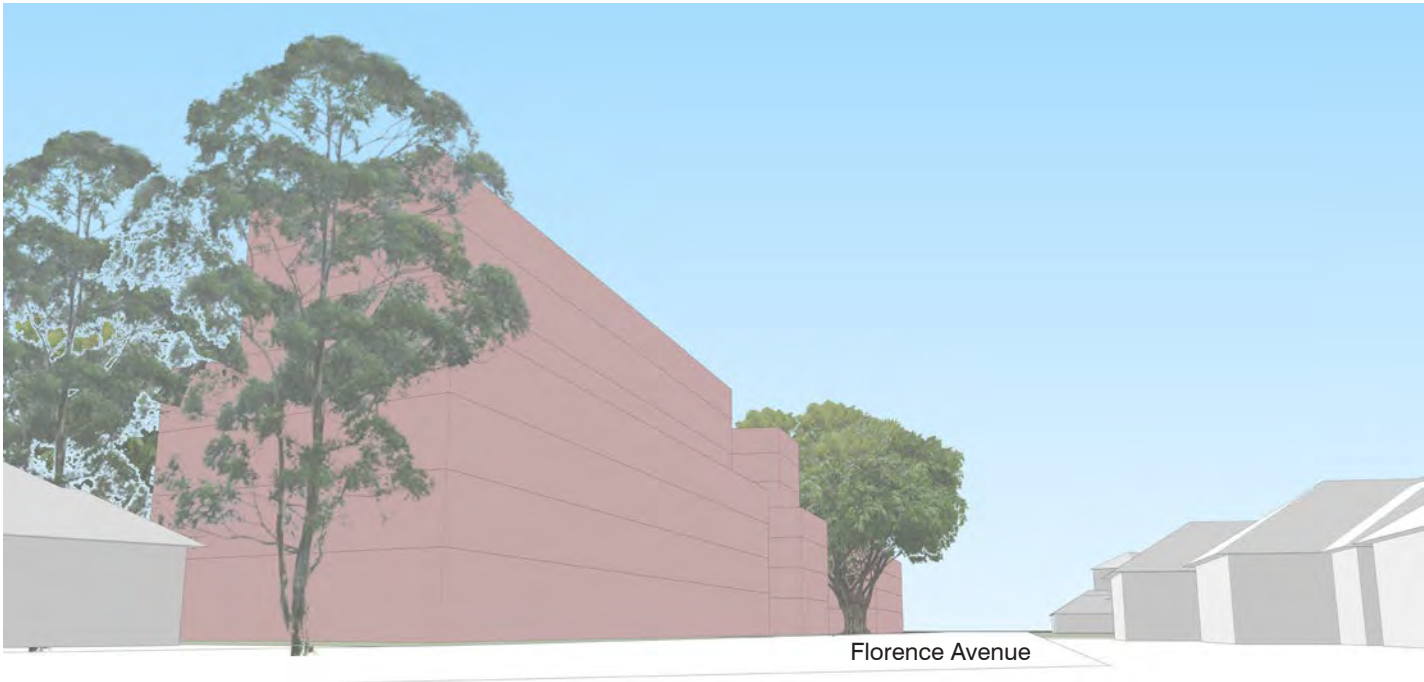
Aerial view looking north-west



View looking north-east from Mascot Drive



View looking north-west along Florence Street





4.0 Site 3

16-18 Maloney Street

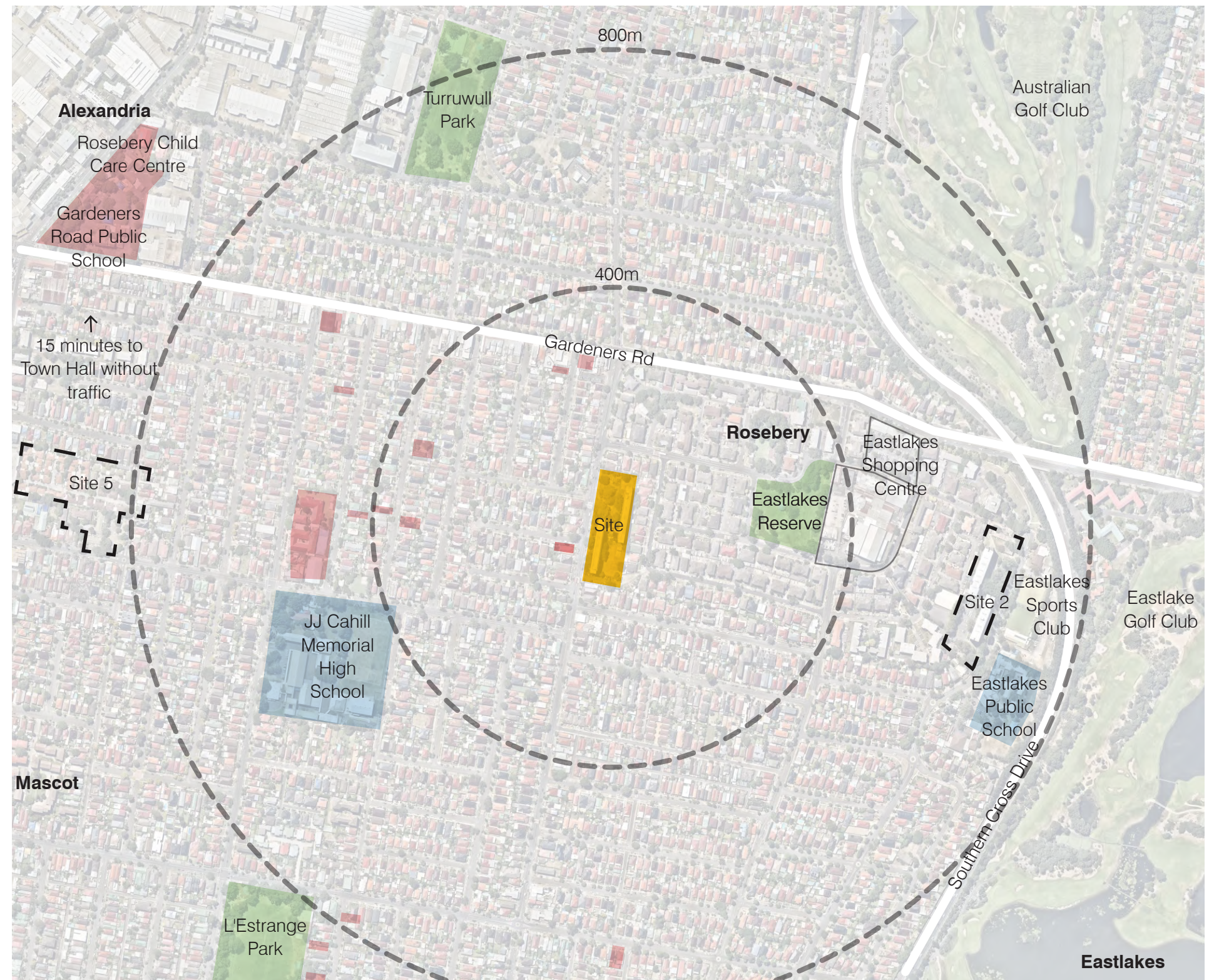
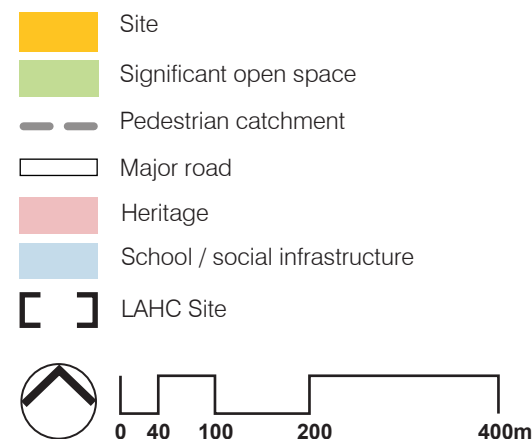


Existing built form model

4.1 Site 3 - Local context

- The site is within 800m (10 minutes walk) of the Eastlakes Shopping Centre, including two supermarkets and general services;
- Eastlakes Reserve lies approximately 300m to the east of the site, including a children's playground and passive open space;
- In close proximity to two schools, including a high school and primary school.

LEGEND



4.2 Site 3 - Key planning controls

Under the Botany Bay Local Environment Plan (LEP) 2013, the following development controls to the site.

The site is identified as Lot 1 DP1257603

Land Use Zone

The subject site is zoned R4 - High Density Residential.

Building height

The maximum building height for development on the site is 14 metres.

Because the site area is over 2,000m2 clause 4.3 (2A) of the LEP allows for building heights up to 22m.

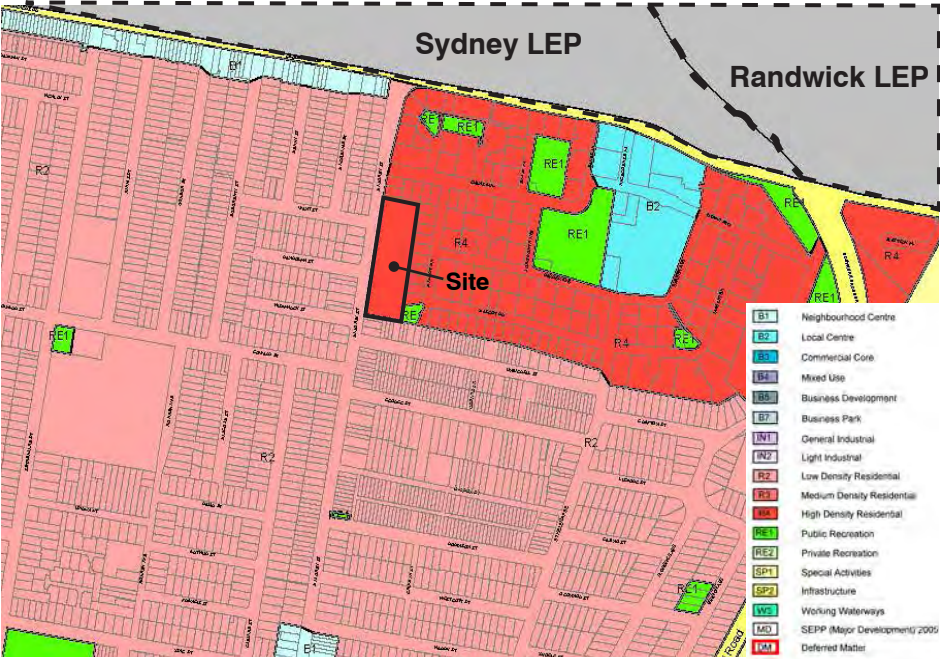
Floor space ratio

The maximum floor space ratio for development on the site is currently 0.85:1.

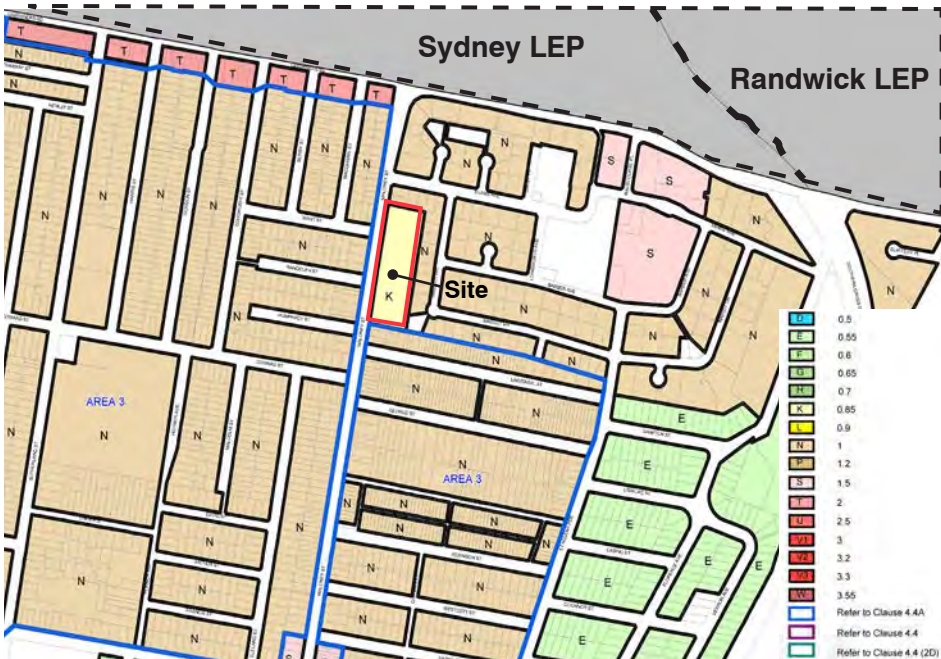
Because the site area is over 2,000m2 clause 4.4B (3) of the LEP allows for up to FSR 1.65:1.

Heritage

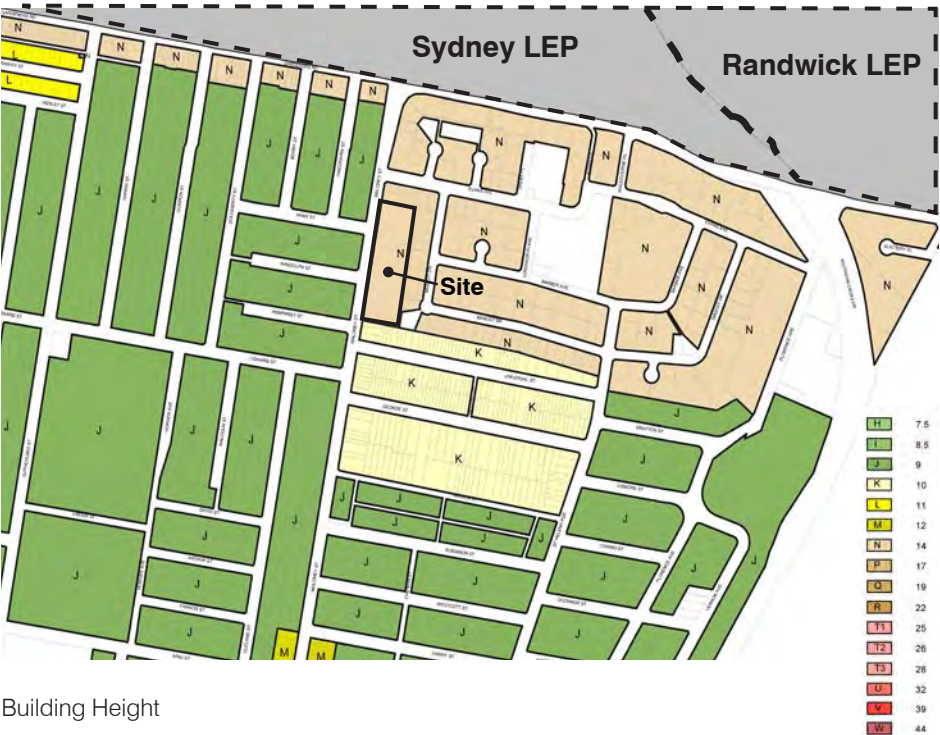
The site itself is not heritage listed but adjoins a heritage item to the west: a single dwelling located at 37-39 Maloney Street.



Land Use Zone



Floor Space Ratio



Building Height



Heritage

4.3 Site 3 - Site analysis



1 Existing 9 storey residential block and car-park



2 Existing trees on Maloney St frontage



3 Community garden to South-East corner of the site



4 Open space on the southern part of the site



5 Southern side of the site and level change to open space



6 Pedestrian crossing on Maloney Street



7 Large trees in the northern part of the site



8 Vehicle entry on Maloney Street



Site 3 - Site analysis

4.4 Site 3 - Design principles

Access and movement

- Maintain access from Maloney Street.

Open space and landscape

- Retain the mature trees within the existing garden area fronting Maloney Street as part of a communal open space.
- Maintain a widened landscape setback to the southern boundary to allow for public access between Maloney Street, the community park on Mascot Drive and linking to Eastlakes shopping centre.
- Provide rationalised internal communal landscape areas with good solar access.
- Maintain a minimum 5m landscape setback to Maloney Street.

Built form

- Provide an appropriate transition in scale to adjacent lower scale residential uses that minimises visual impact and overshadowing.
- Provide setbacks to all lot boundaries to allow for future residential flat development on those sites.
- Maximum heights not to exceed aviation restrictions (PANS-OPS) for Sydney Airport.
- Achieve a variety of building heights to add interest and diversity.



Example of a range of building heights articulated to provide visual interest and a relationship with ground floor uses and open space. Otto, Rosebery by Turner Studio.



Landscaped setbacks along streets can increase the amenity of the street and provide attractive defensible private space that contributes to street level activation and surveillance. Little Bay Cove, NSW.

4.5 Site 3 - Indicative urban design concept



Indicative development statistics				
Site 3 (1.65:1 FSR / 22m HOB)				
Building ID	Building envelope	Storeys	Total GBA (m²)	GFA @75% (m²)
A (Podium)	1,600	4	6,000	4,500
A1	1,400	2	1,930	1,448
B (Podium)	1,500	4	6,000	4,500
B1	950	3	2,850	2,138
C (Podium)	1,500	4	6,000	4,500
C1	965	2	1,930	1,448
			Total GFA	18,533
			Site Area	11,204
			FSR	1.65 :1

	m²	
Site coverage	4,600	41%
Communal Open Space	6,604	59%
Deep Soil Area	2,500	22%

*GFA is calculated at 75% of total gross building area (GBA)

Master plan key strengths

- The same maximum building height as existing buildings but with improved communal areas, amenity and character.
- Complies with aviation (PANS-OPS) height restriction relating to Sydney Airport.
- Replaces surface parking with basement parking allowing for more generous communal open space areas.
- Retains significant mature trees on the site.
- Results in a variety of building heights that respond to adjacent land uses, views and solar access.
- Does not have additional shadowing impact over the existing built form.
- Lower building forms in line with existing three storey apartment buildings to the north and east.

Recommended development controls

Height of buildings - 22m
FSR 1.65:1

4.6 Site 3 - Solar access

Winter solstice



View looking south-east



View looking south-west

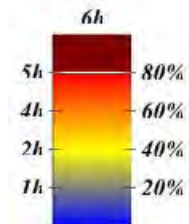


View looking north-west

Solar access summary during the winter solstice

Sites data	Building face (m²)	Percentage (%)
Less than 2 hours	3,000	28.6%
2+ hours	3,100	71.4%
Total	10,500	100%

Percentage of building faces with 2+ hours of sun access from 9am-3pm during winter solstice: 71.4%



4.7 Site 3 - Shadow analysis

9 am



Site 3 - Potential development scenario: Overshadowing on 21 June

12 noon



3 pm

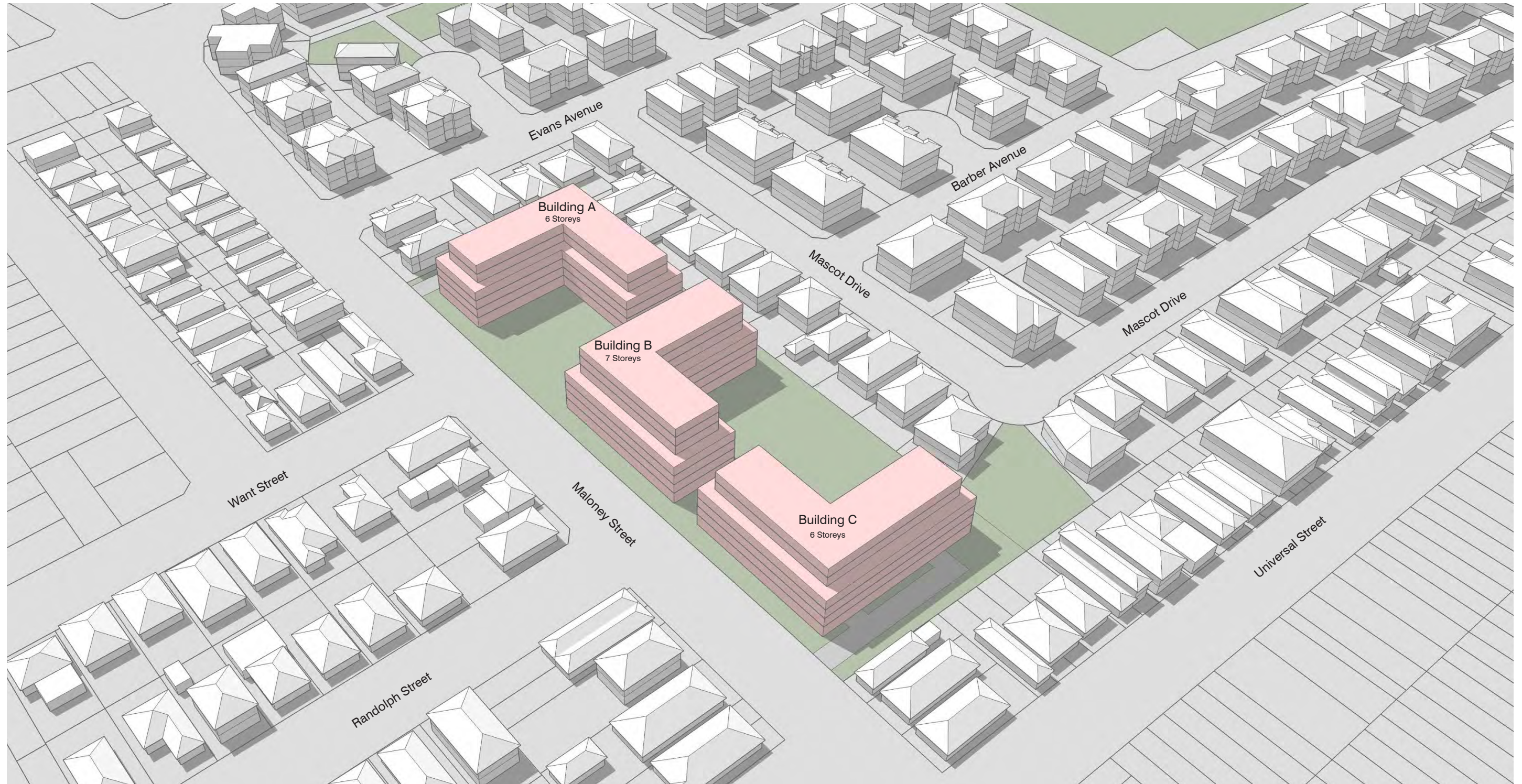


Site 3 - Existing development: Overshadowing on 21 June



4.8 Site 3 - Perspective views

Aerial view looking north-east



View looking south-east along Maloney Street



View looking north-west along Maloney Street



View west along Mascot Drive



View east from Want Street





5.0 Site 4

Lot 1 Macintosh Street



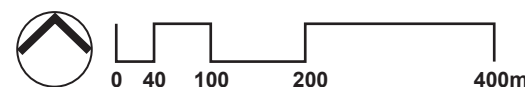
Existing built form model

5.1 Site 4 - Local context

- The site is within 800m (10 minutes walk) of the Botany local centre and the Mascot Train Station and town centre.
- In close proximity to Mascot Oval and Mascot Memorial Park.
- The site is at the end of a low scale residential street, but adjoins land zoned for commercial development up to a height limit of 22m (6-7 storeys).
- There is a lack of pedestrian connectivity to the oval and on to the train station.

LEGEND

- Site
- Significant open space
- Pedestrian catchment
- Major road
- Heritage
- School / social infrastructure
- LAHC Site
- Railway
- Underground railway
- Industrial and business uses
- Town / local centre



5.2 Site 4 - Key planning controls

The Botany Bay Local Environment Plan (LEP) 2013 applies the following development controls to the site.

The site is identified as Lot 1 DP3568934

Land Use Zone

The subject site is zoned R3 - Medium Density Residential.

Building height

The maximum building height for development on the site is 12 metres.

Because the site area is over 2,000m2 clause 4.3 (2A) of the LEP allows for building heights up to 22m.

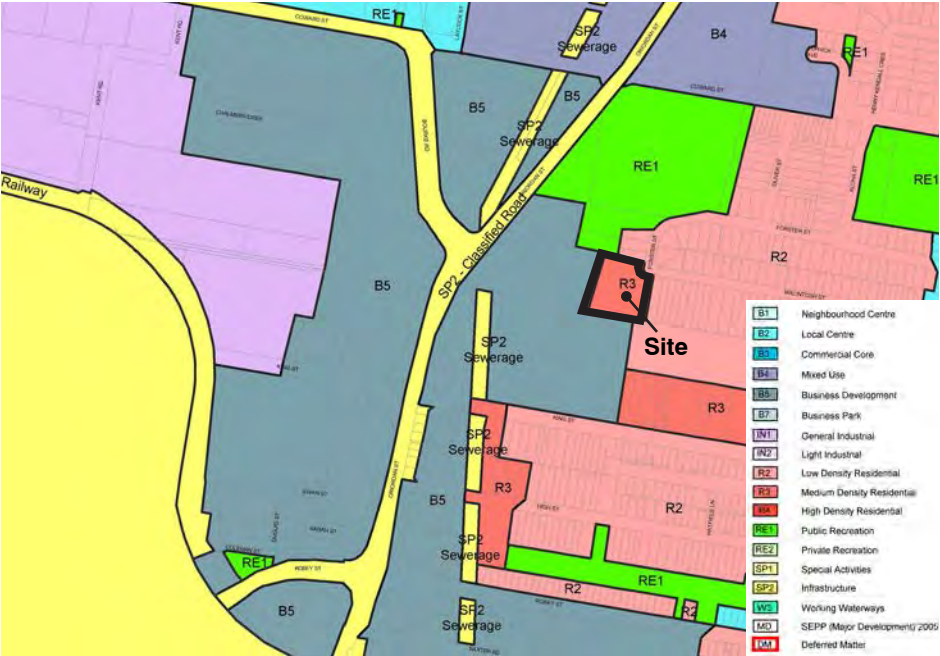
Floor space ratio

The maximum floor space ratio for development on the site is currently 0.85:1.

Because the site area is over 2,000m2 clause 4.4B (3) of the LEP allows for up to FSR 1.65:1.

Heritage

The site is located adjacent to Mascot Public School building group which is listed as an item of local heritage significance under the Botany Bay LEP 2013. The school building itself is at the eastern end of the site on King Street, and is not visible from the subject site.



Land Use Zone



Floor Space Ratio

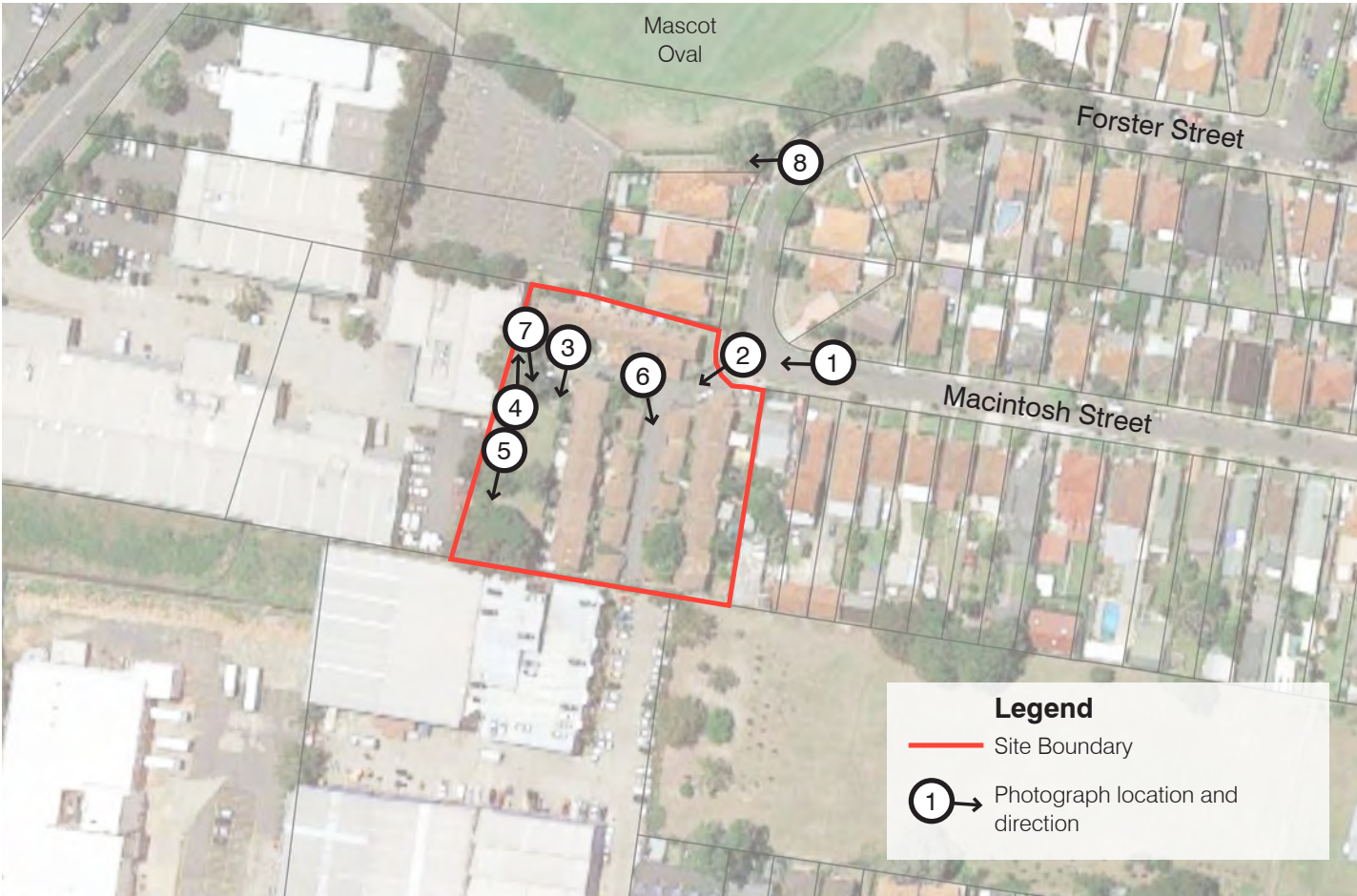


Building Height



Heritage

5.3 Site 4 - Site analysis



① Site entrance from Macintosh Street



② Existing 2 storey residential dwellings



③ Open space on the western side of the site



④ Part of western site boundary, adjacent industrial building



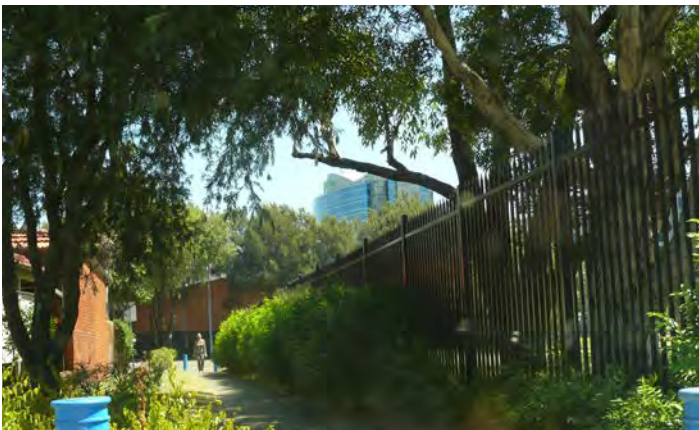
⑤ Western boundary vegetation and level change



⑥ Existing 2 storey dwellings and laneway access



⑦ 2 storey dwellings and rear fences to open space



⑧ Link from Macintosh Street towards O'Riordan Street



Site 4 - Site analysis

5.4 Site 4 - Design principles

Access and movement

- Maintain single point of access from Macintosh Street.
- Improve pedestrian permeability and access to Mascot Oval and the train station from the south.
- Consider potential future pedestrian and cycle connections north-south linking King Street to Mascot Oval.
- Consider potential future pedestrian and cycle connections east-west linking Macintosh Street to O'Riordan Street.

Open space and landscape

- Visually open up site access with open space to provide better site arrival, orientation and surveillance from Macintosh Street.
- Create a central communal open space with good solar access.

Built form

- Building heights/massing to minimise overshadowing to adjacent residential properties and Mascot Public School.
- Maximum heights not to exceed aviation restrictions (PANS-OPS) for Sydney Airport.
- New development should provide a transition to surrounding low-scale development which is unlikely to turn-over in the short to medium term.
- To the south and west of the site, taller development can be supported, as it adjoins land that can be developed up to 7 storeys under the current controls.
- Consider the visual impact of the scheme from the public domain. Key views to the site are from the eastern end of Macintosh Street, and from Mascot Oval.



LEGEND

◀.....▶ Future pedestrian/cycle links through the site



A well oriented and designed central open space and provide an attractive setting for residents to pass through on a daily basis. Victoria Square, Rosebery.

5.5 Site 4 - Indicative urban design concept



Indicative development statistics

Site 4 (1.65:1 FSR / 22m HOB)				
Building	Building envelope	Storeys	Total GBA (m²)	GFA @75% (m²)
A (Podium)	1,115	4	4,460	3,345
A1	725	2	1,450	1,088
B (Podium)	1,120	4	4,480	3,360
B1	750	2	1,500	1,125
			Total GFA	8,918
			Site Area	5,393
			FSR	1.65 :1

	m²	
Site coverage	2,235	25%
Communal Open Space	3,158	59%
Deep Soil Area	1,200	22%

*GFA is calculated at 75% of total gross building area (GBA)

- Master plan key strengths**
- Complies with aviation (PANS-OPS) height restriction relating to Sydney Airport.
 - Utilise a building heights that consider adjacent land uses, views and solar access.
 - Provides a rationalised open space and improved address to the site.
 - Allows for potential future strategic pedestrian links though the site.
 - Delivers additional dwelling capacity in the area to accommodate growth and increase the diversity of housing.

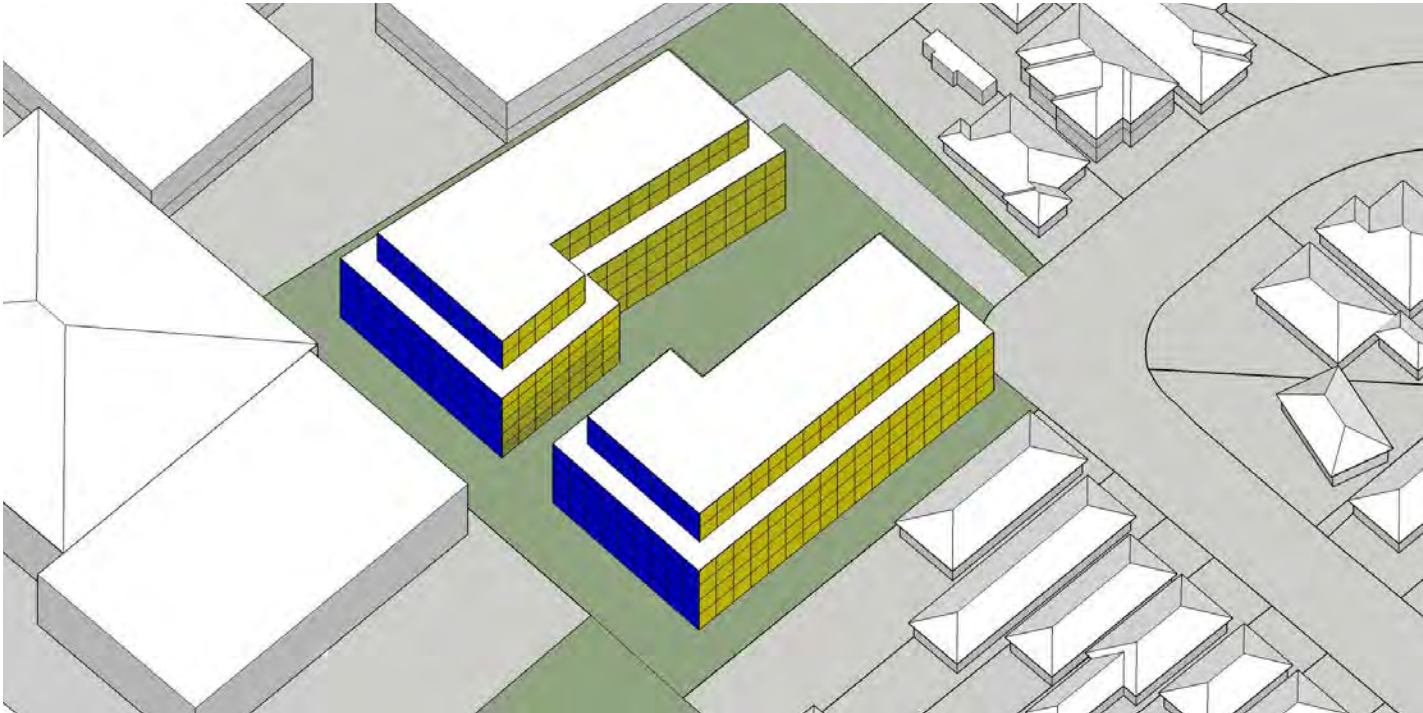
- Issues for testing at DA stage**
- Minor increase in overshadowing of open space to the south west during afternoon hours in the winter.

Recommended development controls

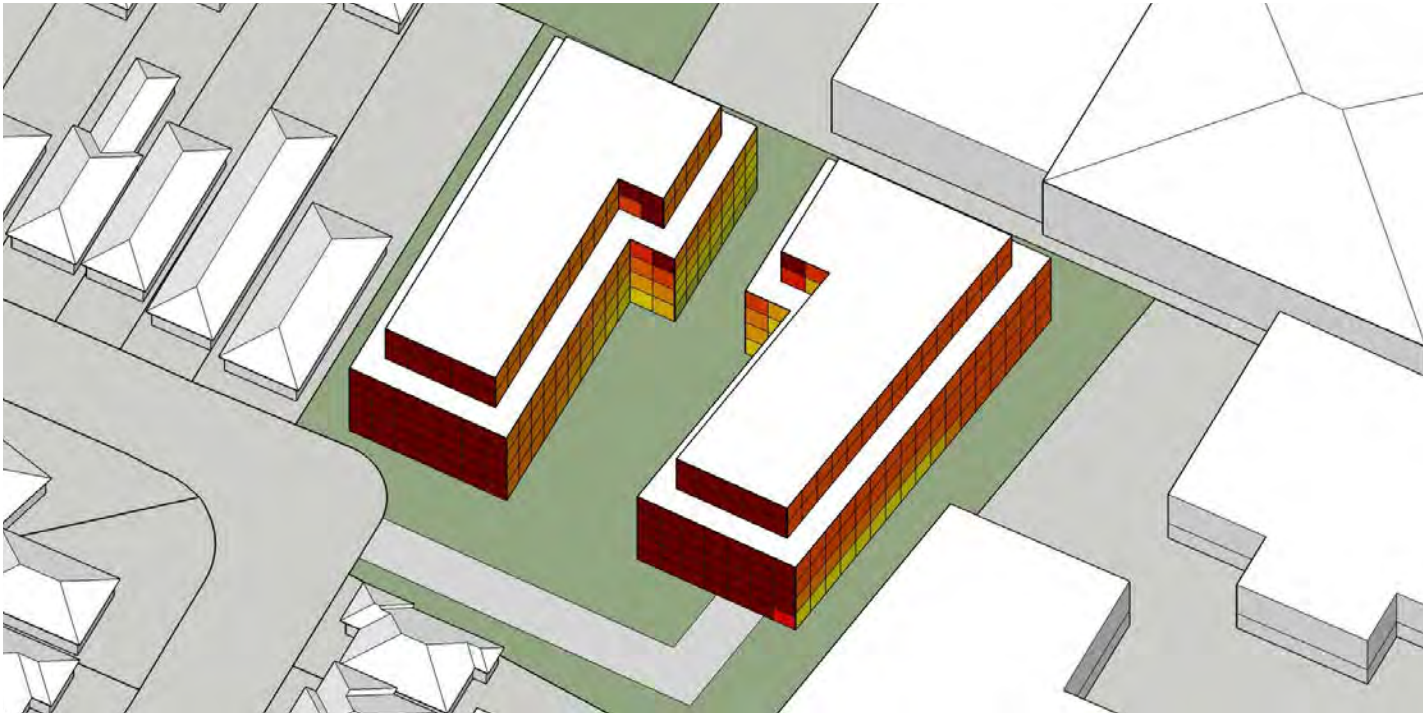
Height of buildings - 22m
FSR 1.65:1

5.6 Site 4 - Solar access

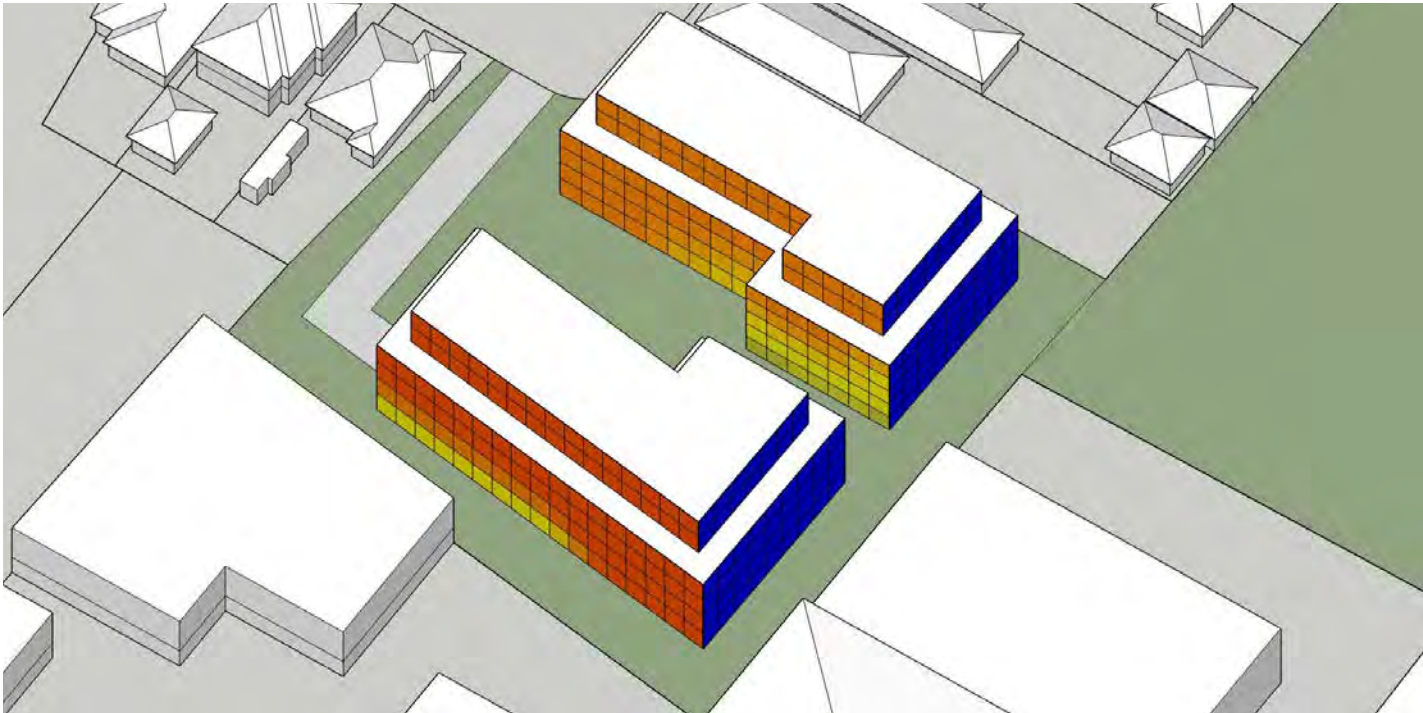
Winter solstice



View looking north-west



View looking south-east

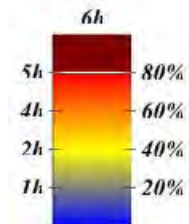


View looking north-east

Solar access summary during the winter solstice

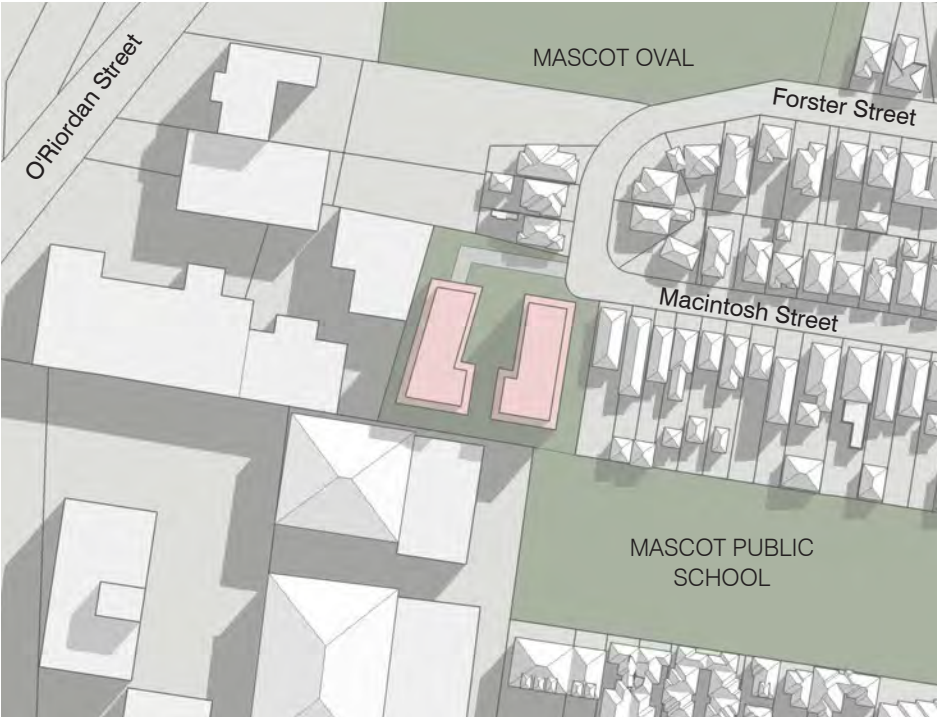
Sites data	Building face (m²)	Percentage (%)
Less than 2 hours	701	13.4%
2+ hours	2,007	86.6%
Total	5,250	100%

Percentage of building faces with 2+ hours of sun access from 9am-3pm during winter solstice: 86.6%



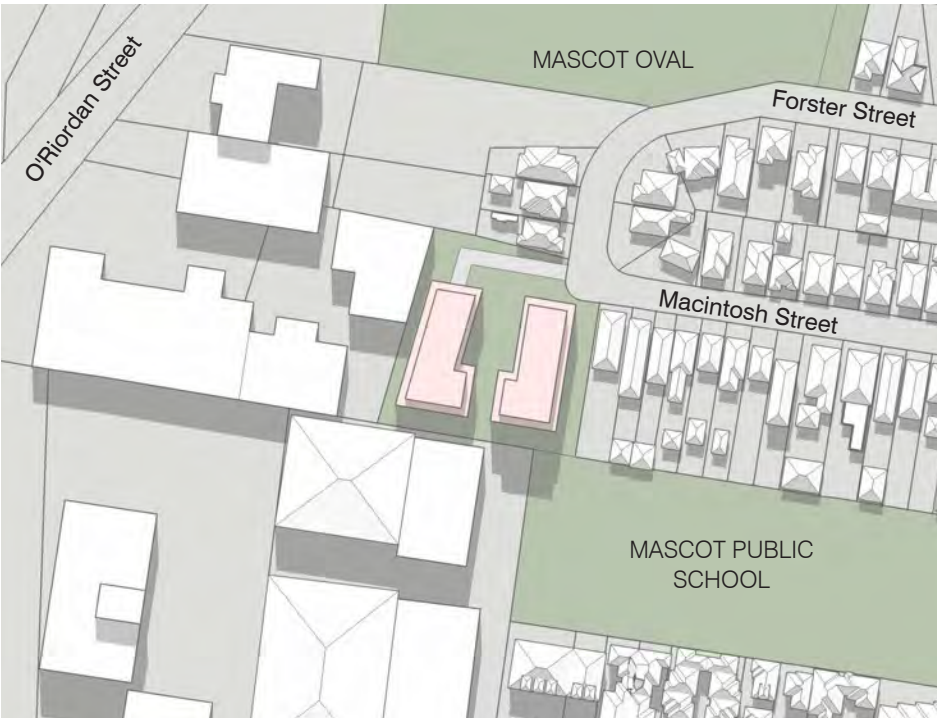
5.7 Site 4 - Shadow analysis

9 am

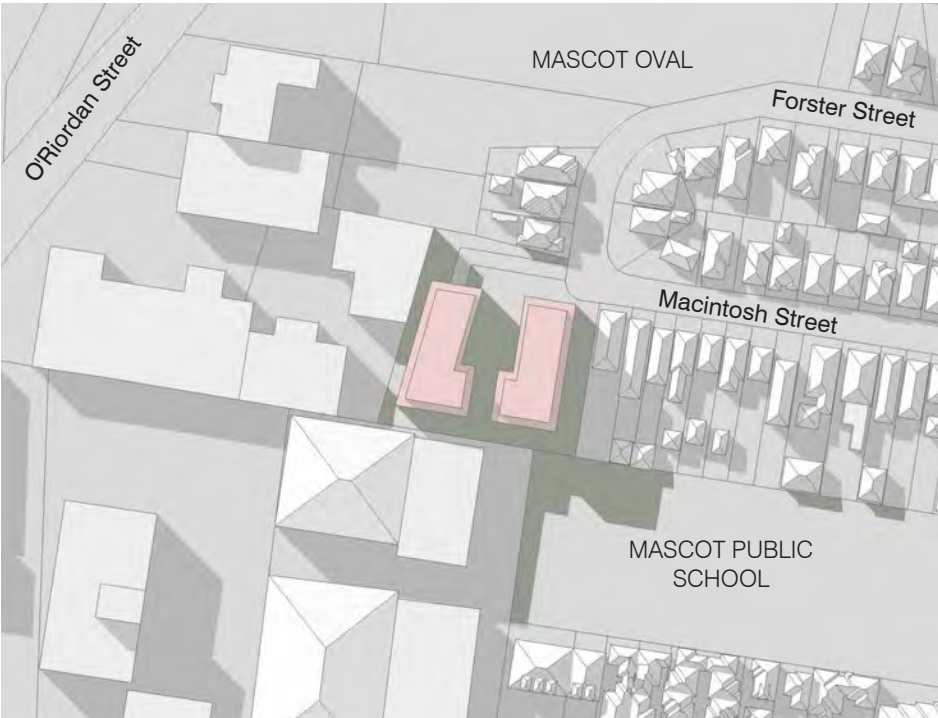


Site 4 - Potential development scenario: Overshadowing on 21 June

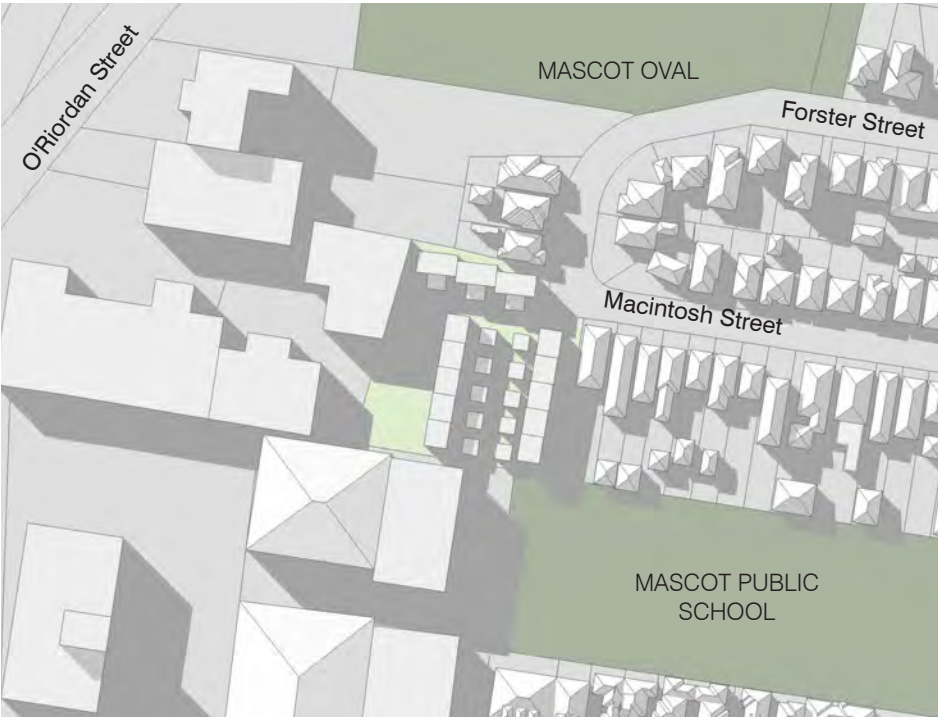
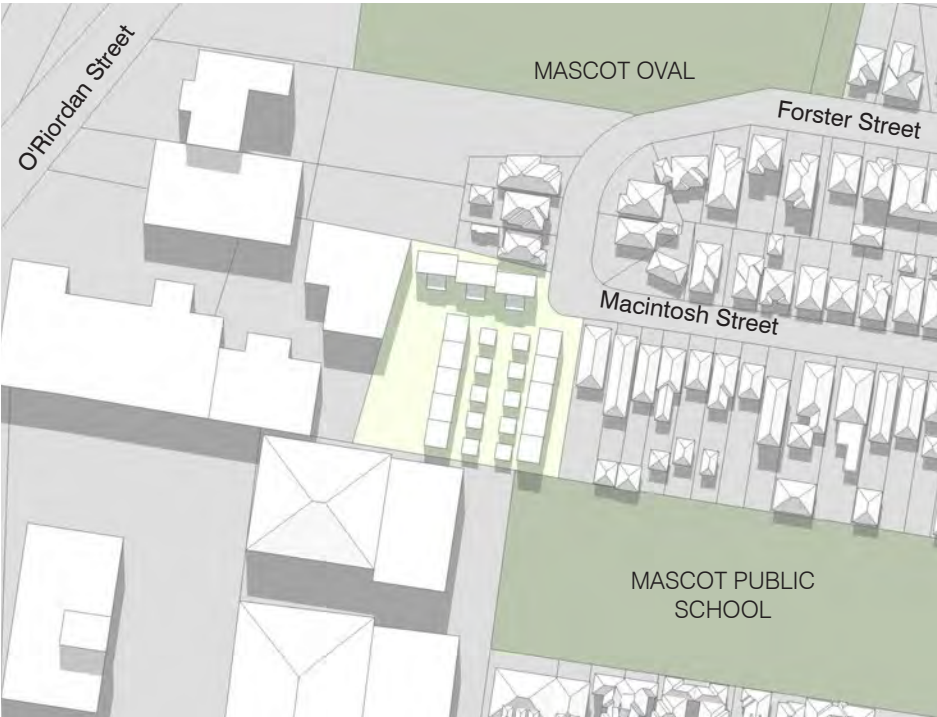
12 noon



3 pm

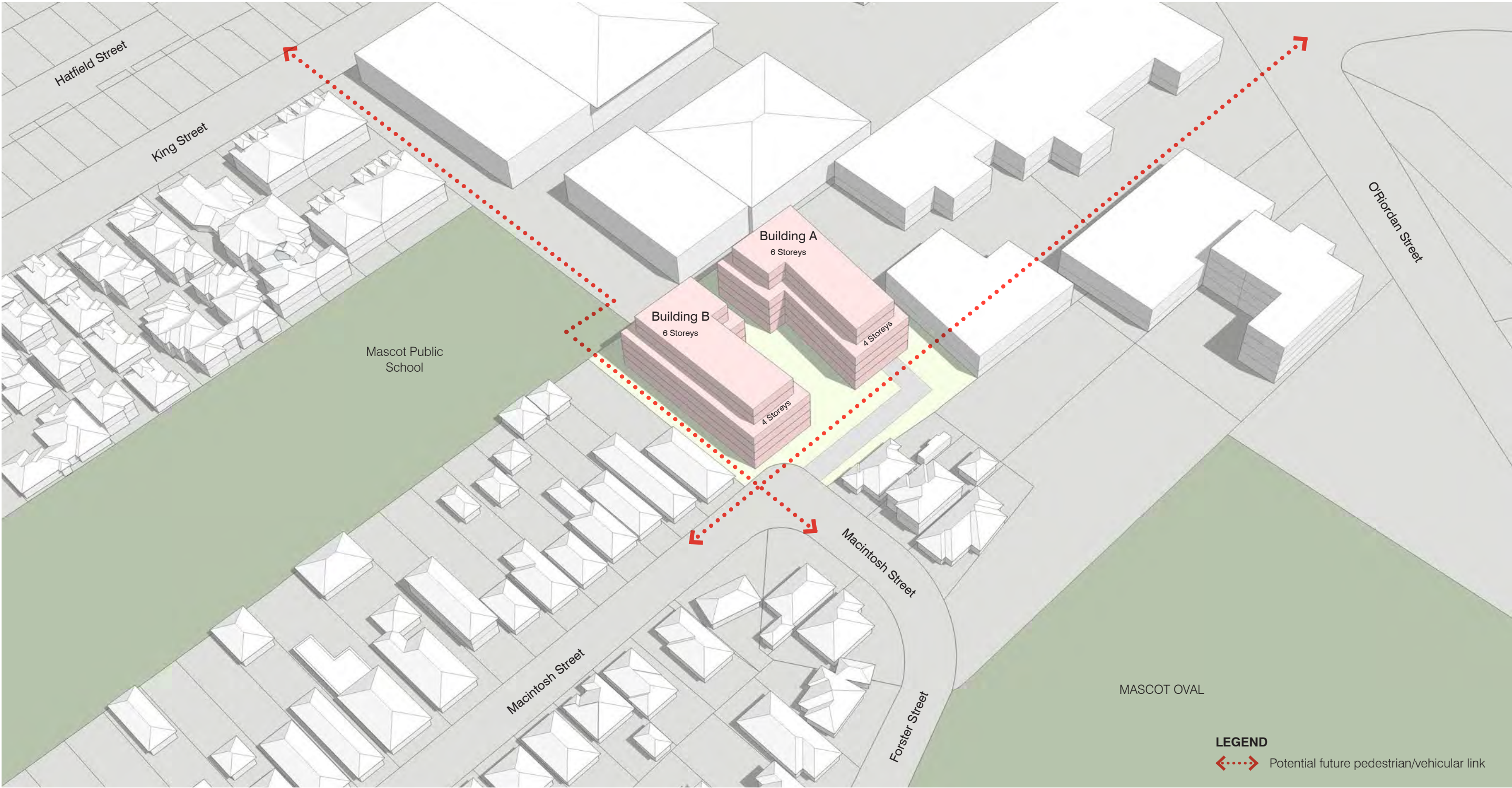


Site 4 - Existing development: Overshadowing on 21 June



5.8 Site 4 - Perspective views

Aerial view looking north-west



View looking west on Mascot Oval



View looking south-west on Macintosh Street



View looking west along Macintosh Street



View looking south-west from Macintosh Street





6.0 Site 5

10-12 Coward Street



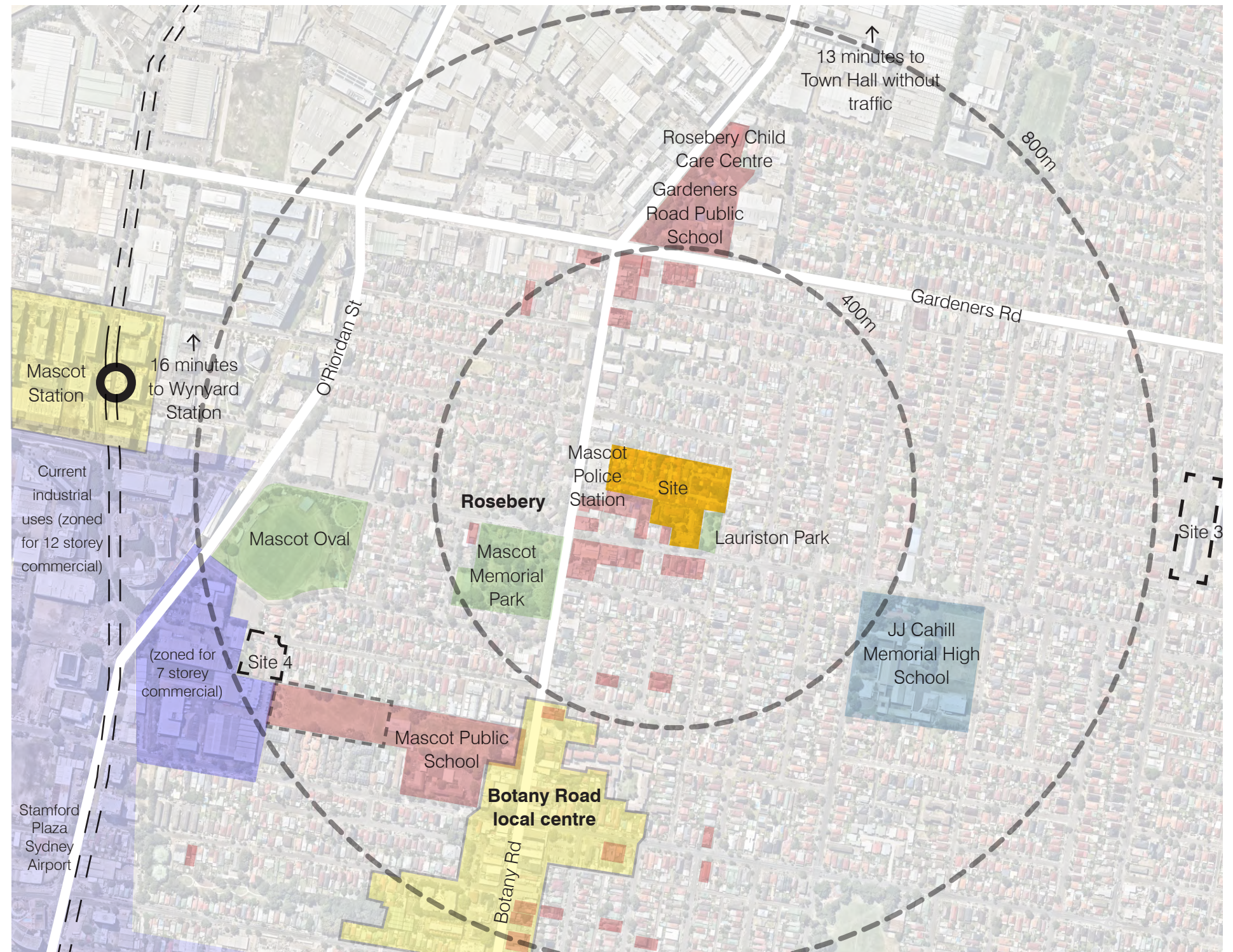
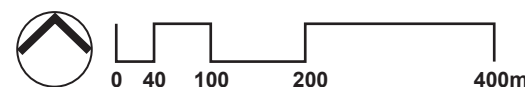
Existing built form model

6.1 Site 5 - Local context

- The site is within 800m (10 minutes walk) of the Mascot local centre, which offers shops and services.
- Approximately 12 minutes walk to Mascot railway station, with services to Sydney Central.
- In close proximity to Mascot Oval and Mascot Memorial Park, providing open space and recreation opportunities.
- The site adjoins local heritage items.
- The adjoining Police station is a 3 storey office building with potential for renewal and increased density.
- The adjoining low-scale residential streets are not likely to be redeveloped in the short to medium term.
- The site adjoins a local play ground, kindergarten and church.

LEGEND

- Site
- Significant open space
- Pedestrian catchment
- Major road
- Heritage
- School / social infrastructure
- LAHC Site
- Railway
- Underground railway
- Current industrial
- Local centre



6.2 Site 5 - Key planning controls

The Botany Bay Local Environment Plan (LEP) 2013 applies the following development controls to the site.

The site is identified as Lot 2 DP 2753714.

Land Use Zone

The subject site is zoned R3 - Medium Density Residential.

Building height

The maximum building height for development on the site is 12 metres.

Because the site area is over 2,000m2 clause 4.3 (2A) of the LEP allows for building heights up to 22m.

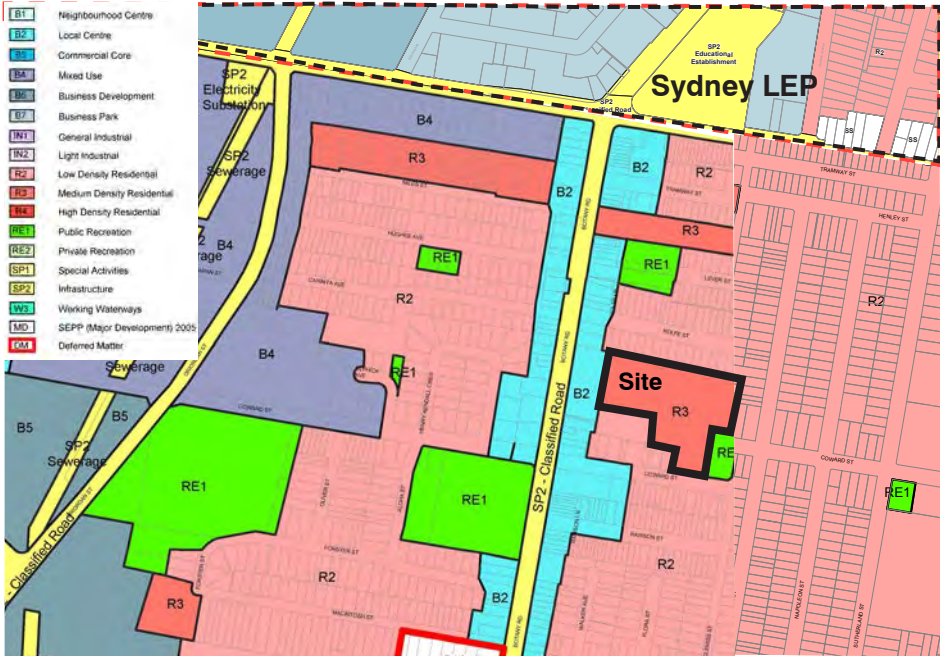
Floor space ratio

The maximum floor space ratio for development on the site is currently 0.85:1.

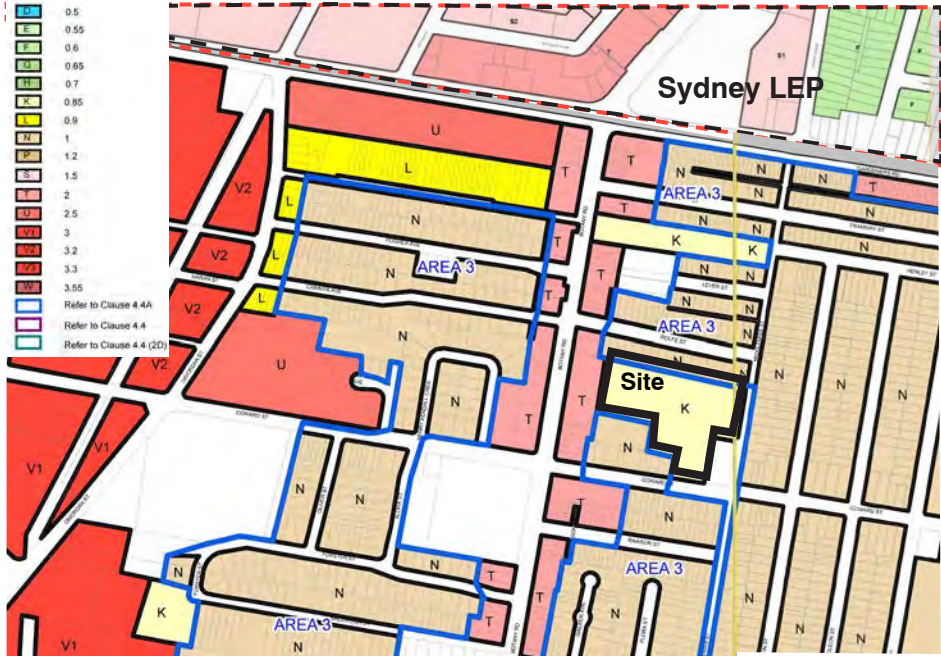
Because the site area is over 2,000m2 clause 4.4B (3) of the LEP allows for up to FSR 1.65:1.

Heritage

The site is in close proximity to several items of local heritage significance. A dense cluster of heritage developments are observed across the site, along Coward Street. Sites directly adjacent to the subject site fronting Coward Street, including the Uniting Church and Rectory, are heritage listed item under Schedule 5 of the Botany Bay LEP 2013.



Land Use Zone



6.3 Site 5 - Site analysis



1 View south along Middlemiss Street on the Eastern boundary of the site



2 Site entrance from Middlemiss Street



3 Existing substation on the eastern boundary of the site



4 Existing single storey dwellings on the Eastern side of the site



5 Luariston Park on the south-eastern boundary of the site



6 View east along Coward Street on the southern boundary of the site



7 Existing dwellings along Coward Street opposite the site



8 Adjacent church and kindergarten on the south-western boundary of the site



Site 5 - Site analysis

6.4 Site 5 - Design principles

Access and movement

- Maintain existing access points from both Coward Street and Middlemiss Street.

Open space and landscape

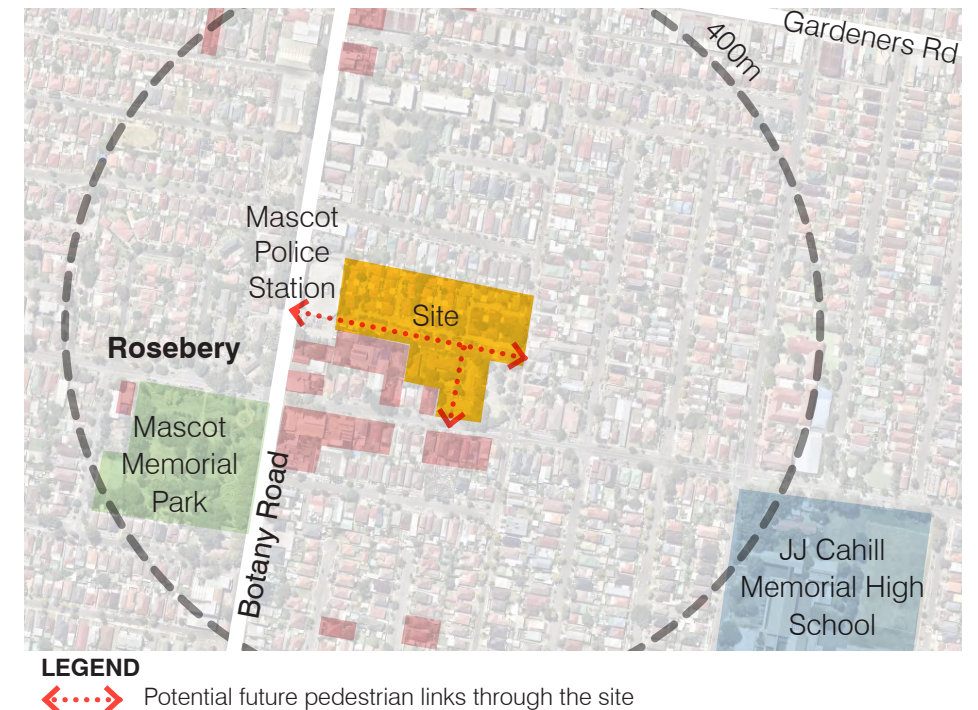
- Improve the visual surveillance and relationship with Lauriston Park.
- Minimise overshadowing of Lauriston Park
- Provide rationalised internal communal landscape areas and green areas between buildings with good solar access.
- Retain existing mature trees where possible particularly along street frontages and boundaries.

Built form

- Building heights to address lower scale along Coward Street and Middlemiss Street.
- Maximum heights not to exceed aviation restrictions (PANS-OPS) for Sydney Airport.
- Achieve a variety of building forms to add interest and diversity to the built form.
- Minimise overshadowing and visual bulk of buildings close to adjoining sites including Lauriston Park, the kindergarten and the church.

Future road network

- Allow for the potential redevelopment of the police station site to the west of the site.
- Consider a future vehicular and/or pedestrian link through the police station site to Botany Road.



Residential apartment can provide a high level of passive surveillance of public open space increasing a sense of community ownership and safety. Otto, Rosebery by Turner Studio.

6.5 Site 5 - Indicative urban design concept



Indicative development statistics

Site 5 (1.3:1 FSR / 22m HOB)				
Building	Building envelope	Storeys	Total GBA (m²)	GFA @75% (m²)
A1	557	3	1,671	1,253
A2	1,056	2	2,112	1,584
B1	525	3	1,575	1,181
B2	1,010	2	2,020	1,515
Podium	2,520	2	5,040	3,780
C1	588	3	1,764	1,323
C (Podium)	960	4	3,840	2,880
D1	1,045	2	2,090	1,568
D (Podium)	1,612	3	4,836	3,627
E1	756	1	756	567
E (Podium)	1,200	3	3,600	2,700
F	600	3	1,800	1,350
			Total GFA	23,328
			Site Area	17,705
			FSR	1.3 :1

	m²	
Site coverage	6,892	39%
Communal Open Space	10,813	61%
Deep Soil Area	4,400	25%

*GFA is calculated at 75% of total gross building area (GBA)

Master plan key strengths

- Building heights and setbacks aid transition to adjoining existing dwellings.
- Increased surveillance and address to Lauriston Park.
- Utilise building forms that consider adjacent land uses, views and solar access. Improved internal street layout and communal open space. Minimises visual impact on dwellings to the north.
- Complies with aviation (PANS-OPS) height restriction relating to Sydney Airport.

Issues for testing at DA stage

- Additional overshadowing of Lauriston Park, the heritage building to the south of building A and to the adjacent kindergarten.

Recommended development controls

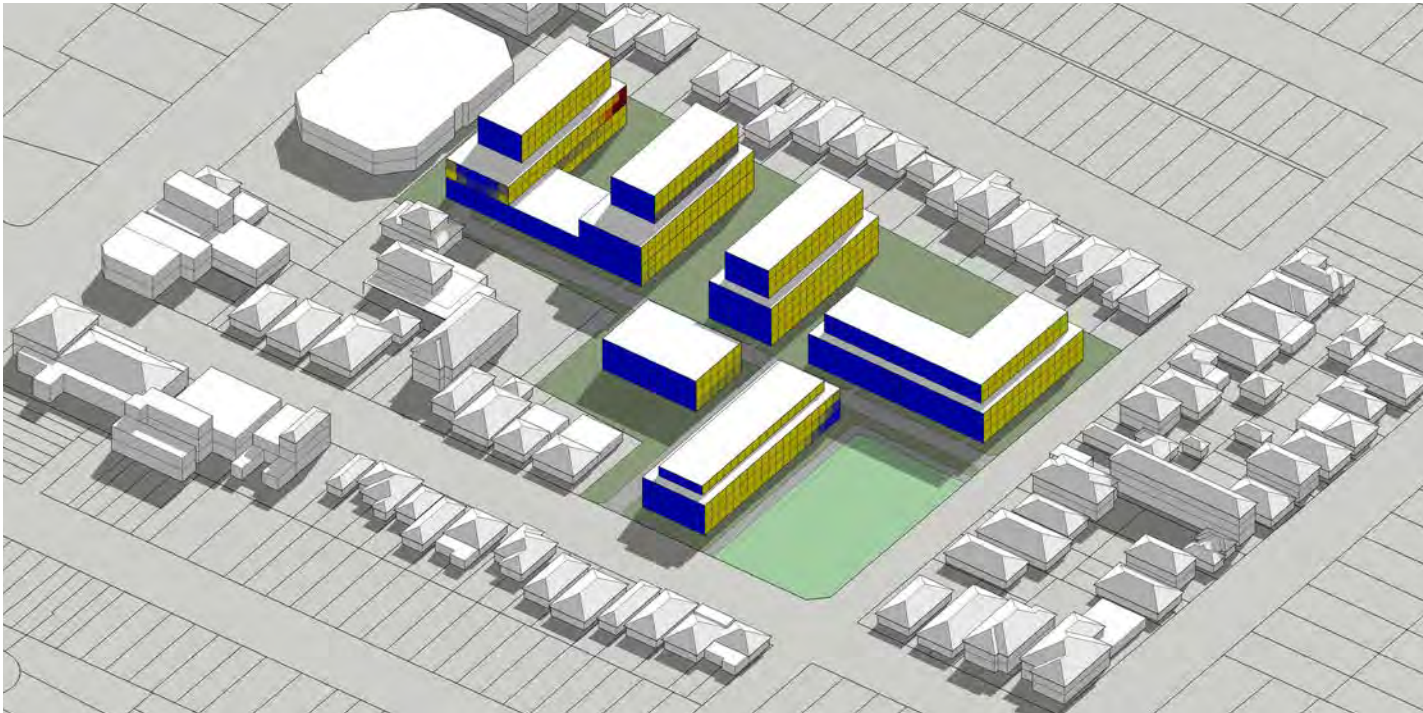
Height of buildings - 22m
FSR 1.3:1

6.6 Site 5 - Solar access

Winter solstice



View looking south-east



View looking north-west

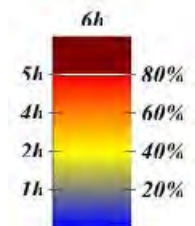


View looking north-west

Solar access summary during the winter solstice

Sites data	Building face (m²)	Percentage (%)
Less than 2 hours	4,180	26.1%
2+ hours	11,840	73.9%
Total	16,020	100%

Percentage of building faces with 2+ hours of sun access from 9am-3pm during winter solstice: 73.9%



6.7 Site 5 - Shadow analysis

9 am



Site 5 - Potential development scenario: Overshadowing on 21 June

12 noon



3 pm



Site 5 - Existing development: Overshadowing on 21 June

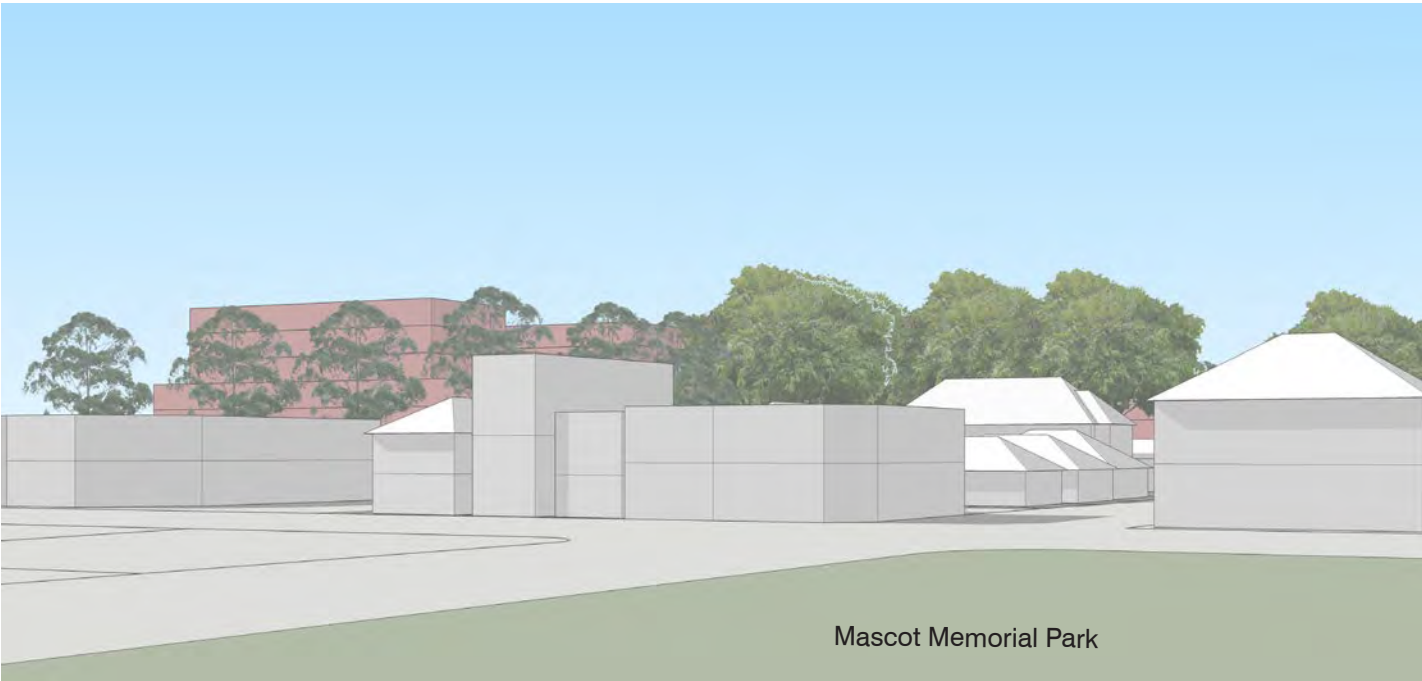


6.8 Site 5 - Perspective views

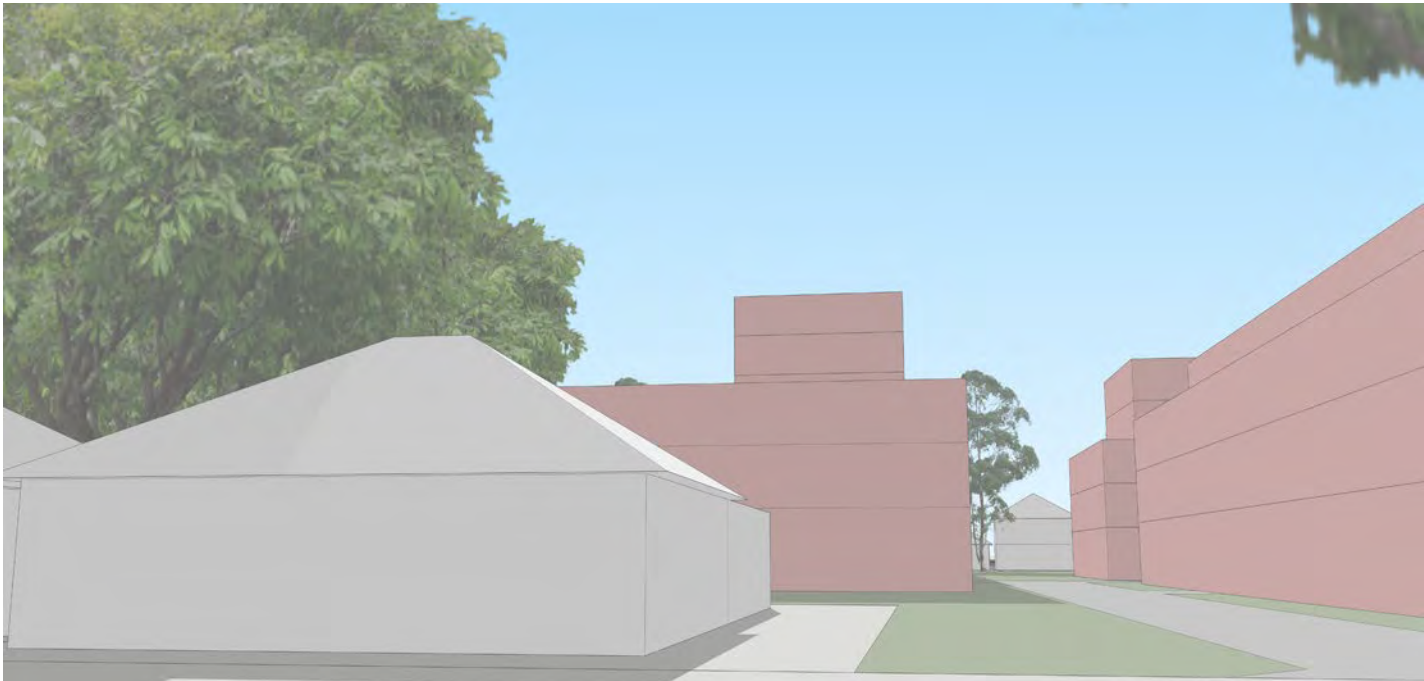
Aerial view looking south-east



View looking north- east on Mascot Memorial Park



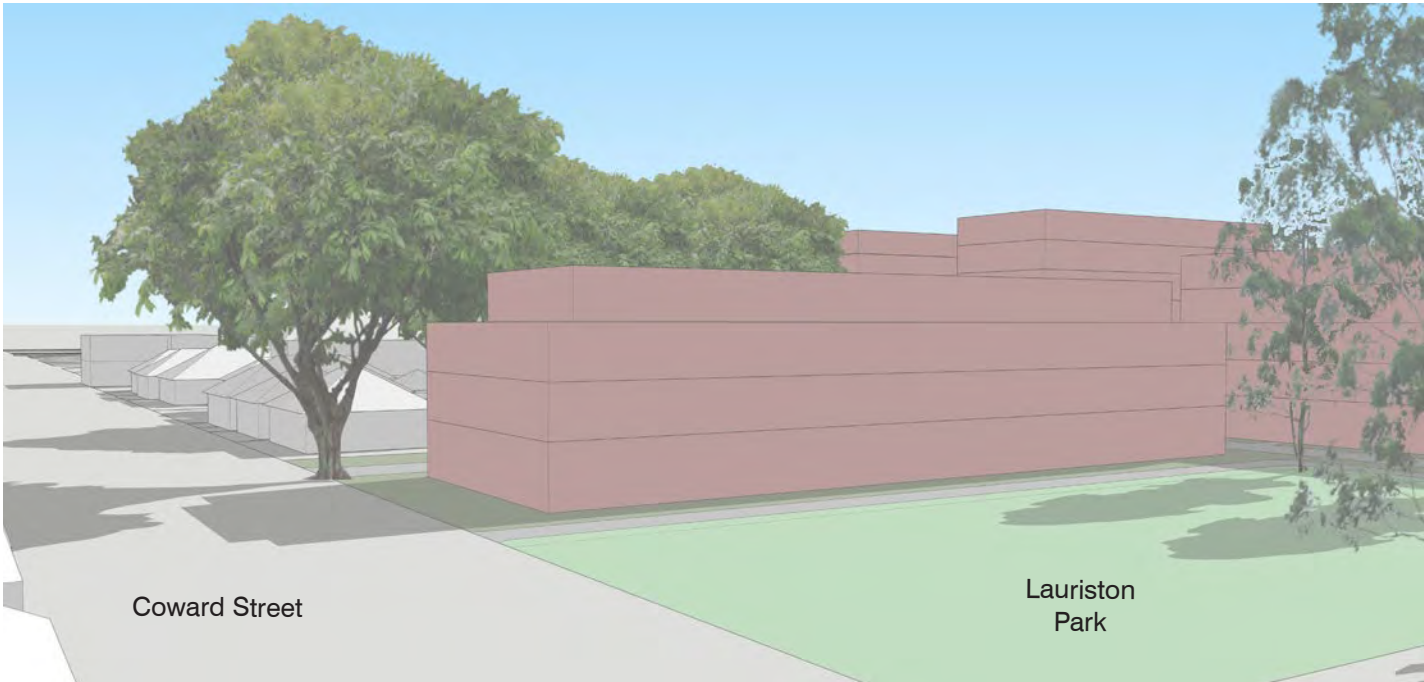
View looking north into the site from Coward Street



View south-east from Rolfe Street



Elevated view north-west across Lauriston Park





7.0 Site 6

76-80 Beauchamp Road



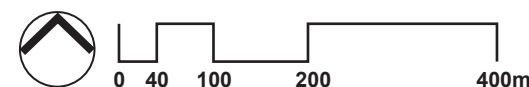
Existing built form model

7.1 Site 6 - Local context

- The site is within 800m (10 minutes walk) of the Matraville local centre.
- Within 400m of the Southpoint Shopping Centre.
- In close proximity to open spaces and recreation areas, including Grace Campbell Reserve and Rhodes Street Reserve, and within 800m of the Barwon Park.
- Adjoining Matraville Public School, which is also a heritage item.
- There is a recent residential development to the north-west (11 storeys)
- 3 storey walk-ups directly to the west are unlikely to be redeveloped.

LEGEND

- Site
- Significant open space
- Pedestrian catchment
- Major road
- Heritage
- School / social infrastructure
- LAHC Site
- Railway
- Underground railway
- Matraville local centre



7.3 Site 6 - Site analysis



1 Existing 2 storey dwellings along the boundary with Beauchamp Road



2 View from east through adjacent school looking towards the site and adjacent new development beyond



3 Existing drainage channel to the north-east of the site



4 Northern boundary with Matraville Public School field



5 Rhodes Street reserve to the North of the site behind the school



6 View east looking towards the site through adjacent residential units



7 Existing pocket park to the south-west of the site



8 View north across the south-west corner of the site



Site 6 - Site analysis

7.4 Site 6 - Design principles

Access and movement

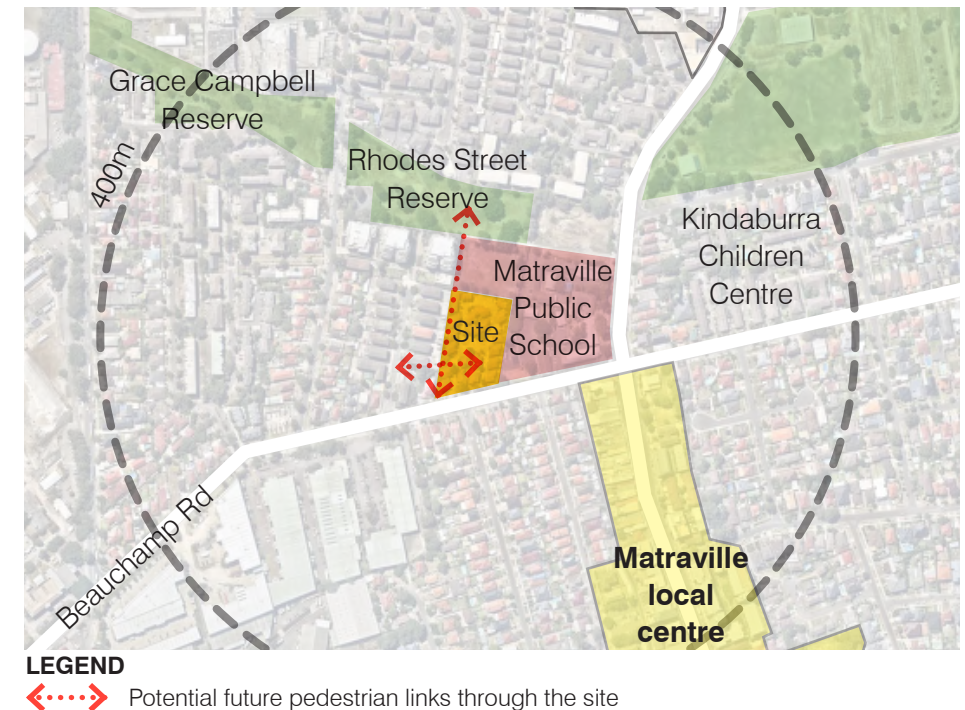
- Maintain site access from Beauchamp Road.
- Consider opportunities to provide a future pedestrian link through the site from Beauchamp Road to Rhodes Street Reserve.

Open space and landscape

- Provide rationalised internal communal landscape areas with good solar access.
- Maintain a minimum 5m landscape setback to Beauchamp Road.

Built form

- Consider an appropriate transition in scale to adjacent lower scale residential uses that minimises visual impact and overshadowing.
- Minimise the visual impact and overshadowing of the adjacent Matraville Public School property.
- Maintain setbacks to all lot boundaries to allow for future residential flat development on those sites.
- Maximum heights not to exceed aviation restrictions (PANS-OPS) for Sydney Airport.
- Achieve a variety of building forms to add interest and diversity to the built form.



Internal courtyard communal space surrounded by a variety of building heights and forms creates good amenity for residents and contributes diversity to the local architecture. Power Street, Erskineville by Stanisic Turner.

7.5 Site 6 - Indicative urban design concept



Indicative development statistics

Site 6 (1.65:1 FSR / 22m HOB)				
Building	Building envelope	Storeys	Total GBA (m²)	GFA @75% (m²)
A (Podium)	2,100	4	8,400	6,300
A1	1,360	2	2,720	2,040
C (Podium)	1,175	4	4,700	3,525
C1	730	2	1,460	1,095
			Total GFA	12,960
			Site Area	7,859
			FSR	1.65 :1

	m²	
Site coverage	3,275	42%
Communal Open Space	4,515	57%
Deep Soil Area	2,730	35%

*GFA is calculated at 75% of total gross building area (GBA)

Master plan key strengths

- Buildings oriented to minimise visual bulk when viewed from the park and school.
- Results in building forms that respond to adjacent land uses, views and solar access. Building height and setback transition to existing apartment buildings to the north and west.
- Delivers additional dwelling capacity in the area to accommodate growth and increase diversity of housing.
- Allows for future through-site pedestrian link to Rhodes Street Reserve.
- Complies with aviation (PANS-OPS) height restriction relating to Sydney Airport.

Issues for testing at DA stage

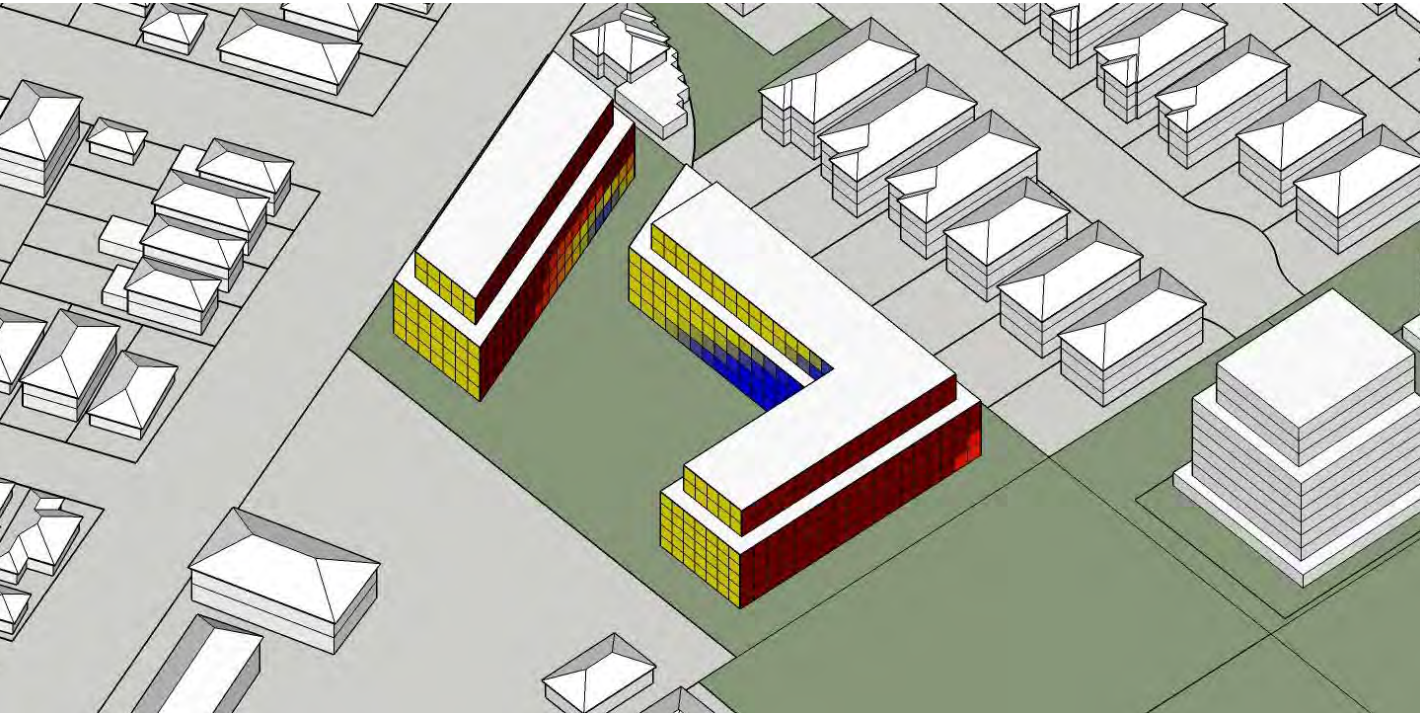
- Some overshadowing impact on the adjacent school grounds from 2pm onwards.
- Some overlooking of the school grounds, minimised by building location.

Recommended development controls

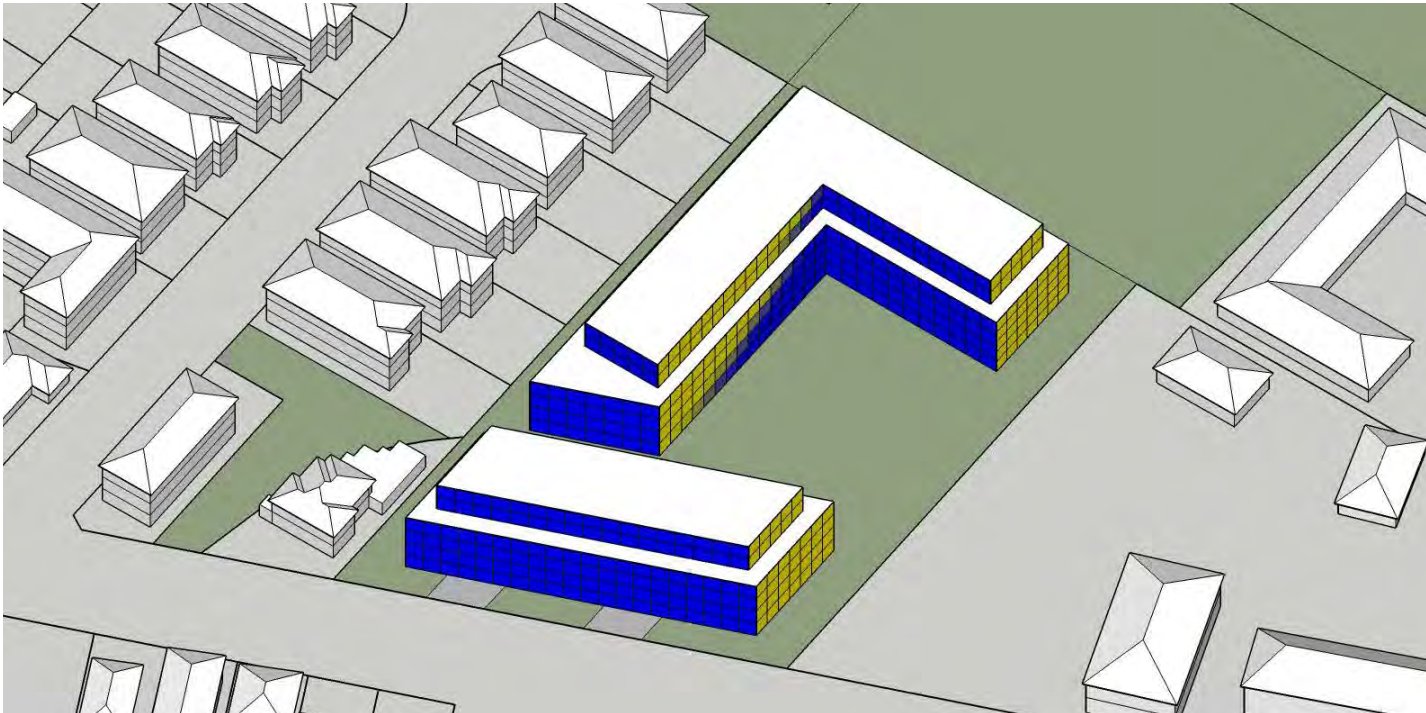
Height of buildings - 22m
FSR 1.65:1

7.6 Site 6 - Solar access

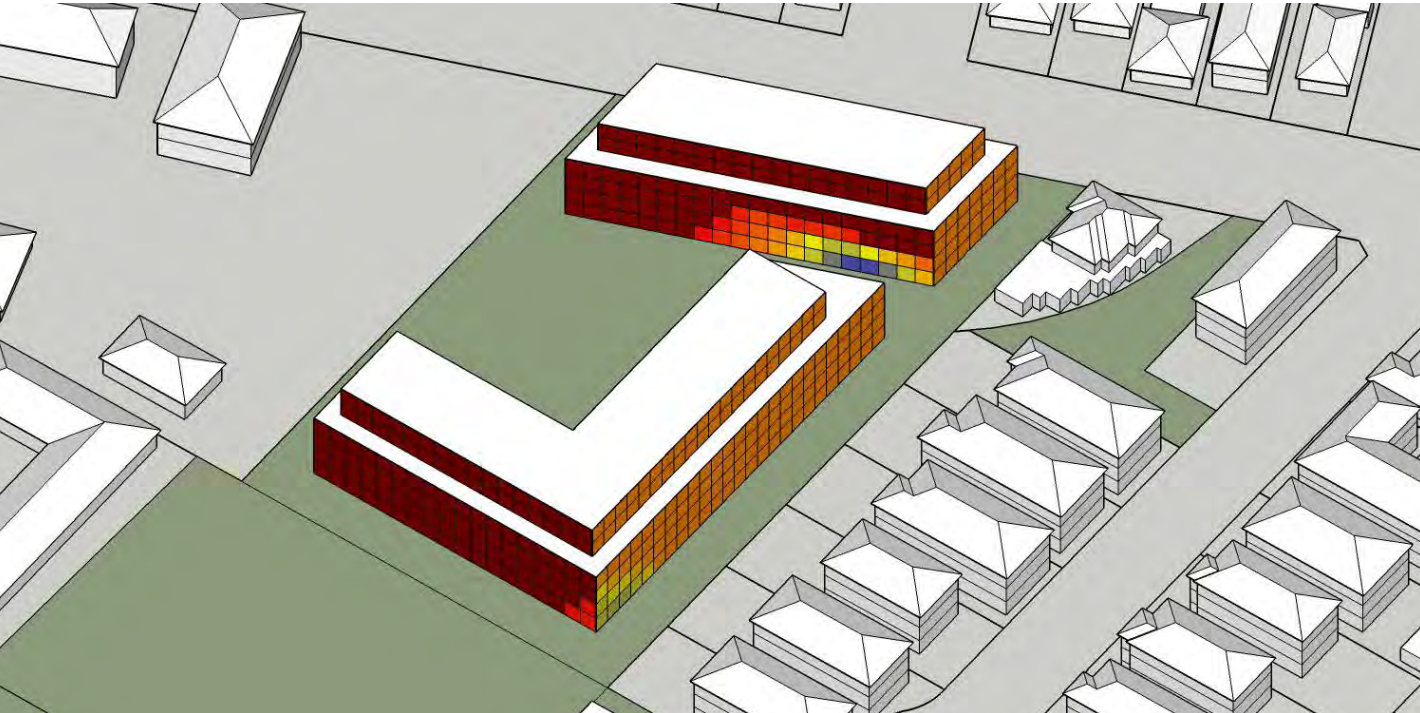
Winter solstice



View looking south-west



View looking north-west

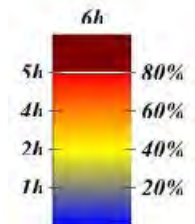


View looking south-east

Solar access summary during the winter solstice

Sites data	Building face (m²)	Percentage (%)
Less than 2 hours	2,000	26.6%
2+ hours	5,530	73.4%
Total	7,530	100%

Percentage of building faces with 2+ hours of sun access from 9am-3pm during winter solstice: 73.4%



7.7 Site 6 - Shadow analysis

9 am



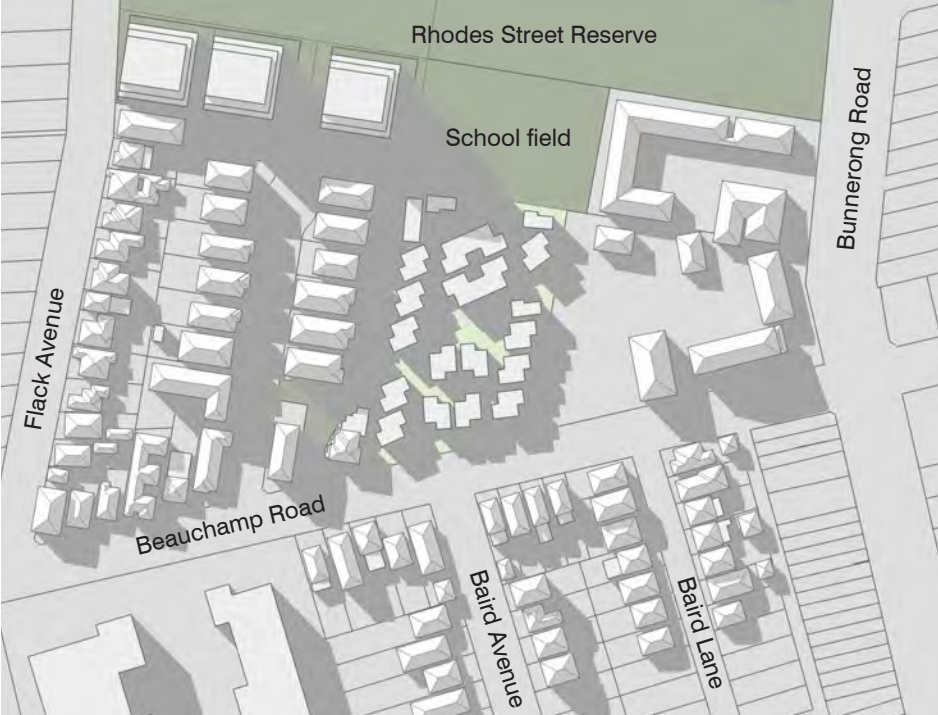
12 noon



3 pm

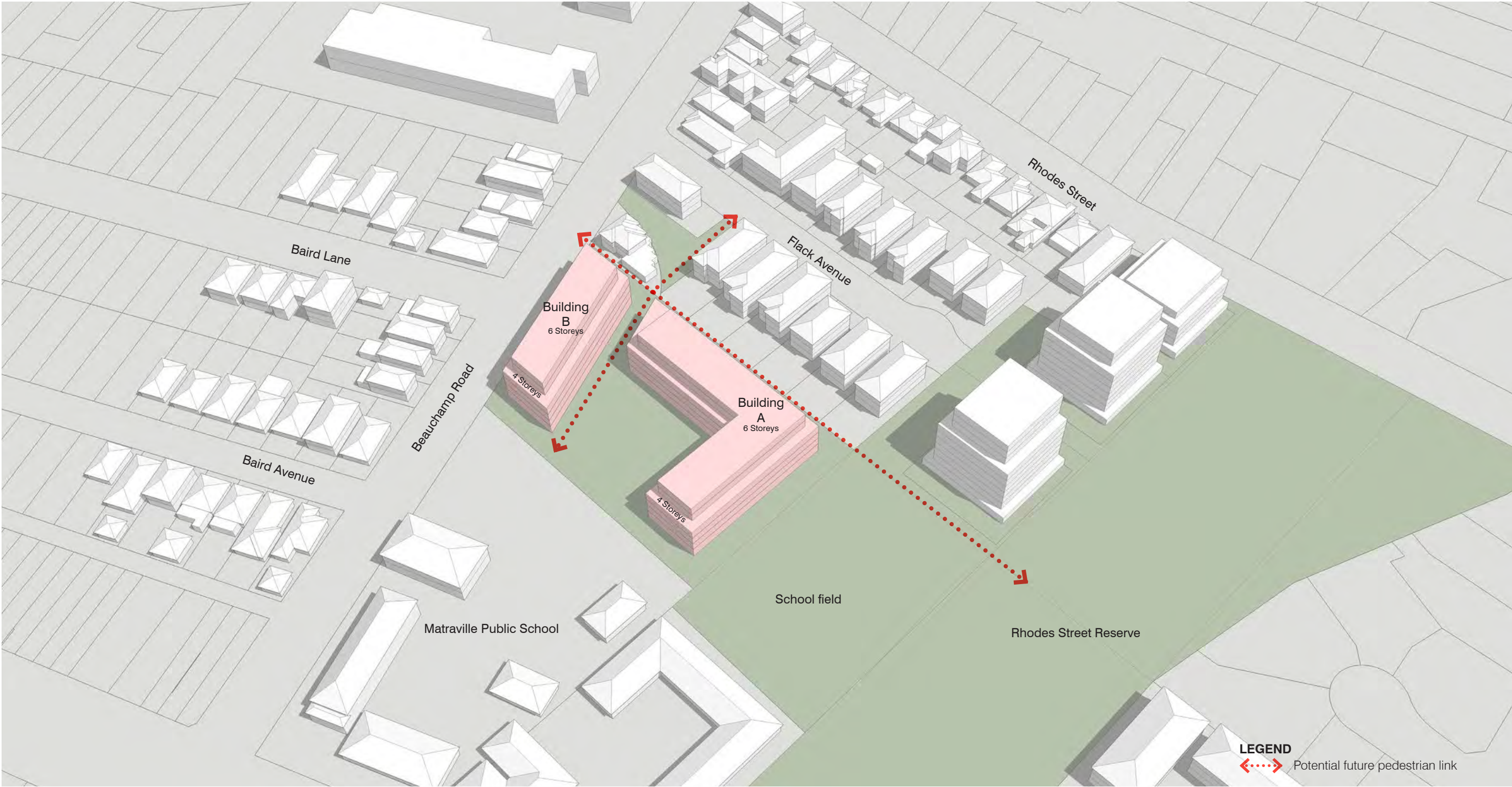


Site 6 - Potential development scenario: Overshadowing on 21 June



Site 6 - Existing development: Overshadowing on 21 June

7.8 Site 6 - Perspective views



Site 6 - Uplift option: Aerial view looking south-west

View lookng north-east



View lookng north along the western site boundary



View looking south-west from Rhodes Street Reserve



View looking east into the site from the adjacent pocket park





8.0 Site 7

68-80 Banks Avenue



Existing built form model

8.1 Site 7 - Local context

- Adjoining Jellicoe Park and within walking distance of substantial open spaces, including Mutch Park, Snape Park, Nagle Park, Rowland Park and David Phillips Sports Complex.
- Within 800m (10 minutes) walking distance of Westfield Eastgardens, including supermarkets and services.
- Close to Maroubra Junction, including shops and services.
- In changing area, with major redevelopment to the south.
- Within 1km of South Sydney High School.



8.2 Site 7 - Key planning controls

The site comprises of the following lots under DP 3039265

- Lot 1 DP 3039265;
- Lot 4 DP 3039265;
- Lot 8 DP 3039265;
- Lot 9 DP 3039265; and
- Lot 17 DP 3039265.

Additionally, the site contains Lot 1 DP 1991000.

Under the Botany Bay LEP 2013, the following planning controls apply to the site.

Land Use Zone

The subject site is zoned R3 - Medium Density Residential.

Building height

The maximum building height for development on the site is 9 metres.

Because the site area is over 2,000m2 clause 4.3 (2A) of the LEP allows for building heights up to 22m.

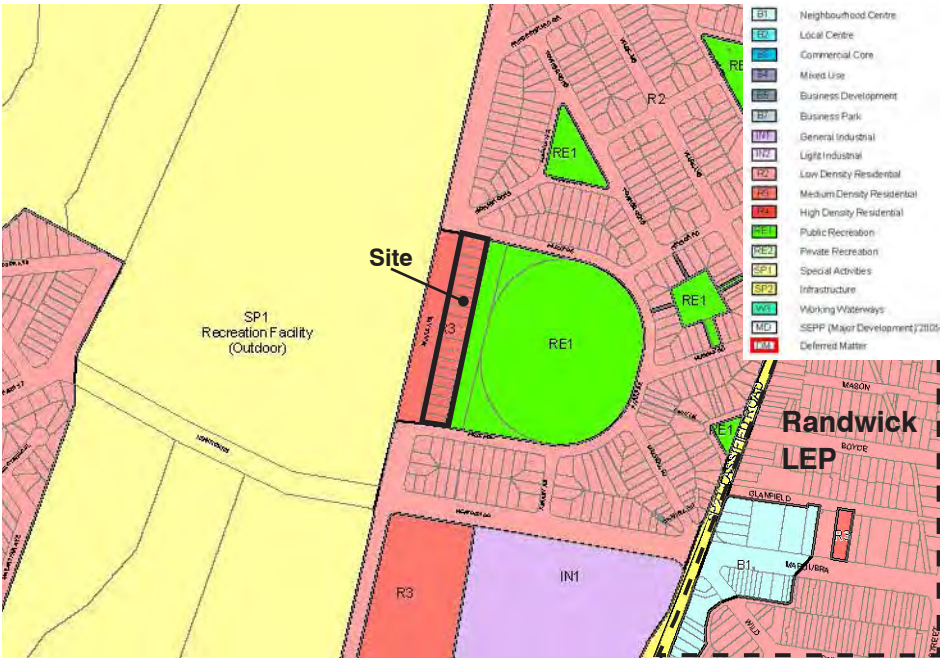
Floor space ratio

The maximum floor space ratio for development on the site is currently 0.55:1.

Because the site area is over 2,000m2 clause 4.4B (3) of the LEP allows for up to FSR 1.65:1.1

Heritage

The site itself is not heritage listed, and it is not within the vicinity of a heritage item.



Land Use Zone



8.3 Site 7 - Site analysis



1 View south along Banks Avenue



2 Existing 3 storey residential and a link through the site to Jellicoe Park



3 Footpath and verge along Banks Avenue



4 Existing large trees on the northern side of the site



5 Existing large Fig trees in the centre of the site



6 Public playground adjacent to the eastern side of the site



7 Eastern boundary vegetation fronting Jellicoe Park



8 Existing 2 storey residential on the southern side of the site



8.4 Site 7 - Design principles

Access and movement

- Maintain two vehicular access points from Banks Avenue.
- Allow for a pedestrian links through the site to Jellicoe Park.

Open space and landscape

- Retain existing mature trees as a valuable landscape feature wherever possible.
- Provide communal landscape areas with good solar access and access to Jellicoe Park.
- Minimise overshadowing of Jellicoe park and the playground.

Built form

- Maintain the current built form setback along Banks Avenue.
- Building heights to address lower scale housing along Park Parade.
- Achieve a variety of building heights / forms to add interest and diversity to the built form.
- Maximum heights not to exceed aviation restrictions (PANS-OPS) for Sydney Airport.

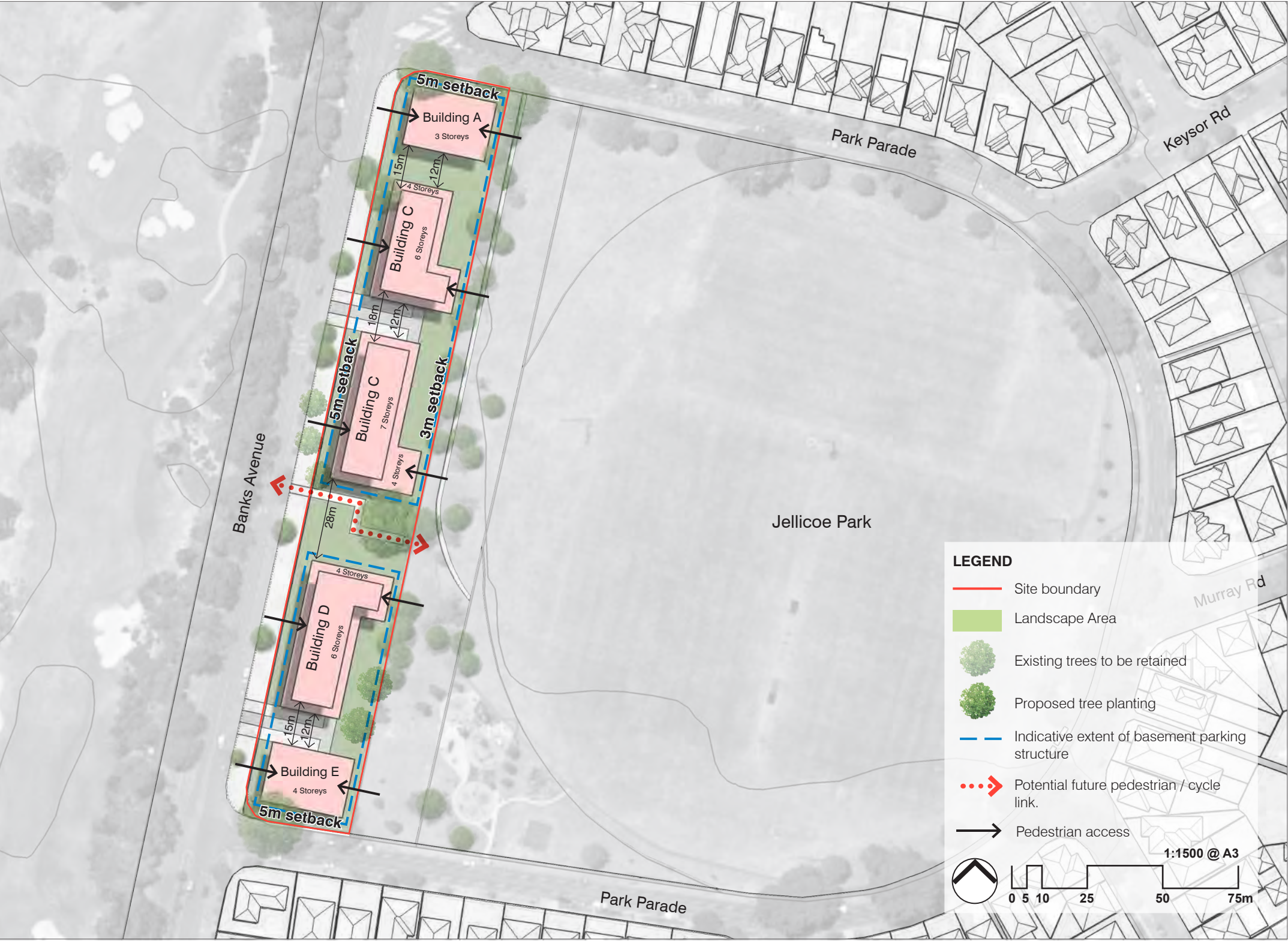


A variety of building forms and heights that address the public open space. Pyrmont, NSW.



Lower scale apartment buildings set within generous landscape can provide a suitable transition in built form between taller apartment and existing housing stock and open space. Little Bay Cove, NSW.

8.5 Site 7 - Indicative urban design concept



Indicative development statistics

Site 7 (1.65:1 FSR / 22m HOB)				
Building	Building envelope	Storeys	Total GBA (m ²)	GFA (@75%) (m ²)
A	560	3	1,680	1,260
B	540	2	1,080	810
B (Podium)	920	4	3,680	2,760
C	620	3	1,860	1,395
C (Podium)	1,120	4	4,480	3,360
D	690	2	1,380	1,035
D (Podium)	1,120	4	4,480	3,360
E	560	3	1,680	1,260
			Total GFA	15,240
			Site Area	9,230
			FSR	1.65

	(m ²)	
Site coverage	4,280	46%
Communal Open Space	4,950	54%
Deep Soil Area	2,780	30%

*GFA is calculated at 75% of total gross building area (GBA)

Master plan key strengths

- Delivers additional dwelling capacity in the area to accommodate growth and increase diversity of housing.
- Complies with aviation (PANS-OPS) height restriction relating to Sydney Airport.
- Building heights transition to adjacent residential areas to the north and south.
- Utilises a mix of building heights that consider adjacent land uses, views and solar access.

Issues for testing at DA stage

- Some overshadowing of adjoining Jellicoe Park during the winter afternoons.
- Some impact on views from within Jellicoe Park.

Recommended development controls

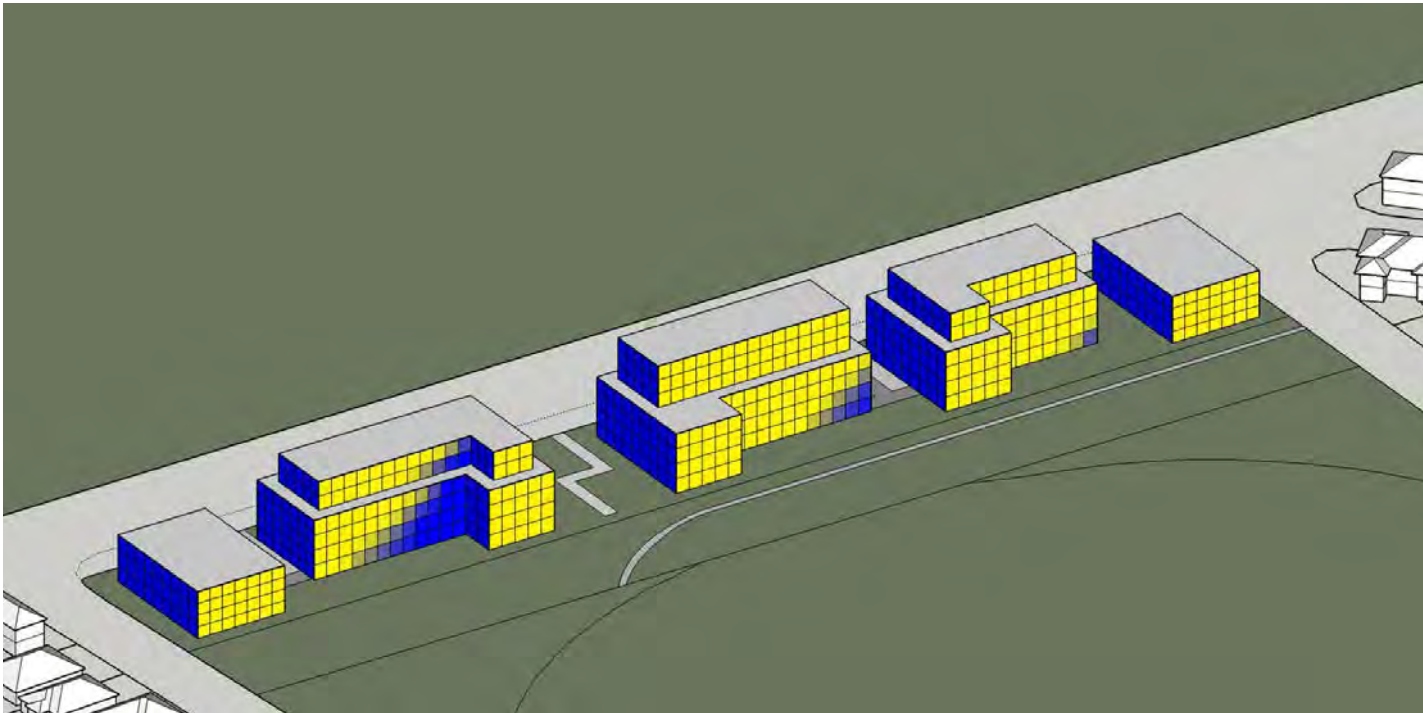
Height of buildings - 22m
FSR 1.65:1

8.6 Site 7 - Solar access

Winter solstice



View looking north-east



View looking south-west

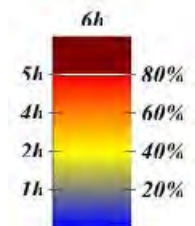


View looking west

Solar access summary during the winter solstice

Sites data	Building face (m²)	Percentage (%)
Less than 2 hours	2,448	23.7%
2+ hours	2,968	76.3%
Total	10,340	100%

Percentage of building faces with 2+ hours of sun access from 9am-3pm during winter solstice: 76.3%



8.7 Site 7 - Shadow analysis

9 am



12 noon



3 pm



Site 7 - Potential development scenario: Overshadowing on 21 June



Site 7 - Existing development: Overshadowing on 21 June

8.8 Site 7 - Perspective views



View looking south-east from Bonnie Doon Golf Club



Views looking north west from Jellicoe Park



View looking north-east along Banks Avenue



View looking south-west from Banks Avenue





9.0 Recommendations

9.1 Summary and Recommendations



Site 1

7 storeys
Height 22m
FSR 1.65:1

Site area: 17,547m²
GFA 29,025m²



Site 2

6 storeys
Height 22m
FSR 1.65:1

Site area: 13,525m²
GFA 22,325m²



Site 3

6 storeys
Height 22m
FSR 1.65:1

Site area: 11,204m²
GFA 17,445m²



Site 4

6 storeys
Height 22m
FSR 1.65:1

Site area: 5,393m²
GFA 8,910m²



Site 5

3-7 storeys
Height 22m
FSR 1.3:1

Site area: 17,705m²
GFA 23,328m²



Site 6

6 storeys
Height 22m
FSR 1.65:1

Site area: 7,859m²
GFA 12,960m²



Site 7

3-7 storeys
Height 22m
FSR 1.65:1

Site area: 9,230m²
GFA 15,240m²







HQ/JH
14061
8 June 2017

Anne Qin
Urban Designer
Bayside Council
141 Coward Street Mascot
NSW 2020

Dear Anne

**SUBMISSION ON PLANNING PROPOSAL 1/2015
97 BANKSIA STREET, BOTANY**

1.0 INTRODUCTION

This Planning Proposal has a long history. Throughout that long history Council officers have consistently stated that the purpose of the Planning Proposal is to address what Council say is an inappropriate form of development occurring on redevelopment sites within existing residential areas, and in particular the interface to adjoining land in terms of appropriate transitional scale.

Much of the information now being sought by Council relates to developing up schemes to demonstrate how a site may be developed in accordance with SEPP 65, the Apartment Design Guide (ADG), and/or Council's DCP for Multi-Unit Housing. This goes well beyond the issue of interface with the surrounding residential areas and would be more appropriately addressed when a Development Application is being prepared. Any Development Application needs to demonstrate compliance with the relevant Environmental Planning Instruments (SEPP 65 and the Botany Bay LEP in particular) and that consideration has been given to the ADG and any relevant DCP.

2.0 BACKGROUND HISTORY

On 25 January 2017 a submission was prepared by JBA on behalf of Wym P/L (the owners of 97 Banksia Street, Botany) and submitted to Bayside Council (Council) in relation to Planning Proposal 1/2015.

A copy of this submission is provided as **Attachment 1**. In response, correspondence was received from Council on 27 January 2017 (refer to **Attachment 2**), which requested revisions to the submission of 25 January, with specific reference to:

- Compliance with ADG 2F Building separation
- Compliance with ADG 3D Communal and public open space
- Compliance with ADG 3E Deep soil zones
- Consideration of pedestrian and vehicle access as per ADG 3G and 3H
- Indication of compliance with the bicycle and car parking rates specified in Part 3A of the BBDCP
- Indication of compliance with ADG 4A Solar and daylight access supported by diagrams
- Where proposals include multi-dwelling housing, compliance with Part 4B of the BBDCP should be demonstrated for the items listed above.

A further submission was prepared by JBA dated 21 February 2017 (**Attachment 3**). This submission reaffirmed Wym's position that Council should not proceed with the Planning Proposal but should retain the provision of Clause 4.3 (2A), which provides for the opportunity to seek development consent for a

development of up to 22m in height on sites over 2000 sqm. and Clause 4.4B which provides for a maximum floor space ratio of 1.65:1 on similar sites with specific characteristics. Detailed reasons for this position are contained within that submission, and these remain valid. The submission went on to note that should Council decide to proceed with a Planning Proposal then it should amend the Planning Proposal to be in line with SJB recommendation 3 and amend the minimum site area threshold to 5000sq.m.

Council's response of 1 March 2017 (refer to **Attachment 4**) stated that '*An increase to the minimum site area threshold of the bonus provisions from 2,000sqm to 5,000sqm will not address the amenity of development on the subject site*'. Council went on to maintain their request for additional architectural work to be completed in order to support the retention of existing development potential on this site. Council did not offer any justification in support of their claim that increasing the threshold to 5,000 sqm would not address the issue behind the Planning Proposal, or that the operation of Clause 4.4 C, which was recently inserted into the LEP, was failing to ensure that amenity issues were appropriately addressed without the need to further amend the LEP.

At the meeting between Council and representatives from Wym P/L on Tuesday 4 April, Council reinforced their requirement for additional architectural work to be submitted. We would like to put on the record that Council officers confirmed that their intention was not for the Planning Proposal to affect permissible uses or maximum permissible Floor Space Ratio (under Clause 4.4(2A)), but rather, to affect the maximum applicable height of buildings development standard.

3.0 ADDITIONAL CONSIDERATIONS OF COUNCIL'S REQUEST

Notwithstanding the concerns outlined above, Baker Kavanagh Architects (BKA) have been engaged by Wym to further develop their indicative scheme to demonstrate a potential amenity outcome for the site under a 14m height control. The revised contextual height investigation plans are provided as **Attachment 5**. It should be noted that these indicative plans have been developed in response to Council's request for information and should not be viewed as a site feasibility assessment.

As noted in our previous submission, Wym have no immediate intention to develop the site for residential purposes and, as such, the indicative scheme is not intended to be a fully resolved development scheme. In response to the additional information requested by Council (as listed above), it is noted that the indicative scheme shows multi dwelling housing. As such, the provisions of the Apartment Design Guide (ADG) would not apply to a development application for this type of development. However an overview of compliance with the ADG provisions is provided as **Attachment 6**.

The Objectives from Part 4B of the Botany Bay Development Control Plan (BBDGP) relevant to the site, and to Planning Proposal 1/2015, have been addressed in **Table 1**.

Table 1 – Botany Bay Development Control Plan

Section	DCP Objective	Comment
4B.2.4 Streetscape Presentation	O1 To ensure that development recognises predominant streetscape qualities (i.e. setbacks and design features); O2 To achieve design excellence; and O3 To ensure development complements the height, scale and architectural style found in the immediate vicinity, particularly where this has a clearly established character (refer to Desired Future Character statements within Part 8 - Character Precincts).	As shown in Attachment 5 the future development of the site can be carried out in a manner that does not affect the residential amenity of surrounding sites. A future town house development on the site would be able to recognise the predominant streetscape qualities. Introducing a 14m height of buildings development standard to the site would not undermine these objectives.
4B.2.5 Height	O1 To limit the height and scale of buildings so that they do not dominate the streetscape; O2 To ensure that new development complements the scale, massing and design of adjoining development; and O3 To limit visual impact, loss of privacy, loss of views or overshadowing within new development or on neighbouring properties.	The indicative scheme provided can be accommodated within a height of 14m. Although this is above the mapped height limit of 10m, it is below the maximum height of buildings currently permissible on the site of 22m. The indicative scheme would be able to comply with these objectives.

Section	DCP Objective	Comment
4B.2.6 Floor Space Ratio (FSR)	O1 To provide for bulk and scale of development that does not detract from the amenity of the streetscape and minimises impacts on adjoining residential properties; and O2 To prevent the over-development of land and ensure that an adequate balance of private open space and landscaping are provided for each dwelling.	As demonstrated by the indicative scheme provided at Attachment 5 the site is able to accommodate a development that provides adequate open space (private open space and communal open space), and does not introduce unreasonable shadow impacts to adjacent residences.
4B.2.7 Site Coverage	O1 To ensure that new development is consistent with the Desired Future Character of the area; O2 To ensure site coverage creates a development that provides a balance between built form, landscaped area and private open space; and O3 To control site density	As shown in Attachment 5 , the indicative scheme provides 35% site coverage, 25% communal open space, and 20% deep soil planting.
4B.2.8 Landscaped Area and Deep Soil Planting	O1 To increase tree and landscape coverage within the City of Botany Bay through the retention of existing vegetation and provision of substantial new plantings and landscaping; O2 To effectively ameliorate development and its impact within and to the streetscape and adjoining properties through site responsive, appropriate and strategic landscaping; O3 To provide well designed, located and functional open space areas through the site; O4 To increase natural stormwater filtration and decrease impervious surfaces and runoff; and O5 To enhance the public domain at the edges of new development.	As shown in Attachment 5 , the indicative scheme provides 35% site coverage, 25% communal open space, and 20% deep soil planting.
4B.2.9 Private and Communal Open Space	O1 To ensure residents are provided with quality usable communal and private outdoor living areas; O2 To ensure that private open space is designed for privacy, solar access, and is well integrated with living areas; O3 To ensure the adequate provision of accessible communal open space for residents for passive and active recreation opportunities; and O4 To ensure the provision of functional, useable and liveable communal open space for residents and to encourage social interaction.	As demonstrated by the indicative scheme provided at Attachment 5 the site is able to accommodate a development that provides adequate open space (private open space and communal open space).
4B.2.10 Setbacks, Building Frontage and Separation	O1 To reinforce the characteristic pattern of setbacks; O2 To improve local character and streetscape qualities by reinforcing existing alignments and setbacks; O3 To ensure adequate space for landscaping while establishing an attractive streetscape; O4 To provide separation between buildings and ensure adequate space for landscaping; and O5 To preserve the amenity of existing dwellings and provide amenity to new dwellings in terms of shadowing, privacy, views, ventilation and solar access.	As demonstrated by Attachment 5 , a future development of the site could be designed to provide setbacks of between 3m and 5m. This will comply with Council's DCP controls for site setbacks, including: - 3m setback from front boundary, - 1m setback of garage from rear lane - 3m setback to the side boundary - Rear setbacks to match local characteristics - Building frontage limited to 20m

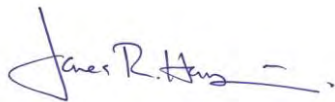
4.0 CONCLUSION

Wym maintains its position that:

1. Council should not proceed any further with Planning Proposal 1/2015, to do so would unreasonably curtail the existing potential to provide much needed housing within the local area and the Central District of the Greater Sydney area and, as such, would be contrary to the current 117 Directions. In addition, Council has not established through any evidence-based planning, that the recent introduction of Clause 4.4C into the *Botany Bay LEP 2013* has failed to address the purported reason behind the Planning Proposal.
2. In the event that Council does proceed with the Planning Proposal it should only do so on the basis of recommendation 3 within the SJB report and amend the threshold from 2,000sqm to 5,000sqm on the basis that the larger minimum site area provides more than adequate opportunity to address the issues identified in Clause 4.4C in protecting the amenity and character of surrounding residential areas.
3. Failing items 1 and 2, the Planning Proposal proceed on the basis of an amended maximum height of buildings development standard for 97 Banksia Street of 14m for the reasons outlined in this submission and its attachments.

Should you have any queries about this matter, please do not hesitate to contact Harry Quartermain or myself on 9965 6962 or hquartermain@jbaurban.com.au / jharrison@jbaurban.com.au.

Yours sincerely



James Harrison
Director

Attachments:

- **Attachment 1:** Submission of 25 January 2017
- **Attachment 2:** Council correspondence of 27 January 2017
- **Attachment 3:** Submission of 21 February 2017
- **Attachment 4:** Council correspondence of 1 March 2017
- **Attachment 5:** Contextual Height Investigation
- **Attachment 6:** Conceptual Assessment against select ADG Provisions

Copy to:

- Michael Kokot, Department of Planning and Environment
- Martin Cooper, Department of Planning and Environment

HQ/JH
14061
25 January 2017

Anne Qin
Urban Designer- Strategic Planning
Bayside Council
PO Box 21
Rockdale
NSW 2216

Attention: Anne Qin

Dear Anne

**SUBMISSION ON PLANNING PROPOSAL NO 1/2015- DELETION OF CLAUSE 4.3 (2A) AND 4.4 B
97 BANKSIA STREET BOTANY**

This submission has been prepared by JBA on behalf of Wym Pty Ltd (Wym) the owners of 97 Banksia St, Botany. The site's context is shown in **Figure 1**, an aerial of the site and immediate surrounds is provided as **Figure 2**.

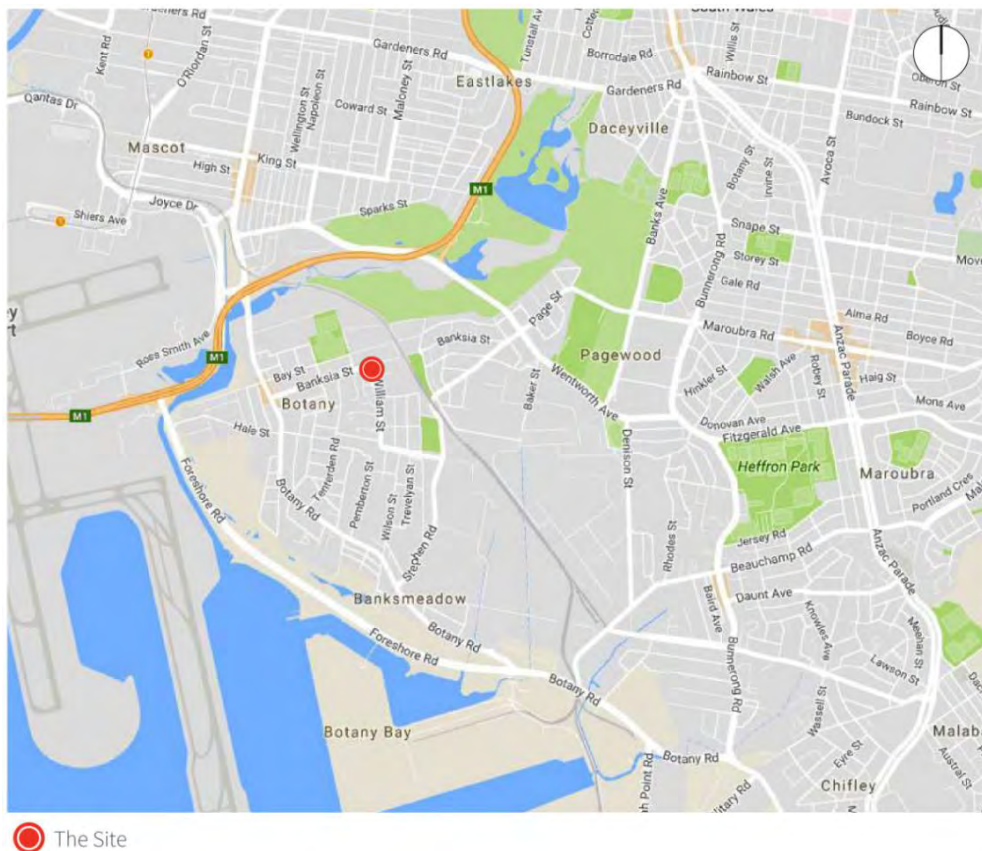


Figure 1 – Site context



 97 Banksia Street, Botany
Figure 2 – Site Aerial

This submission follows a meeting held on the 24 November between Wym and Council Officers in respect of Planning Proposal 1/2015. This submission should be read in conjunction with earlier submissions made on behalf of Wym, including our letter of the 26 October 2016 (**Attachment 1**).

At the meeting, Council Officers advised: -

1. That the Planning Proposal was likely to be amended to such an extent that the matter would require a fresh gateway determination for it to proceed.
2. That the amended Planning Proposal would be submitted to Council for endorsement in the new year.
3. That as part of the proposal to remove Clause 4.3 (2A), which provides the potential for additional height, up to 22m, on sites over 2000 sq.m. in area, staff would be recommending site specific controls for land affected by the Planning Proposal. As a result, Council Officers were inviting submissions from land owners as to what they believed were appropriate height controls given the opportunities and constraints of individual sites.

In response to this invitation it is Wym's position that: -

1. Council should not proceed with the Planning Proposal.
2. Alternately that the Planning Proposal be amended to retain Clauses 4.3 (2A) and Clause 4.4B but change the minimum site area from 2000 sq.m. to 5000 sq.m. as put forward in recommendation (3) of the SJB Planning report of August 2016.

3. In the event that neither recommendation 1 and 2 above are not supported then in respect of 97 Banksia St, Botany the height control for the site be amended to a maximum height of 14m.

Further detail and reasoning for these positions is set out below.

1. Not Proceed with Planning Proposal 1/2015

The provisions of Clauses 4.3 (2A) and 4.4B were included in Botany LEP 2013 following on from recommendations made in the Urban Design Study (September 2010) prepared by Neustein Urban that sites with these characteristics can accommodate increased density and height and therefore help supply much needed additional housing. The need to plan for, and provide, additional housing is equally applicable, if not more so, today given more recent population projections from State Government and the implications that supply has on housing affordability.

Whilst we acknowledge concerns expressed from some parts of the community to developments that were being built utilising these provisions and in particular how they interface with surrounding development, we believe that the more recent amendment to Botany LEP 2013 to insert Clause 4.4C appropriately addresses this issue. This amendment was made on 5 February 2016 and it strengthens the requirement for consent authorities to consider the relationship of any new development with its surrounds. This is a recent amendment which post-dates many of the developments that have apparently caused some concern within the community. We suggest that Clause 4.4C should be allowed to do its work during the future redevelopment of those sites that remain affected by the Clause 4.4.

2. Amend Clauses 4.3 (2A) 4.4 (2A) and 4.4B such that the minimum site area be increased from 2000 sq.m to 5000sq.m.

This recommendation is put forward by Councils own consultant in recommendation (3) of their report of August 2016. There is direct correlation between the size of sites and the interface with adjoining land issues in that larger sites are able to be developed with fewer external amenity impacts.

In recommending that the minimum site area be increased it should also be recognised that with any numerical standard there comes a degree of arbitrariness. As identified in our submission of 26 October 2016 (**Attachment 1**) adopting the SJB recommendation (3) would result in removing 15 of the 28 identified sites from benefitting from the LEP bonus provisions. Further, it is noted that the adoption of a minimum site area of 6000 sq.m. would leave only the 10 largest sites benefitting and which have the greatest flexibility in addressing the interface issue.

3 Amend the height standard for 97 Banksia Street

Council have invited Wym to suggest an appropriate maximum height of buildings development standard for the site. Under the current LEP this is 22m because the site area is greater than 2000 sq.m. In the absence of the bonus provision the maximum height standard would revert to 10m as mapped.

The site contains a large industrial building that occupies much of the site. This building is built to the southern and western boundaries with 8m and 7m high blank walls respectively. As a result adjoining development has been positioned and designed around this opportunity/constraint. The building is currently occupied by on-going and currently viable industrial uses. Preparing and documenting a development scheme in these circumstances would be both premature as well as costly with little likelihood of that scheme proceeding.

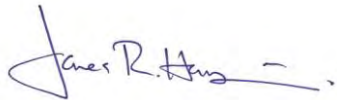
Despite this, Wym have engaged BKA Architecture to undertake some preliminary contextual investigation into building height (**Attachment 2**). In submitting this to Council it should not be seen as a feasibility study or initial development scheme. This work would suggest that the site, at the very least, can accommodate a height standard of 14m. By way of example this would provide for development with at grade parking, two residential levels above and pitched roof/attic as well as the sites cross fall of some 1.2m from east to west.

A 14m height standard for the site coupled with the provisions of Clause 4.4C, SEPP 65 and the Apartment Design Guide would give rise to a more than acceptable development of the site. It would also be consistent with SJB Planning recommendation (2) for a number of sites where alternate height controls have been proposed. Whilst it was not within the scope of the BKA work to prepare a detailed feasibility for the site it should be recognised that the imposition of a 14m height standard and the removal of the 22m height standard for large sites does result in potential yield loss for 97 Banksia Street.

In addition to the documentation prepared by BKA we have also attached a site survey prepared by Watson Buchan Pty Ltd (**Attachment 3**) and a letter dated 1 November 2016 from BMT (**Attachment 4**) confirming that the site is not subject to overland flow and that the inundation in zone B is the result of the existing industrial building having a sunken loading dock. BMT conclude there are no major flood related constraints on the lot.

Should you have any queries about this matter, please do not hesitate to contact me on 9956 6962 or jharrison@jbaurban.com.au.

Yours faithfully

A handwritten signature in blue ink, appearing to read 'James R. Harrison', with a stylized flourish at the end.

James Harrison
Director

Attachments:

- **Attachment 1** – Letter of 26 October 2016 (JBA)
- **Attachment 2** – Preliminary Architectural Drawings (BKA Architecture)
- **Attachment 3** – Site survey (Watson Buchan)
- **Attachment 4** – Letter of 1 November 2016 (BMT)

CC:

- Michael Kokot, NSW Department of Planning
- Martin Cooper, NSW Department of Planning

Harry Quartermain

From: Anne Qin <Anne.Qin@bayside.nsw.gov.au>
Sent: Friday, 27 January 2017 2:49 PM
To: James Harrison
Cc: Harry Quartermain; Stephanie Lum
Subject: RE: Submission on Planning Proposal 1/2015

Hi James,

As per our earlier discussion regarding the submission for 97 Banksia Street, Council would like to request that the submission is revised to demonstrate as much detail and compliance as it is feasible. This will need to include as a minimum the following:

- Compliance with ADG 2F Building separation
- Compliance with ADG 3D Communal and public open space
- Compliance with ADG 3E Deep soil zones
- Consideration of pedestrian and vehicle access as per ADG 3G and 3H
- Indication of compliance with the bicycle and car parking rates specified in Part 3A of the BBDCP
- Indication of compliance with ADG 4A Solar and daylight access supported by diagrams
- Where proposals include multi-dwelling housing, compliance with Part 4B of the BBDCP should be demonstrated for the items listed above.

Please feel free to contact me with any queries.

Kind regards,

Anne Qin
Urban Designer
Strategic Planning
Phone: 02 9366 3709
141 Coward Street Mascot NSW 2020
anne.qin@bayside.nsw.gov.au
www.bayside.nsw.gov.au

Bayside Council

Bringing together the City of Botany Bay and Rockdale City Councils

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From: Anne Qin
Sent: Wednesday, 25 January 2017 12:07 PM
To: 'Harry Quartermain'
Cc: James Harrison; Tony Rohr; Mark Rohr; Stephanie Lum; Catherine McMahon
Subject: RE: Submission on Planning Proposal 1/2015

Hi Harry,

Thank you for the submission for 97 Banksia Street, Botany.

We will be in touch shortly regarding moving forward.

Kind regards,

Anne Qin
Urban Designer
Strategic Planning
Phone: 02 9366 3709
141 Coward Street Mascot NSW 2020



JH/HQ
14061
21 February 2017

Anne Qin
Urban Designer- Strategic Planning
Bayside Council
PO Box 21
ROCKDALE, NSW, 2216

Attention: Anne Qin

Dear Anne

**PLANNING PROPOSAL 1/2015 BOTANY LEP 2013 DELETION OF CLAUSES 4.3 (2A) AND 4.4B
97 BANKSIA ST, BOTANY**

This letter has been prepared by JBA on behalf of Wym Pty Ltd who own 97 Banksia St, Botany (The Site) and responds to the issues raised in Council's e-mail dated 27 January 2017 as set out below.

Council would like to request that the submission is revised to demonstrate as much detail and compliance as is feasible. This will need to include as a minimum the following:

- *Compliance with ADG 2F Building separation*
- *Compliance with ADG 3D Communal and public open space*
- *Compliance with ADG 3E Deep soil zones*
- *Consideration of pedestrian and vehicle access as per ADG 3G and 3H*
- *Indication of compliance with the bicycle and car parking rates specified in Part 3A of the BBDCP*
- *Indication of compliance with ADG 4A Solar and daylight access supported by diagrams*
- *Where proposals include multi-dwelling housing, compliance with Part 4B of the BBDCP should be demonstrated for the items listed above.*

The information now being sought from Wym goes far beyond the issue identified by Council as being the genesis for the Planning Proposal. As recently as our meeting with Council staff on the 24 November this issue was articulated as being a community backlash at the scale of new development particularly at the interface with adjoining established development. It is not unusual for communities to oppose development when they see change to their local area. They are often seeing those developments at their worst when they are under construction or recently completed when the softening effects of street and site landscaping have yet to take full effect. The provision of more housing in Sydney has never been more critical than it is today. Wym's position remains that Council should not proceed with the Planning Proposal but should retain the provision of Clause 4.3 (2A), which provides for the opportunity to seek development consent for a development of up to 22m in height on sites over 2000 sq.m. and Clause 4.4B which provides for a maximum floor space ratio of 1.65:1 on similar sites with specific characteristics.

In support of this position we note that

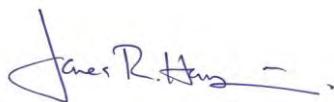
1. The new premier the Hon G Berejiklian has identified housing affordability in Sydney as a key priority. The supply of land for housing is a key component in providing affordable housing. Far from down zoning land by reducing height and floor space development standards Council should be increasing the availability of land to provide more housing choice and encourage greater supply.

2. The Planning Proposal is clearly contrary to Section 117 Direction 3.1 Residential Zones as it does not make more efficient use of existing infrastructure and services and nor does it reduce the consumption of land for housing and associated urban development on the urban fringe. The consequence of the Planning Proposal is to reduce the permissible residential density by imposing a height limit under which the permitted residential density not only can't be achieved but would for all practical purposes be abandoned. As such the proposal is contrary to Part 5(b) of the Direction (this issue is dealt with in greater detail in our submission of the 26 October 2016).
3. The recent insertion of Clause 4.4 C into Botany LEP 2013 (February 2016) provides Council with a mechanism to assess the impact of a development on the amenity of adjoining land and the character of the area in terms of building bulk and scale and no further change to the LEP is necessary. Properly applied by Council this clause addresses all of Council stated concerns. Council has provided no justification or evidence as to why Clause 4.4 C does not address the issue and we note that the developments cited as examples of poor interface were all approved before introduction of this clause.
4. The provisions in Clause 4.3 (2A) and 4.4 B were included in the Botany LEP 2013 following the preparation of an Urban Design Study commissioned by Council and prepared by Neustein Urban in September 2010. There is no evidence to suggest that this work was in any way flawed. The study concluded that larger sites could accommodate increased density whilst respecting adjoining land and help provide housing within Sydney.
5. The removal of these Clauses is a crude response to the issue as it treats all sites the same regardless of site orientation, size, slope, dimensions, vegetation or broader context. These issues would affect the optimum yield that a site could deliver and the appropriate relationship to adjoining land. In this context to treat all sites the same is not good planning. Council's own consultant SJB recognises that the larger the site the more opportunity there is to satisfactorily address the issues, which are in effect identified in Clause 4.4 C in their recommendation 3 which is to move the threshold from 2000 sq.m. site areas to 5000 sq.m. site area

We maintain that should Council decide to proceed with a Planning Proposal despite the concerns outlined above then it should amend the Planning Proposal to be in line with SJB recommendation 3 and amend the minimum site area threshold to 5000sq.m. This together with Clause 4.4 C would ensure that amenity issues were appropriately address whilst minimising the reduction in potential housing opportunities currently available.

The work done by Baker Kavanagh on behalf of Wym was done for the specific purpose of understanding alternate height controls in response to an invitation and encouragement from Council staff and on the basis that Council staff would not support retention of the current provisions of the LEP or the consultant's recommendation 3. What Council is now asking for is for the land owner to commission a redevelopment proposal for the site which would involve considerable expense and would be a largely theoretical exercise given the current industrial uses of the site.

Should you have any queries about this matter, please do not hesitate to contact me on 9956 6962 or jharrison@jbaurban.com.au.



Yours faithfully
James Harrison

Attachments

Letter of the 25 January 2017 plus attachments prepared by JBA

CC

- Michael Kokot, NSW Department of Planning
- Martin Cooper, NSW Department of Planning

Harry Quartermain

From: Anne Qin <Anne.Qin@bayside.nsw.gov.au>
Sent: Wednesday, 1 March 2017 5:26 PM
To: Harry Quartermain
Cc: James Harrison; Stephanie Lum
Subject: RE: Submission on Planning Proposal 1/2015

Hi Harry,

Thank you for your response. We have considered the points you have raised and maintain our request for the submission to demonstrate as much detail and compliance to demonstrate that the proposed controls are feasible.

Council has adopted a consistent approach in our request for the information submitted with the proposed schemes. All other land owners who have objected to the removal of the bonus provisions have been requested to demonstrate compliance with the items listed in the previous email dated 27 January 2017 in their submission. This is done with the intention of finding the most favourable development outcome on a site-by-site basis.

We recognise the development potential of 97 Banksia Street as a site that is capable of providing more housing choice. The intent of the Planning Proposal is not to reduce potential housing opportunities. As such, we strongly encourage further investigation of the proposed scheme in fulfilling Section 117 Direction 3.1 Residential Zones. Point 4(d) of the Direction stipulates that a planning proposal must encourage the provision of housing that will be of good design. Whilst good design encompasses a development's positive and sympathetic response to its context, it also warrants considerations to maximise the amenity of the dwellings' occupants. An increase to the minimum site area threshold of the bonus provisions from 2,000sqm to 5,000sqm will not address the amenity of development on the subject site.

The proposed scheme (as drafted by BKA Architecture) received by Council on 25 January 2017 does not provide sufficient information to indicate the amenity of the multi-dwelling housing. We believe that the optimum yield of a development is one that will also provide the greatest amount of benefit in respect to residential amenity.

In summary, Council cannot recognise 97 Banksia Street as a site that is suitable for retaining the bonus provisions without demonstration of compliance with the relevant items as outlined in the previous email.

Please feel free to contact me with any queries.

Kind regards,



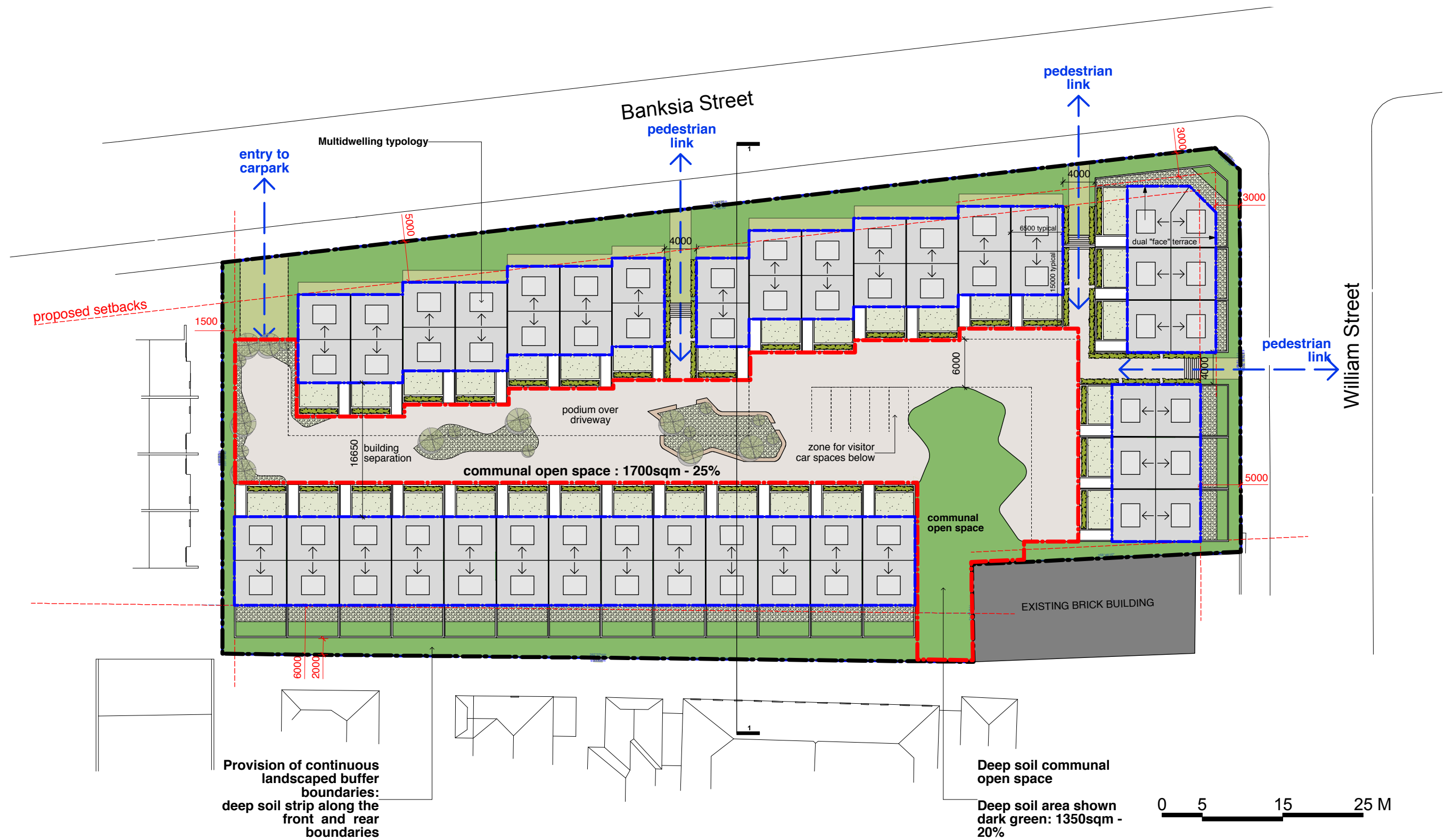
Anne Qin Urban Designer
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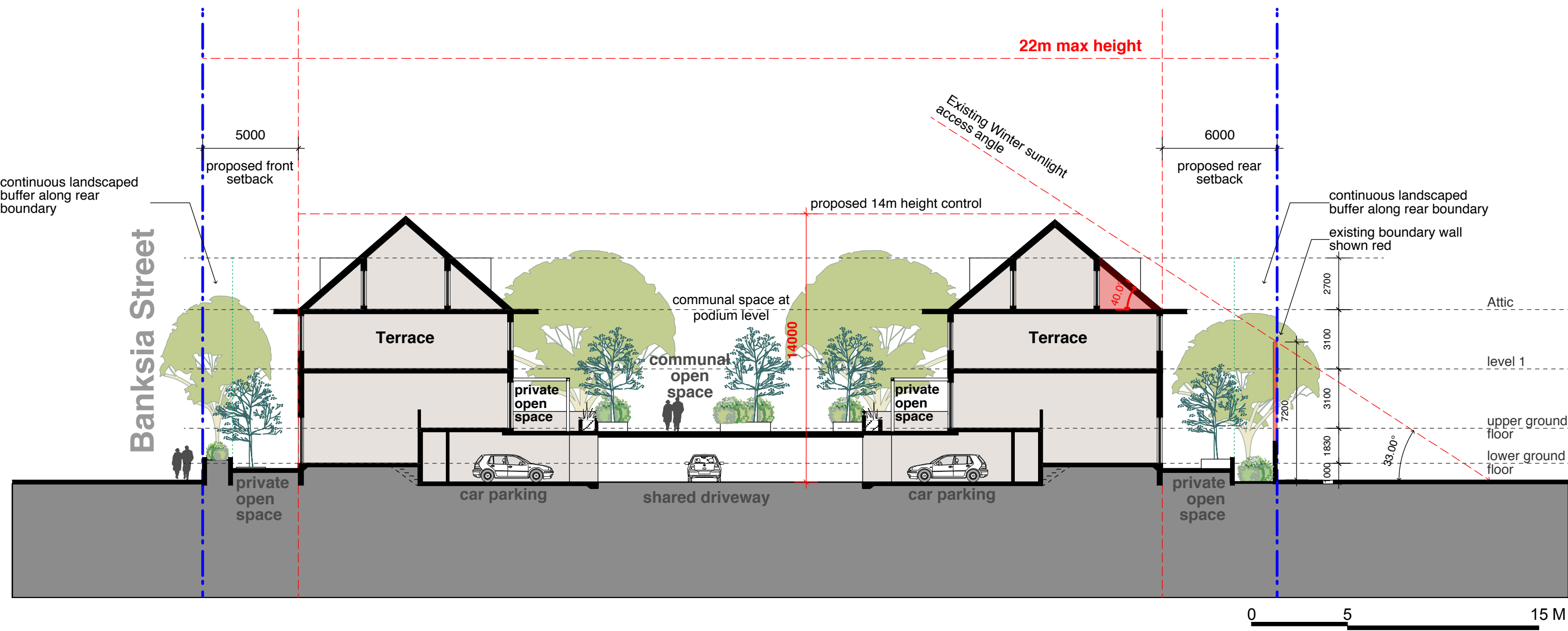
From: Harry Quartermain [<mailto:HQuartermain@jbaurban.com.au>]
Sent: Wednesday, 22 February 2017 5:00 PM
To: Anne Qin; James Harrison
Cc: Stephanie Lum; Michael.Kokot@planning.nsw.gov.au; Martin.Cooper@planning.nsw.gov.au
Subject: TRIM: RE: Submission on Planning Proposal 1/2015

Hi Anne,

Please find our response to your below email attached.

Harry Quartermain
Senior Planner | JBA
Office +61 2 9956 6962 | Direct +61 2 9409 4908 | Mobile +61 405 443 124
173 Sussex Street, Sydney NSW 2000
jbaurban.com.au | HQuartermain@jbaurban.com.au | [Connect on LinkedIn](#)





CONTEXTUAL HEIGHT INVESTIGATION
97 Banksia Street, Botany

www.bka.com.au

SK02

Section

SCALE: 1:200@ A3
REVISION: A
PROJECT NUMBER: 15088
DATE: December 2016

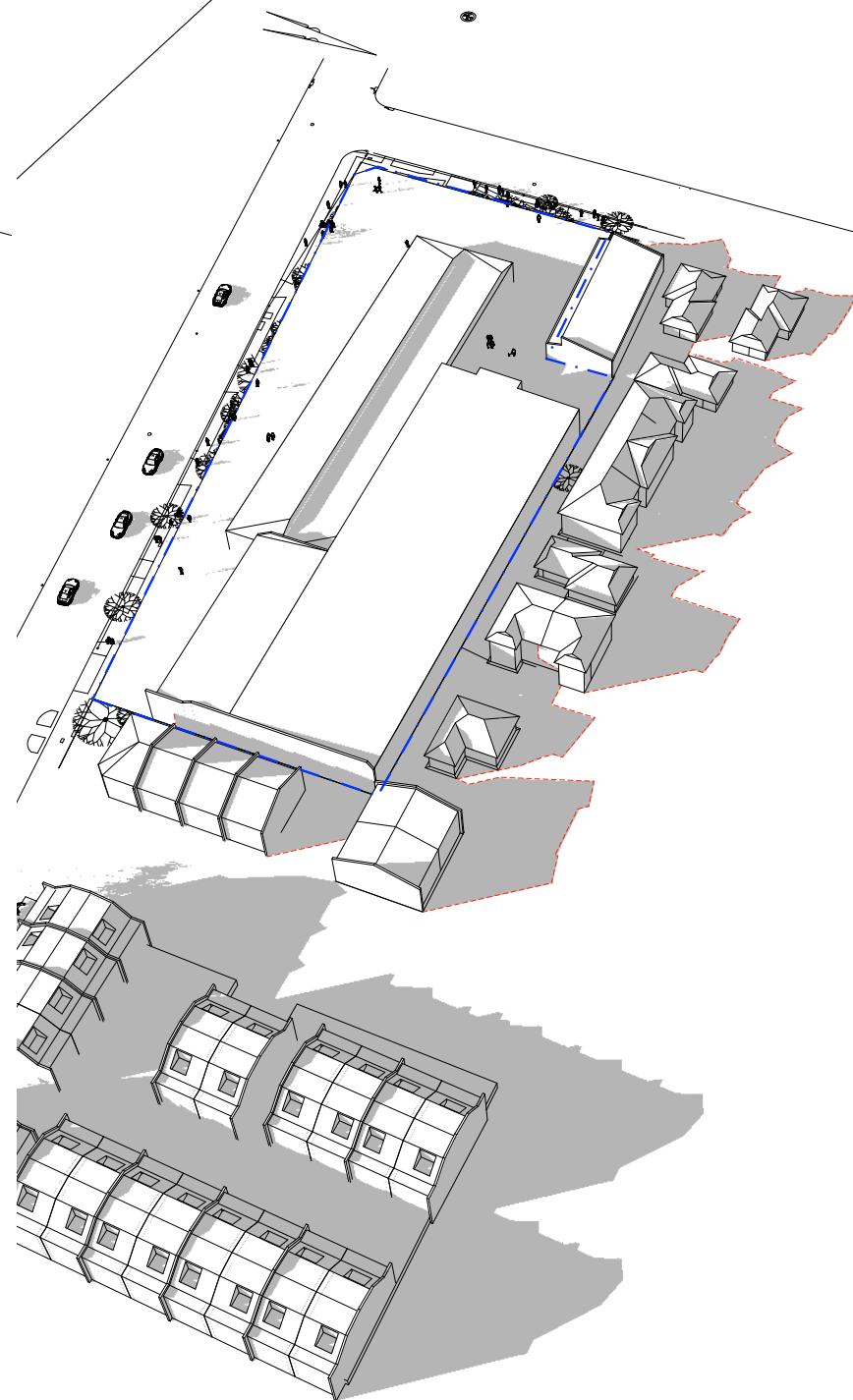
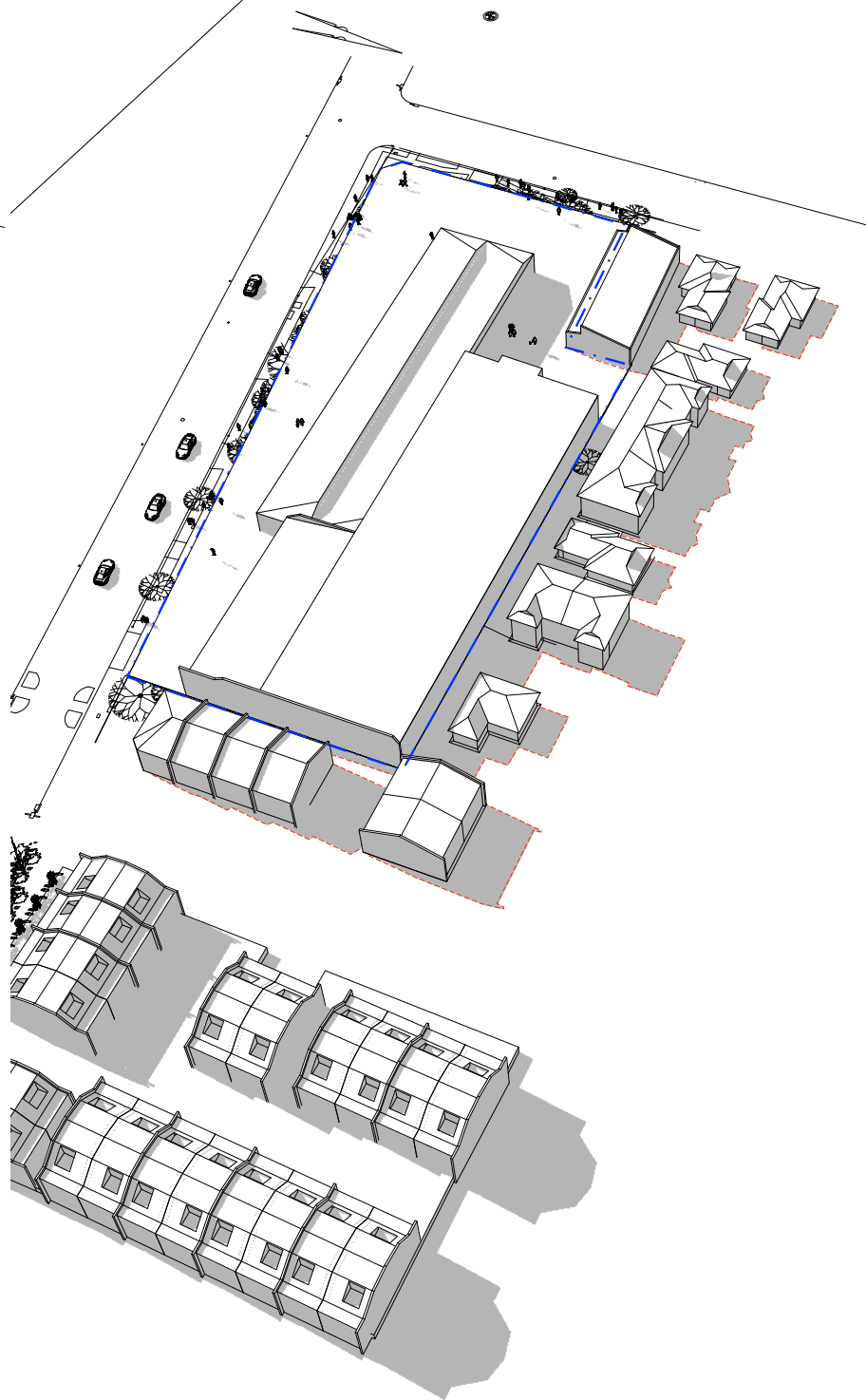
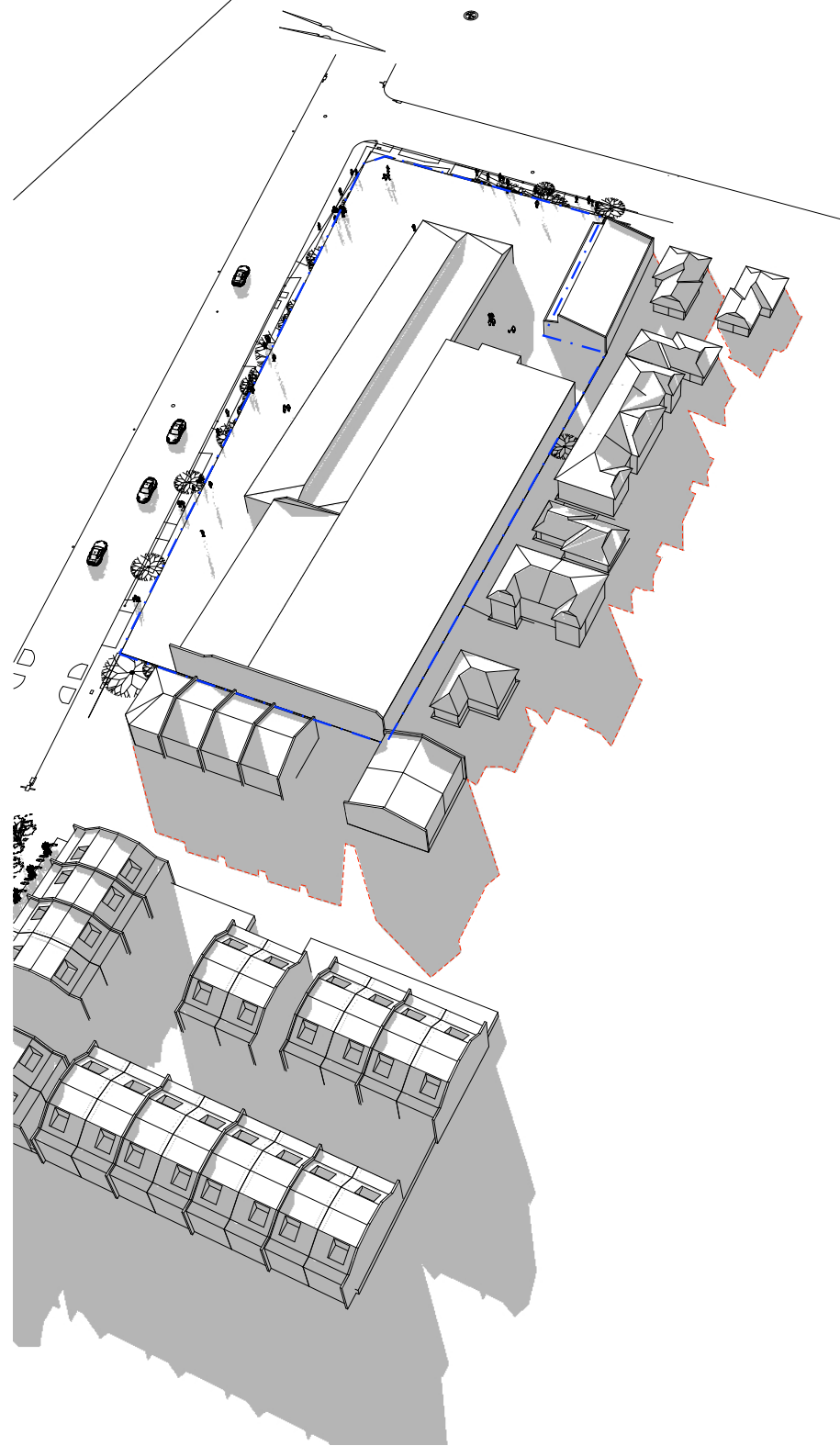
1.04
77 Dunning Avenue
Rosebery NSW 2018
T +61 2 9318 9200
F +61 2 9318 9222

BKA architecture

9AM 21 JUNE

12PM 21 JUNE

3PM 21 JUNE



additional overshadow
existing overshadow

CONTEXTUAL HEIGHT INVESTIGATION

97 Banksia Street, Botany

www.bka.com.au

SK03a

Existing Shadow diagram

SCALE: NTS@ A3
REVISION: C
PROJECT NUMBER: 15088
DATE: December 2016

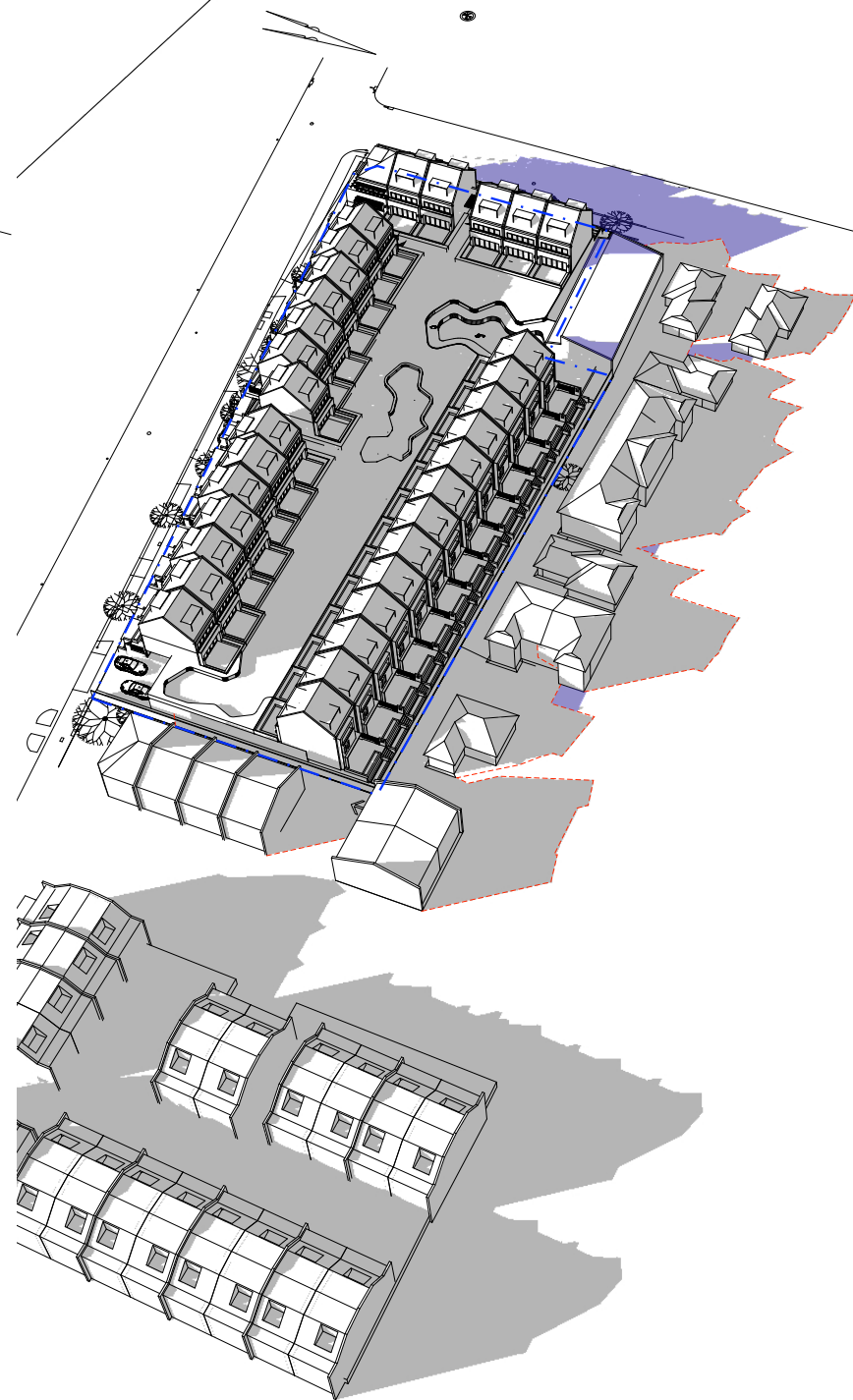
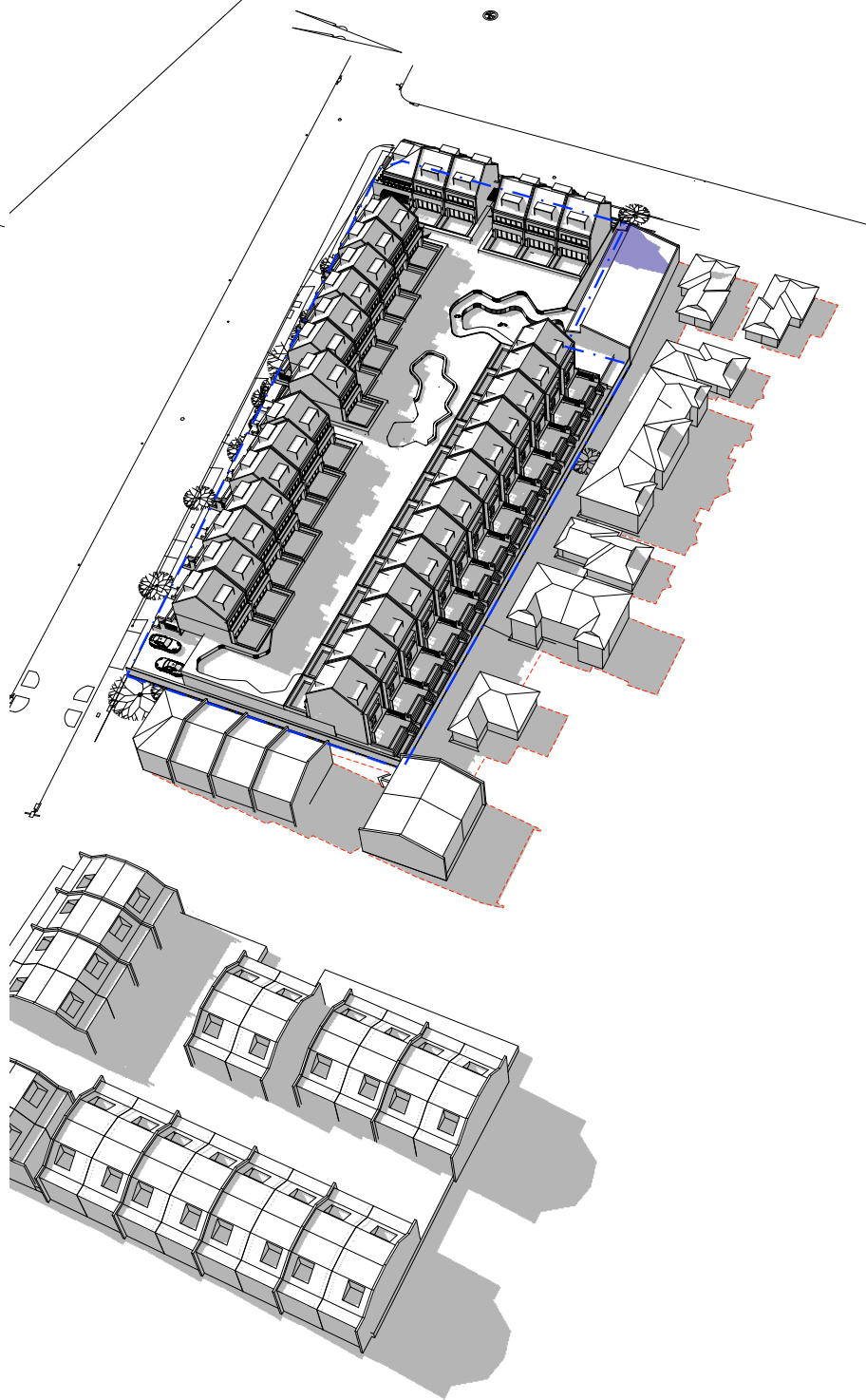
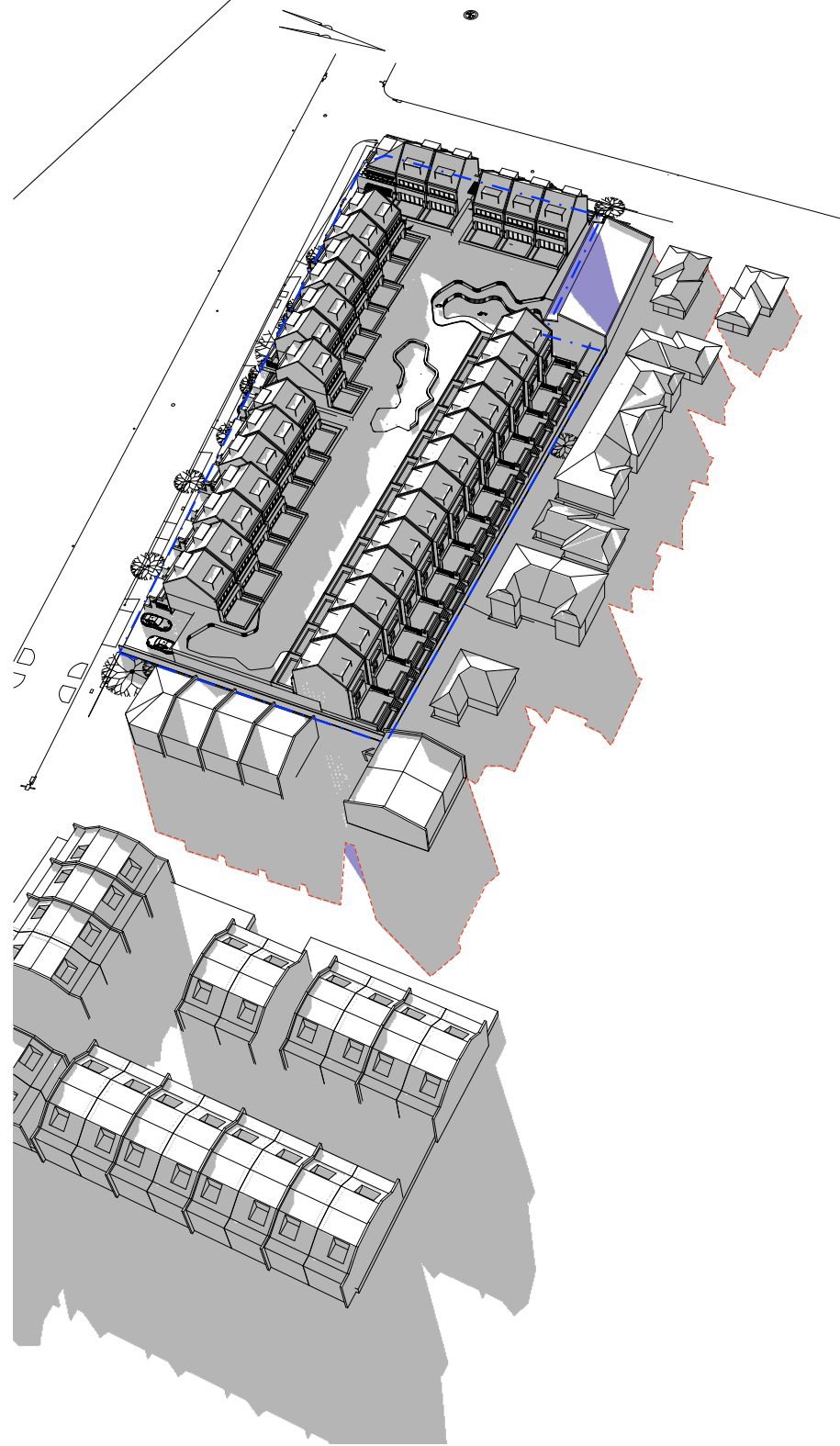
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12PM 21 JUNE

3PM 21 JUNE



additional overshadow
existing overshadow

CONTEXTUAL HEIGHT INVESTIGATION

97 Banksia Street, Botany

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SK03b

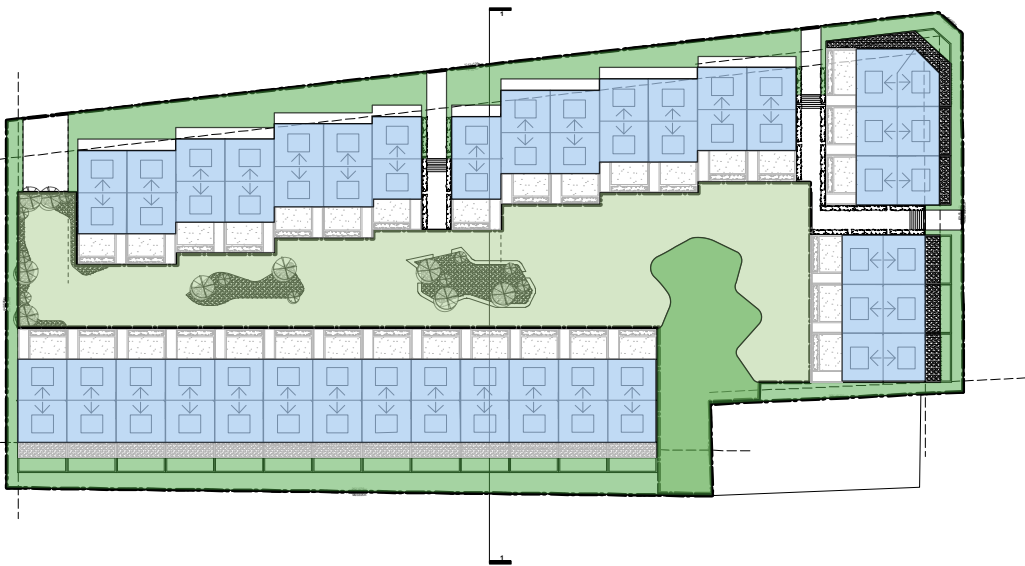
Proposed Shadow diagram

SCALE: NTS@ A3
REVISION: C
PROJECT NUMBER: 15088
DATE: December 2016

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BKA architecture

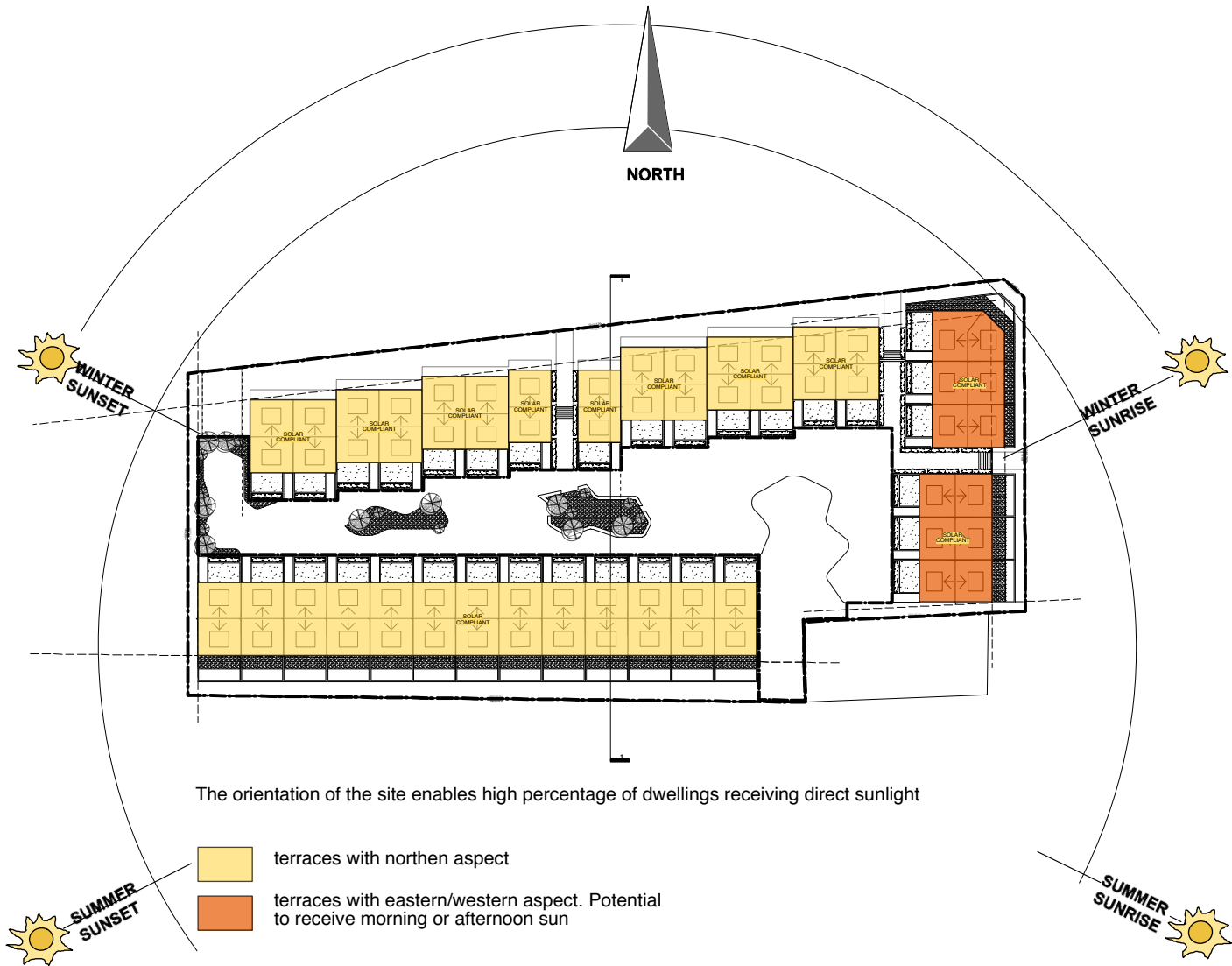
CALCULATION ANALYSIS BETWEEN DCP PART 4B & ADG



- site coverage
- deep soil planting
- communal open space

SITE AREA (sqm)	6712	
DCP PART 4B	CONTROL	PROPOSED
SITE COVERAGE (max 45%)	3020.4	2360.0
COMMUNAL OPEN SPACE (FSR UP 1.1 - 15%)	1006.8	1700.0
COMMUNAL OPEN SPACE (FSR OVER 1.1-20%)	1342.4	1700.0
DEEP SOIL (35%)	2349.2	1350.0

Apartment Design Guide (ADG)	CONTROL	PROPOSED
COMMUNAL OPEN SPACE (25%)	1678	1700.0
DEEP SOIL (MIN 7%)	469.84	1350.0
DEEP SOIL (15% SITE LARGER THAN 1500SQM)	1006.8	1350.0



SOLAR ACCESS DIAGRAM





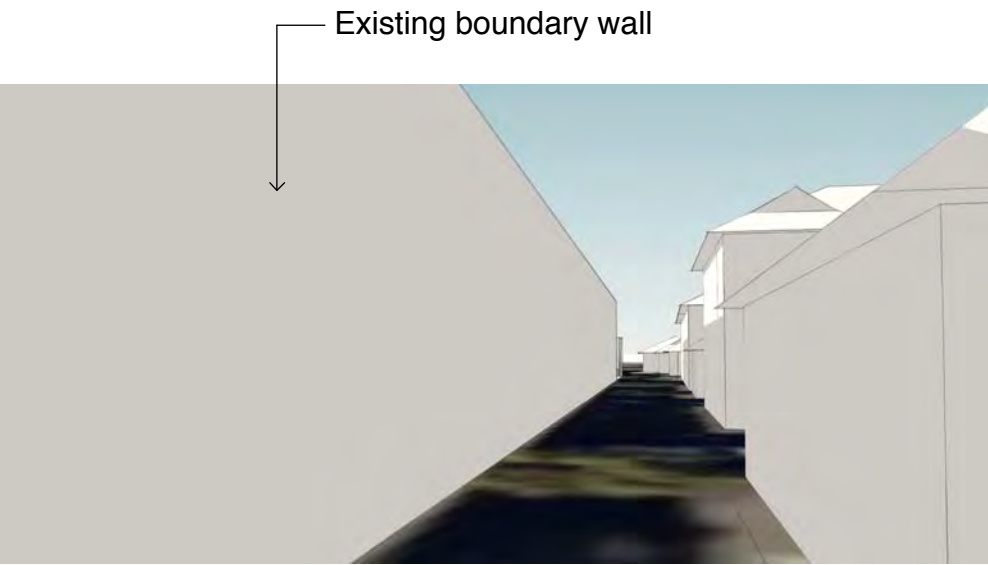
Urban design & context proposed qualities

- A) Low scape typology of the terrace house which is common to this precinct
- B) Strong emphasis on streetscape scale and landscape
- C) Buildings present positively to the street and allow good street surveillance
- D) Logical vehicular and pedestrian entries.
- E) Articulation at corner
- F) Potential for a variety of terrace facade compositions as the streetscape is broken up into a series of separated terraces (broken by pedestrian entries)



Building typology

- A) Deep soil planting available at the perimeter to soften the boundary transition and enhance streetscape.
- B) Communal Open space has deep soil planting and good solar access.
- C) Larger building separations
- D) Separation of cars and pedestrians. Emphasis on the communal open space quality.
- E) Minimal excavation with podium solution to mitigate water table complexities.
- F) Minimal increase and impact in overall shadow



SOLAR ACCESS DIAGRAM - EXISTING

Existing context with 7.2m wall along the Southern boundary



SOLAR ACCESS DIAGRAM - PROPOSED

- removal of excessive high boundary wall
- increased rear setback to 6m
- continuous landscaped buffer along rear boundary
- improved solar access
- more pleasant aspect for the existing adjoining dwellings

Attachment 6- Commentary on ADG

Having regard to the ADG as it currently stands, we note the following:

Compliance with ADG 2F Building separation:

The minimum separation distances for buildings of up to four storeys are:

- 12m between habitable rooms/balconies;
- 9m between habitable and non-habitable rooms; and
- 6m between non-habitable rooms.

A cursory look at the site dimensions would show that these dimensions can be complied with.

Compliance with ADG 3D Communal and public open space:

The design criteria specifies that communal open space equivalent to 25% of the site area be provided and that a minimum of 50% of this area get direct sunlight for a minimum of 2 hours between 9am and 3pm on 21 June. As shown in **Attachment 5** 25% of the site area can be provided as communal open space. With a broad, north-facing site there would be no design difficulty in complying with the requirement for solar access to the communal open space.

Compliance with ADG 3E Deep soil zones

On a site of this size the design criteria require 7% of the site area as deep soil with a minimum dimension of 6m. Given the need to provide setback and building separation, both the percentage and the minimum dimensions can be readily achieved. As shown in **Attachment 5**, the setbacks alone allow for 20% of the site to be provided as deep soil areas.

Consideration of pedestrian and vehicle access as per ADG 3G and 3H

With a frontage of 124m to Banksia Street and 47.5 m to William Street there is a high degree of flexibility to provide multiple pedestrian access points to future dwellings and to rationalise the existing three vehicle crossings to Banksia Street and one to William Street.

Compliance with ADG 4A Solar and daylight access supported by diagrams

The Design Criteria requires that 70% of the dwellings receive 2 hours of sunlight between 9am and 3pm at mid-winter to living rooms and private open space. Again, it is clear from the site orientation, with a northern frontage of some 124m, that solar access to what will be north-facing dwellings will achieve this requirement. Buildings can be sited and designed to ensure that adjoining buildings continue to receive adequate sunlight. This is supported by the diagrams prepared for the townhouse scheme. Clearly the criteria can be complied with.

96 BAY STREET - BOTANY BAY - CONCEPT PACKAGE



Imagery ©2017 Google, Map data ©2017 Google 50 m

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Nominated Architects: Gregor Strachotta 9158 A3

Client:
Grid Security
Simon Joseph

Architect:
Deft Architects - PH: +61 0422 995 166
Project # 17042 - Bay Street - Botany Bay

NOTE: This is a general CONCEPTUAL PACKAGE ONLY.
All layouts and figures are estimates, additional advise
would be required to confirm those. A resulting final package
might vary, depending on additional consultants advise. For
Discussion only.

96 BAY STREET - CONCEPT PACKAGE
ISSUED: 30.5.2017

OPTION 1
000 - Cover

DEFT

96 BAY STREET - BOTANY BAY - CONCEPT PACKAGE

Planning	Site Area	FSR	GFA	Height Townhouses	Height RFB
Controls	4111	1,65	6782	12m	22m

Apartment Metrics										
	Floor to Floor	1 Bed	2 Bed	2 Bed Cross Through	3 Bed	Total	GFA	GBA	Cross Vent	Solar 2H
Level 1	3300	3	6	6		15	1115	1334	11	10
Level 2	3100	3	6			9	1107	1334	5	4
Level 3	3100	1	6	6	1	14	1115	1334	11	13
Level 4	3100	1	6		1	8	1107	1334	5	6
Level 5	3100	2	3		4	9	766	1334	8	9
Level 6	3100		7		1	8	698	869	8	7
			34	12						
Total		10	46		7	63	5908	7539	48	49
%		16%	73%		11%	100%				

Townhouses										
	Floor to Floor								Cross Vent	Solar 2H
Town-houses	4000				9	9	1026		10	3
114sqm each	3400									
	3400									
Carparking		10	92		32	134				
Visitors						13				
Total						147				

SUBTOTAL					
		Apt.s & TH's	GFA	FSR	Cross Vent
		72	6764	1.65	58
			achieved	achieved	81%
					52
					72%

Landscaping	excl roof.	1435	35%
Communal Open Space			
Space 1	Center	840	Solar 190
Space 2	Side	185	185
Space 3	Roof	380	380
Total receiving Solar			54%
Total Area ~		1405	34%

Deep Soil	910	22%
Site Coverage	1750	43%
Including terraces/excl. ramps		
Apartments who do not receive direct sunlight on	6	8%
21.6.		

- 000

A000

A100

A110

A111

A112

A113

A201

A250

A301

A302

A303

A401

A402

A403
- Cover - Location Plan

Metrics

Siteplan 1:500

Plans Level 1 + 2

Plans Level 3 + 4

Plans Level 5 + 6

Plans Roof + Basement

Section Typical

Street Elevation

Shadow Diagrams 1

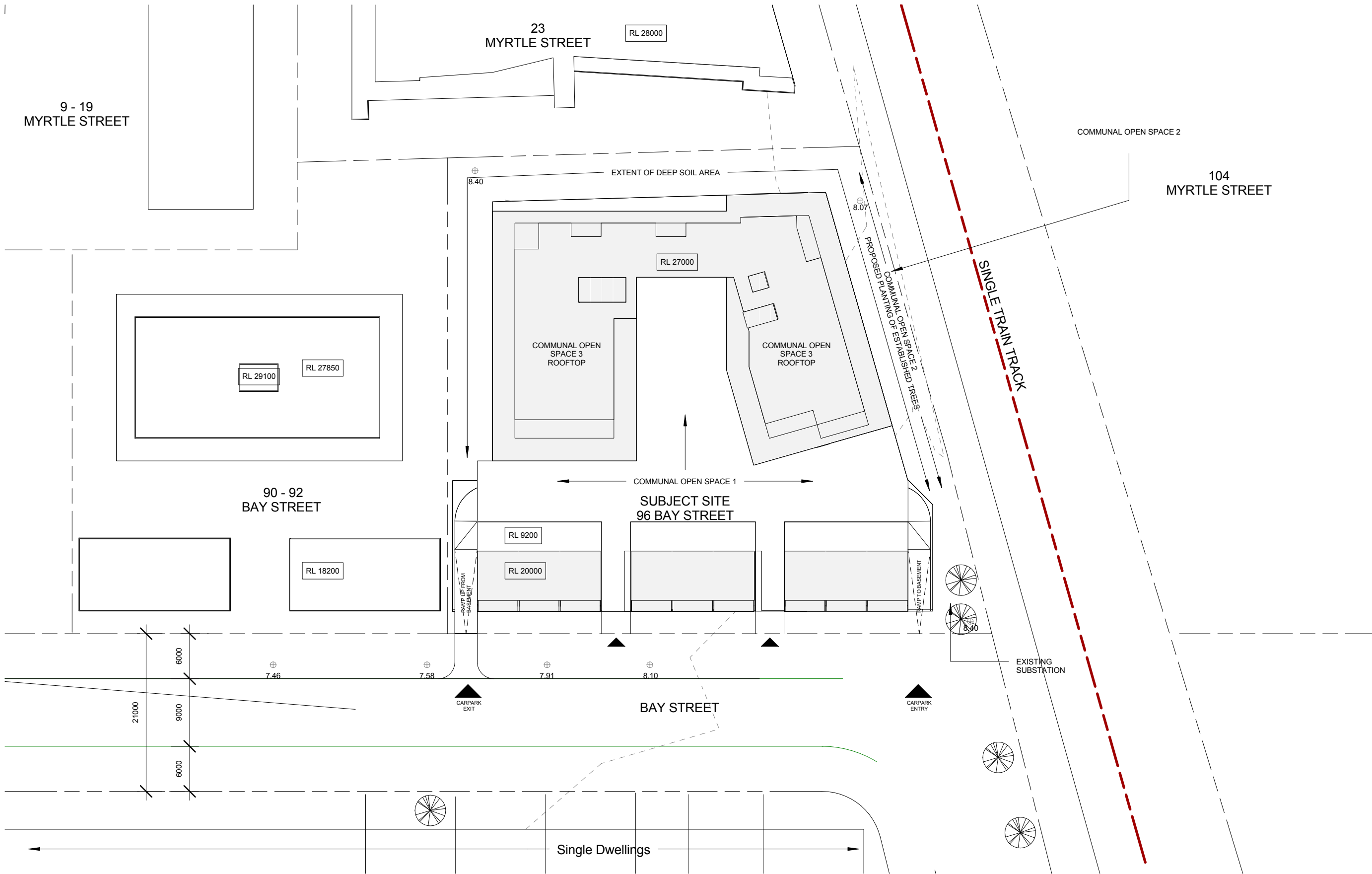
Shadow Diagrams 2

Communal open Space-Solar

View 1

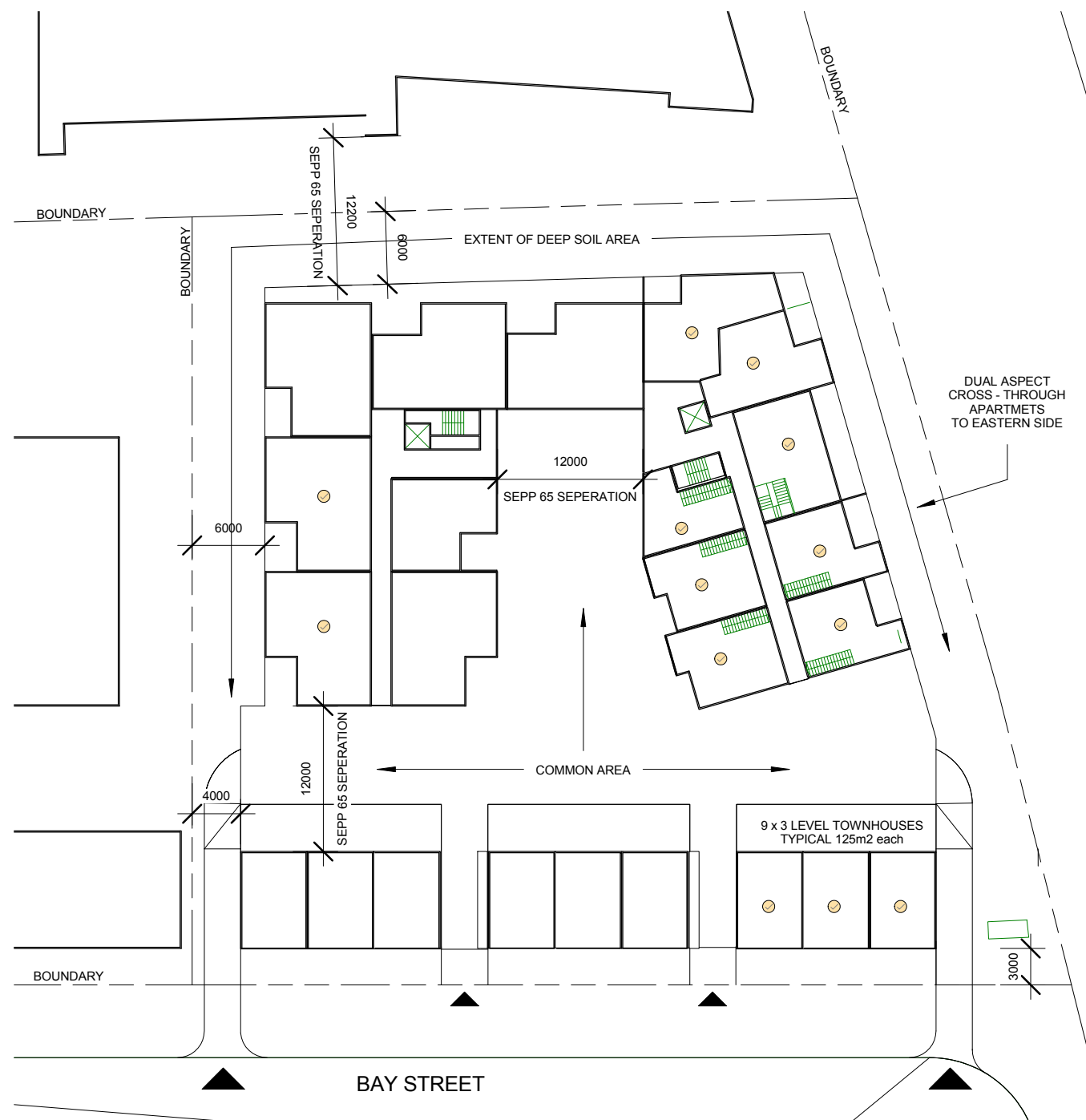
View 2

View 3
- RECEIVING 2h SOLAR

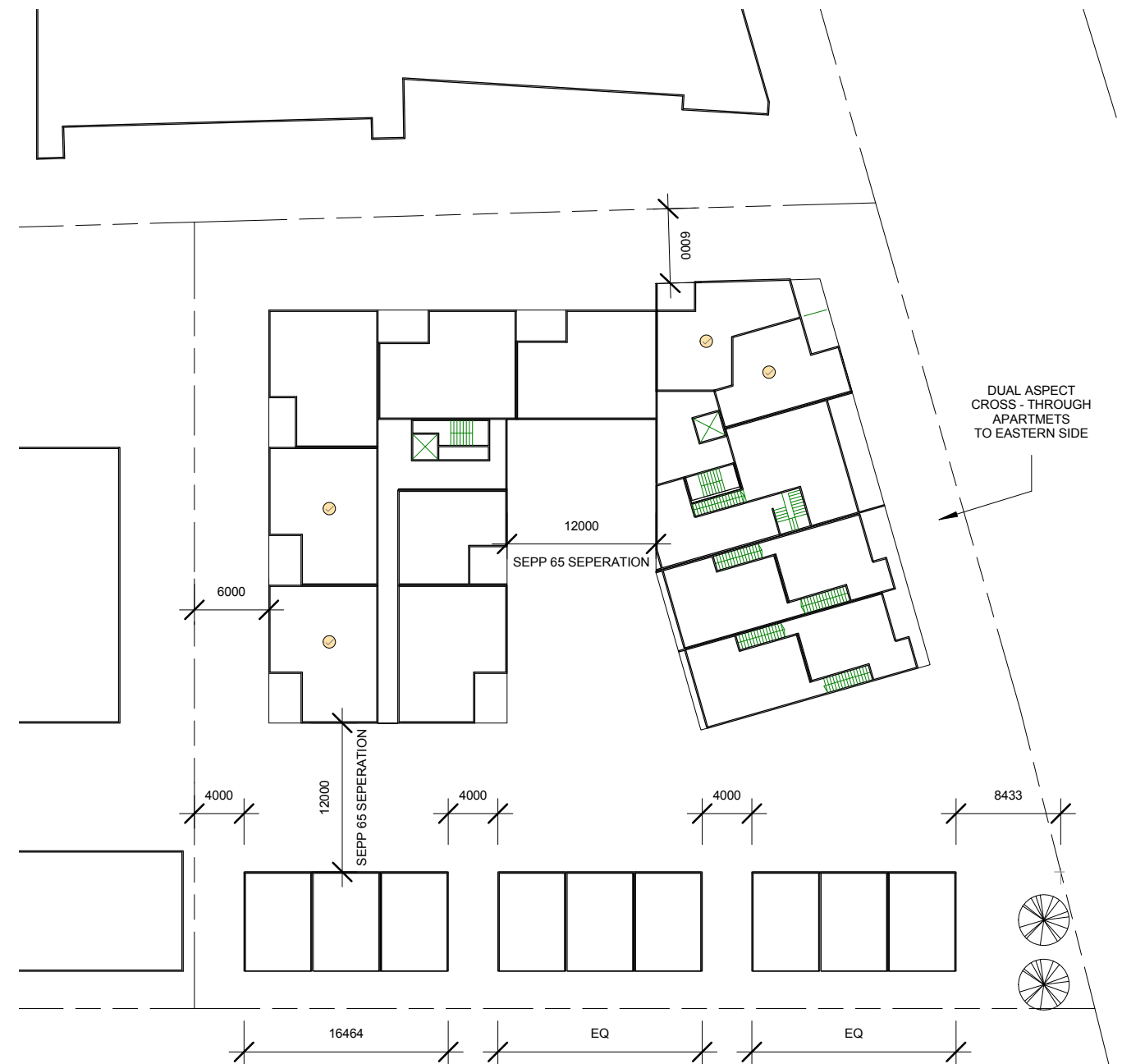


1 SITEPLAN

1 : 500



1 Level 1 - Ground Floor
1 : 500



2 Level 2
1 : 500

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Nominated Architects: Gregor Strachotta 9158 A3

Client:
Grid Security
Simon Joseph

Architect:
Deft Architects - PH: +61 0422 995 166
Project # 17042 - Bay Street - Botany Bay

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0 2.5 5 10 20 m



96 BAY STREET - CONCEPT PACKAGE

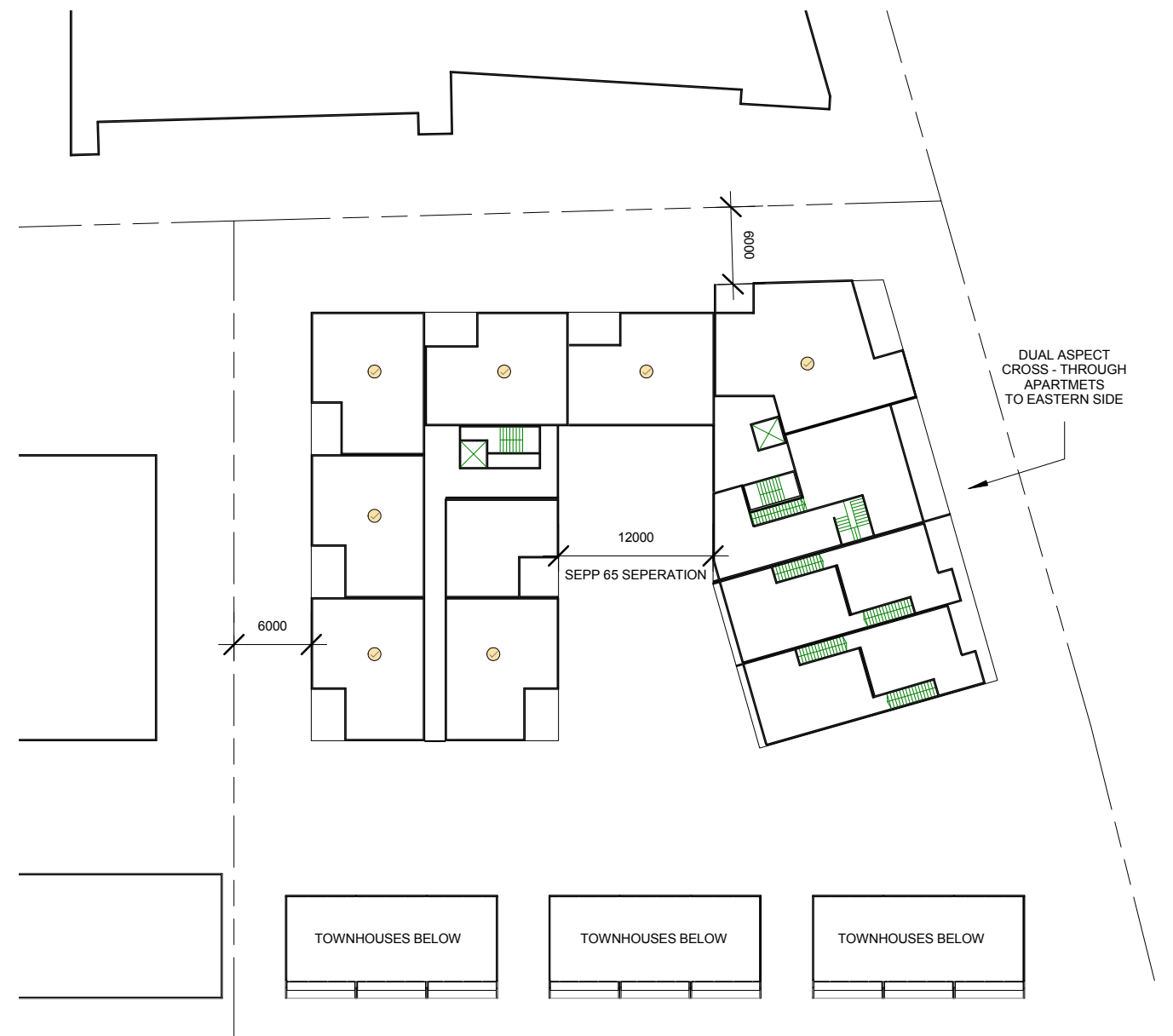
ISSUED: 30.5.2017

OPTION 1
A110 - Plans Level 1 + 2

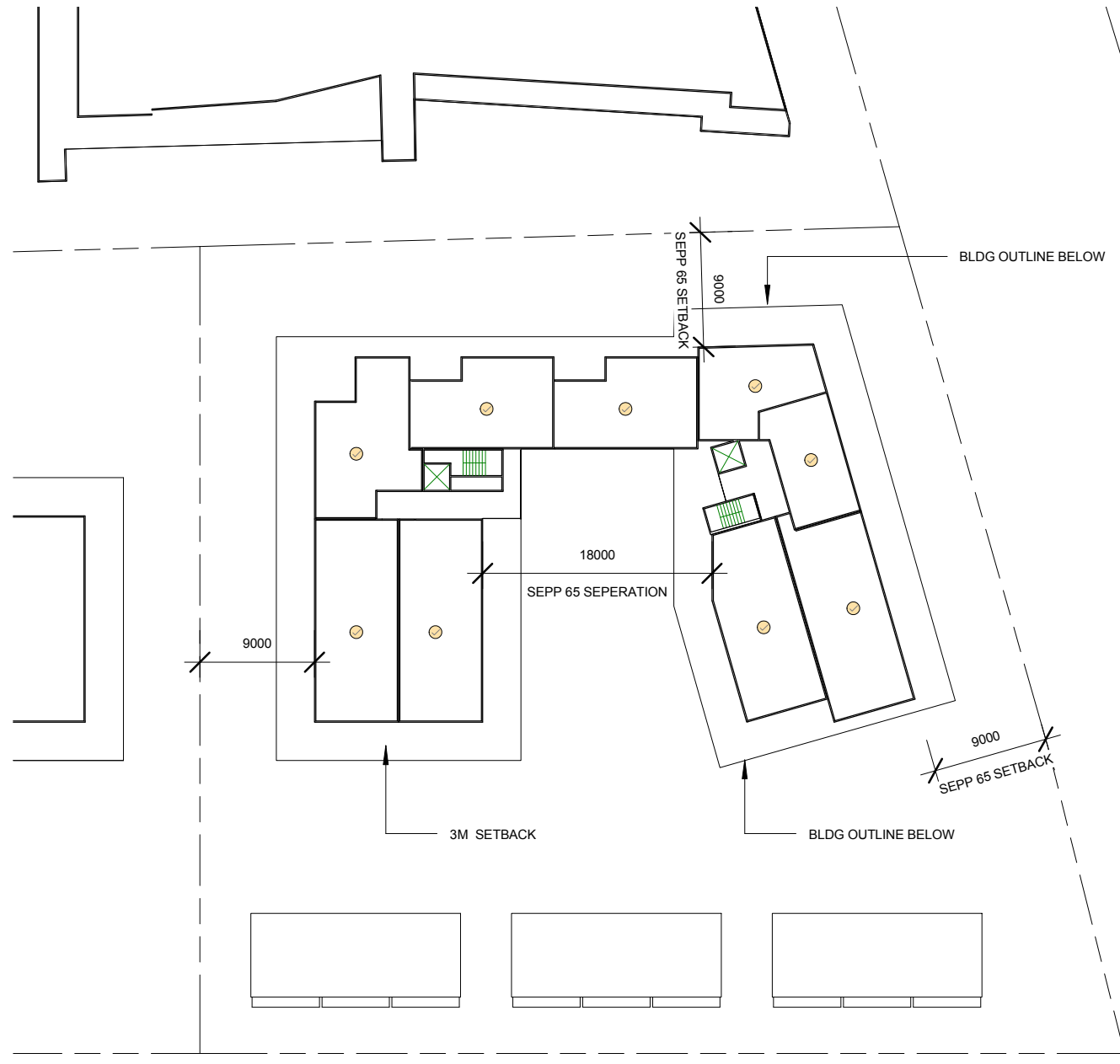




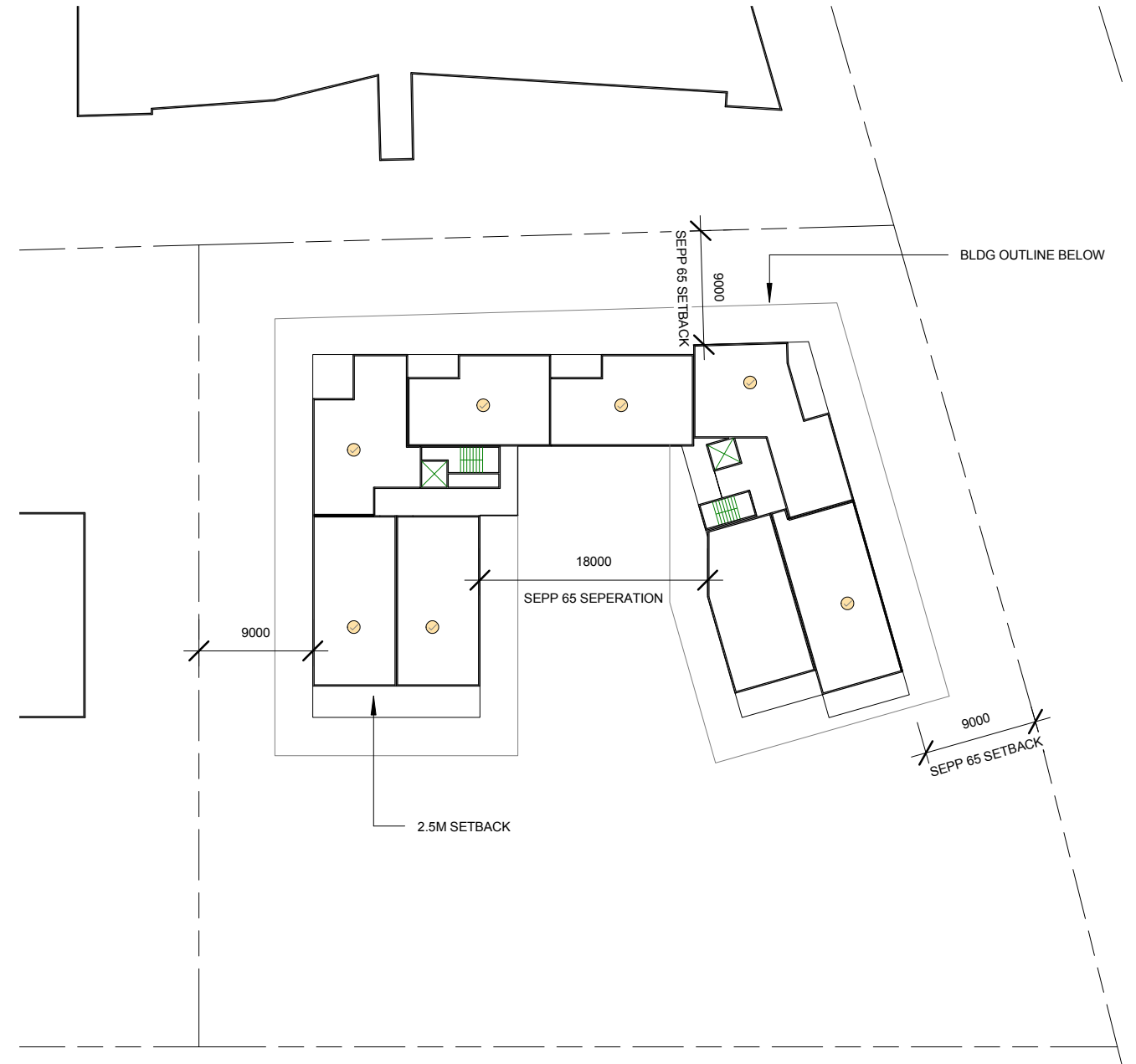
1 Level 3
1 : 500



2 Level 4
1 : 500



1 Level 5
1 : 500



2 Level 6
1 : 500

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0 2.5 5 10 20 m



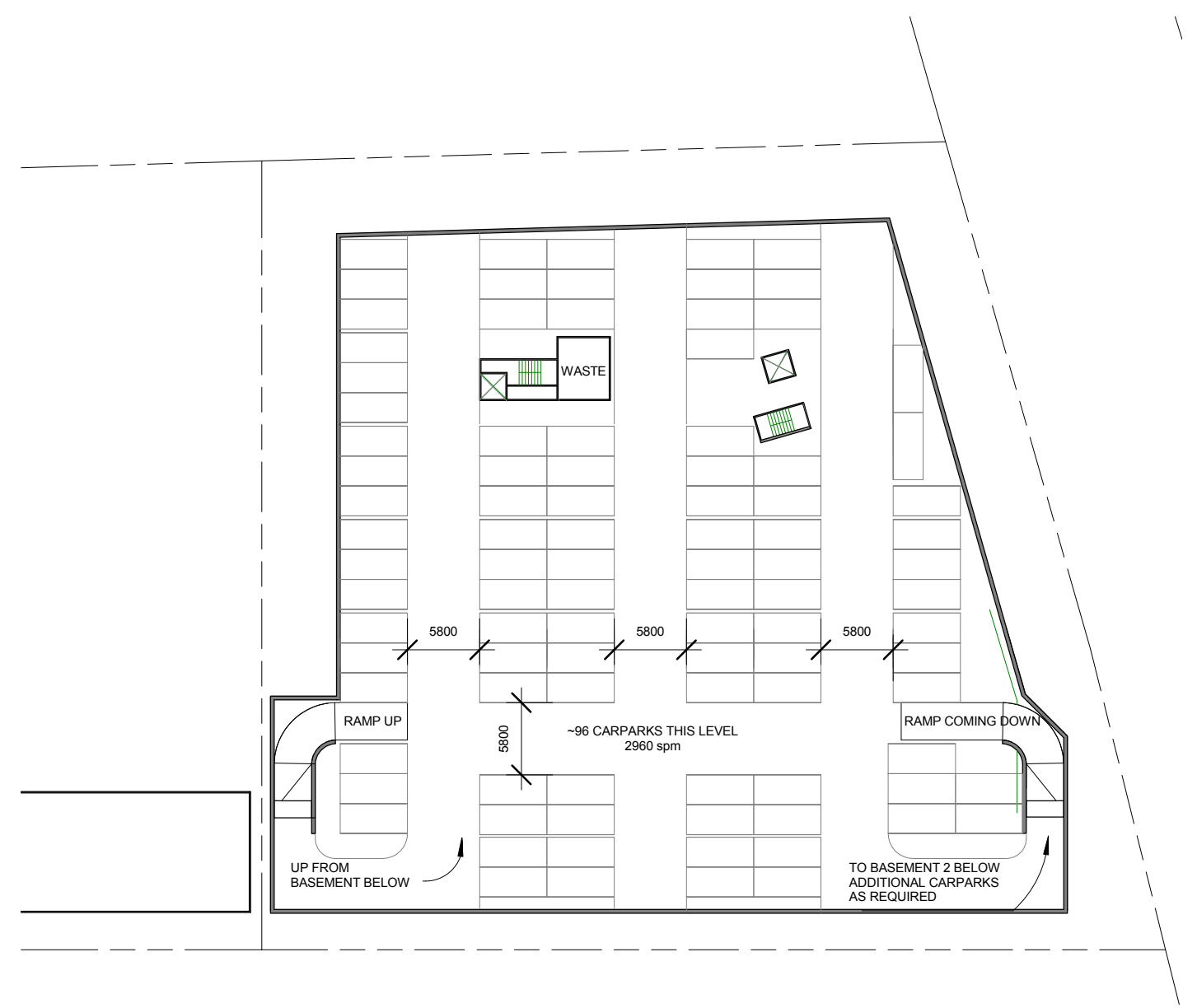
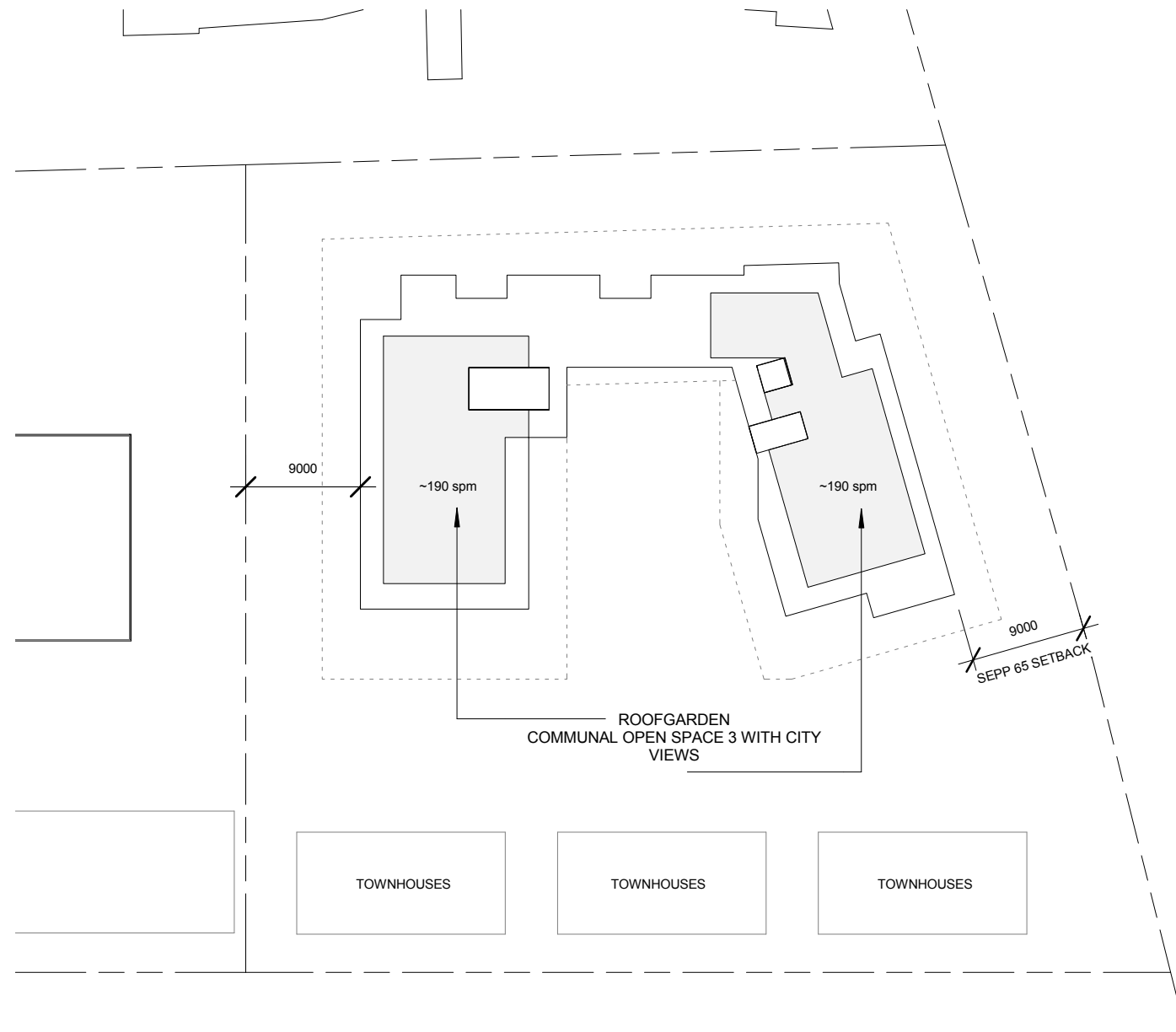
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OPTION 1

A112 - Plans Level 5 + 6





1 ROOF PLAN

1 : 500

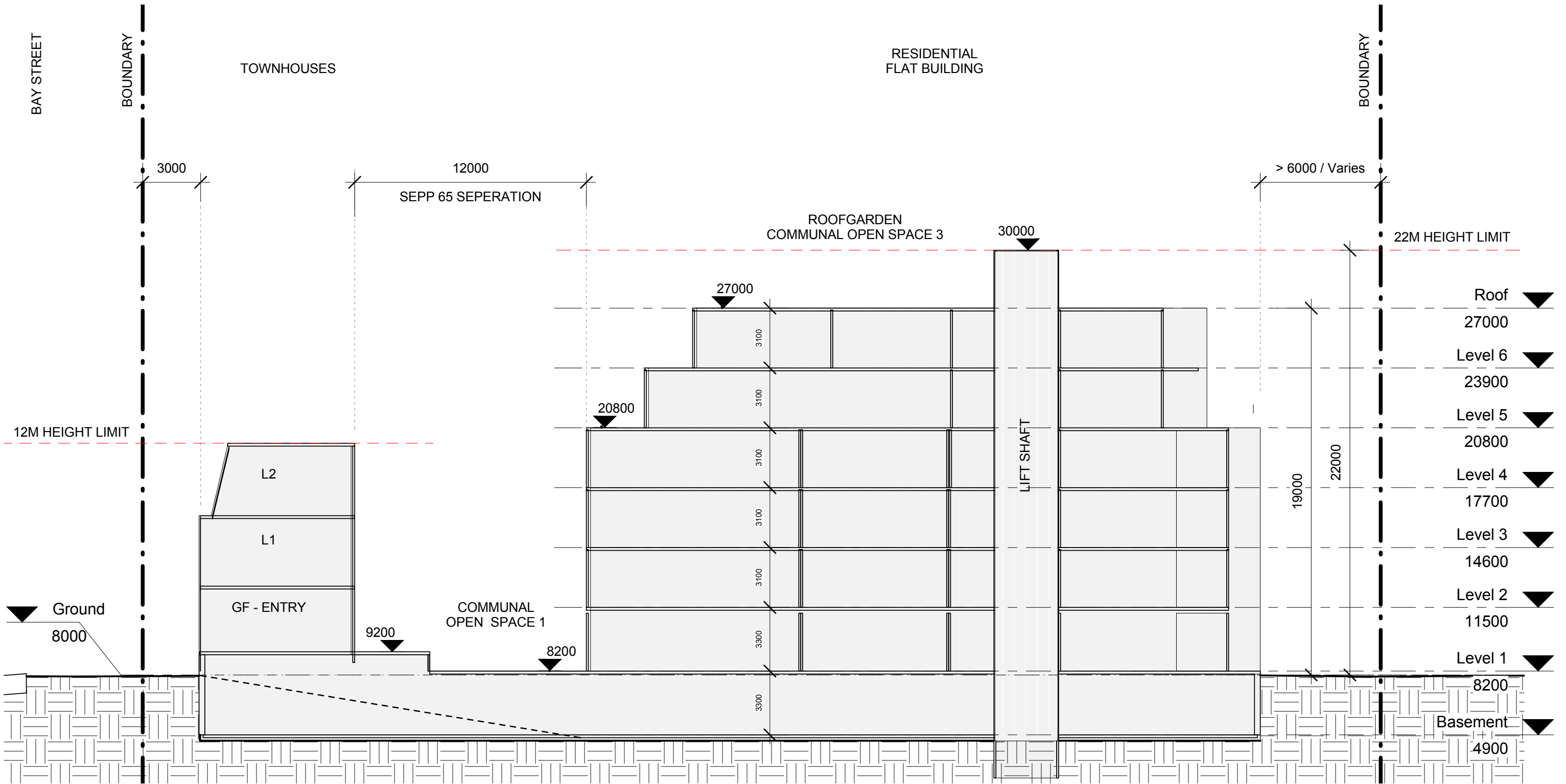
2 Typical Basement

1 : 500

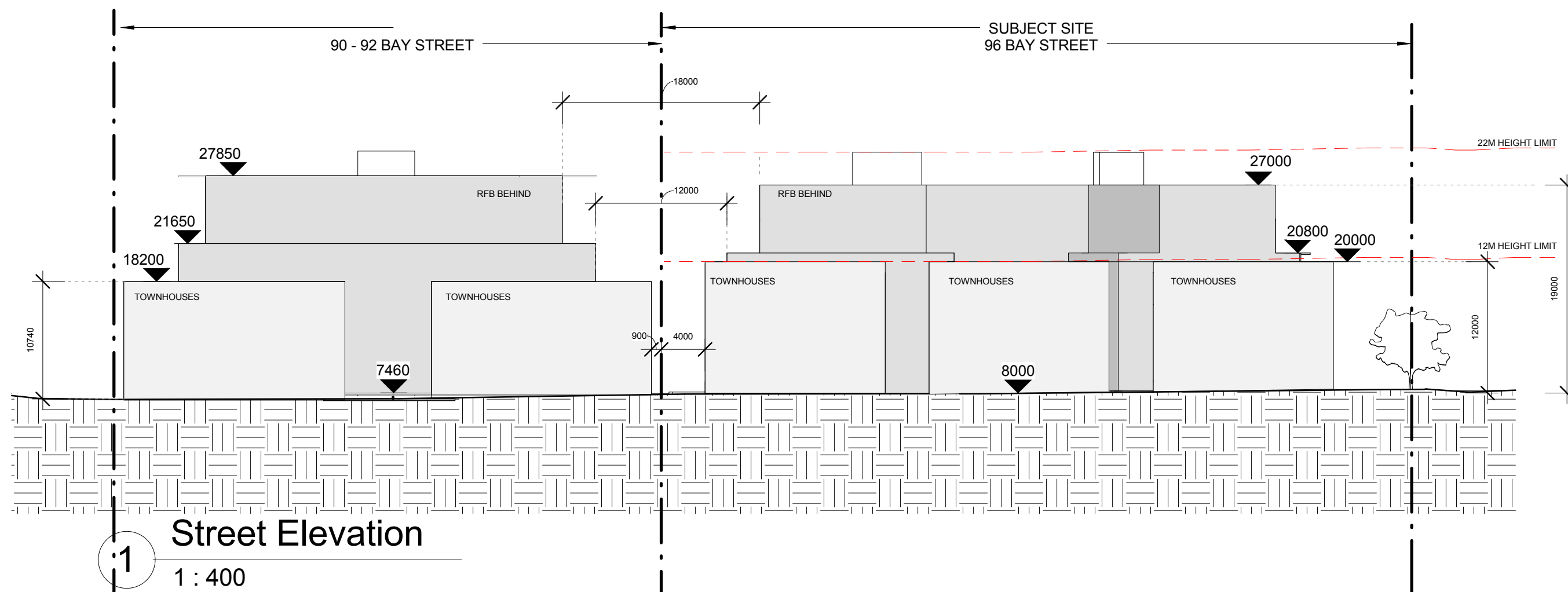


SAMPLES OF ROOFGARDEN SAMPLES





1 Section A
1 : 200



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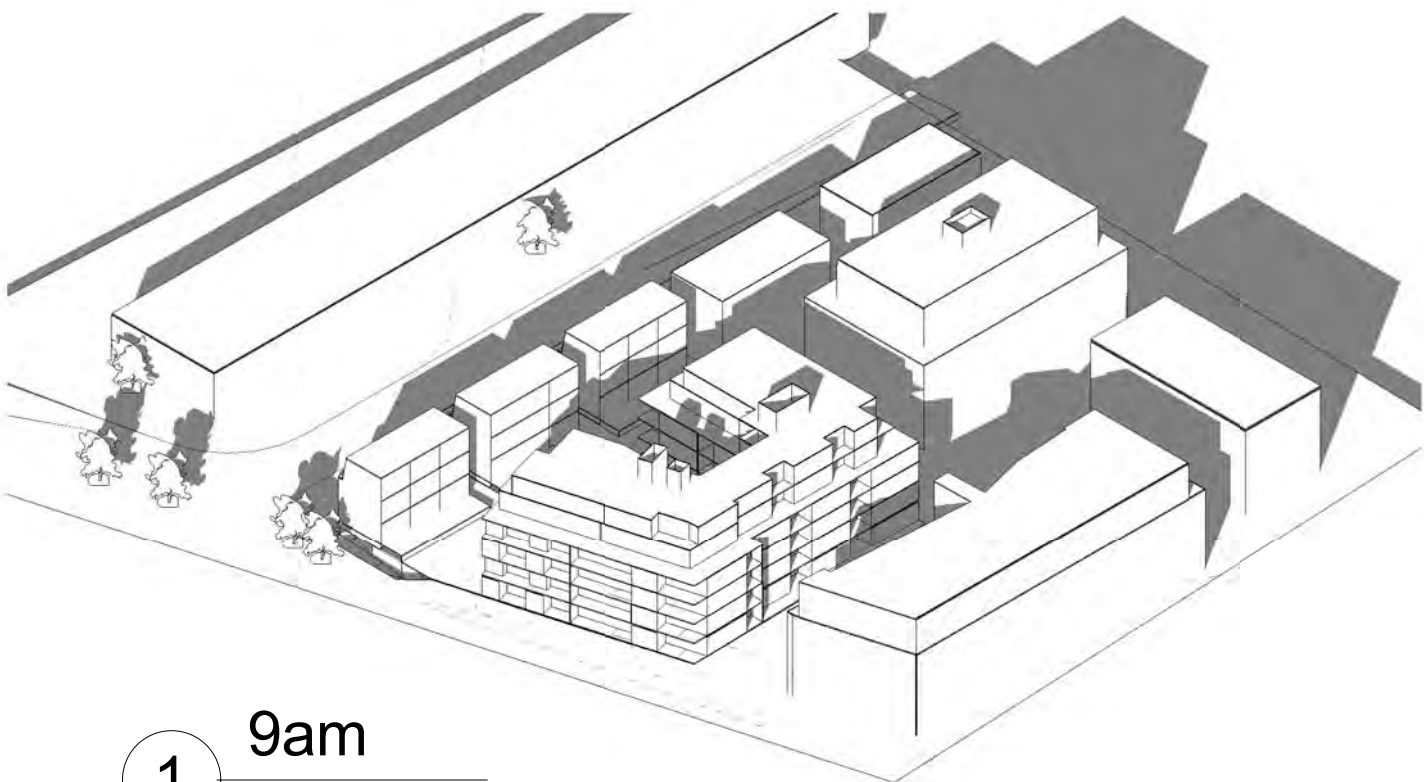
0 2 4 8 16 m

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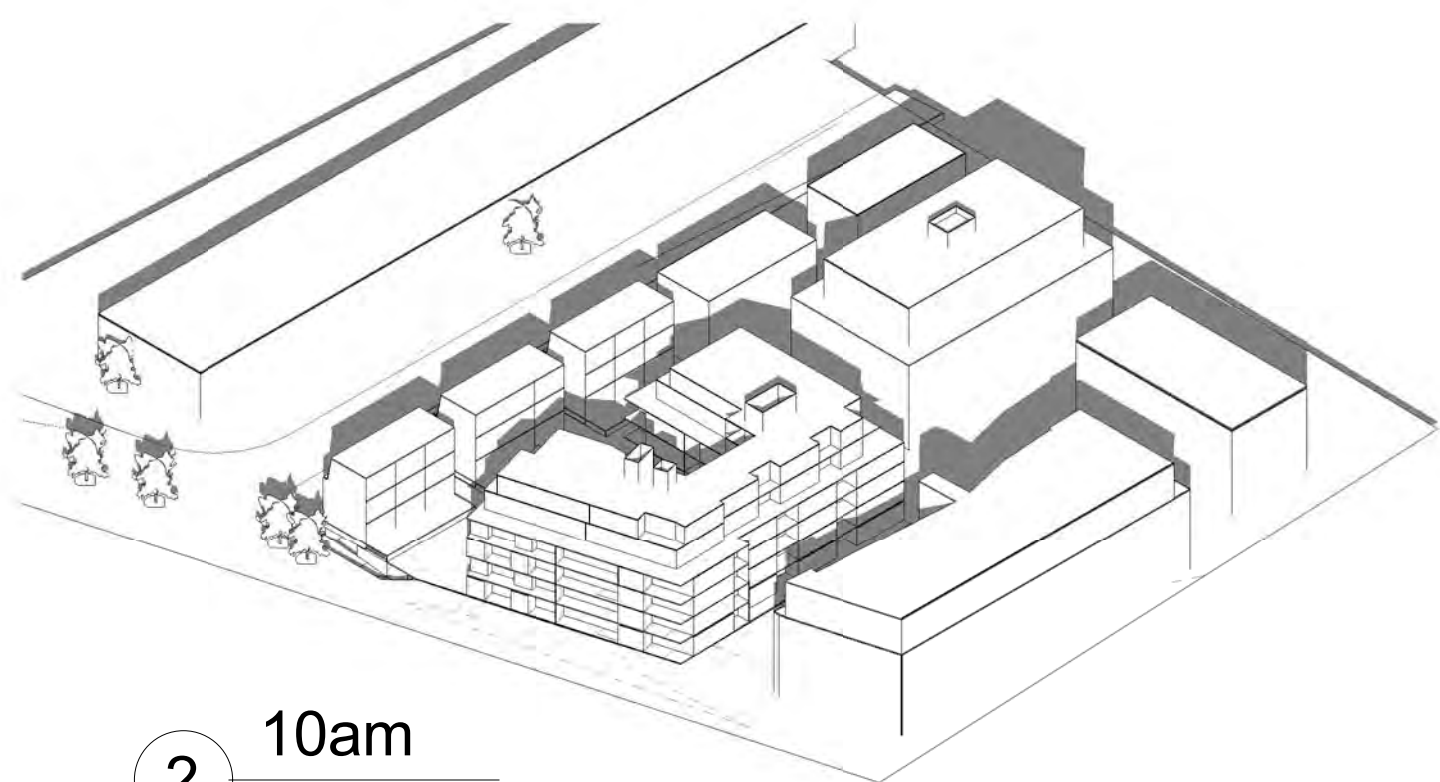
ISSUED: 30.5.2017

OPTION 1
A250 - Street Elevation

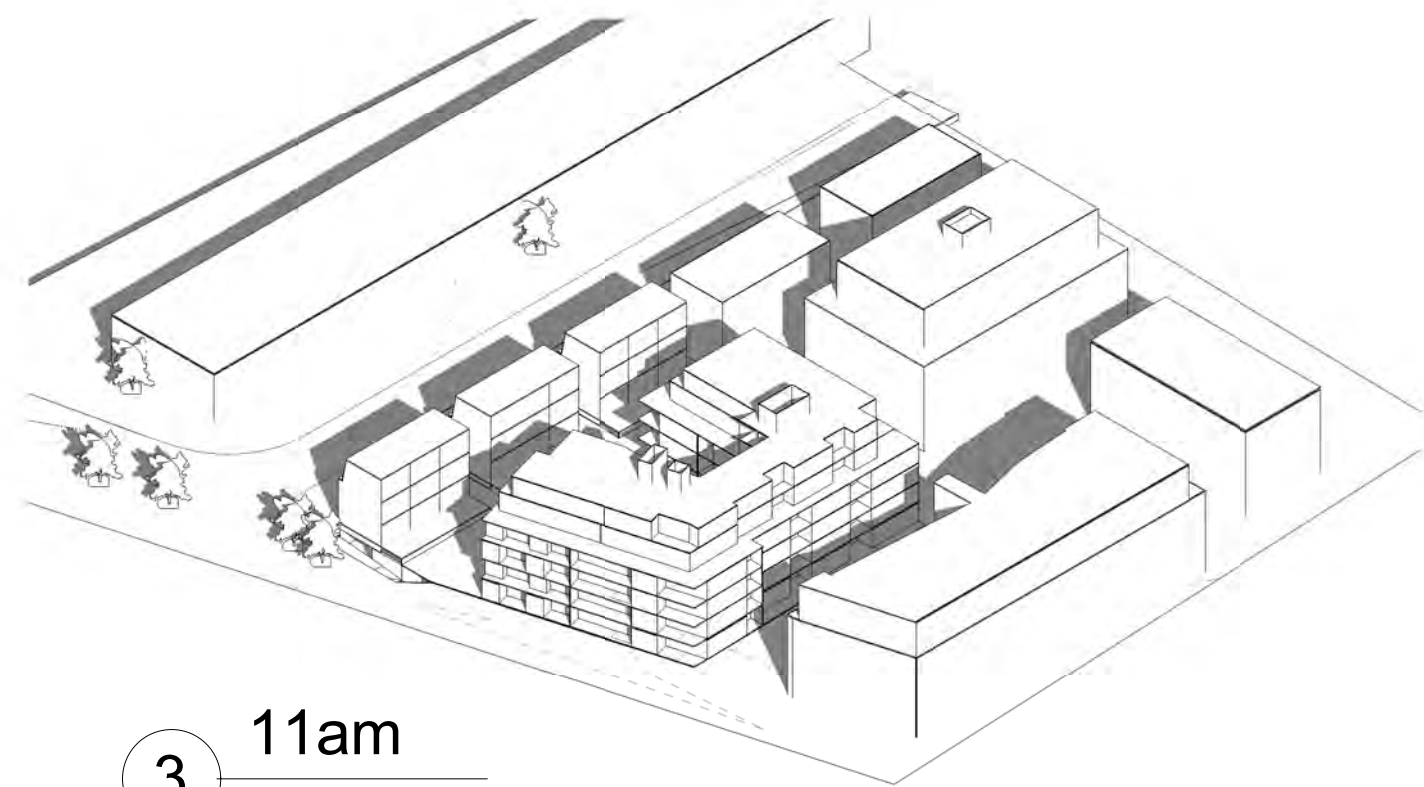




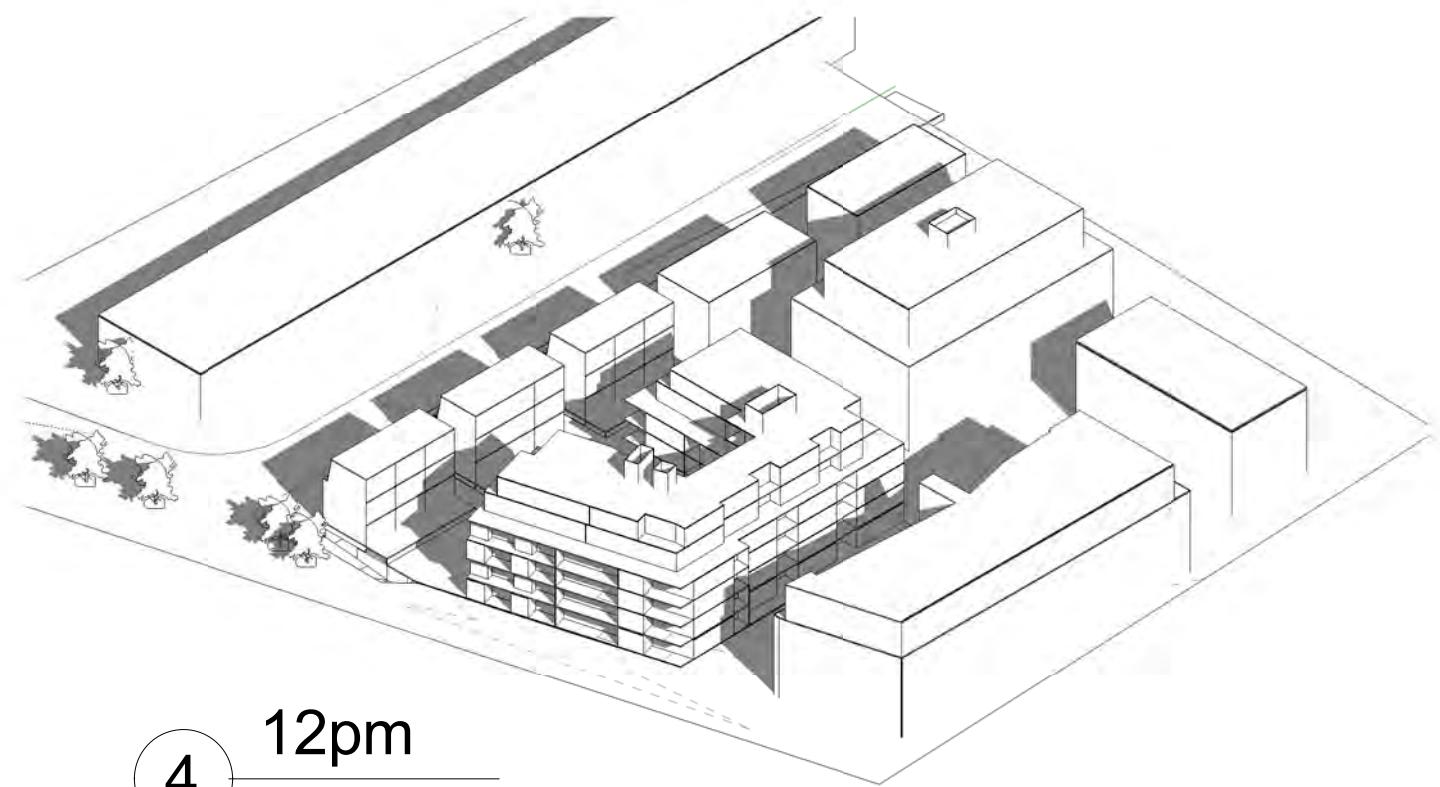
1 9am



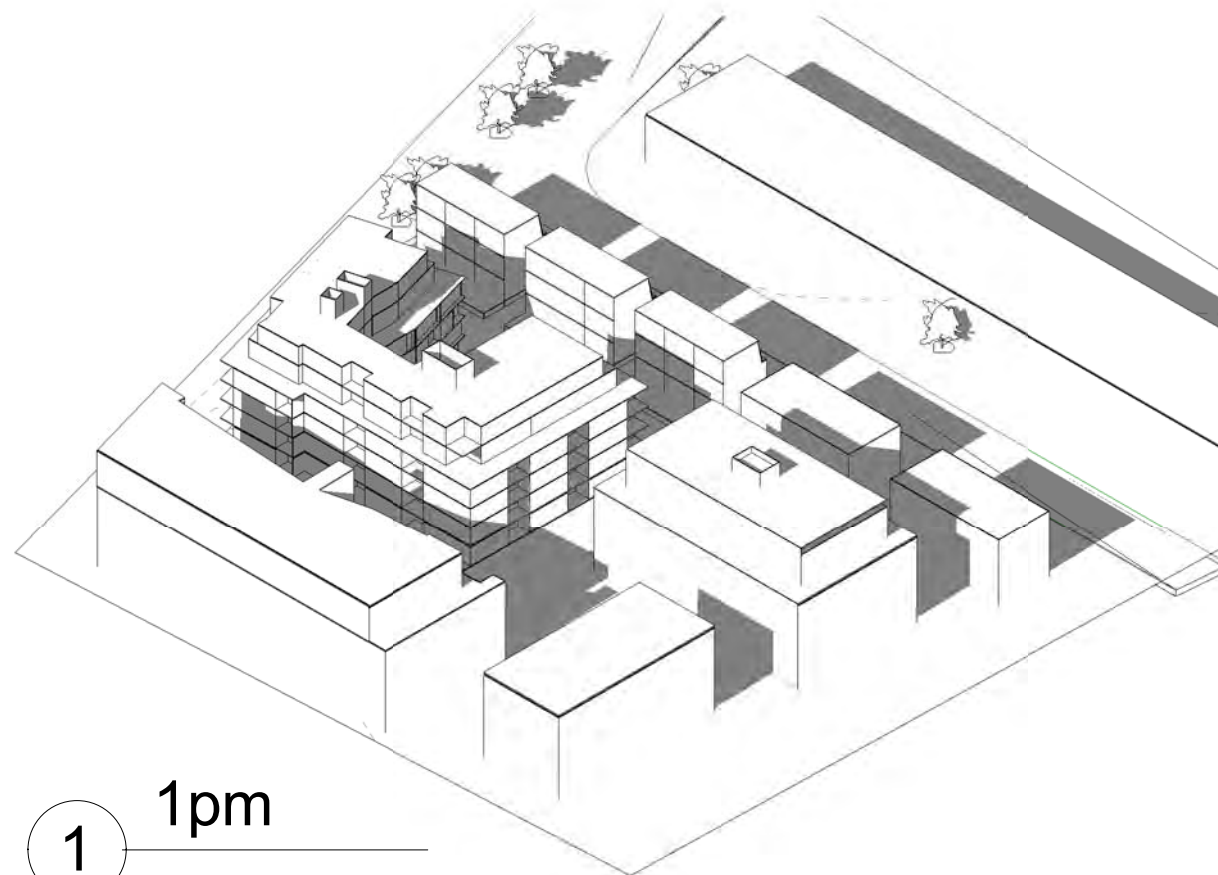
2 10am



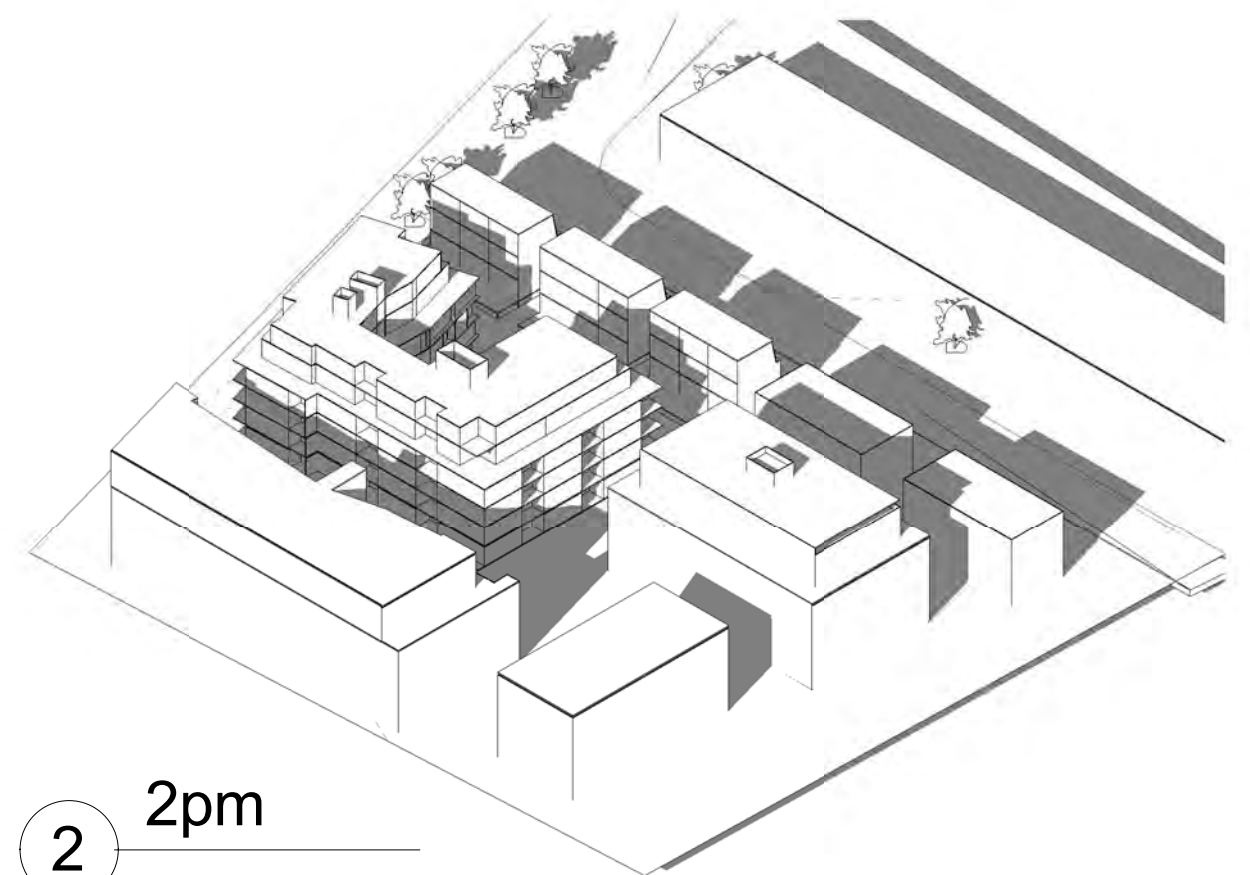
3 11am



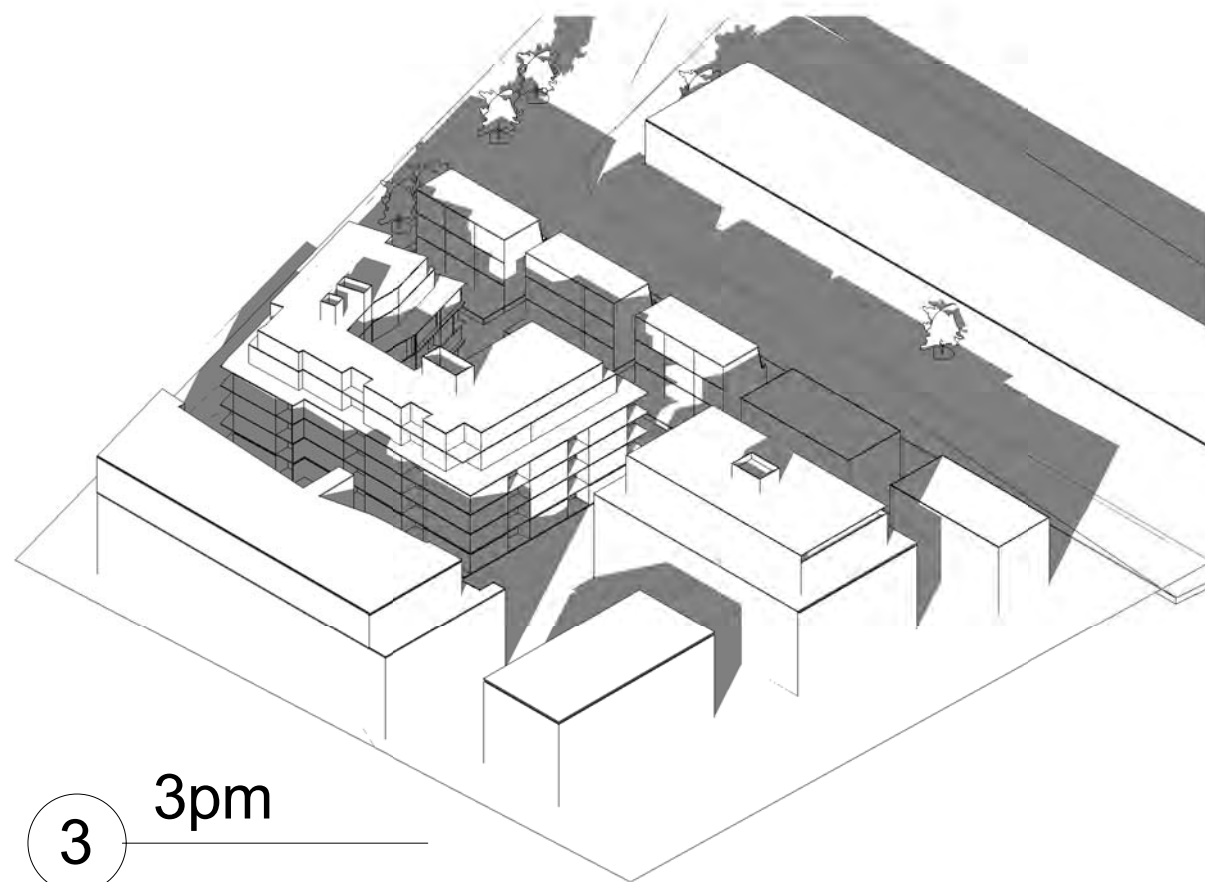
4 12pm



1 1pm



2 2pm



3 3pm

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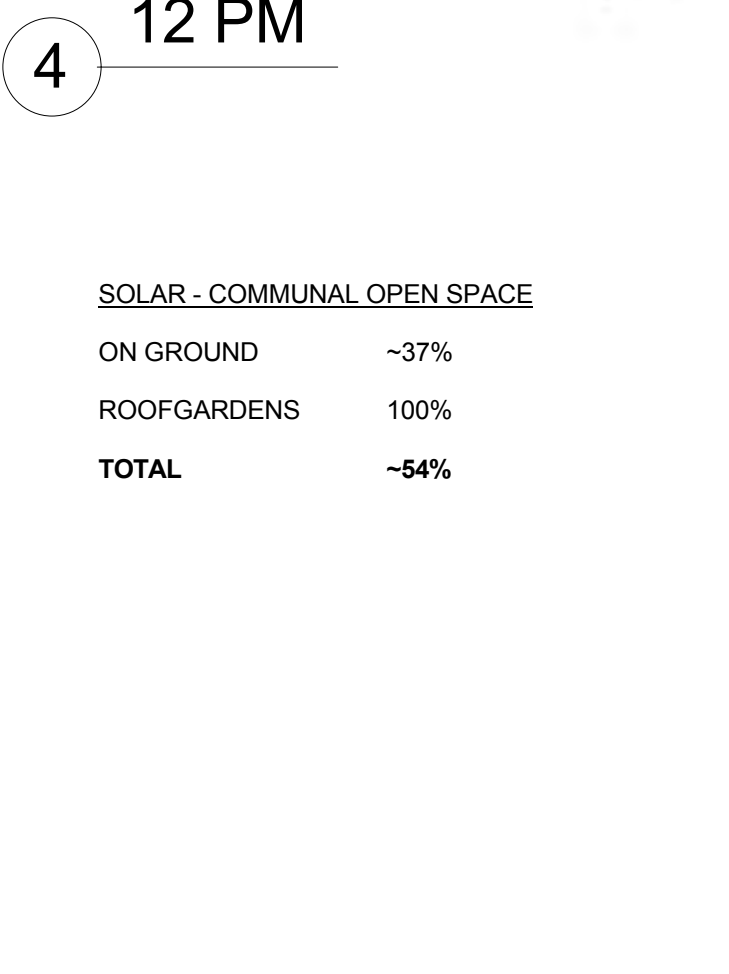
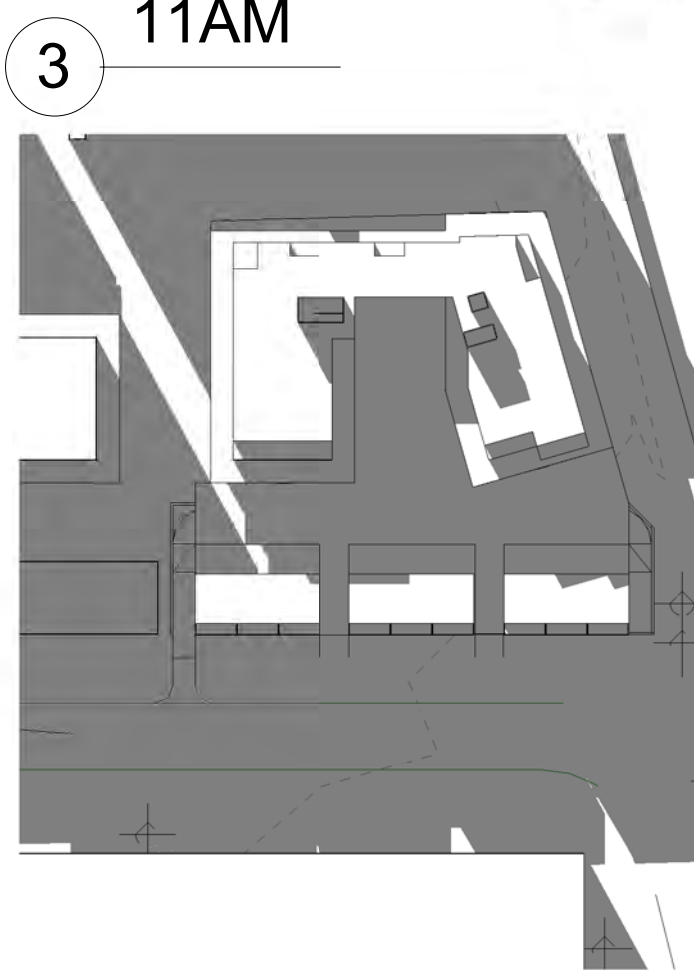
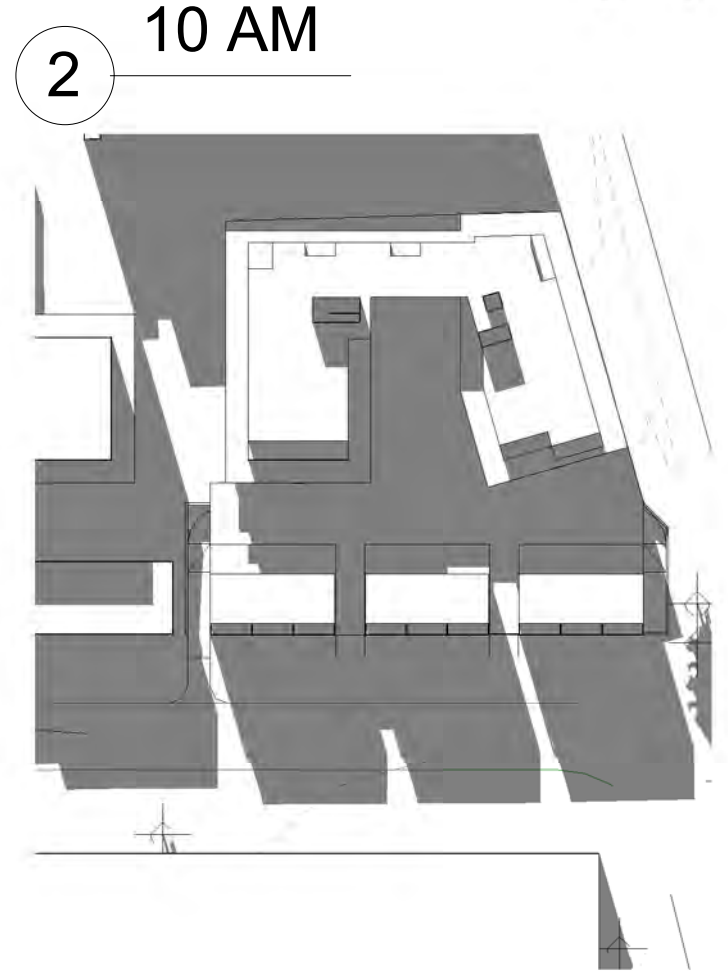
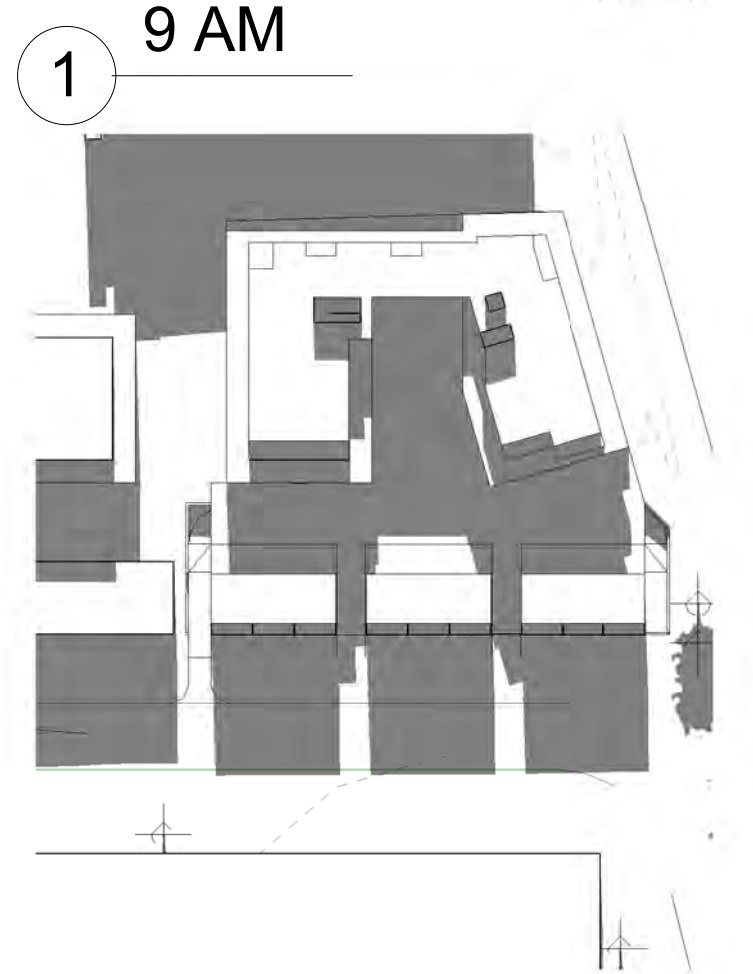
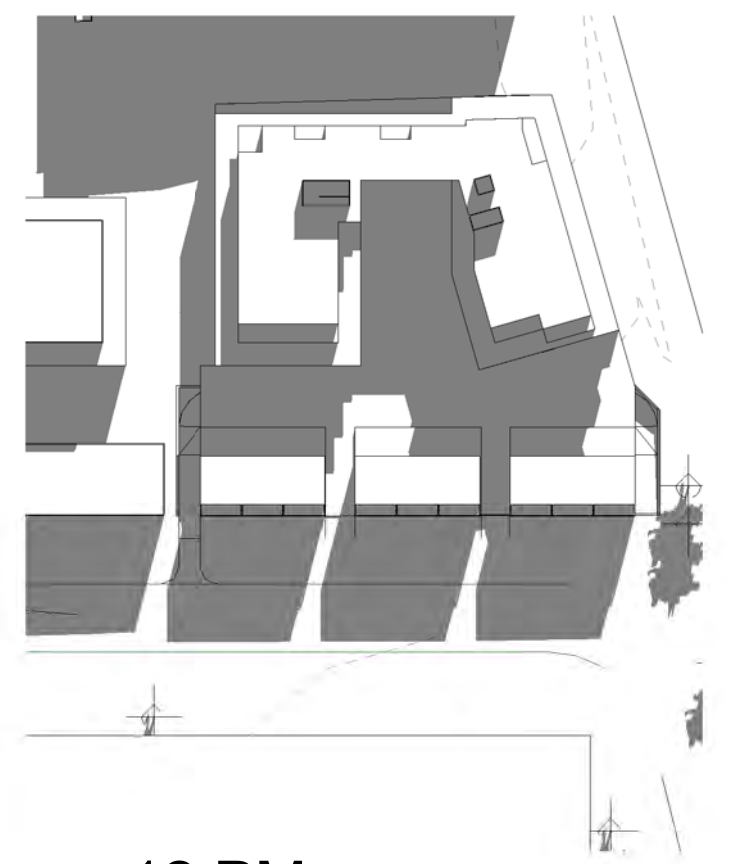
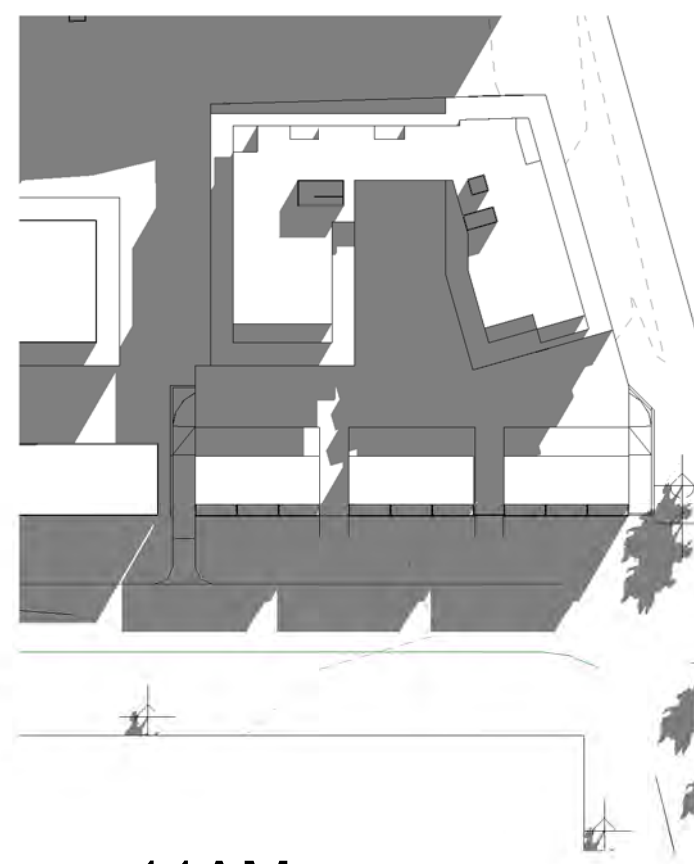
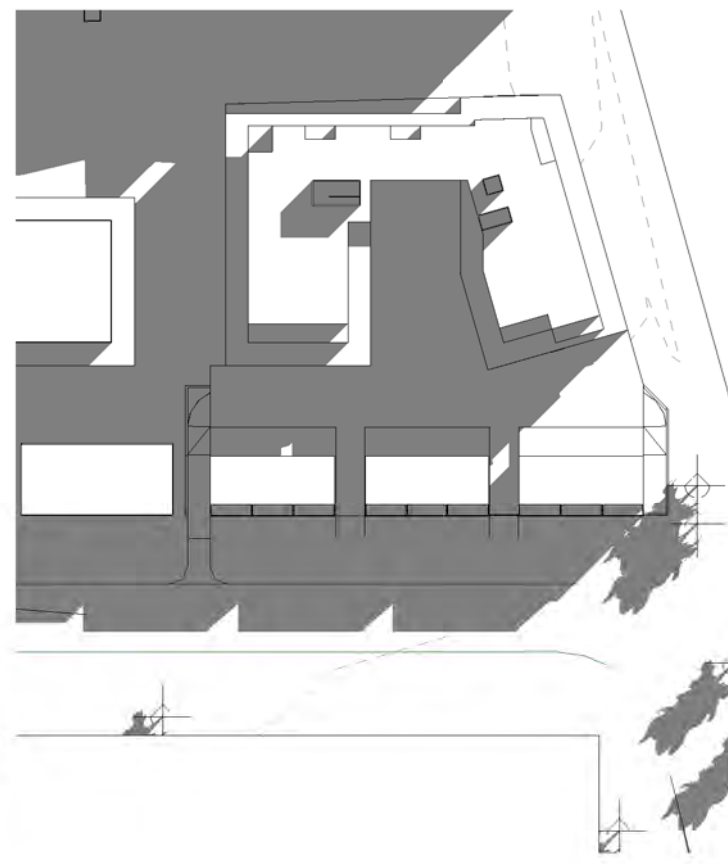
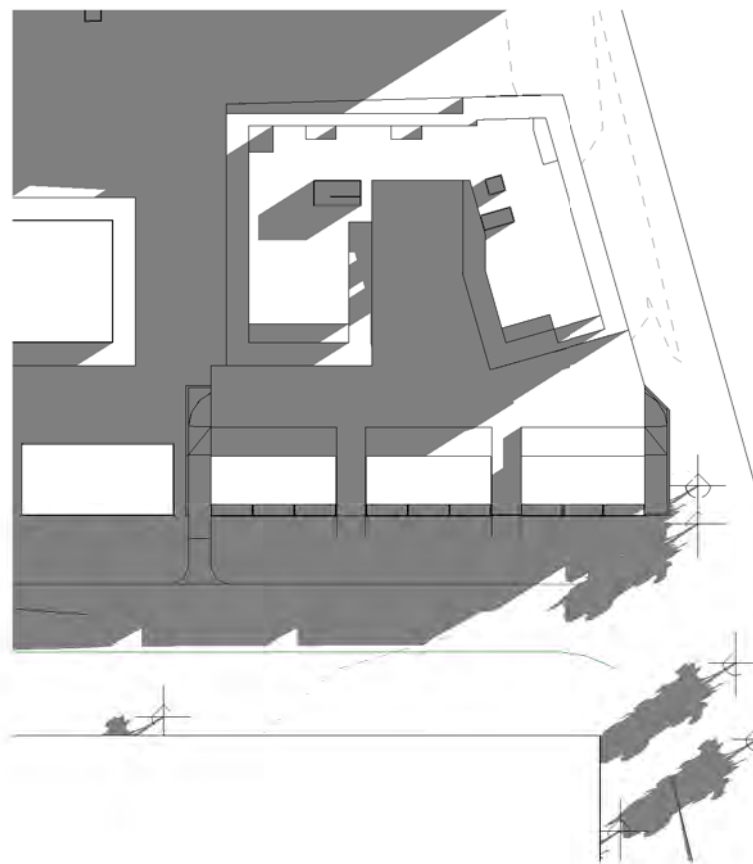
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OPTION 1
A302 - Shadow Diagrams





SOLAR - COMMUNAL OPEN SPACE

ON GROUND	~37%
ROOFGARDENS	100%
TOTAL	~54%

1 9 AM

2 10 AM

3 11AM

4 12 PM

5 1 PM

6 2 PM

7 3 PM

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0 5 10 20 40 m



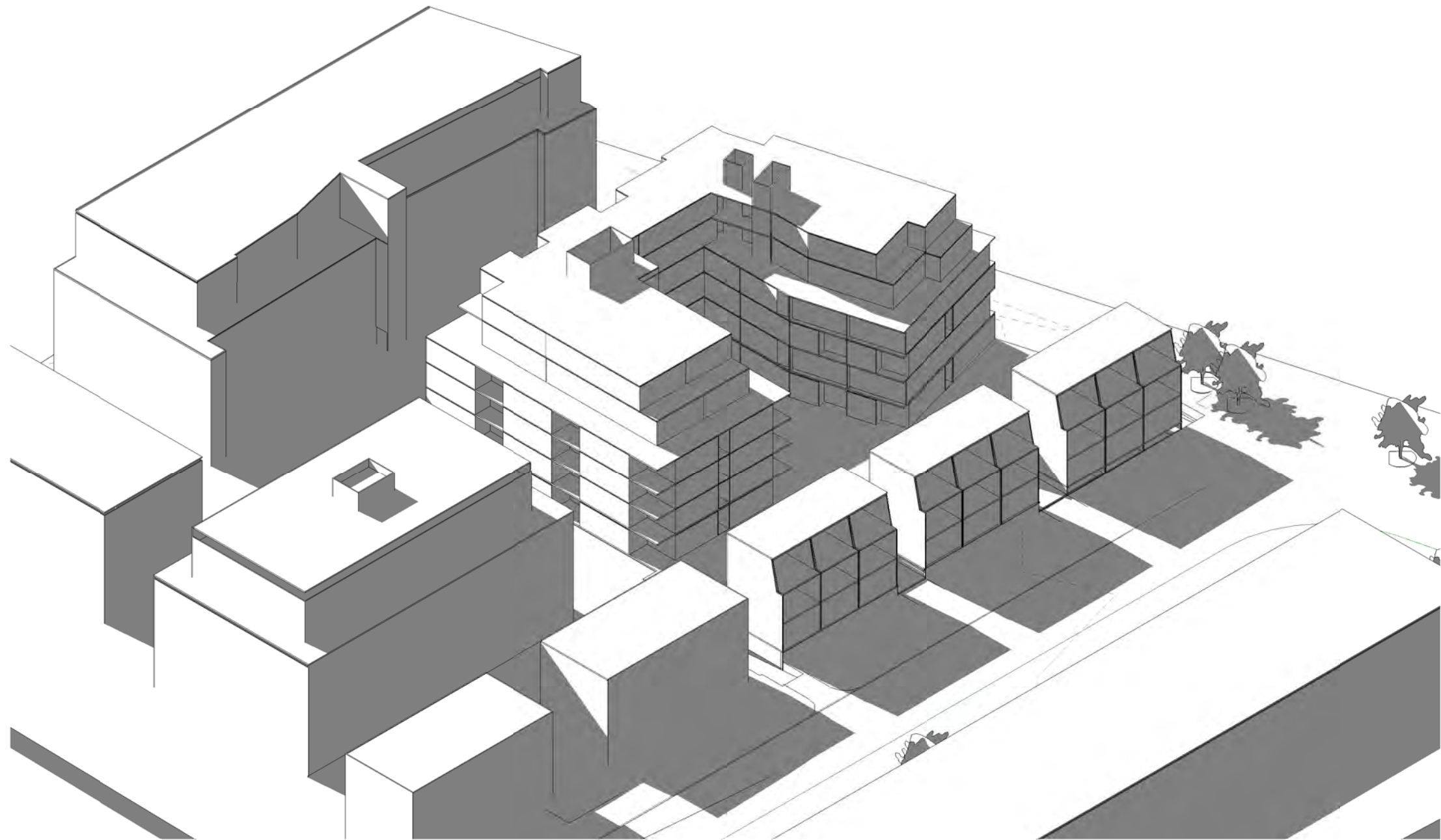
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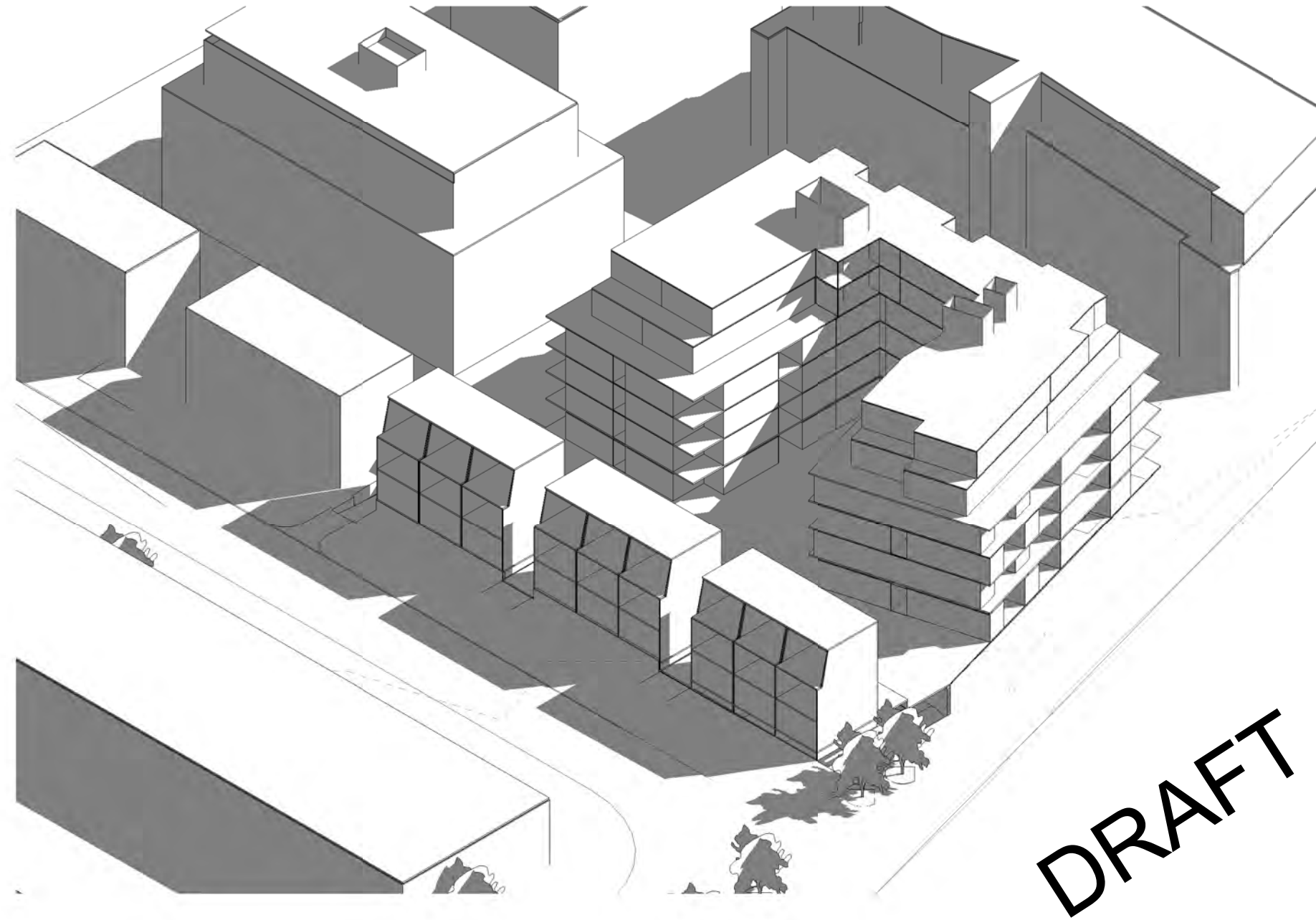
A303 - Solar Communal Open Space

OPTION 1





1 South West



1 South East

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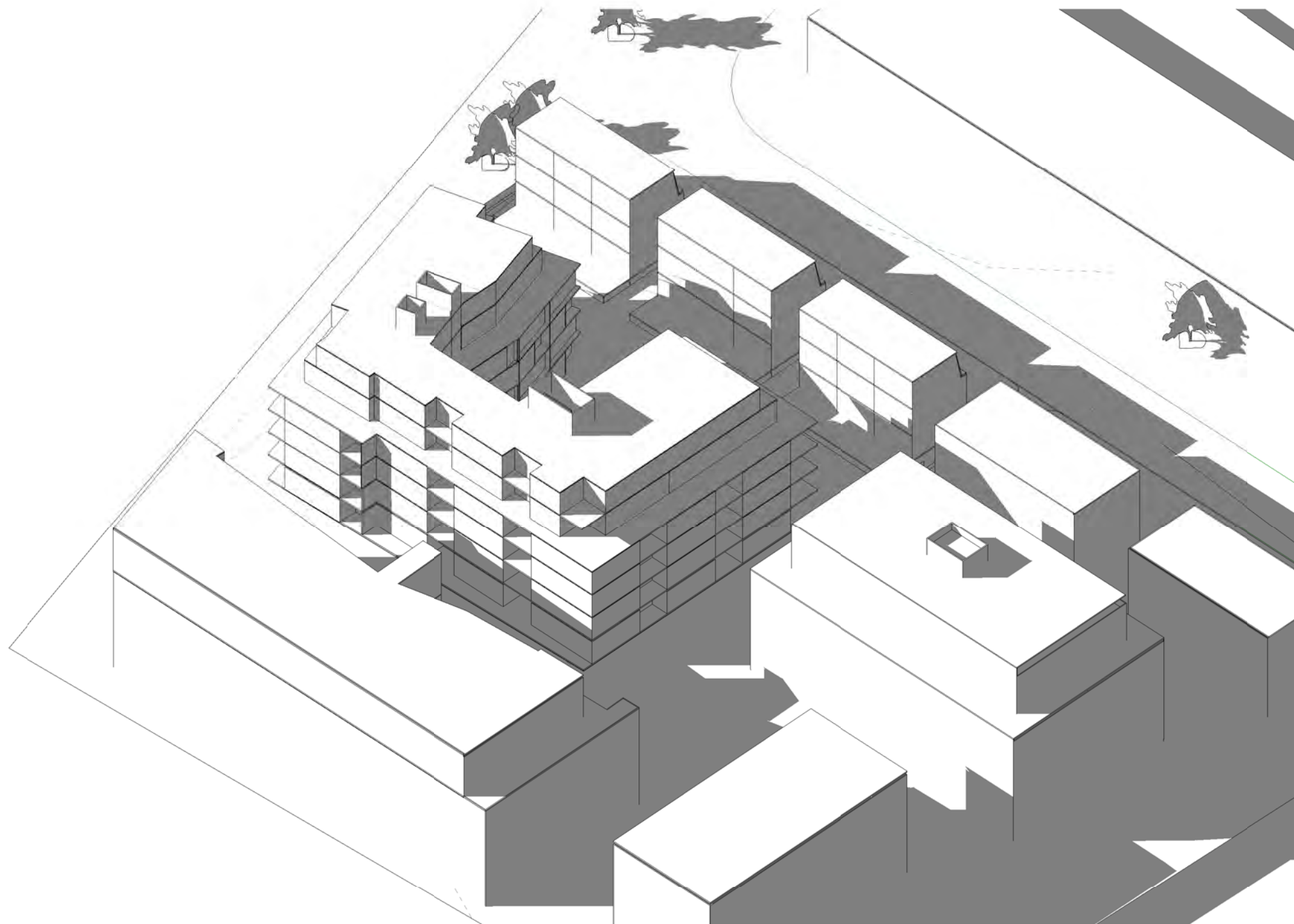
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OPTION 1
A402 - Axo View 2





1 North West

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OPTION 1
A403 - Axo View 3

