

# **DRAFT WITHOUT PREJUDICE CONDITIONS FOR JOINT REGIONAL PLANNING PANEL**

## **GENERAL 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.

<b>Drawing No.</b>	<b>Author</b>	<b>Date received</b>
Amended Subdivision Plan	Landpartners	14 November 2013
Site Outline Plan, Drawing No. 010, Issue D	John R Brogan & Associates	13 June 2012
Site Context, Drawing No. 025, Issue A	John R Brogan & Associates	14 November 2013
Site Plan/Undercroft Parking Level, Drawing No. 030, Issue C	John R Brogan & Associates	14 November 2013
Site Plan/Roof Plan, Drawing No. 031 Issue G	John R Brogan & Associates	14 November 2013
Landscape Area Diagram, Drawing No. 040, Issue D	John R Brogan & Associates	13 June 2012
Floor Plan – Undercroft Carpark Level, Drawing No. 100, Issue C	John R Brogan & Associates	14 November 2013
Floor Plan – Warehouse Level, Drawing No. 101, Issue G	John R Brogan & Associates	14 November 2013
Sections 1/2, Drawing No. 120, Issue F	John R Brogan & Associates	14 November 2013
Sections 2/2, Drawing No. 121, Issue F	John R Brogan & Associates	14 November 2013
Elevations, Drawing No. 130, Issue F	John R Brogan & Associates	14 November 2013
Nursery Fence Detail, Drawing No. 140, Issue A	John R Brogan & Associates	13 June 2012
Nursery Fence Detail, Drawing No. 141, Issue A	John R Brogan & Associates	13 June 2012
Landscape Plan, Drawing No. 1820LP-01 (Issue G)	John Lock & Associates	14 November 2013
Landscape Elevation Plan, Drawing No. 1820LP-02 (Issue E)	John Lock & Associates	13 June 2012
Landscape Elevation Plan, Drawing No. 1820LP-02.1 Sheet 2 (Issue A)	John Lock & Associates	14 November 2013

<b>Drawing No.</b>	<b>Author</b>	<b>Date received</b>
Landscape Elevation Plan, Drawing No. 1820LP-02.2 Sheet 3 (Issue A)	John Lock & Associates	14 November 2013
Civil Works – Site Layout Plan, Drawing No. DA110, Rev 2	C & M Consulting Engineers	13 June 2012
Warehouse Level – Sheet 1 of 2, Drawing No. DA201	C & M Consulting Engineers	13 June 2012
Warehouse Level – Sheet 2 of 2, Drawing No. DA202	C & M Consulting Engineers	13 June 2012
Lower Carpark Level – Sheet 1 of 2, Drawing No. DA203	C & M Consulting Engineers	13 June 2012
Lower Carpark Level – Sheet 2 of 2, Drawing No. DA204	C & M Consulting Engineers	13 June 2012
Preliminary Bulk Earthworks Cut Fill Plan, Drawing No. DA231	C & M Consulting Engineers	13 June 2012
Road Longitudinal Sections, Drawing No. DA301	C & M Consulting Engineers	13 June 2012
Overland Channel Longitudinal Section, Drawing No. DA302	C & M Consulting Engineers	13 June 2012
Site Sections, Drawing No. DA351	C & M Consulting Engineers	13 June 2012
Cross Sections Overland Flow Channel, Sheet 1 of 4, Drawing No. DA401	C & M Consulting Engineers	13 June 2012
Cross Sections Overland Flow Channel, Sheet 2 of 4, Drawing No. DA402	C & M Consulting Engineers	13 June 2012
Cross Sections Overland Flow Channel, Sheet 3 of 4, Drawing No. DA403	C & M Consulting Engineers	13 June 2012
Cross Sections Overland Flow Channel, Sheet 4 of 4, Drawing No. DA404	C & M Consulting Engineers	13 June 2012
General Details Sheet 1 of 2, Drawing No. DA501	C & M Consulting Engineers	13 June 2012
General Details Sheet 2 of 2, Drawing No. DA502	C & M Consulting Engineers	13 June 2012
Sediment and Erosion Control Plan, Drawing No. DA801	C & M Consulting Engineers	13 June 2012
Sediment and Erosion Control Details, Drawing No. DA802	C & M Consulting Engineers	13 June 2012

<b>Reference Document(s)</b>	<b>Author</b>	<b>Date received</b>
Statement of Environmental Effects	Nicole McGurran	2 November 2011
Supplementary Town Planing Statement	Brown Smart Consulting	14 August 2012
Traffic Impact Assessment Report, Ref No. 09255, Revision B	Transport & Traffic Planning Associates	31 May 2013
Swept Path Analysis – 19 metre Articulated Vehicle, SP1 – SP4	-	31 May 2013
Swept Path Analysis of 99 <sup>th</sup> Percentile Vehicles, SP5	-	31 May 2013
Swept Path Analysis of 8.8m Rigid Vehicle, SP6	-	31 May 2013
Transport Risk Assessment Report, Ref No. NW00199 – Final Rev 2, dated 31 January 2013	Sinclair Knight Merz	1 February 2013
Preliminary Hazard Risk Assessment Report, Report No. NW00254 Final Rev 1, dated 1 March 2013	Sinclair Knight Merz	1 March 2013
Supplementary Risk Letter from Mr Len Gawecki, dated 9 July 2013	Sinclair Knight Merz	16 July 2013
Stormwater Management Plan, Report No. R00517-SMP, Revision B	C & M Consulting	13 June 2012
Flood Evacuation Plan, Issue B	Warren Smith & Partners Pty Ltd	13 June 2012
Environmental Site Assessment, Ref No. E25430Krpt	Environmental Investigation Services	13 June 2012
Review of Contamination Issues	Cavvanba Consulting	2 November 2011
Preliminary Geotechnical Assessment Report, ref No. CES070206-MVC-01-F	Consulting Earth Scientists	2 November 2011
Site Audit Report, Ref No. 31-0234, dated 18 October 2006	Graeme Nyland	2 November 2011
Site Audit Report, Ref No. AS120234, dated 18 March 2008	Graeme Nyland	2 November 2011
Site Audit Report, Audit No. GN 468	Graeme Nyland	3 September 2013
Flora & Fauna & Bushfire Assessment Report, dated January 2009	Abel Ecology	2 November 2011
Safe Useful Life Expectancy Tree Report	Abel Ecology	13 June 2012

Energy Efficiency Report, Issue3	Floth Sustainable Building Consultants	14 August 2012
Economic Impact Assessment, Ref No. 1208	Leyshon Consulting Pty Ltd	14 August 2012
Preliminary BCA Statement, dated 28 October 2011	Steve Watson & Partners	2 November 2011
Odour Impact Assessment, ref No. N1714L.10	The Odour Unit	2 November 2011
Disability Access Report, Ref No. 1151	Lindsay Perry Access & Architecture	2 November 2011
Bunnings & Sita Environmental Solutions – Waste Management Plan	Bunnings Group Limited	2 November 2011
Schedule of Colours & Finishes	Bunnings Group Limited	2 November 2011
Bunnings Sustainability Statement	Bunnings Group Limited	21 September 2012
DA Noise Assessment Report, Version A	Wilkinson Murray	30 October 2012
Letter from Wilkinson Murray regarding loading dock noise levels, dated 18 September 2013	Wilkinson Murray	24 September 2013
Letter of response from Wilkinson Murray dated 20 February 2014	Wilkinson Murray	25 February 2014
Environmental Management Plan, Ref. 12017, dated June 2013	Cavvanba Consulting Pty Ltd	3 September 2013
Letter from Bunnings dated 21 February 2014	Bunnings Group Limited	25 February 2014

No construction works (including excavation) shall be undertaken prior to the issue to the Construction Certificate.

- 2 The applicant must prior to the obtainment of the approved plans and specifications pay the following fees:

- (a) Development Control Fee \$10,000.00;
- (b) Builders Damage Deposit \$25,500.00;
- (c) Infrastructure Performance Bond \$50,000.00;
- (d) Section 94 Contribution \$695,531.45;
- (e) 1/3 Cost of the Dangerous Goods Survey \$7,284.85;

Note: The total of the Section 94 Contribution is payable prior to the issue of the Construction Certificate.

- 3 This Consent relates to land in Lot B in DP 406437 and Lot 7 in DP 24380 (known as 140-148 Denison Street); and Lot A in DP 24380, Lots 1-6 in DP 24380, Lot B in DP323369 and Lots 1-4 in DP 373787 (known as 49 Smith Street) and, as such, building works must not encroach on to adjoining lands or the adjoining public place, except where permitted by this consent.
- 4 All building work must be carried out in accordance with the requirements of the Building Code of Australia.
- 5 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.
- 6 The Applicant is to remove the street trees at their expense. The trees may only be removed after a Construction Certificate has been issued. The following is stipulated:
  - (a) A qualified Arborist with their own public liability insurance must be engaged to undertake the work;
  - (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 trunks. Tree removal work shall occur without damage to Council infrastructure or underground services and utilities;
  - (d) Council will take no responsibility for any damage incurred to persons, property or services during the tree removal works.
- 7 It is a condition of consent that the applicant shall, at no costs or expense to Council, comply with the following:
  - (a) Dedicate the portion of land to Council for the purpose of widening Denison Street. The areas of the land to be dedicated shall be the full length of Denison

Street frontage of the development site and as indicated on the stamped approved plans. The Plan of Dedication shall be lodged with Council prior to the issue of the Construction Certificate and registered with the Department of Lands prior to the issue of the Occupation Certificate. A copy of the registered document shall be submitted to Council for record purposes;

- (b) Upgrade the public domain by reconstruction of the kerb and gutter to the full street frontage to Denison Street of the site including footpath, drainage system, street trees, landscaping and any associated works for the street frontage to Denison Street of the site, at the applicant's expense. All improvements shall be in accordance with specifications and requirements from Council's landscape and engineering sections and the approved civil works construction plans and landscape plans. All the public domain works shall be constructed and completed to Council's satisfaction prior to the issue of any Occupation Certificate;
- (c) Replace all the existing above ground electricity and telecommunication cables to underground cables within the site and road reserve area fronting both Denison Street and Smith Street in accordance with the guidelines and requirements of the relevant utility authorities. The applicant shall bear all the cost of the construction and installation of the cables and any necessary adjustment works. These works and payments shall be completed prior to the issue of the Occupation Certificate; and
- (d) Provide appropriate and suitable street lighting to a high decorative standard to both street frontages of the site, so to provide safety and illumination for residents of the development and pedestrians in the area. All street lighting shall comply with relevant electricity authority guidelines and requirements.

### **AGREED TRAFFIC/PARKING CONDITIONS**

- 8 Both pre & post development occupation traffic & parking surveys are to be conducted on both a Thursday at 4pm to 7pm and a Saturday at 11am to 2pm comprising the following:
- (a) 7 day tube counts for Smith Street, Boonah Avenue & Fraser Avenue;
  - (b) Traffic movement counts at the Denison Street intersections with Smith Street, Boonah Avenue and Fraser Avenue. Plus Bunnerong Road junctions with Smith Street & Fraser Avenue;
  - (c) Parking (length of stay) survey in Smith Street between Denison Street & Rhodes Street and of the Bunnings car park;
  - (d) Survey of attendance at the Henley Athletics Field on an agreed average event day (i.e. Saturday). Specifically hourly attendance during the 11am to 2pm periods;
  - (e) The above mentioned traffic & parking counts [items (b) & (c)] to reflect point (d) above;
  - (f) Number plate sampling surveys of Bunnings traffic activity post development of item (b) above.

- 9 The data collected in Condition No. 8 above is to be jointly assessed by Council & Bunnings traffic consultants and issue a joint report on the findings/recommendations.
- 10 In the event that the traffic joint report finds that there is a significant infiltration (ie. 5% above the pre development survey) of Smith, Boonah & Fraser of traffic travelling to & from the Bunnings store, then Bunnings shall fund a process of assessing measures that eliminate or ameliorate the level of infiltration. This process shall include community consultation (workshops) and subsequent Council approval of these measures. The community consultation and Council determination shall occur within a 12 month period following building occupation.
- 11 The cost of the measures required in Condition 10 above, are to be fully met by the Applicant.

#### **CONDITIONS PREPARED BY MR LEN GAWECKI**

- 12 Emergency Plan - The Applicant shall implement a comprehensive Emergency Response Plan and detailed Emergency procedures for the proposed development. The Emergency Response Plan shall take into account:
  - (a) The potential impacts from the Botany Industrial Park (BIP);
  - (b) The potential impacts from Dangerous Goods traffic incidents along Denison Street;
  - (c) The requirements of Hazardous Industry Planning Advisory Paper No. 1 (HIPAP1) – Industry Emergency Planning Guidelines, and the requirements of AS3745-2002 – Emergency Plans. Emergency response plans should extend to transport incidents on site, fire, or liquid spill and the appropriate response. Such plan shall specifically address the hazards associated with fuel storage and transfer operations on site and appropriate emergency response and fire fighting procedures. Bunnings Management is to liaise with the BIP Site Manager, and the Emergency Services to ensure that appropriate response and communication procedures are integrated into the plan. Given the large chemical storage in the BIP the most potentially far reaching are potential gas releases, these can drift hundreds of meters, and will require communications protocols to ensure information is communicated to Bunnings Management. Key resources and a comms flowchart will form an important part of the emergency response. These are to be documented and submitted to Council prior to any commencement of operations on site.
- 13 Dangerous Goods Transport Routes – Arrangements covering the transport of hazardous materials including details of routes to be used for the movement of trucks. Further, the applicant shall enter into contractual arrangements with contract drivers to require the use of routes determined under this condition except where necessary for local deliveries. Such arrangements shall be in place prior to site operations.

- 14 Spill Kits – Prior to operations commencing on site, spill kits are to be installed throughout the areas where corrosive materials are stored, handled and used at the site.
- 15 Emergency Egress and Access for Emergency Vehicles – Given that potential gas releases from the BIP could affect the Bunnings site, particularly in the case where the prevailing winds at the time of a large release are from the west (ie. a prevailing westerly wind). Should emergency access or egress be required it would need to allow for access to/from Smith Street, ie from the downwind direction. Hence this area is recommended to allow for emergency egress, but also for emergency access by Ambulance, Police or Emergency vehicles to enter the Bunnings site from the downwind direction.

### **CONDITIONS IMPOSED BY AN EXTERNAL AUTHORITY**

- 16 The following condition is imposed by Sydney Water:
  - (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](http://www.sydneywater.com.au) for
    - Quick check agent details – see Building and Development then Quick Check; and
    - Guidelines for Building Over/adjacent to Sydney Water Assets – see Building and Development then Building and Renovating.
  - (b) 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).
- 17 The following conditions are imposed by the NSW Police Service:
  - (a)



- (i) As the proposed development may be exposed to Stealing, Steal from persons, Malicious Damage and Steal from Motor Vehicle offences, anti-social behaviour, assault and robbery 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. Facial recognition ability is crucial in identifying potential offenders;
- (ii) The CCTV system should consist of surveillance cameras strategically located around the development to provide maximum surveillance coverage of the area, particularly 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;
- (b) Detection devices should be strategically located throughout the premises to detect any unauthorised access. The light emitting diodes (LED's red lights) within the detectors should be deactivated, to avoid offenders being able to test the range of the system;
- (c)
  - (i) 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 level in line with **Australian Standard AS1158**.
  - (ii) Lighting sources should be compatible with requirements of any surveillance system installed within the development;

18 The following conditions are imposed by the NSW Roads and Maritime Service:

- (a) The geometric layout of the signaled intersection shall be in accordance with RMS requirements. In this regard, the geometric layout shall be as follows:

North Approach

- Two through lanes;
- 50 metre left turn deceleration land (excluding taper);
- Two departure lanes;

South Approach

- One through lane;
- Shared through lane and right turn lane (right turn prohibited 6am to 10m Monday to Friday);
- Two departure lanes;

Bunnings Access Road Approach

- Right turn lane;
  - Shared left turn and right turn lane;
  - One departure lane;
- (b) The provision of the left turn deceleration lane on Denison Street requires land dedication from the subject site as a public road to maintain the existing footpath width. This land dedication as public road shall be at no cost to RMS of Council;
- (c) In accordance with the RMS Traffic Signal Design Guide, the developer is required to create an easement to allow RMS to locate traffic signal component on their (private) property;
- (d) Whether or not a marked foot crossing is provided across the signalized entrance to a private development, there must be a level separation between the road and footpath through the construction of a barrier kerb and gutter. Kerb ramps must be provided in accordance with RMS requirements;
- (e) In accordance with Austroads, splays (clear of obstructions) are required at the property lint to ensure adequate visibility between vehicles on a driveway and pedestrian on the footpath;
- (f) In accordance with RMS Technical Direction for new traffic signals, signalized pedestrian crossings shall be provided on all legs of the proposed signalized intersection;
- (g) The provision of the proposed traffic signals on Denison Street requires full time 'No Stopping' parking restrictions on both sides of Denison Street between Smith Street and 100 metres south of Denison Street. As previously advised, this will require either Council and/or the developer to undertake satisfactory consultation with any affected resident and/or business;
- (h) The proposed northern driveway on Denison Street, which is a left turn exit only driveway shall be self enforced by constructing a raised central concrete median island on Denison Street across the frontage of the proposed exit driveway. The minimum width of the raised median island shall be 900mm, which will require localized road widening and shall be at full cost to the developer. This localized road widening shall take into consideration the proposed left deceleration lane on Denison Street into Corish Circle associated with the proposed Orica development;
- (i) The right turn from Denison Street into the Bunnings site at the proposed signalized intersection shall be banned during the morning weekday peak period (6am to 10am Monday to Friday);
- (j) The developer will be required to enter into a "Major Works Authorisation Deed" (WAD) with RMS for the abovementioned signal and civil works. In this regard the developer is required to submit detailed design plans and all relevant additional information, as may be required in the RMS's WAD documentation for assessment and final decision concerning the work. The detailed design plans submitted shall be in accordance with Austroads and RMS's requirements;

- (k) As part of the abovementioned WAD process, the developer will be required to provide an upfront payment for the first ten (10) years of the maintenance of the signal hardware;
- (l) Prior to the release of any Construction Certificate, a detailed civil concept geometric road design layout (illustrating all road design dimensions and swept paths etc) of the proposed signalized intersection overlaid on a survey plan, shall be submitted to and endorsed by RMS.  
  
In addition, no Construction Certificate shall be released until such time that a traffic signal design plan, detailed civil road design and unconditional bank guarantee (to be determined in consultation between the developer and RMS) for the proposed signalized intersection are lodged with RMS;
- (m) No Occupation Certificate shall be released until such time that the signalized intersection on Denison Street is fully constructed and operational; and
- (n) All roadworks/regulatory signposting associated with the proposed development shall be at full cost to the developer.

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

- 19 The payment of the following monetary contributions in accordance with Council's Section 94 Contributions Plan 2005-2010:

(i)	Community Facilities	= \$70,707.00;
(ii)	Administration	= \$11,466.00;
(iii)	Shopping Centre Improvements	= \$51,324.00;
(iv)	Open Space and Recreation	= \$476,385.00;
(v)	Transport Management	= \$85,645.45

Sub Total = \$695,531.45

This results in a total contribution of **\$695,531.45** 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.

- 20 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 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.
- 21 Prior to the issue of the Construction Certificate, a dilapidation report on public infrastructure (including Council and public utility infrastructure) adjoining the development site shall be prepared by a suitably qualified person and submitted to

Council. The report shall include records and photographs of the following area that will be impacted by the development:

- (a) Denison Street;
- (b) Smith Street;
- (c) Sydney Water's assets (including sewer lines and stormwater culvert);
- (d) All properties immediately adjoining the site;

The applicant shall bear the cost of all restoration works to buildings/ structures and public infrastructure that been damaged during the course the construction. 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.

22 Prior to the issue of the Construction Certificate, documentary evidence of Sydney Water approval of the development over the existing Sydney Water sewer main shall be submitted to Council.

23 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 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.

24 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.

25 Prior to the issue of the Construction Certificate, the turning path diagrams shall be revised to address the following:

- (a) All submitted turning path diagrams should be in scale;
- (b) The swept path of 19m articulated vehicle turning left from Denison Street to the site shall be revised to ensure there is no encroachment to the kerb return;

- (c) The swept path of 19m articulated vehicle turning into the loading/unloading area north-eastern of the building shall be revised to ensure the vehicle can stand entirely within the dedicated loading/unloading area.

26 Prior to the issue of the Construction Certificate, the construction plans shall show the following details: the applicant shall lodge an application to Council and Roads and Maritime Services (RMS) for the civil works associated with the development to be carried out in public domain area (including road reserve). Details of the civil works, designed and prepared by suitably qualified civil with relevant qualification, shall be submitted to Council and RMS as part of the documentation of application and all costs associated with the design and construction shall be borne by the applicant. The civil works in public domain area shall include the following:

- (a) The new signalized intersection and concrete median on Denison Street, together with any associated work;
- (b) The upgrading works of the street drainage system on Smith Street, together with any associated works;
- (c) Reconstruction of kerb and gutter along the Denison Street frontage of the site including the extension of the footpath construction to Smith Street;
- (d) Reconstruction of concrete footpath along the Denison Street and Smith Street frontage of the site;
- (e) Construction of vehicular crossing (minimum **10** metres wide at the property boundary and at 90° to the property boundary line);
- (f) Line marking and all necessary signage to RMS's requirement;
- (g) Replacement of all existing above ground electricity and telecommunication cables to underground cables within the road reserve along Denison Street frontage of the site;
- (h) Provision of appropriate and suitable street lighting to a high decorative standard to the Denison Street frontage of the site;
- (i) Streetscape improvements works;

Documentary evidence of the lodgement of the application shall be submitted to the Principal Certifying Authority attesting the condition has been complied with.

27 Prior to the issue of the Construction Certificate, detailed Construction Traffic Management Plan for the pedestrian and traffic management of the site during construction shall be prepared and submitted to Principal Certifying Authority and Council for approval. The plan shall:

- (a) be prepared by an RMS accredited qualified person;
- (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) indicate the construction vehicle access point to the site be limited on Denison Street only;
- (d) indicate the frequency of truck movements;

- (e) ensure no vehicles associated with the construction activities to be travel on Smith Street;
- (f) ensure all traffic (including worker's vehicles) generated from the construction activities shall enter and leave the site in a forward direction;
- (g) ensure vehicles associated with construction activities not permitted to travel on any local streets other than the following designated construction traffic route:
  - (i) Wentworth Avenue – Denison Street.

28 Prior to the issue of the Construction Certificate, detailed Construction Management Plan (CMP) shall be submitted to Principal Certifying Authority and Council for approval of the site works. The CMP shall address the following:

- (a) All vehicles (including worker's vehicles) associated with construction activities shall enter and leave the site in a forward direction ONLY;
- (b) All vehicles (including worker's vehicles) associated with the construction activities shall only be allowed to park within the site;
- (c) Construction building materials shall be stored wholly within the site;
- (d) Access to adjacent buildings and pedestrian and vehicle access fronting Anderson Street shall be maintained at all times. No closure of any road reserve will be permitted without Council approval;
- (e) Under no circumstance (except emergency) shall any trucks be permitted to queue and wait on public places, public streets or any road related area (e.g. footpath, nature strip, road shoulder, road reserve etc) prior to entering the site;
- (f) Locations of site office, accommodation and the storage of major materials related to the project shall be within the site;
- (g) Protection of adjoining properties, pedestrians, vehicles and public assets shall be implemented at all times;
- (h) Location and extent of proposed builder's hoarding and Work Zones, if there is any, shall be shown on the plan;
- (i) Tree protection management measures for all protected and retained trees shall be implemented at all times.

29 Prior to the issue of the Construction Certificate, the applicant shall lodge with the Council a performance bond of **\$50,000** against defective public civil works undertaken by the main contractor for a period of **twelve (12)** months from the date of the completion agreed by RMS and Council. The bond shall be lodged in the form of a cash deposit, cheque or unconditional bank guarantee, which will be refundable (with no interest) subject to the approval of Council at the end of the maintenance period. In this period, the Applicant is liable for any part of the work, which fails to achieve the design specifications. Council shall be given full authority to make use of the bond for such restoration works within the maintenance period as deemed necessary.

- 30 Prior to the issue of Construction Certificate, 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, AS 2890.2 and AS2890.6.
- 31 Prior to the issue of the Construction Certificate, a qualified civil engineer experienced in hydrology shall certify the measures and recommendations from the revised flood study report have been shown and included in the construction plans. Certification from the engineer shall be submitted to Principal Certifying Authority. All costs associated with the certification shall be borne by the applicant.
- 32 Prior to the issue of the Construction Certificate, detailed construction plans in relation to the stormwater management and disposal system for the development shall be prepared by a suitably qualified civil engineer experienced in stormwater drainage design and submitted to Principal Certifying Authority for approval. The construction plans shall be generally in accordance with the approved stormwater management plans and Council's 'Guidelines for the Design of Stormwater Drainage Systems within City of Botany Bay', AS/NSZ 3500 and BCA requirements.
- 33 A Sediment and Erosion Control Plan shall be prepared according to '*Do It Right On-Site*' *Soil and Water Management for the Construction Industry* (available from Council) and NSW EPA's *Managing Urban Stormwater: Construction Activities* and submitted to the Principal Certifying Authority prior to issue of the Construction Certificate. 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 during the construction works.
- 34 At all times during demolition, excavation, construction and ongoing use, the measures detailed and required in the submitted Environmental Management Plan prepared by Cavvanba Consulting Pty Ltd, Ref. 12017, dated June 2013 are to be implemented and complied with.
- 35 Prior to the issue of the Construction Certificate, the measures required in the amended Noise Impact Assessment Report prepared by Wilkinson Murray dated October 2012 (Revision C), the letter from Wilkinson Murray dated 18 September 2013 and letter from Wilkinson Murray dated 20 February 2014 shall be incorporated into the construction of the building and indicated on the Construction Certificate drawings.
- 36 Prior to the issue of the Construction Certificate, the fire booster assembly must be located in an unobtrusive location away from vehicle and pedestrian entrances to the property and shall not be located within the Denison Street landscape setback. The assembly shall be softened by landscaping so as not to reduce the visual amenity of

the development or the streetscape. Screen planting shall be installed around the electrical kiosk. Details shall be provided on the Construction Certificate drawing and documentation.

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

- 37 In order to ensure that the existing tree within the front setback as shown on the landscape plan is protected during construction, and its health and structural stability ensured, the following is required:
- (a) Engage the Consultant Arborist for all tree root and canopy work to the tree;
  - (b) The tree is required to be physically protected by fencing underneath the canopy dripline using 1.8 metre high chainlink to form the Tree Protection Zone (TPZ). 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 construction. The fence shall remain in place until construction is complete. If there is insufficient space to erect fencing in a particular area, 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 hardwood palings around tree with strapping or wire (not nails);
  - (c) All detailed Construction Certificate plans are to show the tree to be protected and the TPZ;
  - (d) 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, no service trenching. Any unavoidable work within the fenced zone shall be under the direction of the Consultant Arborist;
  - (e) Excavation within an area extending 3 metres outward of the canopy dripline of any tree shall be carried out manually using hand tools and under the direction of the Consultant Arborist to minimise root damage or disturbance. Roots 40mm in diameter or greater that require pruning shall be done only under the direction of the Consulting Arborist after a site inspection;
  - (f) Ensure there is no damage to the tree canopy. There shall be no canopy pruning or tree removals unless approval has been granted by Council's Tree Officer under separate application. Approved pruning shall be undertaken by a qualified Arborist in accordance with AS 4373;
  - (g) There shall be no walls retaining or otherwise, paving, change in levels, trenching for new subsurface utilities or the location of new overhead services within the structural root zone or canopy of any tree to be retained;
  - (h) 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 the Applicant will be required to undertake tree maintenance and/or replacement work, as specified by Council and Consultant Arborist.



38 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:

- (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, kerb 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;
- (g) Permit to use any part of Council's road reserve or other Council lands;
- (h) Permit to stand mobile cranes and/or other major plant on public roads and all road reserve area;

(It should be noted that the issue of such permits may involve approval from RMS and NSW Police. In some cases, the above Permits may be refused and temporary road closures required instead which may lead to longer delays due to statutory advertisement requirements.)

- (i) Permit to establish "Works Zone" on public roads adjacent to the development site, including use of footpath area.

(Application(s) shall be submitted minimum one (1) month prior to the planned commencement of works on the development site. The application will be referred to the Council's Engineers for approval, which may impose special conditions that shall be strictly adhered to by the applicant(s)).

Copy of approved permits shall be submitted to the Principal Certifying Authority attesting this condition has been appropriately satisfied.

39 The applicant shall arrange with RMS's Transport Management Centre (TMC) for any required Road Occupancy Licence prior to commencement of any works on Denison Street.

40 Prior to commencement of any civil works in road reserve/ public domain, the applicant shall submit documentary evidence to the Principal Certifying Authority that the required Section 138 Consent under the Roads Act, 1993 has been issued by Roads and Maritime Services (RMS) and Council.

41 Prior to commencement of any civil works in road reserve/ public domain, detailed engineering construction plans showing details of the civil works shall be prepared by suitably qualified civil engineers with relevant qualification and submitted to Council

for assessment and approval. The construction plans shall include the following details:

***New signalized intersection and concrete median on Denison Street***

- (a) Site plan showing the extent and location of proposed concrete median and the new signalized intersection on Denison Street, together with any associated works;
- (b) Cross-section details along Denison Street (The cross-section details shall be at minimum every 5m interval);
- (c) Longitudinal section profiles of the new kerb and gutter;
- (d) Construction details of kerb and gutter, footpath and pram ramp;
- (e) Road pavement construction details based upon soil tests performed by a registered N.A.T.A Soils Laboratory and to the relevant traffic loading criteria stated by RMS;
- (f) Landscaping details on road reserve; (Refer to Council's landscape architect for details);
- (g) Design of the traffic signals at the intersection as required by RMS;
- (h) Signage and line-marking details;
- (i) Any relocation of any Public Utility service, including street lighting if required;

***Street Drainage System on Smith Street***

- (j) Site plan showing the extent of proposed upgrading works of the street drainage system on Smith Street, together with any associated works;
- (k) Longitudinal section profiles of the proposed drainage works;
- (l) Construction details of the proposed grated kerb inlet pits and pipes;

Concurrence approval shall also be obtained from Local Traffic Committee and Road and Maritime Services (RMS) for the design of the new signalised intersection, concrete median on Denison Street. Documentary evidence showing approval of the drawings shall be submitted to the Principal Certifying Authority prior to the commencement of works. All costs associated with the design and construction of the above civil works and its associated works shall be borne by the applicant.

- 42 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 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.
- 43 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.

## **DURING WORKS**

44 Building and demolition works associated with the development shall be carried out between the following hours:

- (a) Monday to Friday, inclusive - 7:00 a.m. to 6:00 p.m.
- (b) Saturday - 8:00 a.m. to 1:00 p.m.
- (c) Sundays and Public Holidays - No work.

45

- (a) 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.
- (b) To prevent contaminated soil being used onsite, all imported fill shall be certified VENM material and shall be validated in accordance with the Department of Environment, Climate Change and Water (DECCW) approved guidelines to ensure that it is suitable for the proposed development. 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.
- (c) An application is required to discharge water to a Council road or stormwater system. The application must be made in writing to Council estimating volume and number of days involved and must be accompanied by a current dewatering license from the NSW Office of Water. For water to be permitted to go to stormwater, the water must meet ANZECC 2000 Water Quality Guidelines for Fresh Marine Water for the 95% protection trigger values for Freshwater. All testing must be completed by 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 to 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.

46 To prevent dust and to minimise the potential of liberating free asbestos fibres from contaminated material, dust suppression measures shall be implemented at all times

when earthworks are being undertaken or when soil has been disturbed and have the potential to liberate free asbestos fibres.

- 47 Hazardous or Special Wastes arising from the demolition process shall be removed and disposed on 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);
  - (d) NSW Department of Environment and Climate Change Waste Classification Guidelines (2008).
- 48 A Soil and Water Management Plan (SWMP) shall be prepared in accordance with the Landcom *Managing Urban Stormwater – Soils and Construction* 4<sup>th</sup> Edition (2004) and submitted to the Principal Certifying Authority prior to the release of the Construction Certificate. 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 during the construction works. A copy of the SWMP shall be kept on-site at all times and made available to Council Officers on request.
- 49 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.
- 50
- (a) 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;
  - (b) Construction 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;
  - (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) 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 other plant and equipment;

- (f) During the construction works, the Council nature strip shall be maintained in a clean and tidy state at all times.

51 During demolition, excavation 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 Construction Traffic Management Plan and;
- (c) Approved Construction Management Plan.

52 All works carried out on the road reserve shall be inspected and approved by Council's engineer. Documentary evidence of compliance 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;
- (b) Prior to backfill of street drainage pipes;
- (c) Prior to placement of concrete /road pavement;
- (d) Final inspection;

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

53 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;
- (b) Any such sign is to be removed when the work has been completed.

54 Toilet facilities are to be provided at or in the vicinity of the work site on which work involves:

- (a) Erection of the building 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 clause must be completed before any other work is commenced.

55 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.

56 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 06:00pm
  - (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.

- 57 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.
- 58 During demolition, 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.
- 59 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.
- 60 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 Department of Environment and Conservation publication "*Assessing vibration; a technical guideline*" February 2006.
- 61 The land to which this consent relates must be fenced and enclosed to protect the entry or access to the land and demolition site by unlawful persons.
- (a) The fencing must be in place before the demolition commences, and
  - (b) must remain in place during the construction of the development.
- 62 All soil used to construct garden beds shall meet the provisional phytotoxicity based investigation levels specified in the NSW Department of Environment and Climate Change Guidelines for the NSW Site Auditor Scheme. This can be achieved by importing soil suitable for garden bed construction or validating soil remaining on site to demonstrate it is suitable for garden beds.

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

- 63 Prior to issue of the 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.
- (d) The annual fire safety statement must have regard for the emergency plan required by Condition 12 of this consent, its incorporation in the fire safety schedule and management in the use of the premises.

64 Any damage not shown in the dilapidation report as required by Condition No. 23 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 the issue of Occupation Certificate.

65 Prior to the issue of the Occupation Certificate, the following is to be complied with:

- (a) Dedicate the portion of land to Council for the purpose of widening Denison Street. The areas of the land to be dedicated shall be the full length of Denison Street frontage of the development site and as indicated on the stamped approved plans. The Plan of Dedication shall be lodged with Council prior to the issue of the Construction Certificate and registered with the Department of Lands prior to the issue of the Occupation Certificate. A copy of the registered document shall be submitted to Council for record purposes;
- (b) Upgrade the public domain by reconstruction of the kerb and gutter to the full street frontage to Denison Street of the site including footpath, drainage system, street trees, landscaping and any associated works for the street



frontage to Denison Street of the site, at the applicant's expense. All improvements shall be in accordance with specifications and requirements from Council's landscape and engineering sections and the approved civil works construction plans and landscape plans. All the public domain works shall be constructed and completed to Council's satisfaction prior to the issue of any Occupation Certificate;

- (c) Replace all the existing above ground electricity and telecommunication cables to underground cables within the site and road reserve area fronting both Denison Street and Smith Street in accordance with the guidelines and requirements of the relevant utility authorities. The applicant shall bear all the cost of the construction and installation of the cables and any necessary adjustment works. These works and payments shall be completed prior to the issue of the Occupation Certificate; and
- (d) Provide appropriate and suitable street lighting to a high decorative standard to both street frontages of the site, so to provide safety and illumination for residents of the development and pedestrians in the area. All street lighting shall comply with relevant electricity authority guidelines and requirements.

66

- (a) Prior to the issue of any Occupation Certificate, the construction of the stormwater drainage system of the proposed development shall be completed generally 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*', AS 3500 and BCA; and
- (b) Documentation from a practicing 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 accepted practice.

67 Prior to the issue of the Occupation Certificate, following off-street parking bays shall be provided to the development in accordance with the approved plans:

- (a) ***Four hundred and twenty-one (421)*** for car parking; and
- (b) ***Eighteen (18)*** for motorcycle parking.

68 Prior to the issue of the Occupation Certificate, documentation from suitably qualified engineer shall be submitted to the Principal Certifying Authority certifying that the bicycle and car parking area, loading area, access ramps and driveways have been constructed generally in accordance with the approved construction plan(s) and comply with AS2890.1, AS2890.2 and AS2890.6 requirements.

The internal road network parking and loading facilities shall be clearly designated, sign posted (including "Entry Only", "Exit Only" and "One Way" signs) and line marked. Signage and line marking shall comply with the current version of Australian Standards.

- 69 In order to ensure that the proposed overland flow path will be adequately maintained, Positive Covenant and Restriction on the Use of Land on the Title under Section 88B/88E(3) of the Conveyancing Act 1919 shall be created in favour of Council as the benefiting authority for the as-built overland flow path. The wording of the terms of the Positive Covenant and Restriction on the Use of Land are available in Council. The relative location of the as-built overland flow path, in relation to the building footprint, shall be shown on a scale sketch, attached as an annexure to the plans/ forms. City of Botany Bay Council shall be the authority empowered to release, carry or modify the restriction. Proof of registration shall be submitted to the Principal Certifying Authority prior to the issue of Final Occupation Certificate.
- 70 In order to ensure that the constructed On-Site Detention (OSD) system, Pump-out System and Stormwater Quality Improvement Devices (SQID) will be adequately maintained, Positive Covenant and Restriction on the Use of Land on the Title under Section 88B/88E(3) of the Conveyancing Act 1919 shall be created in favour of Council as the benefiting authority for the as-built system. The wording of the terms of the Positive Covenant and Restriction on the Use of Land are available in Council. The relative location of the system, in relation to the building footprint, shall be shown on a scale sketch, attached as an annexure to the plans/ forms. City of Botany Bay Council shall be the authority empowered to release, carry or modify the restriction. Proof of registration shall be submitted to the Principal Certifying Authority prior to the issue of Final Occupation Certificate.
- 71 Prior to the issue of the Occupation Certificate, maintenance schedule of the stormwater drainage system (including on-site detention system and stormwater quality improvement devices shall be prepared by a qualified engineer and submitted to Principal Certifying Authority. A copy of maintenance schedule shall also be submitted to Council for record purpose.
- 72 Prior to the issue of the Occupation Certificate, the northern egress vehicular crossing, including layback and/or gutter and any associated road restoration, shall be constructed in accordance with Council's requirements. The applicant shall make a separate application to Council's Customer Service Counter for the construction of vehicular crossing (either by Council or own forces) to the vehicular entry points of the site as shown on the submitted approved plan.
- The vehicular crossing shall be minimum **10** metres wide at the property boundary and at 90° to the property boundary line in plain concrete. All adjustments to the nature strip, footpath and/or public utilities' mains and services as a consequence of the development and any associated construction works shall be carried out at the full cost to the Applicant.
- 73 Prior to the issue of the Occupation Certificate, the following civil works shall be completed to the satisfaction of Roads and Maritime Services and Council:
- (a) Reconstruction of kerb and gutter along the Denison Street frontage in accordance with Council's standard drawing, except at the location opposite the vehicular entrance and exit points;

- (b) Reconstruction of concrete footpath (1.2m wide) along the Denison Street and Smith Street frontage of the site in accordance with Council's standard drawing, except at the location opposite the vehicular entrance and exit points. The new footpath shall generally align with the existing footpath and any removal of street trees will require approval from Council's landscape architect/ tree preservation officer;
- (c) Completion of all civil works associated with the new signalised intersection and concrete median on Denison Street;
- (d) Completion of all upgrading works of street drainage system on Smith Street;
- (e) Installation of required signage and line-marking

The following documentation shall also be submitted to Principal Certifying Authority attesting this condition has been appropriately satisfied.

- (f) Written confirmation/completion certificate obtained from Roads and Maritime Services (RMS) and Council;
- (g) Inspection reports (formwork and final) for all the above civil works shall be obtained from RMS and Council;
- (h) A copy of the approved civil works engineering plans showing Work-as-Executed details (together with an electronic copy) prepared by a registered surveyor.

- 74 Prior to issue of the Occupation Certificate, the applicant shall replace all the existing above ground electricity and telecommunication cables along Denison Street frontage of the site to underground cables in accordance with the guidelines and requirements of the relevant utility authorities. The applicant shall bear all the cost of the construction and installation of the cables and any other necessary adjustment works. Written confirmation/completion certificate shall be obtained from the relevant utility authorities and submitted to the Principal Certifying Authority attesting to this condition has been appropriately satisfied.
- 75 Prior to issue of the Occupation Certificate, all civil works within the road reserve fronting the site shall be completed to Council's satisfaction. Inspection reports (formwork and final) for the civil works on road reserve shall be obtained from Council's engineer and submitted to the Principal Certifying Authority attesting to this condition has been appropriately satisfied.
- 76 The applicant is responsible for the installation and protection of all regulatory / parking / street signs fronting the property. Any damaged or missing street signs as a consequence of the development and associated construction works shall be replaced at full cost to the applicant.
- 77 Prior to the issue of the Occupation Certificate, landscaping shall be installed in accordance with the landscape documentation by John Lock & Associates: Dwgs 1820 LP-01 and LP-02 Rev E and LP-03 Rev C plan as amended in red by Council's Landscape Architect and dated 19th October 2012 and with LP-01 (Issue G), LP-

02.1 (Issue A) and LP-02.2 (Issue A) received by Council on the 14 November 2013. Amendments include the following:

- (a) Additional Tallowood (*E. microcrys*) trees across the entire frontage of the property at regular spacings of 8 metre;
- (b) Substitution of the Crepe Myrtle with a mid-height feature evergreen species. This is to occur in conjunction with tall canopy tree plantings across the frontage;
- (c) Street tree planting.

Landscaped areas on the property shall be installed and maintained in accordance with the approved amended landscape documentation, the conditions of development approval and Council's Landscape DCP at all times.

78 Prior to the issue of the Occupation Certificate:

- (a) An experienced and LCA approved Landscape Contractor shall be engaged to undertake the landscaping work on the property and shall be provided with a copy of both the approved amended landscape drawing and the conditions of approval to satisfactorily construct the landscape to Council requirements
- (b) The contractor shall be engaged weekly for a minimum period of 26 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.

79 To ensure satisfactory growth and maintenance of the landscaping, a fully automatic drip irrigation system is required in all landscape areas and is to be installed by a qualified landscape contractor. The system shall provide full coverage of all planted areas with no more than 300mm between drippers, automatic controller and backflow prevention device and shall be connected to a recycled water source, where provided. 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.

80 A raised concrete edge shall be installed around the landscape areas to contain soil and mulch finishes. The edge shall be raised a minimum of 150mm above the adjoining pavement. Timber retaining edges of any sort are not permissible.

81 Concrete wheel stops shall be installed in all car spaces adjoining garden beds in accordance with Council specifications and Australian Standard AS/NZS 2890.1:2004 to prevent overhang and damage to garden beds.

82 The following replacement street trees are required across the entire frontage of the site:

- (a) Tuckeroo (*C.anacardoides*), min. height 1.6 metres and pot size 75 litre, shall be installed in the Denison Street nature strip at average 7 metre centres by a qualified landscape contractor;

- (b) The trees shall be sourced from a reputable supplier that grows stock to NATSPEC. Trees shall have a strong central leader and no bends in the trunk. Trees shall not be root bound;
- (c) A Dial-Before-You-Dig enquiry is required prior to all tree planting. Council will take no responsibility for any damage incurred to persons, property or services during the tree planting works;
- (d) The trees shall be planted in an area measuring 1 metre square, backfilled with imported soil/compost, water holding additive and fertiliser, and mulched with leaf mulch to a depth of 100mm. The trees are to be double staked using 2.4 metre hardwood stakes and tied in figure-of-8 with hessian ties stapled to the stakes;
- (e) The Applicant is required to obtain a Council inspection of all new street trees prior to the maintenance period commencing.

83 The Council nature strip shall be suitably replaced in accordance with Council Specifications at the completion of construction work at the Applicant's expense.

84 To ensure that the site is suitable for the proposed use, a further Site Audit Statement (SAS) completed by an accredited site auditor under the Contaminated Land Management Act 1997 shall be submitted to Council clearly demonstrating any remediation that has occurred or environmental monitoring plan in place, and that the site is suitable for the development. This shall be provided to Council for approval prior to the release of the Occupation Certificate.

85 Prior to the issue of the Occupation Certificate, an Acoustic Validation Report shall be submitted to Council from a qualified acoustic consultant that certifies that the measures required in the DA Noise Assessment Report, Version A, prepared by Wilkinson Murray and dated October 2012 and as amended by the supplementary letter from Wilkinson Murray dated 18 September 2013 and as amended by the supplementary letter from Wilkinson Murray dated 20 February 2014 have:

- (a) been constructed in accordance with the recommendations of the submitted acoustic report/s; and
- (b) The acoustic works following its implementation in the built development, have been verified by noise level testing and recording taken at the nearest residential boundary to the development site, and in a manner that is representative of the day to day operations of the development.

86

- (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 63 to 86 of this consent are pre-conditions to the issue of the Occupation Certificate.

## **CONDITIONS WHICH MUST BE SATISFIED PRIOR TO THE ISSUE OF THE SUBDIVISION CERTIFICATE**

- 87 A separate application must be made for a Subdivision Certificate. The application is to be accompanied by documentary evidence demonstrating compliance with all conditions of consent.
- 88
- (a) Submission of a subdivision certificate application accompanied by a linen plan with six (6) copies and appropriate fees; and
  - (b) The linen plan must include details of any easements, encroachments, rights of way, restriction as to user or positive covenants and include a Section 88B Instrument under the Conveyancing Act, 1919.
- 89 A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained prior to the issue of the Subdivision Certificate. Application must be made through an authorised Water Servicing Coordinator. Please refer to “Your Business” section of Sydney Water’s web site at [www.sydneywater.com.au](http://www.sydneywater.com.au) then the “e-developer” icon or telephone 132092. Following application a “Notice of Requirements” will detail water and sewer extensions to be built and charges to be paid. Please make early contact with the Coordinator, since building of water / sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.
- 90 A drainage easement **3** m wide shall be created burdening proposed Lot 4 and in favour of Council and proposed Lot 1 as shown in the subdivision plan, prepared by Land Partners, Plan No. 72445.003, Sheet 1, dated 5 Jun 2012. The linen plan showing the location of drainage easement shall be lodged with Council prior to determination of the Construction Certificate. Proof of registration shall be submitted to the Principal Certifying Authority prior to release of occupation certificate/ subdivision certificate.
- 91 Prior to the issue of Subdivision Certificate, the applicant shall, at no costs or expense to Council, dedicate the portion of land to Council for the purpose of road widening on Denison Street in order to accommodate the proposed intersection on Denison Street and southern driveway of the site. The areas of land to be dedicated will be subject to the detailed engineering design submitted and approved by Council. The Plan of Dedication shall be lodged with Council for review and registered with the Department of Lands prior to the issue of the Occupation Certificate. A copy of the registered document shall be submitted to Council for record purposes.

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

- 92 The stormwater drainage system (including all pits, pipes, absorption, detention structures, treatment devices, detention 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.
- 93 An annual final fire safety certificate must be prepared and submitted 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.
  - (d) The annual fire safety statement must have regard for the emergency plan required by Condition 12 of this consent, its incorporation in the fire safety schedule and management in the use of the premises.
- 94 The following number of parking bays shall be made available at all times during business hours for staff and visitors:

- (a) ***Four hundred and twenty-one (421)*** for car parking;
- (b) ***Eighteen (18)*** for motorcycle parking.

95 The operation of the site and movements of vehicles shall comply with the following requirements:

- (a) The maximum size of vehicle accessing the site shall be limited to Articulated Vehicle (AV) (19m in length, as denoted by AS 2890.2). Use of any larger vehicle will be subject to further development applications and Council's approval;
- (b) The access and movement of 19-metre articulated vehicles to the site is limited to four (4) per day, during the hours stipulated in Condition No. 96 and in accordance with Condition No. 106(d).
- (c) All vehicles, except for vehicle longer than 8.8m Medium Rigid Vehicle (MRV), shall enter and exit the site via the southern driveway in a forward direction only;
- (d) For commercial vehicles longer than 8.8m Medium Rigid Vehicle (MRV), the following requirements shall be complied with:
  - (i) Vehicles shall access the site in a forward direction;
  - (ii) Vehicles shall enter the site via southern driveway and exit via northern egress driveway;
  - (iii) Suitably signage shall be installed to ensure the northern egress driveway is restricted for truck exit only;
  - (iv) All commercial vehicles associated with the site shall be restricted to travel along the following designated route:
    - (1) Wentworth Avenue - Denison Street or;
    - (2) Denison Street – Beauchamp Road;
- (e) All vehicles shall be parked in the marked parking bays and all parking bays on-site shall be set aside for parking purpose only and shall not be used for storage of goods or machinery. Vehicle manoeuvring area shall be kept clear at all times;
- (f) All loading and unloading of vehicles in relation to the use of the premises shall only be carried out in the dedicated loading area. No deliveries to the premises/site shall be made direct from a public places, public streets or any road related areas (e.g. footpath, nature strip, road shoulder, road reserve, public carpark etc);
- (g) The total width of the service road and the nursery loading bay shall be minimum 7m in order to comply with 2890.2;
- (h) Under no circumstance shall vehicles to queue on public places, public streets or any road related area (e.g. footpath, nature strip, road shoulder, road reserve etc) prior to entering the site;
- (i) The occupier shall ensure that any person employed on the premises shall park their vehicles, if any, in the employee parking area provided. No employee



shall be permitted to park on a common driveway, public streets or any road related areas (e.g. footpath, nature strip, road shoulder, road reserve, public carpark etc);

- (j) Any gate at the vehicular entrance of the site shall be left open during the operation hours.

96 The hours of operation for the use, including waste collection and deliveries shall be restricted to between the hours of:

- (a) 7:00 am to 9:00 pm Monday to Friday; and
- (b) 8:00am to 6:00pm Saturday, Sunday and Public Holiday's

Any additional hours of operation proposed to the premises shall form the subject of a further application to Council.

97 The following recommendations of the Transport Risk Assessment Report prepared by Sinclair Knight Merz, dated 21 September 2012 (Final Rev 1) shall be complied with at all times:

- (a) Dangerous Goods Routes: Arrangements covering the transport of hazardous materials including details of routes to be used for the movement of trucks. Further, the Applicant shall enter into contractual arrangements with contract drivers to require the use of routes determined under this condition except where necessary for local deliveries;
- (b) Spill Kits – It was identified that a number of corrosive materials are stored for sale. Spills of these materials will require rapid clean up to minimise the potential for release beyond the containment or for contact with personnel. It is therefore recommended that corrosive materials spill kits be installed throughout areas where corrosive materials are stored, handles and used at the site;
- (c) Emergency Plan (HIPAP No. 1) – Emergency plans should extend to transport incidents on site, fire or liquid spill and the appropriate response.

98

- (a) The approved signage shall be located as indicated on the approved plans;
- (b) The signage shall be appropriately maintained at all times and kept in a clean and tidy condition;
- (c) There shall be no external or internal illumination of signage outside of the approved hours of operation;
- (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.

99 The 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 movable 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.

100

- (a) The use of the premises shall not give rise to air impurities in contravention of the *Protection of the Environment Operations Act 1997* and shall be controlled in accordance with the requirements of this Act.
- (a) Liquid and solid wastes generated on the site shall be collected, transported and disposed of in accordance with the *Protection of the Environment Operation Act 1997*. Records shall be kept of all liquid and solid waste disposals from the site, and be made available to Council Officers on request.
- (b) The operation of the premises shall be conducted in a manner, which does not pollute waters as defined by the *Protection of the Environment Operations Act 1997*. The operation of the premises shall be conducted in a manner that does not pollute waters as defined by the *Protection of the Environment Operations Act 1997*.
- (c) All liquids, including oils and chemicals must be stored in a covered and bunded area. The bund is to be made of an impervious material and be large enough to hold the contents of the largest container plus 10% i.e. 110% of the total stored volume. Where applicable the construction of bunds must comply with the requirements of:
  - (i) AS 1940:2004 – The Storage and Handling of Flammable and Combustible Liquids;
  - (ii) AS4452:1997 – The Storage and Handling of Toxic Substances; and
  - (iii) Occupational Health and Safety Act.

101 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.

- 102 No offensive odour from any trade, industry or process shall be detected outside the premises by an authorised Council Officer as defined in the *Protection of the Environment Operations Act 1997*.
- 103 Should the external fabric of the building(s), walls to landscaped areas 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.
- 104 Prior to commencing trading the approved café, the operator of the premises must register the food premises with Council 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.
- 105 No shipping containers are to be stored on the premises.
- 106
- (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.
- 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.
- (b)
- (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.

- (c) Noise controls specific to the amenity of the residential neighbourhood
  - (i) The La10 noise level emitted from the premises shall not exceed the background noise level in any Octave Band Centre Frequency (31.5Hz – 8kHz inclusive) by more than 5 dBA;
  - (ii) Notwithstanding compliance with the above, the noise from the premises shall not be audible within any habitable room in any residential premises between the hours of 9:00pm one day and 7:00am the following day Monday to Saturday, and between 6:00pm Saturday and 8:00am the following Sunday and 6:00am Sunday to 7:00am the day following.
- (d) The operation of the loading dock shall comply with the following at all times:
  - (i) During any single 15 minute period, only one (1) truck shall access the eastern loading dock, only one (1) forklift truck shall operate in association with the dock and only one (1) truck accessing the service driveway during the entire 15 minute period. No vehicle shall exceed a speed of 3km/hour.

- 107 Any intruder alarms shall be fitted with a timing device in accordance with the requirements 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.
- 108 New street trees shall be maintained by the Applicant/Owner for a period of 12 months after planting. Maintenance includes minimum twice weekly watering to sustain adequate growth, bi-annual feeding, weed removal around the tree base and maintenance of the 1 metre diameter 100mm thick mulch ring. Maintenance does not include trimming or pruning of the trees under any circumstances.
- 109 Ongoing maintenance of the nature strip shall be undertaken by the occupier/owner. Maintenance includes mowing, watering, the removal of weeds and rubbish and maintaining an even coverage of grass at all times.
- 110 Landscaping on the property shall be maintained in a clean and tidy state and with an even coverage of plants to Council's satisfaction at all times.

- 111 The joint report of the Traffic Consultants and any resulting required traffic measures to the local road network subsequently approved by Council under Condition No. 10 of this consent, shall be maintained by the Applicant/Owner for a period of 12 months after satisfactory completion.
- 112 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. 11/224 dated as 2 November 2011 and that any alteration, variation, or extension to the use, for which approval has been given, would require further approval from Council.

ADVISORY NOTES FROM NSW POLICE SERVICE

- (a) 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. This equipment needs to be checked and maintained on a regular basis;
- (b) A monitor intruder alarm system which complies with the *Australian Standard – Systems Installed within Clients Premises, AS:2201:1998* shall be installed within the premises to enhance the physical security and assist in the detection of unauthorised entry to the premises. This standard specifies the minimum requirements for intruder alarm equipment and installed systems. It shall apply to intruder alarm systems in private premises, commercial premises and special installations. The system should be checked and tested on a regular (at least monthly) basis to ensure that it is operating effectively. Staff should be trained in the correct use of the system;
- (c) As a number of business premises have had telephone lines cut to prevent alarms being reported to the security monitoring company, a supplementary system such as Global Satellite Mobile (GSM) or Radio Frequency (RF) should be used to transmit alarm signal by either mobile telephone or radio frequency;
- (d) By angling fire egress inlet walls 45 degrees or more, opportunities for entrapment, loitering and vandalism can be reduced;
- (e) The configuration of car park spaces can impact the risk to car thieves. Grid rows increase natural surveillance. Avoid dark spots, corners and isolated car spaces;
- (f) Uneven building alignments, insert doorways and hidden entrances should be avoided. They can facilitate predatory crimes, theft, malicious damage and other crimes;
- (g) 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;
- (h) It is extremely important to have sufficient lighting in the car park of the development.

- (i) The luminaires (light covers) should be designed to reduce opportunities for malicious damage. Lighting within the development needs to be checked on a regular basis;
- (j) The floors of the carpark should be finished with a suitable non slip glossy texture which will provide maximum light reflection;
- (k) The street number must be prominently displayed and appropriately positioned at the front of the business to comply with Local Government Act, 1993 Section 124 (8);
- (l) Warning signs should be strategically posted around the buildings to warn intruders of what security treatments have been implemented to reduce opportunities for crime warning that trespassers will be prosecuted and that these premises are under electronic surveillance
- (m) Directional signage should be posted at decision making points (eg. X Entry/egress points) to provide guidance to the uses of the development. This can also assist in access control and reduce excuse making opportunities by intruders;
- (n) Directional signage should be posted at decision making points (eg. X Entry/egress points) to provide guidance to the uses of the development. This can also assist in access control and reduce excuse making opportunities by intruders;
- (o) Car Park Signage:
  - (i) Don't leave valuables in the car; and
  - (ii) Warning: These premises are under electronic surveillance;
- (p) Signage needs to be provided at fire exits to assist occupants to identify exits in emergency situations;
- (q) Signage needs to be provided to assist occupants to identify fire suppression equipment, eg extinguishers, fire hoses etc.
- (r) 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**.
- (s) **Graffiti resistant materials** and anti-graffiti coating should be utilised throughout the development.
- (t) 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>.
- (u) Maintenance policies need to be developed and implemented for the proposed development to deal with rubbish collection and disposal, damage and repairs to property, eg. Lighting ad structures as quickly as possible;
- (v) For the safety of all staff and patrons, toilets should be routinely monitored. Not just to detect anti-social behaviour but also to ensure that there are no issues with drug use. If the use of syringes is a problem within the premises then the use of sharps

containers should be considered. Disabled toilets should be routinely monitored as these are usually large enough that groups can use them for anti-social behaviour;

- (w) Doors should be fitted with locks that comply with the Australian Standard – Mechanical Locksets for doors in buildings, AS:4145:1993, to restrict unauthorised access and the Building Code of Australia (fire regulations). 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 doorways, such as wooden, glass or metal hinged swinging doors or sliding doors in residential premises. 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 (eg. Locking bars, electronic locking devices and detection devices);
- (x) There are some doors within the premises which are designated as fire exits and must comply with the Building Code of Australia. This means that they provide egress to a road or open space, an internal or external stairway, a ramp, a fire isolated passageway, a doorway opening to a road or open space. The doors in the required exits must be readily open-able without a key from the side that face the person seeking egress, by a single hand downward action or pushing action on a single device which is located between 900mm and 1.2m from the floor;
- (y) 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. (eg. locking bars, electronic locking devices, detection devices, alarms);
- (z) The window to the business need to be secured to restrict access and increase surveillance opportunities to and from the business. Avoid obstructed windows and doors as this is considered attractive to armed robbers and thieves;
- (aa) Cash safes are important to any business and should be designed and installed to Australian Standards. It can be used to provide additional security to money and other valuables. The safe should be anchored to the floor to prevent easy removal and incorporate a drop chute and time delay facilities to restrict access to the safe. It should be installed in an area away from public view where access is limited and locked at all times when not in use;
- (bb) As your business deals in cash a **robbery prevention program** needs to be established to ensure that management and staff are aware of their responsibilities in the event of such an event taking place. Establish clear cash-handling procedures within your business to reduce opportunities for crime. Staff should be trained in cash handling procedures to reduce opportunities for crime. Limit the amount of money carried in the cash drawer at any time (\$200.00 float). Lock cash drawers when not in use and clear money from the cash drawer on a regular basis, e.g. to a safe. Avoid

counting cash in view of public. Use a minimum of two staff, or security services, when transferring money to financial institutions, or consider using a reputable security company especially when transferring large amounts of money. Avoid wearing uniform or identification when transferring money. Don't use conspicuous bank-bags when transferring money, as this can be a clear indication to the thief.

- (cc) All staff are to be issued with personal security lockers.