

JRPP No:	2010SYE113
DA No:	DA10/1292
PROPOSED DEVELOPMENT:	Commercial Development - Construction of a Four (4) Storey Commercial Building Lot 1 DP 21256, Lot 18 DP 8461 & Lot 19 DP 8461 - 531-533 Kingsway, Miranda
APPLICANT:	A V Tripodina
REPORT BY:	Carolyn Howell Environmental Assessment Officer (Planner) Sutherland Shire Council 9710 0841

Supplementary Assessment Report and Recommendation

1.0 EXECUTIVE SUMMARY

1.1 Reason for Report

Council has received a revised plan, which provides details of the proposed building finishes, from the applicant. This report has been prepared as an addendum to the report scheduled for consideration by the Joint Regional Planning Panel on 6 April 2011 at Sutherland Shire Council (JRPP No. 2010SYE113 for DA10/1292).

1.2 Proposal

The proposal remains unchanged and is for the demolition of all existing structures and the construction of a four (4) storey commercial building at the above property.

1.1 The Site

The subject site is located on the northern side of Kingsway, just west of Clubb Crescent.

1.2 The Issues

The main issues identified are as follows:

- Height
- Floor space ratio
- Impact on streetscape and presentation to active street frontage

1.3 Conclusion

Following detailed assessment of the revised plan, which details the proposed building finishes, a deferred commencement consent is no longer considered necessary. The current application is considered worthy of support, subject to conditions.

2.0 DESCRIPTION OF PROPOSAL

The description of the development remains unchanged. The applicant has provided additional details relating to architectural detailing and finishes to the building.

3.0 SITE DESCRIPTION AND LOCALITY

There is no change to the “Site Description or Locality” as a consequence of the revised plans (refer to the main assessment report).

4.0 BACKGROUND

There is no change to the “Background” as a consequence of the revised plans (refer to the main assessment report).

5.0 ADEQUACY OF APPLICANT’S SUBMISSION

In addition to the information previously provided, the applicant has submitted a detailed section and sample of finishes. It is no longer recommended that the application be dealt with via a deferred commencement condition.

6.0 PUBLIC PARTICIPATION

The revised plan have not been publicly exhibited.

In relation to revised plans clause 1.b.1.5 of Chapter 12 of SSDCP 2006 states the following:

- 1. Where revised plans are submitted during the course of the assessment and prior to Council’s or the Court’s determination, these revised plans will be publicly exhibited in the same manner as the original application, but only where the changes being sought intensify or change the external impact of the development to the extent that neighbours, in the opinion of Council, ought to be given the opportunity to comment.*

Given the nature of the proposed changes, in the opinion of Council, the revised plan is not required to be publicly exhibited.

7.0 STATUTORY CONSIDERATIONS

There is no change to the “Statutory Considerations” as a consequence of the revised plans (refer to the main assessment report).

8.0 STATEMENT OF COMPLIANCE

There is no change to the “Statement of Compliance” as a consequence of the revised plans (refer to the main assessment report).

9.0 SPECIALIST COMMENTS AND EXTERNAL REFERRALS

Given the nature of the information submitted the revised plan was referred to Council's Architect who provided comments. Council's Architect has advised that the plan provides an appropriate level of detail and that the proposed finishes are acceptable.

Referrals to other government departments or Council specialists were not considered necessary.

10.0 ASSESSMENT

There is no change to the "Assessment" as a consequence of the revised plans (refer to the main assessment report).

11.0 SECTION 94 CONTRIBUTIONS

There is no change to the "Section 94 Contributions" as a consequence of the revised plans (refer to the main assessment report).

12.0 DECLARATION OF AFFILIATION

There is no change to the "Declaration of Affiliation" as a consequence of the revised plans (refer to the main assessment report).

13.0 CONCLUSION

There is no change to the "Conclusion" as a consequence of the revised plans (refer to the main assessment report).

14.0 RECOMMENDATION

- 14.1 That pursuant to the provisions of Clause 6 of State Environmental Planning Policy No. 1 (SEPP 1), the Objection submitted in relation to the requested variation of the height development standard under Clause 33(8)(b)(ii) of Sutherland Shire Local Environmental Plan 2006 is considered to be well founded and is therefore supported. Accordingly, the provisions of SEPP No. 1 are invoked and this development standard is varied to four (4) storeys in respect to this development application.
- 14.2 That pursuant to the provisions of Clause 6 of State Environmental Planning Policy No. 1 (SEPP 1), the Objection submitted in relation to the requested variation of the density development standard under Clause 35(11)(b) of Sutherland Shire Local Environmental Plan 2006 is considered to be well founded and is therefore supported. Accordingly, the provisions of SEPP No. 1 are invoked and this development standard is varied to 2.08:1 in respect to this development application.

- 14.3 That Development Application No. 10/1292 for the Demolition of All Existing Structures and the Construction of a Three (3) Level Commercial Building With Three (3) Levels of Basement Car Parking at Lot 1 DP 21256, Lot 18 DP 8461 and Lot 19 DP 8461 known as 531-533 Kingsway, Miranda be approved, subject to the following draft conditions of consent.

15.0 DRAFT CONDITIONS OF CONSENT

GENERAL CONDITIONS

These general conditions are imposed to ensure that the development is carried out in accordance with the development consent, having regard to the environmental circumstances of the site.

1. Approved Plans and Documents

The development shall be implemented substantially in accordance with the details and specifications set out on the architectural plans drawing No. 1015 DA07A; DA08A; DA09B; DA10; DA11; DA12; DA13; DA14A; DA15A; DA16A; DA17; 18A prepared by Kennedy Associates Architects; landscape plan No. 10-2389 LO1, prepared by Zenith Landscape Designs, concept stormwater drainage design drawings No.10088-C01-A sheets 1, 2 & 3 prepared by CPM Engineering, the construction & site management plan drawing No.10088-C01-A sheet 4 prepared by CPM Engineering and any details on the application form and on any supporting information received with the application except as amended by the conditions specified and imposed hereunder.

Note 1:

Nothing in this development consent whatsoever approves or authorises the commencement, erection or construction of any building, construction or subdivision works.

Note 2:

Prior to the commencement of any building, construction, or subdivision work being carried out a 'construction certificate' shall be obtained from Council or an Accredited Certifier.

Note 3:

The following works or activities shall not be carried out within the Road Reserve associated with this development without approval under the Roads Act 1993:

- a) Placing or storing materials or equipment;
- b) Placing waste containers or skip bins;
- c) Pumping concrete from a public road;
- d) Standing a mobile crane;
- e) Pumping stormwater from the site into Council's stormwater drains;
- f) Erecting a hoarding;

- g) Establishing a construction zone;
- h) Opening the road reserve for the purpose of connections including telecommunications, water, sewer, gas, electricity and stormwater;
- i) Constructing a vehicular crossing or footpath;
- j) Installation of rock anchors.

Note 4:

Prior to any work being carried out relating to the development the subject of the consent, the person implementing the consent shall provide Council with:

- a) Notification of the appointment of a Principal Certifying Authority and a letter of acceptance from the PCA, and
- b) Notification of the commencement of building and/or subdivision works with a minimum of 2 days notice of such commencement.

Note 5:

This development does not approve any boundary fencing.

2. Prescribed Conditions - General

The following are prescribed conditions of development consent pursuant to s.80A(11) of the Environmental Planning and Assessment Act 1979 and cl.98 of the Environmental Planning and Assessment Regulation 2000.

A. Compliance with the Building Code of Australia

The development must be carried out in accordance with the provisions of the Building Code of Australia.

B. Details to be provided to Council with the Notice of Commencement

Builders and Insurance details required under part B above shall be provided to Council with the Notice of Commencement. In relation to non-residential building work Builders details shall be provided to Council with the Notice of Commencement.

3. Dilapidation Report

It is the applicant/owner's responsibility to notify Council of any existing damage to the public area and buildings in close proximity of the development site, through the submission of a current dilapidation report supported by photographs. This information must be submitted at least seven (7) days prior to the commencement of any works, to Sutherland Shire Council (for retention on record) and to the Roads & Traffic Authority (for retention on record) and the Owners of No.9 to 13 Clubb Crescent, No.44 to 50 Kiora Road, No.525 Kingsway and No.535 Kingsway.

Note: RTA contact is - Project Engineer of External Works at RTA Office Level 6/27 Argyle Street Parramatta NSW 2150.

4. Future use of the Development

This development consent does not grant approval for the use of the development. To enable an assessment of the potential impacts of the development a separate development application shall be lodged with Council for "use" of the site prior to the occupation of the development.

5. Validation of Site and Site Audit Statement

Council records indicate the potential presence of several underground storage tanks on the site. A site contamination assessment shall be undertaken in accordance with the NSW Department of Environment, Climate Change and Water Guidelines to determine the number and location of tanks on the site and the nature and extent of any site contamination, including groundwater. Based on the results of this assessment a Remedial Action Plan shall be developed and implemented to remediate the site and surrounds as necessary, to render them suitable for the proposed use.

A Statutory Site Audit Statement, prepared by a DECCW approved site auditor, indicating that the site is suitable for the proposed use, is required to be submitted to Council immediately following site validation, prior to issue of the Construction Certificate and prior to further excavation for the basement

6. Soils to be used on site

Any soil to be reused on site must be tested for contaminants by a suitably qualified consultant. Soils imported onto the subject site for the purpose of backfilling excavation, must be of a standard that is suitable for the receiving site.

Documentation indicating the suitability of these soils must be included in the validation reporting for the development.

7. Removal and disposal of storage tanks

Storage tanks removed from the site must be removed and disposed of in accordance with the Protection of the Environment Operations (Underground Petroleum Storage Systems) Regulation 2008 and Australian Standard 4897-2008: The design, installation and operation of underground petroleum storage systems.

Documentation demonstrating compliance with the above documents must be included in the validation reporting as part of the proposal.

Bonds and Contributions

The following security bonds and contributions have been levied in relation to the proposed development.

8. Public Place Environmental, Damage & Performance Security Bond

Before the commencement of any works (including demolition) or the issue of a Construction Certificate, the applicant shall provide security to

Council against damage caused to any Council property and / or the environment as a consequence of the implementation of this consent. The security may be provided by way of a deposit with the Council or a satisfactory guarantee. A non refundable inspection / administration fee is included in the bond value.

It is the applicant's responsibility to notify Council of any existing damage to public areas in the vicinity of the development site through the submission of a current dilapidation report supported by photographs. This information shall be submitted to Council at least two (2) days **prior** to the commencement of works.

Should any public property and / or the environment sustain damage during the course of and as a result of construction, or if the construction works put Council's assets or the environment at risk, Council may carry out any works necessary to repair the damage and / or remove the risk. The costs incurred shall be deducted from the security.

A request for release of the security deposit may be made to Council after all works relating to this consent have been completed. Such a request shall be submitted to Council on the '*Bond Release Request Form*' signed by the owner or any person entitled to use of the consent.

The value of the bond shall be \$20,000.

Note: Bond amount includes a non refundable administration fee of \$110. Where the bond takes the form of a Bank Guarantee, the \$110 administration fee must be paid separately.

9. Public Liability Insurance

Prior to the commencement of work or the issue of a Construction Certificate, the owner or contractor shall take out a Public Liability Insurance Policy with a minimum cover of \$10 million in relation to the occupation of and works within Council's road reserve, for the full duration of the proposed works. Evidence of this policy shall be submitted to Council prior to commencement of work or the issue of a Construction Certificate.

10. Property & Road Reserve Security Bond - Demolition & Bulk Earthworks

At least two days prior to the commencement of any works the applicant shall provide security to Council to the value of \$50,000 against damage caused to any Council property or adjoining land in private ownership as a consequence of excavation. The security may be provided by way of a deposit with the Council or a guarantee satisfactory to the Council.

Should any public property or neighbouring buildings sustain damage during the course of and as a result of the excavation works any necessary repair or stabilization of the damage may be deducted from the security.

This bond will be released upon satisfactory completion of the demolition, excavation and construction of the basement levels sufficient to ensure stability of the surrounding grounds and removal of any shoring. Such request may be submitted to Council on the 'Bond Release Request Form' signed by the owner or any person entitled to act on the consent, together with Certification from an Accredited Certifier or a Chartered Structural Engineer, to the effect that the aforementioned works have been completed to their satisfaction.

Section 94 Contributions

The following contributions have been levied in relation to the proposed development pursuant to Section 94 of the Environmental Planning and Assessment Act 1979.

11. S.94A - Contribution for Miranda Centre Core Commercial Land S94A Levy Plan

Pursuant to s.80A(1) of the Environmental Planning and Assessment Act 1979, and Council's Section 94A Contribution Plan for Miranda Centre Core Commercial Land, a contribution of \$109,576.50 shall be paid to Sutherland Shire Council towards the cost of works contained in the contribution plan. The amount to be paid is to be adjusted at the time of the actual payment, in accordance with the provisions of the Section 94A Development Contributions Plan. The amount payable of monetary s.94 contributions will be indexed on 1 July each year in accordance with the Contribution Plan and the following formula:

$$\text{Current outstanding Contribution} \times \text{current IPD} \div \text{previous year's IPD}$$

Payment shall be made prior to the issue of the Construction Certificate.

The Contributions Plan may be inspected or a copy purchased at the Customer Service Counter in Council's Administration Centre, Eton Street, Sutherland during office hours.

MATTERS RELATING TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

The following conditions involve either modification to the development proposal or further investigation prior to the issue of a Construction Certificate, so as to ensure that there will be no adverse impact on the environment or adjoining development. This information shall be submitted with the Construction Certificate.

Design Conditions

These design conditions are imposed to ensure the development, when constructed, meets appropriate standards for public safety and convenience.

12. Design Changes Required

To reduce the environmental and/or ecological impact of the

development proposal, the following design changes shall be implemented:

- a) A reinforced concrete pedestrian footpath pavement shall be created adjacent to the full length of the northern boundary of the development site, except in the area of the vehicular access-ways. The footpath pavement shall extend from the rear edge of the realigned and reconstructed street kerb in Clubb Lane to the property boundary.
- b) All pedestrian and vehicular access-ways adjacent to the northern and southern property boundary lines shall match Council's issued property alignment levels.
- c) The awning on the southern elevation of the building, within the air space of the Road Reserve, shall be reduced in width to 2m (cite; Council's correspondence PPE10/0036 of the 23 September 2010).

13. Design and Construction of Road Frontage Works

Council has determined that the proposed development generates a need for the following frontage works to be undertaken by the Applicant in the Road Reserve in conjunction with the development. The design drawing shall generally comply with the approved architectural design drawings and address the following;

- a) Establish the property alignment levels,
- b) Construct vehicular crossings and associated laybacks where required,
- c) Remove redundant crossings and associated laybacks,
- d) Reconstruct the kerb and gutter along the southern side of Clubb Lane, to an alignment 5m off and parallel with the existing gutter on the northern side of Clubb Lane, measured kerb face to kerb face,
- e) Construct a full width decorative concrete footpath pavement, along the Kingsway Road frontage,
- f) Provide transition works for the footpath pavement and kerb and gutter to eliminate any 'trip' hazards and create a gentle change of grades,
- g) Repair and or construct the Road carriageway adjacent to all new gutter works, where required,
- h) Adjust public services infrastructure where required,
- i) Adjust street parking signs where required,
- j) Modify the existing street drainage pit in Clubb Lane adjacent to the loading dock to allow vehicular access to the loading dock and construct a new street drainage pit with an extended kerb inlet in Clubb Lane, just south of the proposed vehicular crossing,
- k) A reinforced concrete pedestrian footpath pavement shall be constructed adjacent to the full length of the northern boundary of the development site, except in the area of the vehicular access-ways. The footpath pavement shall extend from the rear edge of the realigned and reconstructed street kerb to the property boundary,
- l) The existing concrete median island in Kiora Road shall be

- extended approximately 50m north to restrict motorists to a left turn into Clubb Lane from Kiora Road and restrict motorists to a left turn into Kiora Road from Clubb Lane. Signage must be erected where required to cover the aforementioned restrictive movements, and
- m) Install Street trees along the Kingsway frontage.

The creation of the design shall be undertaken by Sutherland Shire Council's Engineering Division. An application under the Roads Act shall be submitted and alignment levels shall be issued by Council prior to the issue of a Construction Certificate. Approval under the Roads Act cannot be granted by a Principal Certifying Authority or by a Private Certifier.

Note 1: Council's Engineering Division charges a fee for the creation of the road frontage works design. A quotation may be obtained by contacting the Sutherland Shire Council's Assets Manager, on telephone 97100480.

14. Construction and Site Management Plan

A Construction and Site Management Plan (C&SMP) shall be prepared, that satisfies the objectives of Section 4 Chapter 8 of Council's document SSCDCP2006 and generally accord with the approved concept construction and site management plan drawings, except where modified by the following;

- a) What actions and works are proposed to ensure safe access to and from the site and what protection will be provided to the road and footpath area from building activities, movement of heavy equipment, plant and materials delivery, or static loads from cranes, concrete pumps and the like,
- b) The proposed method of loading and unloading excavation machines and building materials,
- c) All existing traffic movements in Clubb Lane including access to angle parking on the northern side of Clubb Lane shall be maintained at all times unless otherwise approved by Council's Engineering Division.
- d) The proposed areas within the site to be used for the storage of excavated material, construction materials and waste containers during the construction period,
- e) How it is proposed to ensure that soil / excavated material is not transported on wheels or tracks of vehicles or plant and deposited on surrounding roadways,
- f) Construction vehicle access to the site from the Kingsway is not permitted,
- g) Delivery of building materials from Clubb Lane is not permitted by articulated vehicle access,
- h) To minimise vibration damage to buildings in close proximity, where a hydraulic hammer is to be used a report shall be prepared by a qualified geotechnical engineer detailing the maximum size of hammer,
- i) A Geotechnical Report that addresses all matters relevant to the

maintenance of site stability during the construction phase shall be prepared by a suitably qualified geotechnical engineer. The Report must address the following;

- i) Preserve and protect the neighbouring buildings and structures within Road,
- ii) Any required underpinning and support the neighbouring buildings and structures, and
- iii) Method of Shoring and anchoring.
- iv) Detail how the carriageway will be monitored for settlement.
- j) A copy of the Geotechnical Report must be provided to the Owners of No.9 to 13 Clubb Crescent, No.44 to 50 Kiora Road, No.525 Kingsway and No.535 Kingsway and Sutherland Shire Council (for retention on record) seven (7) days prior to any excavation. The owners of the adjoining properties and the Road are not liable for any part of the cost of work carried out for the purposes of this clause, whether carried out on the property of land being excavated or on the adjoining property.

The C&SMP must be submitted to the PCA seven (7) days prior to commencement of any works upon or the subject properties or associated works within the Road Reserve.

Certification from an Accredited Certifier or a Chartered Civil Engineer or a Chartered Structural Engineering, to the effect that the hoardings were designed in accordance with Work Cover's Code of Practice "Overhead Protective Structures", Council's Hoarding Roads Act Consent and to their satisfaction, shall accompany the C&SMP.

Certification/Endorsement/Concurrence from the Supervising Geotechnical Engineer (Structures) of the Roads & Traffic Authority, to the effect that the construction and site management plan was prepared in accordance with aforementioned sub-condition j) and (with regards to sub-condition j) only) to their satisfaction, shall accompany the C&SMP.

Note 1: RTA contact for all matters pertinent to the Geotechnical Report is – Supervising Geotechnical Engineer (Structures) at RTA Office Level 2C/99 Philip Street Parramatta NSW 2150. (Bo Xiao 88370763)

Note 2: The applicant/developer shall meet the full cost of the assessment of the sub-condition j) of condition "Construction and Site management Plan", by the RTA.

Note 3: Approval under the Roads Act or Local Government Act cannot be granted by a Principal Certifying Authority or by a Private Certifier. Failure to obtain approval may result in fines or prosecution.

15. Access

To ensure appropriate levels of access to all parts of the building the development in its entirety shall comply with the requirements of AS1428.1 2009. The plans submitted with the CC shall contain details of

internal dimensions, fixtures and fit out of the development to demonstrate compliance. Further tactile ground surface indicators shall be shown on the plans in accordance with the requirements of AS1428.4. Certification, from a suitably qualified person, that the proposal complies with these Australian Standards shall accompany the application for a Construction Certificate.

Public Utility Authorities Requirements

These conditions are imposed to avoid problems in servicing the development and reduce adverse impacts on the lot layout or the design of buildings or associated facilities.

16. Public Utilities - Subdivision

Arrangements shall be made with Energy Australia, Telstra, cable television network providers and other public utilities in relation to:

- a) The necessity for the provision of underground low voltage electricity conduits and cable television conduits within the footway area of Clubb Lane and the Kingsway.
- b) The method of connection of the property to the Energy Australia supply, ie either underground connection or by overhead supply.
- c) The need for the provision of a kiosk-type substation.

17. Sydney Water - Referral Requirements

The plans approved as part of the Construction Certificate shall be submitted to a Sydney Water Quick Check agent or Customer Centre to determine as to whether the development will affect Sydney Water's sewer and water mains, stormwater drains and / or easements, and if further requirements need to be met. Plans will be stamped appropriately.

Please refer to the web site www.sydneywater.com.au for:

- Quick Check agents details – see Building Development and Plumbing then Quick Check; and
- Guidelines for Building Over / Adjacent to Sydney Water Assets – see Building Development and Plumbing then Building and Renovation.

18. Public Utility Authorities

Arrangements shall be made to the satisfaction of all Utility Authorities including cable television network providers in respect to the services supplied to the development by those authorities. The necessity to provide or adjust conduits/ services within the road and footway areas shall be at full cost to the applicant.

19. Nomination of Engineering Works Supervisor

Prior to the commencement of any works the applicant shall nominate an appropriately qualified Accredited Certifier in civil engineering works or a

Charter Civil Engineer to supervise all works within the Road Reserve, construction of the stormwater drainage system, bulk excavation, construction of the basement pump-out system, construction of the rainwater harvesting and reuse systems. The Engineer shall:

- a) Provided an acceptance in writing to supervise sufficient of the aforementioned works to ensure compliance with the relevant conditions of Development Consent and pertinent Roads Act Consents, and
- b) On completion of the works certify that the aforementioned works have been constructed in compliance with the approved plans, specifications and conditions of Consents.

20. Stormwater Drainage & Rainwater Harvesting System

Plans indicating all engineering details relevant to the site regarding collection and disposal of stormwater from the site and building shall form part of the Construction Certificate. The stormwater drainage system shall be designed and constructed in accordance with AS/NZS3500.3:2003 and the approved concept stormwater drainage design drawing, except where amended by the following;

- a) Stormwater, seepage water and dehumidification water from the development shall discharge directly to a street double grated gully pit within the Road Reserve of Clubb Lane,
- b) Drainage is to be by gravity (not a charged system).
- c) The existing 150mm diameter private pipeline connecting to Council's stormwater drainage pipeline shall be disconnected, unless otherwise determined by Council.
- d) For design purposes it is to be assumed that the Hydraulic Grade Line of the public stormwater drainage system for a 1 in 10 year storm event is equal to the obvert of Council's stormwater drainage pipeline in Clubb Lane and the 1 in 20 year storm event is equal to the invert of the street gutter in Clubb Lane,
- e) The rainwater harvesting system shall comply with the following;
 - i) At least 100% of roof area shall be capture and directed to the rainwater tank,
 - ii) Minimum total tank capacity 42,000 litres, with the overflow connected to the stormwater drainage system,
 - iii) Harvested rainwater shall be used for the flushing of all toilets, irrigation, to wash garbage bins and the garbage room enclosure, and
 - iv) All landscapes areas shall be provided with an efficient automatic irrigation system to enable effective landscape maintenance.

Certification from an Accredited Certifier for stormwater design or a Chartered Civil Engineer, to the effect that the stormwater drainage, rainwater reuse and water harvesting systems have been prepared having regard to the conditions of development consent, shall accompany the application for the Construction Certificate.

Certification from an Accredited Certifier for stormwater design or a Chartered Civil Engineer, to the effect that the basement pump-out system has been prepared having regard to Sections 5 and 9 and Appendix L of AS/NZS3500.3:2003, shall accompany the application for the Construction Certificate.

21. Vehicular Access-way, Parking, Parking Layout and Loading Dock

The vehicular access-way and basement car park shall be designed and constructed to comply with AS2890.1:2004 and the approved architectural design drawings, except where modified by the following;

- a) Align with Council's issued vehicular crossing levels,
- b) The vertical alignment of the vehicular access-way shall ensure that a B99 vehicle will not scrape the surface of the crossing, driveway, aisles or parking bays,
- c) No parking bay shall be caged or enclosed,
- d) Three (3) "disable" spaces shall complying with AS2890.6:2009. At or near the entrance to the car park signage must be provided to assist motorist with the location of the three (3) "disable" car parking bays,
- e) The minimum headroom in the basement parking area shall be 2.2 metres measured from the parking floor to the underside of any beam, ventilation duct or service conduit, or to the underside of any door including a security door and fittings when those doors are in an open position,
- f) The minimum headroom for the driveway ramp shall be 2.2 metres, in compliance with Figure 5.3, measured from the surface of the driveway ramp to the underside of any beam, ventilation duct or service conduit, or to the underside of any door including a security door and fittings when those doors are in an open position,
- g) Provide a maximum driveway grade of 5% for the boundary to the carpark entry shutter/door,
- h) Suitable signage shall be erected within the site at the carpark exit so as to advise drivers that vehicles must turn left only and that there is no vehicular access to Clubb Crescent.
- i) The ceiling of the basement car park shall be painted white, and
- j) The loading dock shall be signed and line marked on its eastern side to ensure delivery vehicles do not obstruct motorist access-way to the basement car park.

Note: Be advised that item b) is based on Council's minimum standard of a B99 vehicle (Holden Statesman Sedan). The recommended condition will not necessarily protect exotic or altered cars from "scraping" the vehicular access-way.

22. Garbage, Recycling and Green-waste Storage Area

To ensure proper storage of waste from the premises the garbage and recycling storage room shall be designed with a smooth impervious floor that is graded to a floor waste and a tap and hose provided to facilitate

regular cleaning of the bins. All waste water shall be discharged to the sewer in accordance with the requirements of Sydney Water. The required number and type of waste and recycling material containers shall be provided at the full cost of the developer.

Details of the garbage, recycling and greenwaste storage area shall accompany the Construction Certificate.

23. Building Ventilation

To ensure that adequate provision is made for ventilation of the building mechanical and / or natural ventilation systems shall be provided. These shall be designed, in accordance with the provisions of:

- a) The Building Code of Australia.
- b) AS 1668 Part 1 - 1998.
- c) AS 1668 Part 2 - 1991.
- d) The Public Health Act - 1991.
- e) The Public Health (Microbial Control) - Regulation 2000.
- f) AS 3666.1 - 2002.
- g) AS 3666.2 - 2002.
- h) AS 3666.3 - 2000.

Details of all mechanical and / or natural ventilation systems, along with specific certification provided by an appropriately qualified person verifying compliance with the abovementioned requirements, shall accompany the Construction Certificate.

Note: To ensure that adequate provision is made for the removal of commercial kitchen exhaust, any food shop requiring mechanical exhaust ventilation shall be capable of discharging to the roof level via a vertical riser in accordance with AS 1668.2 and the Building Code of Australia.

24. Noise Control - Design of Plant and Equipment (General Use)

To minimise the impact of noise from the development, all sound producing plant, equipment, machinery, mechanical ventilation system or refrigeration systems, shall be designed and / or located so that the noise emitted does not exceed an LAeq sound pressure level of 5dB above the ambient background level when measured at the most affected point on or within any residential property boundary.

Note: The method of measurement of sound shall be carried out in accordance with Australian Standard 1055.1.

25. Submission of Fire Safety Schedule

A Fire Safety Schedule shall be issued by an appropriately qualified person and provided to Council as part of the Construction Certificate in accordance with the *Environmental Planning and Assessment Regulation 2000*. This schedule shall identify the proposed and required

fire safety measures, with the minimum standard of performance being indicated for each fire safety measure. The Fire Safety Schedule shall identify each fire safety measure that is a Critical Fire Safety Measures and the intervals at which supplementary fire safety statements shall be given to the Council in respect of each such measure. Any performance or fire engineered alternate solution shall be clearly indicated.

PRE-COMMENCEMENT CONDITIONS

The following conditions are imposed to ensure that all pre-commencement matters are attended to before work is commenced.

26. Pre-Commencement - Notification Requirements

No works in connection with this development consent shall be commenced until:

- a) A Construction Certificate / Subdivision Certificate has been issued and detailed plans and specifications have been endorsed and lodged with Council;
- b) A Principal Certifying Authority has been appointed. Council shall be notified of this appointment along with details of the Principal Certifying Authority, and their written acceptance of the appointment; and
- c) Notice of commencement has been provided to Council 48 hours prior to commencement of construction work on the approved development.

27. Pre-commencement Site Inspection - Road Frontage Works

The Principal Certifying Authority and / or the Supervising Engineer shall undertake a site inspection with Council staff prior to commencement of the road frontage works. The purpose of this inspection is to enable Council's Civil Assets Engineer to clarify Council's requirements, as owner of the roadway, in relation to the carrying out of the works.

Contact shall be made with Council's Civil Assets Branch on 97100357 to arrange for the inspection.

Note: An inspection fee shall be paid to Council prior to the lodgement of the Notice of Commencement. Please refer to Sutherland Shire Council's Adopted Schedule of Fees and Charges.

28. Signs to be Erected on Building and Demolition Sites

Where proposed works affect the external walls of a building, a rigid and durable sign shall be erected prior to the commencement of work and maintained in a prominent position on any work site on which building work, subdivision work or demolition work is being carried out. The responsibility for this to occur is that of the principal certifying authority or the principal contractor.

The signage, which must be able to be easily read by anyone in any public road or other public place adjacent to the site, must:

- a) show the name, address and telephone number of the principal certifying authority for the work, and
- b) show the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
- c) state that unauthorised entry to the work site is prohibited.

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

CONSTRUCTION CONDITIONS

These conditions are imposed to ensure the development does not unreasonably impact on the amenity of the locality during the construction or demolition phase.

29. Environmental Site Management DCP

All construction work approved by this development consent shall be undertaken in accordance with the objectives and controls in Part 3 of Chapter 8 of Sutherland Shire Development Control Plan 2006 and the Sutherland Shire Environmental Specification 2007 - Environmental Site Management.

30. Permitted Hours for Building and Demolition Work

To minimise the noise impact on the surrounding environment all building and demolition work shall be carried out only between the hours of 7.00am and 6.00pm Monday to Friday inclusive, 8.00am and 1.00pm Saturdays. No work shall be carried out on Sundays and Public Holidays.

31. Toilet Facilities

Toilet facilities shall to be provided, at or in the vicinity of the work site on which work involved in the erection or 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.

Each toilet provided:

- a) shall be a standard flushing toilet, and
- b) shall be connected:
 - i) to a public sewer, or
 - ii) if connection to a public sewer is not practicable, to an accredited sewage management facility approved by the Council, or
 - iii) if connection to a public sewer or an accredited sewage

management facility is not practicable, to some other sewage management facility approved by the Council.

The provision of toilet facilities in accordance with this clause shall be completed before any other work is commenced.

32. Excavations and Backfilling

- a) All earthworks including excavations and backfilling associated with the erection or demolition of a building shall be executed safely and in accordance with appropriate professional standards.
- b) All excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property.
- c) All canopy, trunk and root system of all trees to be retained on site and neighbouring properties shall be protected from damage during excavation.

33. Noise Control during Construction and Demolition

To minimise the impact on the surrounding environment:

- a) For construction and demolition periods of four (4) weeks or less, the LAeq sound pressure level measured over a period of 15 minutes when the construction or demolition site is in operation, shall not exceed the ambient background level (LA90 15min) by more than 20dB(A) when measured at the nearest affected premises.
- b) For construction and demolition periods greater than four (4) weeks, the LAeq sound pressure level measured over a period of 15 minutes when the construction or demolition site is in operation, shall not exceed the ambient background level (LA90 15min) by more than 10dB(A) when measured at the nearest affected premises.

34. Disposal of Site Soils

All soils excavated from the subject site are to be classified under the NSW DECC Waste Classification Guidelines (2009). Testing is required prior to off site disposal.

All waste materials shall be removed to appropriately licensed waste facilities by a suitably qualified contractor in accordance with NSW DECC Waste Classification Guidelines (2009).

Note: Attention is drawn to Part 4 of the NSW DECC Waste Classification Guidelines (2009) which makes particular reference to the management and disposal of Acid & Potential Acid Sulfate Soils.

35. Dewatering of Excavation

Any water from excavations to be discharged to Council's stormwater system must meet the following criteria:

- It shall not contain a concentration of suspended sediment exceeding 50 mg/L;
- It shall have a pH of between 6.5-8
- It shall comply with the ANZECC Guidelines for Marine and Freshwater Quality, for Protection of Aquatic Ecosystems (95% protection level)

Water testing shall be carried out to ensure compliance with the above by a suitably qualified environmental scientist, and results provided to Council upon request. A permit may be required to discharge water to Council's stormwater system. Consultation with Council shall be undertaken prior to discharge of any water to stormwater.

POST CONSTRUCTION CONDITIONS

These conditions are imposed to ensure all works are completed in accordance with the Development Consent prior to either the issue of an Occupation Certificate, a Subdivision Certificate or habitation / occupation of the development.

36. Section 73 Compliance Certificate

A Compliance Certificate under s73 of the Sydney Water Act, 1994, shall be submitted to Council by the PCA prior to the issue of an Occupation Certificate or before the issue of a Subdivision Certificate. Sydney Water may require the construction of works and/or the payment of developer charges.

Advice from Sydney Water:

An application must be made through an authorised Water Servicing Coordinator. For details see the Sydney Water web site at www.sydneywater.com.au/customer/urban/index or by telephone 13 20 92.

Following application a "Notice of Requirements" will be forwarded detailing water and sewer extensions to be built and charges to be paid. Please make early contact with the Coordinator, since building of water / sewer extensions can be time consuming and may impact on other services as well as building, driveway or landscaping design.

37. Works-As-Executed Drawings (W.A.E.D) and Certification of Works

- a) The Supervising Engineer shall certify that the stormwater drainage works, rainwater harvesting facility and rainwater reuse system were constructed to their satisfaction and in accordance with the Development Consent. Prior to the occupation or use of the building the Applicant/Owner shall submit to Council a copy of the aforementioned letter of certification.
- b) The Supervising Engineer shall certify that the basement pump-out system was constructed in accordance with the Development

Consent and to their satisfaction. Prior to the occupation or use of the building the Applicant/Owner shall submit to Council a copy of the aforementioned letter of certification.

- c) The Supervising Engineer shall certify that the frontage works were constructed in accordance with the Development Consent and associated Roads Act Consent and to their satisfaction. Prior to the occupation or use of the building the Applicant/Owner shall submit to Council a copy of the aforementioned letter of certification.

38. Mechanical or Natural Ventilation

Certification from a suitably qualified Mechanical Engineer certifying that all work associated with the installation of the mechanical or natural ventilation systems has been carried out in accordance with the conditions of the development consent.

39. General Compliance

Certification from the Principal Certifying Authority certifying that all works have been completed and comply with the approved plans, conditions and specifications.

40. Prior to Occupation or Use of the Development

The Development shall not be occupied or used until:

- a) A Final Occupation Certificate is issued and provided to Council for the development; or
- b) An Interim Occupation Certificate is issued and provided to Council for the development. This shall clearly identify the part of the development to which the Interim Occupation Certificate relates.

Subdivision Plan Requirements

The following conditions have been imposed in relation to the preparation and release of the Linen Plans of Subdivision.

41. Endorsement of Linen Plan of Consolidation

To facilitate the issue of the Plan of Subdivision for the consolidation of Lot 18 and Lot 19 in Deposited Plan No.8461 and Lot 1 in Deposited Plan No.21256 into one lot, following completion of the requirements detailed in the condition of this Development Consent and the issue of the Subdivision Certificate by Council, a film eight (8) paper copies of the Plan of Subdivision shall be submitted together with any necessary Instrument under the Conveyancing Act, where required for ultimate lodgement of the Land Titles Office.

OPERATIONAL CONDITIONS

These conditions are imposed to ensure that the use or operation of the development does not adversely impact on the amenity of the neighbourhood and the environment.

42. Car Parking Areas

To ensure that the car parking area satisfies the demands of the development it shall be made available between the hours of 8am and 6pm Monday to Friday on an unrestricted basis for employees' and visitors' vehicles. Outside of these hours, visitors and employees shall be able to access the building via the intercom system.

43. Car Parking Allocation

Car-parking provided shall only be used in conjunction with the tenancies contained within the development.

Any future strata plan shall allocate the parking on the basis of a minimum of one (1) space per 30m² of commercial floor space.

44. Loading and Unloading

In the interests of public safety and amenity, all delivery vehicles servicing the property shall stand within the curtilage of the site. Loading and unloading of vehicles from the roadway is not permitted.

45. External Lighting

All external lights shall be operated and maintained in accordance with the Australian Standard AS4282 - Control of the Obtrusive Effects of Outdoor Lighting so as not to cause a nuisance or adverse impact on the amenity of residents of the surrounding area nor to motorists on nearby roads.

46. Noise Control - Plant & Equipment (General)

To minimise the impact of noise from the development, all sound producing plant, equipment, machinery, mechanical ventilation or refrigeration systems, shall be operated and maintained in such a manner so that the noise emitted does not exceed a LAeq sound pressure level of 5 dB above the ambient background level when measured at the most affected point on or within any residential property boundary.

Note: The method of measurement of sound shall be carried out in accordance with Australian Standard 1055.1.

47. Ventilation – Operation

To ensure that adequate ventilation within the building, all mechanical and / or natural ventilation systems shall be operated and maintained in accordance with the provisions of:

- a) The Building Code of Australia.
- b) AS 1668 Part 1 - 1998.
- c) AS 1668 Part 2 - 1991.
- d) The Public Health Act - 1991.
- e) The Public Health (Microbial Control) - Regulation 2000.
- f) AS 3666 - 2002.

- g) AS 3666.2 - 2002.
- h) AS 3666.3 - 2000.

48. Rainwater Harvesting and Reuse

The operation of all devices or appliances installed within the development approved by this consent as required by conditions pertinent to rainwater harvesting and rainwater reuse shall be maintained in good operating order at all times.

49. Waste and Recycling Bins

All waste bins and recycling bins shall be stored wholly within the property boundaries in a designated waste storage area. The garbage bin shall be designed to prevent the escape of any liquid leachate and shall be fitted with a lid to prevent the entry of vermin. The bins shall only be put out for collection in the evening prior to pick-up and returned to the storage area as soon as possible after pick-up.

50. Collection / Delivery Services

To minimise the noise impact of the development on the surrounding environment, the collection and delivery of goods and materials (including garbage and recycling waste) from the premises shall not take place between the hours of 8.00pm and 8.00am on any day.