

## RECOMMENDATION

In view of the preceding assessment, and the advice from the Council dated 10 October 2012, it is RECOMMENDED that the Joint Regional Planning Panel for the Sydney East Region, as the Consent Authority, resolve to grant deferred commencement consent, subject to the following:

- (1) Grant consent to the objection submitted under the provisions of State Environmental Planning Policy No. 1 – Development Standards to vary the provisions of Clause 12(2) of Botany Local Environmental Plan 1995 relating to maximum floor space ratio of 3.32:1 applied under this clause on the basis that:
  - (i) Clause 12(2) of Botany Local Environmental Plan 1995 is a development standard; and
  - (ii) The objection lodged by the applicant is well founded; and
- (2) Grant Development Application No. 11(274) a “deferred commencement” consent under section 80(3) of the *Environmental Planning and Assessment Act 1979* for the demolition of existing structures on the site and the construction of 113 residential apartments contained in two (2) separate buildings, six (6) small retail / commercial show rooms located at ground floor in both buildings on the O’Riordan Street frontage, basement car parking for 205 cars, associated loading facilities and landscape treatment at the property known as 182-196 O’Riordan Street, Mascot, with such consent not to operate until the deferred commencement conditions are satisfied.

## DEFERRED COMMENCEMENT CONDITIONS

- DC1 The applicant shall prepare and provide to RailCorp for approval / certification the following items:
- (i) Final Geotechnical and Structural Report / drawings that meet RailCorp’s requirements. The Geotechnical Report must be based on actual borehole testing conducted closest to the rail corridor.
  - (ii) The type, location and depth of foundations as well as their design stresses are to be provided. The foundation loads are to be outside the rail tunnel’s zone of influence.
  - (iii) Final Construction methodology with construction details pertaining to structural support during excavation based on the Geotechnical Report. The applicant is to be aware that RailCorp will not permit any rock anchors / bolts (whether temporary or permanent) within its land or easements.
  - (iv) Final cross sectional drawings showing ground surface, rail tracks, sub-soil profile, proposed basement excavation and structural design of sub ground support adjacent to the Rail Corridor. All measurements are to be verified by a Registered Surveyor.

- (v) Detailed Survey Plan (prepared by a Registered Surveyor) showing the relationship of the proposed development with respect to RailCorp's land and infrastructure.
- (vi) A Structural Engineer's Report on the effects of the development on the rail tunnel.

**Note:** Any conditions issued as part of RailCorp's approval / certification of the above documents will also form part of the consent conditions that the applicant is required to comply with.

- DC2 The applicant shall revise the On Site Detention (OSD) system to ensure stormwater runoff generated from the development can be detained on-site for all storm events up to and including 1 in 100 year ARI design storms and the permissible site discharge (PSD) shall be based on 1 in 5 year ARI peak flow generated from the site under the "State of Nature" condition (i.e. the site is totally grassed / turfed).

This consent is not to operate until such time as the revised Stormwater Management Plan is submitted to and approved by Council.

- DC3 Adaptable Units shall be provided within the development as follows:
- (i) Four (4) of the dwellings shall be 'adaptable units' as required by Section 3.3.13 of Council's Multi-Unit Housing and Residential Flat Building Development Control Plan No. 35, the BCA and any other relevant legislation; and
  - (ii) Plans shall be submitted showing the design and location of accessible apartments demonstrating that these are equitably distributed throughout the building.

- DC4 The technical documentation required by the General Terms of Approval must be provided to the NSW Office of Water prior to the commencement of construction, at the time of application for a Water Licence for temporary construction dewatering.

- DC5 A Voluntary Planning Agreement (VPA) with Council is to be prepared and placed on exhibition. The scope of the VPA is to include the works outlined in the applicant's correspondence dated 19 October 2012.

- (3) That the deferred commencement consent be limited to a period of 12 months.

**SCHEDULE OF CONSENT CONDITIONS****GENERAL CONDITIONS**

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

<b>Drawing No.</b>	<b>Author</b>	<b>Date Received by Council</b>
1912 A04 Issue 05	Krikis Tayler Architects Pty Ltd	22 August 2012
1912 A05 Issue 05	Krikis Tayler Architects Pty Ltd	22 August 2012
1912 A06 Issue 05	Krikis Tayler Architects Pty Ltd	22 August 2012
1912 A07 Issue 05	Krikis Tayler Architects Pty Ltd	22 August 2012
1912 A08 Issue 05	Krikis Tayler Architects Pty Ltd	22 August 2012
1912 A09 Issue 05	Krikis Tayler Architects Pty Ltd	22 August 2012
1912 A10 Issue 05	Krikis Tayler Architects Pty Ltd	22 August 2012
1912 A11 Issue 05	Krikis Tayler Architects Pty Ltd	22 August 2012
1912 A12 Issue 05	Krikis Tayler Architects Pty Ltd	22 August 2012
1912 A13 Issue 05	Krikis Tayler Architects Pty Ltd	22 August 2012
1912 A14 Issue 05	Krikis Tayler Architects Pty Ltd	22 August 2012
1912 A15 Issue 05	Krikis Tayler Architects Pty Ltd	22 August 2012
1912 A17 Issue 05	Krikis Tayler Architects Pty Ltd	22 August 2012
1912 A41 Issue 03	Krikis Tayler Architects Pty Ltd	10 May 2012
1901 LP – 01 Issue G	John Lock and Associates	4 September 2012
GFA Area Schedule	Krikis Tayler Architects Pty Ltd	10 May 2012
SK DS03 Issue 1	Krikis Tayler Architects Pty Ltd	25 September 2012
SK DS01A Issue 1	Krikis Tayler Architects Pty Ltd	25 September 2012
SK DS02 Issue 1	Krikis Tayler Architects Pty Ltd	25 September 2012
SK DS 01B Issue 1	Krikis Tayler Architects Pty Ltd	25 September 2012
Report on SEPP 65 Compliance	Krikis Tayler Architects Pty Ltd	25 September 2012
Letter Report - Stormwater	Australian Consulting Engineers	22 August 2012
Job 120227 D00 (A)	Australian Consulting Engineers	22 August 2012
Job 120227 D01 (D)	Australian Consulting Engineers	22 August 2012
Job 120227 D02 (A)	Australian Consulting Engineers	22 August 2012
Job 120227 D03 (F)	Australian Consulting Engineers	22 August 2012
Job 120227 D04 (C)	Australian Consulting Engineers	22 August 2012
Job 120227 D05 (A)	Australian Consulting Engineers	22 August 2012

Document Name	Author	Date Received by Council
Statement of Environmental Effects	LJB Planning Pty Ltd	10 May 2012
Letter from LJB Urban Planning	LJB Planning Pty Ltd	22 August 2012
Traffic Impact Assessment	Thompson Stanbury Associates	10 May 2012
Parking Impact Statement	Thompson Stanbury Associates	22 August 2012
Supplementary Traffic Assessment	Thompson Stanbury Associates	27 August 2012
Design Verification Statement	Krikis Tayler Architects	10 May 2012
BASIX Certificate No. 426720	AGA Consultants	10 May 2012
Geotechnical Investigation	Asset Geotechnical Engineering Pty Ltd	10 May 2012
Stage 2 Geotechnical Investigation	Asset Geotechnical Engineering Pty Ltd	16 May 2012
Environmental Noise Impact Report	Day Design Pty Ltd	10 May 2012
Waste Management Plan (Construction)	Krikis Tayler Architects	10 May 2012
Waste Management Plan	Elephant's Foot	10 May 2012
Pedestrian Wind Environment Statement	Windtech	10 May 2012
Remediation Action Plan	Environmental Investigations	10 May 2012
Aircraft and Road Traffic Noise Intrusion Report	Day Design Pty Ltd	10 May 2012
Dewatering Model	Environmental Strategies	16 May 2012
Environmental Site Assessment	Environmental Investigations	10 May 2012

This consent provides for the issue of staged Construction Certificates, generally defined as follows:

- Stage 1           Excavation and construction of shoring walls
- Stage 2           Slab on ground and basement slab
- Stage 3           Works above ground

No construction works (including excavation and demolition) shall be undertaken prior to the issue of the Construction Certificate for the relevant stage.

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

(a)	Builders Security Deposit	\$30,000.00
(b)	Development Control	\$11,110.00
(c)	Waste Levy	\$25,000.00
(d)	Inspection and Plans checking fee	\$5,000.00
(e)	Infrastructure Performance Bond	\$75,000.00

3.

- (a) All building work must be carried out in accordance with the provisions of the Building Code of Australia;
- (b) All plumbing stacks, vent pipes, stormwater downpipes including balcony drainage and the like shall be kept within the building and suitably concealed from view. This Condition does not apply to the venting to atmosphere of the stack above roof level;
- (c) All air conditioning units shall be appropriately treated to ensure that they are concealed from view;
- (d) The basement of the building must be designed and built so that on completion, the basement is a “fully tanked” structure, i.e. it is designed and built to prevent the entry of ground water / ground moisture into the inner parts of the basement car park; and
- (e) The provision of disabled access throughout the development is required and shall be in compliance with the Building Code of Australia Part D3 “Access for People with Disabilities” and Australian Standard AS1428.1 (2001) - Design for Access and Mobility - Part 1 General Requirements for Access - Buildings. This requirement shall be reflected on the Construction Certificate plans.

4. This Consent relates to land in Lots 5-15 in DP 864234; Lot G in DP 356472; and Lot 1 in DP 317539 and, as such, building works must not encroach on to adjoining lands or the adjoining RMS land or other public places, other than public domain work required of this consent.

5. The Strata subdivision of the development shall be the subject of a further Development Application to Council.

Note: The Strata Subdivision Application must be accompanied by a formal copy of the By-Laws which shall be in accordance with the plans and documentation approved under this Consent and should address the following matters:

- (i) Responsibilities with regard to the ongoing maintenance of the building and landscaped areas at the property in accordance with the plans and details approved under Development Consent No. 11/274.

- (ii) Responsibilities with regard to the maintenance of artificial features at the property in accordance with the plans and details approved under Development Consent No. 11/274.
- (iii) Responsibilities regarding the maintenance of the car wash bay the Owners Corporation / building owner.
- (iv) Responsibilities for ensuring owners and/or tenants have adequate and hygienic disposal and collection arrangements and for ensuring the waste storage area is appropriately maintained and kept in a clean and safe state at all times in accordance the conditions of this consent.
- (v) Responsibilities to ensure that receptacles for the removal of waste, recycling etc. are put out for collection between 4.00pm and 7.00pm the day prior to collection, and, on the day of collection, being the day following, returned to the premises by 12.00 noon.
- (vi) Responsibilities to ensure that wastewater and stormwater treatment devices (including drainage systems, sumps and traps) are regularly maintained in order to remain effective. All solid and liquid wastes collected from the devices shall be disposed of in a manner that does not pollute waters and in accordance with the Protection of the Environment Operations Act 1997.
- (vii) Responsibilities to ensure that graffiti is removed as soon as practicable. In this regard a graffiti management plan is to be incorporated into the maintenance plan for the development.
- (viii) Responsibilities for the provision and maintenance of noise attenuation measures in accordance with the Office of Environment and Heritage's Environmental Criteria for Road Traffic Noise. In this regard it should be noted that RMS will not provide noise mitigation for future residences on the subject land as part of the O'Riordan Street upgrade. The interim landscape treatment on the adjacent RMS land (road widening area) shall not be treated as part of noise mitigation measures.
- (ix) The Owners Corporation/Executive Committee obligations under clauses 177, 182, 183, 184, 185 and 186 of the Environmental Planning and Assessment Regulation 2000.
- (x) The linen plan must include details of required easements, encroachments, rights of way, including right of footway, restriction as to user or positive covenants and include a Section 88B Instrument under the Conveyancing Act, 1919. Council is to be nominated as the only authority permitted to release, vary or modify any easements, encroachments, rights of way, restriction as to user or positive covenants.
- (xi) The landscape 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 monthly maintenance is required.

- (xii) New street trees shall be maintained by the Owner/Strata Corporation for 24 months after planting. Maintenance includes watering twice weekly for a period of 4 months min. (or until established) and after that at a frequency to sustain adequate growth, bi-annual feeding with a suitable fertilizer, weed removal and replenishment of the mulched base, but does not include trimming or pruning the trees under any circumstances. Any trees that fail to thrive shall be replaced by the owner/strata corporation to Council's satisfaction at their expense.

6. It is a condition of approval that the applicant shall, at no costs or expense to Council, comply with the following: -

- (a) Upgrade the public domain by construction and reconstruction of road pavement, kerb and gutter, footpath, drainage system, street trees, landscaping and any associated works for all street frontages (High and King Streets) of the site and the adjoining area of road widening owned by RMS 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.
- (b) Replace all the existing above ground electricity and telecommunication cables to underground cables within the site and road reserve area fronting the site and Lot 278 DP 1100292 as detailed in Condition 64 of this consent and 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 any Occupation Certificate.
- (c) Provide appropriate and suitable street lighting to a high decorative standard to the street frontage 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 and shall be completed prior to the issue of any Occupation Certificate.
- (d) Construct on the trafficable part of the High Street road reserve and to the immediate east of the exit driveway from the basement car park, a traffic direction device to ensure outward traffic from the basement effects a right hand turn onto High Street. Design details shall be submitted to Council for approval prior to the issue of the Stage 3

Construction Certificate. These works shall be completed prior to the issue of any Occupation Certificate.

7. Pursuant to clause 97A(3) of the Environmental Planning & Assessment Regulation 2000, it is a condition of this development consent that all the commitments listed in the relevant BASIX Certificate No. 426720 for the development are fulfilled.

Note Relevant BASIX Certificate means:

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

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

9. The proposed development is to comply with the conditions provided by Roads and Maritime Services dated 16 July 2012. The conditions are outlined as follows:
- (a) The layout of the proposed car parking areas associated with the subject development (including driveways, grades, turn paths, sight distance requirements, aisle widths, aisle lengths and parking bay



dimensions) shall be in accordance with AS 2890.1-2004 and AS 2890.2 for heavy vehicle usage.

- (b) Disabled car parking spaces are to conform to AS 1890.6:2009.
- (c) Detailed design plans and hydraulic calculations of any changes to the stormwater drainage system are to be submitted to RMS for approval, prior to the commencement of any works.

Details should be forwarded to:

The Sydney Asset Management  
Roads and Maritime Services  
PO Box 973  
PARRAMATTA CBD 2124

A plan checking fee will be payable and a performance bond may be required before RMS's approval is issued. With regard to the Civil Works requirement please contact RMS's Project Engineer, External Works Ph: 8849 2114 or Fax. 8849 2766.

- (d) The developer is to submit detailed documents and geotechnical reports relating to the excavation of the site and support structures to RMS for approval in accordance with Technical Direction (GTD 2012 / 001).
- (e) All vehicles are to enter and leave the site in a forward direction.
- (f) All traffic control during construction must be carried out by accredited RMS approved traffic controllers.
- (g) A Road Occupancy Licence should be obtained from TMC for any works that may impact on traffic flows on O'Riordan Street during construction activities.
- (h) All works/regulatory signposting associated with the proposed development are to be at no cost to RMS.

10. The proposed development is to comply with the General Terms of Approval dated 20 April 2011 issued by Sydney Airport Corporation Limited (SACL). The conditions are outlined as follows:

Height Restrictions

- (a) The PROPERTY DEVELOPMENT at 182-196 O'RIORDAN STREET, BOTANY lies within an area defined in schedules of the Civil Aviation (Buildings Control) Regulations, which limit the height of structures to 50 feet (15.24 metres) above existing ground height (AEGH) without prior approval of the Civil Aviation Safety Authority.
- (b) In this instance, Peter Bleasdale, an authorised person of the Civil Aviation Safety Authority (CASA), under Instrument Number : CASA 229/11 in the capacity as Airfield Design Manager has advised that he has "no objection to the erection of this structure to a maximum height of 51.0 metres above Australian Height Datum (AHD)".

- (c) The approved height is inclusive of all lift over-runs, vents, chimneys, aerials, TV antennae, construction cranes etc.
- (d) Should you wish to exceed 51.0 metres above Australian Height Datum (AHD), a new application must be submitted.
- (e) Should the height of any temporary structure and/or equipment be greater than 50 feet (15.24 metres) above existing ground height (AEGH), a new approval must be sought in accordance with the Civil Aviation (Buildings Control) Regulations Statutory Rules 1988 No. 161.
- (f) Construction cranes may be required to operate at a height significantly higher than that of the proposed controlled activity and consequently, may not be approved under the Airports (Protection of Airspace) Regulations.
- (g) SACL advises that approval to operate construction equipment (i.e. cranes) should be obtained prior to any commitment to construct.
- (h) Information required by SACL prior to any approval is to include:
  - (i) the location of any temporary structure or equipment, i.e. construction cranes, planned to be used during construction relative to Mapping Grid of Australia 1994 (MGA94);
  - (ii) the swing circle of any temporary structure/equipment used during construction;
  - (iii) the maximum height, relative to Australian Height Datum (AHD), of any temporary structure or equipment i.e. construction cranes, intended to be used in the erection of the proposed structure/activity;
  - (iv) the period of the proposed operation (i.e. construction cranes) and desired operating hours for any temporary structures.
- (i) Any application for approval containing the above information, should be submitted to this Corporation at least 35 days prior to commencement of works in accordance with the Airports (Protection of Airspace) Regulations Statutory Rules 1996 No. 293, which now apply to this Airport.
- (j) For further information on Height Restrictions please call Peter Bleasdale on (02) 9667 9246.
- (k) Under Section 186 of the Airports Act 1996, it is an offence not to give information to the Airport Operator that is relevant to a proposed “controlled activity” and is punishable by up to 50 penalty units.
- (l) The height of the prescribed airspace at the site is approximately 51.0 metres above Australian Height Datum (AHD). In accordance with Regulation 9 of the Airports (Protection of Airspace) Regulations Statutory Rules 1996 No. 293, “a thing to be used in erecting the building, structure or thing would, during the erection of the building, structure or thing, intrude into PANS OPS airspace for the Airport, cannot be approved”.

- (m) Any application for approval containing the information set out in points (i) – (iv) inclusive should be submitted to SACL at least 35 days prior to commencement of works in accordance with the Airports (Protection of Airspace) Regulation Statutory Rules 1996 No. 293, which now apply to Sydney (Kingsford Smith) Airport.
11. The proposed development is to comply with the conditions provided by RailCorp dated 3 August 2012. The conditions are outlined as follows:
- (a) Prior to the issue of any Occupation Certificate, the applicant is to submit the as-built drawings to RailCorp and Council. The as-built drawings are to be endorsed by a Registered Surveyor confirming that there has been no encroachment into RailCorp property or easement.  
  
The Principal Certifying Authority is not to issue the Occupation Certificate until written confirmation has been received from RailCorp confirming that this condition has been satisfied.
  - (b) Prior to the commencement of works and prior to the issue of any Construction Certificate, a joint inspection of the rail infrastructure and property in the vicinity of the project (eg. rail tunnel) is to be carried out by representatives from RailCorp and the applicant. These dilapidation surveys will establish the extent of any existing damage and enable any deterioration during construction to be observed. The submission of a detailed dilapidation report will be required unless otherwise notified by RailCorp.
  - (c) An acoustic assessment is to be submitted to Council prior to the issue of the Stage 2 Construction Certificate demonstrating how the proposed development will comply with the Department of Planning's document entitled "Development Near Rail Corridors and Busy Roads – Interim Guidelines".
  - (d) Prior to the issue of the Stage 2 Construction Certificate, the applicant is to engage an Electrolysis expert to prepare a report on the Electrolysis Risk to the development from stray currents. The applicant must incorporate in the development, all the measures recommended in the report to control that risk. A copy of the report is to be provided to the Principal Certifying Authority with the application for a Construction Certificate.
12. The proposed development is to comply with the conditions provided by Sydney Water dated 28 May 2012. The conditions are outlined as follows:
- (a) The 150mm drinking water main fronting the proposed development does not comply with the Water Supply Code of Australia (Sydney Water Edition – WSA 03-2002) requirement for minimum sized mains for the scope of development. The drinking water main needs to be amplified to 200mm, as recommended in Water Supply Code of Australia. Details are to be provided prior to the issue of any Construction Certificate.

- (b) The current wastewater system has sufficient capacity to service the proposed development. The wastewater main available for connection is the 225mm main traversing the site. The proposed development may conflict with the location of this 225mm main and a wastewater deviation may be required. Any adjustment or deviation required must be in accordance with the Sewerage Code of Australia (Sydney Water Edition WSA 02-2009). Refer to your WSC for details of requirements.
- (c) Should this development generate trade wastewater, this consent does not guarantee the applicant with Sydney Water will accept the trade wastewater to its sewerage system. In the event trade wastewater is generated, the property owner is required to submit an application for permission to discharge trade wastewater to the sewerage system before business activities commence. A boundary trap will be required where arrestors and special units are installed for trade waste pre-treatment.
- (d) Sydney Water will further assess the impact of any subsequent development when the developer applies for a Section 73 Certificate. This assessment will enable Sydney Water to specify any works required as a result of future development and to assess if amplification and/or changes to the system are applicable. The developer must fund any adjustments needed to Sydney Water infrastructure as a result of the development.

The developer 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).

- 13. The proposed development is to comply with all requirements of the NSW Office of Water.
- 14. The applicant should have regard to the following matters provided by NSW Police - Botany Bay Local Area Command, dated 6 July 2012:
  - (i) As the proposed development may be exposed to break enter and steals, stealing, steal from persons, malicious damage and steal from motor vehicle offences, a closed circuit television system (CCTV) which complies with the Australian Standard – Closed Circuit Television System (CCTV) AS: 4806:2006 needs to be implemented to receive, hold or process data for the identification of people involved in anti social or criminal behaviour. The system is obliged to conform with Federal, State or Territory Privacy and Surveillance Legislation.

- (ii) This system should consist of surveillance cameras strategically located in and around the development to provide maximum surveillance coverage of the area, particularly in areas which 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 positioned at the entry and exit points to monitor these areas (underground car park, foyer entrance).
- (iii) Digital technology should be used to receive, store and process data. Recording equipment should be secured away from public access areas to restrict tampering with the equipment and data. This equipment needs to be checked and maintained on a regular basis.
- (iv) Lighting (lux) levels for this development must be commensurate with a medium crime risk identified in this evaluation. The emphasis should be on installing low glare/high uniformity lighting levels in line with Australian Standard AS:1158. Lighting sources should be compatible with requirements of any surveillance system installed within the development. (Poor positioning choices in relation to light can cause glare on the surveillance screens). The luminaries (light covers) should be designed to reduce opportunities for malicious damage. Lighting within the development needs to be checked and maintained on a regular basis. A limited amount of internal lighting should be left on at night to enable patrolling police, security guards and passing people to monitor activities within the business.

Notes:

- (i) It is crucial even in the development stage that these cameras are installed as soon as power is available to the site as a deterrent to thieves. Details of the closed circuit television system are to be provided prior to the issue of the Construction Certificate.
- (ii) A monitored intruder alarm system which complies with the Australian Standard — Systems Installed within Clients Premises, AS:2201:1998 should 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. The light emitting diodes (LED red light) within the detectors should be deactivated, to avoid offenders being able to test the range of the system.

- (iii) Consideration should also be given to incorporating duress facility into the system to enable staff to activate the system manually in the event of an emergency, such as a robbery. NB Duress devices should only be used when it is safe to do so.
- (iv) By angling fire egress inlet walls 45 degrees or more, opportunities for entrapment, loitering and vandalism can be reduced.
- (v) Care should be taken when using glazing in entry foyers. At night the vision of departing occupants can be affected by reflections on the interior of the glass (can't see outside). Mirroring can be reduced by using appropriate external lighting.
- (vi) The configuration of car parking spaces can impact the risk to car thieves. Grid rows increase natural surveillance. Avoid dark spots, corners and isolated car spaces.
- (vii) Public laundries, garbage disposal areas and other communal spaces should not be located in a buildings 'leftover space'. Poor supervision of communal facilities can greatly increase the risk of predatory crime, theft and vandalism. Areas that are unused or sporadically used after hours and unsupervised should not be accessible to the public.
- (viii) Uneven building alignments, inset doorways and hidden entrances should be avoided. They can facilitate predatory crimes, thefts, malicious damage and other offences.
- (ix) 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.
- (x) Clear street number signs should be displayed and appropriately positioned at the front of the business to comply with Local Government Act, 1993 Section 124 (8). Failure to comply with any such order is an offence under Section 628 of the Act. Offences committed under Section 628 of the Act attract a maximum penalty of 50 penalty units (currently \$5500) for an individual and 100 penalty units (currently \$11000) for the corporation. The numbers should be in contrasting colours to the building materials and be larger than 120mm.
- (xi) 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, trespasser will be prosecuted

- Warning, these premises are under electronic surveillance
- (xii) Directional signage should be posted at decision making points (eg. 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.
  - (xiii) 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>.
  - (xiv) It is not advised to install storage cages or similar for the residents in the underground car park. If it is required, consider that they should NOT be constructed in an isolated area. The cages are easy targets when they have little supervision. CCTV cameras should cover this area if they are constructed. Suitable housing and quality locks should be used to prevent access. Simple steel mesh covers and small padlocks will NOT suffice as adequate security.
  - (xv) The main access to the underground car park should have restricted access with a security pass. The opening/closing mechanism should be protected from vandalism and tampering. All exit doors from the car park should have striker plates installed to minimise chance of tampering.
  - (xvi) Thieves regularly target balconies to gain access into units. It is recommended that appropriate bolt action locks (into the floor) are installed on all sliding doors in conjunction with the standard latch lock.
  - (xvii) The main entry/egress doors to the development should have an electronically operated lock, which require security swipe pass for entry. The lifts operating in the building should have the same security swipe pass technology. When an occupant buzzes in a visitor the lift should recognise the floor the occupant resides and only allow the visitor access to that floor in the lift.
  - (xviii) Entrance doors to commercial premises should include an electronically operated lock, which can be locked after hours to control access to the development. Staff could

release this lock electronically from the safety of the counter area once the customer has been identified. This locking mechanism should be activated during the hours of darkness.

15. The proposed development is to comply with the recommendations provided by Ausgrid, dated 30 May 2012. The conditions are outlined as follows:
- (a) The existing substation is to be protected from damage by vehicles in area classified as high risk for vehicle impact, such as adjacent to driveways. Details are to be provided prior to the issue of any Construction Certificate.
  - (b) Twenty-four hour access to the substation is to be available. Details are to be provided prior to the issue of any Construction Certificate.
  - (c) Substation housings to be separated from building ventilation system air intake and exhaust duct openings, by not less than 6 metres. This applies irrespective of whether the building ducted ventilation system is mechanical or natural and irrespective of whether or not fire dampers are installed in the ducts. Details are to be provided prior to the issue of any Construction Certificate.
  - (d) Any portion of a building other than a BCA class 10a structure constructed from non combustible materials, which is not sheltered by a non-ignitable blast resisting barrier and is within 3 metres in any direction from the housing of a kiosk substation, is required to have a Fire Resistance Level (FRL) of not less than 120/120/120. Openable or fixed windows or glass blockwork or similar, irrespective of their fire rating, are not permitted within 3 metres of any direction from the housing of a kiosk substation, unless they are sheltered by a non-ignitable blast resisting barrier. Details are to be provided prior to the issue of a Stage 3 Construction Certificate.

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

16. The site to which this approval relates must be adequately fenced or other suitable measures employed that are acceptable to the Principal Certifying Authority to restrict public access to the site and building works. Such fencing or other measures must be in place before the approved activity commences.
17. A Hazardous Materials Audit (HMA) shall be carried out and a report provided to council to ensure that any hazardous materials that may have been used within the structural components of buildings and infrastructure are adequately addressed to protect site personnel and the public from the risk of exposure. This shall be undertaken by an appropriately qualified consultant and shall be submitted to the Principal Certifying Authority.
- A Work Management Plan shall be submitted to Council in accordance with AS2601 – Demolition of Buildings. The report shall contain details regarding



the type of hazardous material and the proposed methods of containment and disposal.

18. Erosion and sediment control devices are to be installed prior to the commencement of any demolition, excavation or construction works upon the site. These devices are to be maintained throughout the entire demolition, excavation and construction phases of the development and for a minimum three (3) month period after the completion of the project, where necessary.

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

19. Prior to the issue of the Stage 1 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.
20. Prior to the release of the Stage 1 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. Plans and specifications for the storage room for waste and recyclable materials shall be submitted to the Principal Certifying Authority with the application for the Stage 3 Construction Certificate. Storage of Waste and recycling shall meet the following requirements:
  - (a) Waste and recycling for commercial users shall be in a separate room from the storage of waste and recycling for residential users;
  - (b) The rooms for the storage of garbage and recyclable materials shall be fully enclosed;
  - (c) Adequately ventilated and of a suitable size to contain compaction equipment;
  - (d) Constructed with a concrete floor, concrete or cement rendered walls coved to the floor;
  - (e) The floor shall be graded to an approved sewer connection incorporating a sump and galvanized grate cover or basket in accordance with the requirements of Sydney Water Corporation;
  - (f) Washing facilities shall be provided within close proximity to the garbage and recycling storage area.

22. The following requirements apply to telecommunication facilities in the building:
- (a) Appropriate access and space within the plant area of the building shall be provided for a minimum of three telecommunication carriers or other providers of broad-band access by ground or satellite delivery.
  - (b) Appropriate ducting and cabling shall be provided for a minimum of three telecommunication carriers or other providers for telecommunication access and broad-band cabling to each apartment of the building.
  - (c) The details of (i) and (ii) above shall be submitted for the approval of the certifying authority, prior to issue of a Stage 3 Construction Certificate.
23. A suitable intercom system linked to all units within the development shall be provided at all vehicle accesses to the development to ensure that visitors to the site can gain access to the visitor parking located within the basement car park. The details of the intercom system shall be submitted prior to the issue of a Stage 3 Construction Certificate and its location and specifications endorsed on the construction drawings.
- 24.
- (a) Any lighting on the site shall be designed so as not to cause nuisance to other residences in the area or to motorists on nearby roads, and to ensure no adverse impact on the amenity of the surrounding area by light overspill.
  - (b) All lighting shall comply with AS4282-1997 Control of the obtrusive effects of outdoor lighting; and
  - (c) The installation of solar power to external space lighting. Details shall be submitted to the Principal Certifying Authority prior to the issue of a Stage 3 Construction Certificate.
- 25.
- (a) Prior to the issue of a Stage 3 Construction Certificate, the measures required in the Aircraft and Road Traffic Noise Intrusion Report prepared by Day Design Pty Ltd dated 27th April 2012 shall be undertaken in accordance with the provisions of AS2021-2000: Acoustics – Aircraft Noise Intrusion – Building Siting and Construction to establish components of construction to achieve indoor design sound levels in accordance with Table 3.3 of AS2021-2000 shall be incorporated into the construction of the building;
  - (b) Prior to the issue of a Stage 3 Construction Certificate, a compliance report from a suitably qualified acoustic consultant shall be submitted to the PCA indicating any required noise mitigation measures to the approved dwellings, as detailed in the NSW Road Noise Policy 2011

in accordance with AS 3671-1989 – Acoustic – Road Traffic Intrusion.

- (c) Acoustic measures required by (a) and (b) above are to be incorporated into the Stage 3 Construction Certificate plans.
26. Prior to the issue of a Stage 3 Construction Certificate, a public domain improvements plan shall be submitted for approval by Council for the following areas in the public domain adjacent to the subject site:
- (a) the northern side of High Street between its intersection with O’Riordan Street and the western boundary of the SWOOS – this includes the area adjacent to the subject site and the adjoining property at 107 High Street;
  - (b) the southern side of High Street between its intersection with O’Riordan Street and the western boundary of the SWOOS – this includes the area adjacent to the properties known as 112- 126 High Street (inclusive);
  - (c) the southern side of King Street between the intersection with O’Riordan Street and the western boundary of the SWOOS – this includes the area adjacent to the subject site and the adjoining property at 318 King Street;
  - (d) the northern side of King Street between the intersection with O’Riordan Street and the western boundary of the SWOOS – this includes the area adjacent to the properties known as 277 – 285 King Street (inclusive) and the public domain adjacent to part of the property known as 178 O’Riordan Street; and
  - (e) the full extent of the area reserved for road widening owned by Roads and Maritime Services and located immediately adjacent to the western property boundary.

The Plan shall be prepared by a suitably experienced Landscape Architect and shall include but not be limited to new street tree planting, footpath paving (segmental/other), street tree pit treatments and tree guards, street furniture and in ground landscaping. The Plan shall be in accordance with Council’s City Identity Program and Landscape DCP.

27. An amended Landscape Plan for works within the property boundaries shall be prepared and lodged with the Principal Certifying Authority, with a copy to be submitted to Council, prior to the issue of a Stage 3 Construction Certificate. The following matters are to be documented / addressed as part of the Plan:
- (a) Detail regarding planting on structures and soil depths on podium in coordination with the architectural drawings, specifically with respect to the deep soil shelf extensions over the basement car park;
  - (b) An alternative species for the inner row of Plane Trees (adjacent to the western property boundary) given there will be limited amelioration of buildings during their deciduous phase in winter;

- (c) Evaluate potential conflicts between tree canopy and building awnings, adjusting awning dimensions or tree species / location to ensure that tree canopies are not compromised. Note – a tall canopy tree is required in this location;
- (d) Ensure all trees located in setback areas are located such that they are planted in deep soil rather than in shallower soil over podia and/or to maximise root run and development;
- (e) Larger tree pits shall be provided to the new street trees in the King and High Street footpaths which are capable of accommodating understorey planting which shall also be documented on the amended landscape plan and implemented;
- (f) Additional trees to be planted in the area behind the electrical substation (High St frontage) to soften the appearance of the vehicle egress;
- (g) Blueberry Ash is to be allowed to develop as a tree screen rather than a hedge;
- (h) Shrubs to be planted under the Blueberry Ash along the eastern property boundary;
- (i) Additional trees to be provided in the paved areas (both communal and private) to redress the reduction in landscaped area associated with the one-way vehicle movement through the site. Planter boxes will be required;
- (j) Embellish the paved portion of the central (main) communal open space with trees and public seating;
- (k) Increase tree sizes of Waterhousia and Tuckeroo to 20-400L and Plane Trees to 400L;
- (l) Delete garbage storage bay from the eastern boundary landscape setback (King Street frontage) and provide contiguous tree screen planting along this boundary;
- (m) Provide comment regarding realistic retention of the inner row of trees on the O’Riordan Street frontage (building edge) after road widening. Consider the location of these trees proximate to the new kerb line and species suitability with the aim of retaining the trees during and after any future road widening; and
- (n) The recommendations of the Pedestrian Wind Environment Statement prepared by Windtech and dated 17 April 2012 as they relate to landscape treatment.

28.

- (a) Prior to issue of any Construction Certificate, a dilapidation report of the immediate adjoining properties and public infrastructure (including Council and public utility infrastructure) adjoining the development site shall be prepared by a suitably qualified person and submitted to the Principal Certifying Authority and a copy provided to

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

- (i) O’Riordan Street
  - (ii) King Street
  - (iii) High Street
  - (iv) All properties immediately adjoining the site, including the residential flat buildings at No. 318 King Street and No. 107 High Street.
- (b) 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. In addition, the following issues shall also be complied with:
- (i) A copy of the dilapidation report together with the accompanying photographs shall also be given to all immediately adjoining properties owners and public utility authorities, and a copy lodged with Principal Certifying Authority and the Council. The report shall be agreed by all affected parties as a fair record of existing conditions prior to commencement of any works
  - (ii) A second Dilapidation Report, including a photographic survey shall then be submitted at least one month after the completion of construction works. A copy of the second dilapidation report together with the accompanying photographs shall be given to Council, public utilities authorities and all immediate adjoining properties owners, and a copy lodged with Principal Certifying Authority.
  - (iii) Any damage to buildings, structures, public infrastructure, lawns, trees, gardens and the like shall be fully rectified by the applicant or owner of the development, at no cost to Council and the affected property owner. The applicant or owner of the development shall bear the cost of all restoration works to any damage during the course of this development.
  - (iv) It is a condition of consent that should construction works cause rise to public safety and/or workplace safety; works shall halt until absolute safety is restored.

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

29. Prior to the issue of a Stage 2 Construction Certificate, plans of the stormwater management and disposal system for the development shall be submitted to Council for approval. The detailed stormwater management

construction plans (together with the design certification) shall be generally in accordance with the layout shown on the following stormwater drainage plans, prepared by Australian Consulting Engineers:

- Job No. 120227, Drawing No. D00, Rev A;
- Job No. 120227, Drawing No. D01, Rev D;
- Job No. 120227, Drawing No. D02, Rev A;
- Job No. 120227, Drawing No. D03, Rev F and;
- Job No. 120227, Drawing No. D04, Rev C

In addition, the following issues shall also be addressed in the Construction Certificate plans: -

- (a) Detailed roof and downpipes drainage system shall be shown on the stormwater management construction plans to ensure stormwater runoff from the roof area to be collected and drained into the rainwater tanks and OSD system. Any overflow from the roof drainage system shall be conveyed to the OSD system.
- (b) New kerb inlet gully pit (with lintel minimum 2.4m long opening) shall be provided to High Street and drainage pipes connecting the new kerb inlet gully pit to the existing kerb inlet gully pit on the corner of High Street and O’Riordan Street shall be minimum 375mm diameter reinforced concrete pipes (RRJ). The pipe shall be provided under the kerb with minimum fall of 0.5%.
- (c) Computer modeling, such as DRAINS can be used to design the OSD system. Copy of the input data and results from the modeling shall be submitted to Council for review in order to verify the input parameters and layout of the model.
- (d) Any underground OSD system shall be relocated to the common area and area outside the “deep soil” zone.
- (e) In order to protect the buildings from stormwater inundation, the OSD tanks shall be water-tight.
- (f) The proposed pump-out system in the basement car parking area shall be revised in order to collect stormwater runoff from all the driveway ramps (King Street and High Street). The pump-out system shall be designed to comply with the following:
  - (i) The volume of the pump-out storage tank shall be designed with a minimum storage capacity equivalent to the runoff volume generated from the area (approximately 155 sq m) draining into the tank for the 1 in 100 year ARI 2-hours duration storm event;
  - (ii) Information of the selected pumps (eg brand, model numbers, performance curve and specifications) shall be submitted to Council to ensure the pump has adequate capacity. Each pump shall have a minimum capacity of 10L/s or shall be based on the flow rate generated from the 1 in 100 year ARI 5-minutes duration storm event of the area draining into the system, whichever is greater;

- (iii) The pump-out system shall comprise with two (2) submersible type pumps. The two pumps shall be designed to work on an alternative basis to ensure both pumps receive equal use and neither remains continuously idle;
- (iv) An alarm warning device (including signage and flashing strobe light) shall be provided for the pump-out system to advise the occupant of pump failure. The location of the signage and flashing strobe light shall be shown on the stormwater management plans; and
- (v) In order to ensure there is no intrusion of waters into the structure, all underground parking structures shall be tanked and no subsoil drainage lines shall be provided to the basement.

All drawings and specifications shall be prepared by a suitably qualified civil engineer experienced in stormwater drainage design and in accordance with the requirements stated in the Council's 'Guidelines for the Design of Stormwater Drainage Systems within City of Botany Bay', AS 3500 and the BCA.

- 30. Council's property shall be supported at all times. Where any shoring is to be supporting (or located on) Council's property, certified engineering drawings showing all details including the extent of encroachment, the type of shoring and the method of removal, shall be submitted prior to the issue of the Stage 1 Construction Certificate. If the shoring cannot be removed, it shall be cut to 150mm below footpath level and the gap between the shoring and any buildings shall be filled with a 5Mpa lean concrete mix.
- 31. Prior to the issue of Stage 1 Construction Certificate, a 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. The plan shall: -
  - (a) be prepared by a 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 points of the site;
  - (d) indicate the frequency of truck movements;
  - (e) ensure any vehicles accessing the site or carrying out construction activities associated with the development be restricted to 12.5 metres (defined as Heavy Rigid Vehicle in AS2890.2). Trucks with trailers are not allowed to access the site;
  - (f) ensure any vehicles associated with site construction activities not be permitted to travel on the sections of King Street and High Street east of the site; and

- (g) ensure all traffic (including worker's vehicles) generated from the construction activities shall enter and leave the site in a forward direction.
32. Prior to the issue of the Stage 1 Construction Certificate, a detailed Construction Management Plan (CMP) shall be submitted to Principal Certifying Authority and Council of the site works. The CMP shall address the following:
- (a) All vehicles (including worker's vehicles) associated with site construction activities shall enter and leave the site in a forward direction ONLY;
  - (b) All vehicles (including worker's vehicles) associated with site construction activities shall only be allowed to park within the site. No parking of these vehicles shall be allowed on O'Riordan Street, King Street and High Street;
  - (c) Construction building materials shall be stored wholly within the site;
  - (d) Access to adjacent buildings and the pedestrian and vehicular access fronting O'Riordan Street, King Street and High 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 (eg. 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 Works Zones, if there is any, shall be shown on the plan. It should be noted that any Works Zones proposed requires approval from Council; and
  - (i) Tree protection management measures for all protected and retained trees shall be implemented at all times.
33. Prior to issue of any Stage 3 Construction Certificate, the applicant shall lodge an application, together with engineering construction drawings and plans checking fee, to Council as a road authority, for assessment under Roads Act, for the civil works to be carried out in the public domain associated with the development. Documentary evidence of the lodgement of engineering plans shall be submitted to the Principal Certifying Authority attesting this condition has been appropriately satisfied. The engineering construction drawings shall document the following civil works in public domain area:

### **High Street**



- (i) Reconstruction of kerb and gutter, footpath and kerb ramps for the entire High Street frontage of the site.
- (ii) Landscaping of the verge along the High Street frontage of the site to the western boundary of the SWOOS to the satisfaction of Council's Landscape Officer.
- (iii) Replacement of verge landscaping on the southern side of High Street between O'Riordan Street and the western boundary of the SWOOS to the satisfaction of Council's Landscape Officer.
- (iv) Construction of proposed vehicular crossings High Street.
- (v) Line marking and all necessary signage High Street in accordance with RMS requirements. The details of line marking and signage shall be approved by Council Traffic Committee.
- (vi) Resurfacing of the road pavement for the area directly in front of the site on High Street with 50mm AC10 hotmix. The area of construction shall extend from the lip of new kerb and gutter to the lip of the existing kerb and gutter on the southern side of the road.
- (vii) Refurbishment or replace the existing unit paving at the threshold of High Street to O'Riordan Street.

#### **King Street**

- (viii) Reconstruction of the kerb and gutter, footpath and kerb ramps for the entire King Street frontage of the site.
- (ix) Landscaping of the verge along the King Street frontage of the site to the western boundary of the SWOOS to the satisfaction of Council's Landscape Officer.
- (x) Replacement of verge landscaping on the northern side of King Street between O'Riordan Street and the western boundary of the SWOOS to the satisfaction of Council's Landscape Officer. These works shall also include the installation of 2 new bollards to match existing to protect the verges from encroachment by vehicles.

#### **O'Riordan Street**

- (xi) Construction of new footpath, kerb and gutter on the O'Riordan Street frontage of the site between King Street and High Street.

#### **RMS Land**

- (xii) Construct new landscape works and paving generally in accordance with Drawing No. 1901 LP-01 prepared by John Lock and Associates

#### **Stormwater Drainage System**

- (xiii) Stormwater drainage system from the site to the new kerb inlet gully pit on High Street and then to the existing Council's drainage pit at the corner of O'Riordan Street and High Street. This work shall include construction of a new 2.4m long opening grated kerb inlet gully pit on High Street and reconstruction of the existing kerb inlet pit at the corner of O'Riordan Street and High Street.

All the above works shall be designed and prepared by suitably qualified civil engineers and landscape architects with relevant qualification in civil engineering and landscape respectively. All costs associated with the design and construction of the public domain works shall be borne by the applicant.

34. Prior to the issue of a Stage 3 Construction Certificate, details addressing the following matters shall be submitted to the Principal Certifying Authority:

(a) Storage shall be provided for each unit in accordance with the following:

(i) The proposal shall comply with the minimum storage requirements contained within Section 3.3.7 of Council's DCP No. 35 for Multi Unit Housing and Residential Flat Buildings which are as follows:

(1) Studio apartment =  $6\text{m}^3$

(2) 1 bedroom apartment =  $8\text{m}^3$

(3) 2 bedroom apartment =  $10\text{m}^3$

(4) 3 bedroom apartment =  $12\text{m}^3$

(5) Adequate storage area is to be provided for each retail tenancy in accordance with DCP 35.

(ii) A minimum of 50% of the storage requirements shall be provided within the unit, and the remainder shall be provided in the basement, in accordance with DCP No. 35;

(iii) The storage areas shall have a minimum height of 1.5 metres in accordance with DCP 35;

(iv) Storage areas proposed within the living room or any other habitable room within a dwelling shall not be included as storage space for these purposes.

(v) Storage space provided within a dwelling shall not be included as part of the floor area of the dwelling (i.e. the units must comply with Council's minimum unit sizes contained in DCP No. 35 excluding any proposed storage area);

(vi) Storage areas within the basement shall be constructed in accordance with the following requirements as recommended by the NSW Police:

(1) The construction shall be undertaken using solid frame construction and each storage area shall be provided with a proper key lock that complies with Australian Standard AS:4145:1993; and

(2) These storage areas shall be monitored by CCTV cameras at all times.

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

35. Erosion and sediment control devices shall be installed and in function prior to the commencement of any excavation or construction works upon the site in order to prevent sediment and silt from site works (including demolition and/or excavation) being conveyed by stormwater into public stormwater drainage system, natural watercourses, bushland, trees and neighbouring properties. In this regard, all stormwater discharge from the site shall meet the legislative requirements and guidelines. These devices shall be maintained in a serviceable condition AT ALL TIMES throughout the entire demolition, excavation and construction phases of the development and for a minimum one (1) month period after the completion of the development, where necessary.
36. The applicant shall arrange with RMS's Transport Management Centre (TMC) for any required Road Occupancy Licence prior to commencement of any works on O'Riordan Street or near the signalised traffic light.
37. 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 on Council's road reserve 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.
38. Prior to commencement of any works in the road reserve area, the applicant shall obtain written approval, together with a copy of approved engineering plans, construction management plan and construction traffic plans, under Section 138 of Roads Act 1993 for the civil works to be carried out in public domain. Documentary evidence shall be submitted to the Principal Certifying Authority attesting to this condition has been appropriately satisfied.

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

- (a) Permit to erect hoarding on or over a public place, including Council's property/road reserve;
- (b) Permit to construction works, place and/or storage building materials on footpaths, nature strips;

- (c) Permit for roads and footways occupancy (long term/ short term);
- (d) Permit to construct vehicular crossings, footpaths, kerbs and gutters over road reserve;
- (e) Permit to open road reserve area, including roads, footpaths, nature strip, vehicular crossing or for any purpose whatsoever, such as relocation / re-adjustments of utility services;
- (f) Permit to place skip/waste bin on footpath and/or nature strip;
- (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); and
- (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 Traffic Engineer for approval, which may impose special conditions that shall be strictly adhered to by the applicant(s)).

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

- 39. Prior to commencement of any works in the road reserve area, the existing State/Permanent Survey Mark (SSM/PSM) on O'Riordan Street shall be relocated and reinstated to the specification of the Land and Property Management Authority. A copy of the Location Sketch Plan of PM/SSM including reduced level (AHD) shall be prepared by a registered Surveyor and submitted to Council. The degree of horizontal and vertical accuracy shall be acceptable to the Land and Property Management Authority.

#### **CONDITIONS WHICH MUST BE SATISFIED DURING WORKS RELATED TO THE DEVELOPMENT**

- 40. Demolition work shall be carried out in accordance with Australian Standards AS 2601-1991 Demolition of Structures and the requirements of the NSW WorkCover Authority.
- 41. Hazardous or Special Wastes arising from the demolition process shall be removed and disposed of in accordance with the requirements of WorkCover NSW and the Department of Environment, Climate Change and Water and with the provisions of the:
  - (a) Occupational Health and Safety Act, 2000;

- (b) Occupational Health and Safety Regulation 2001; and
- (c) Protection Of the Environment Operations Act 1997 (NSW); and
- (d) NSW Department of Environment and Climate Change Waste Classification Guidelines (2008).

42.

- (a) The applicant shall conduct all demolition, excavation, construction works and any related deliveries/activities wholly within the site. If any use of Council's road reserve is required, approval and permits shall be obtained from Council.
- (b) Construction operations such as brick cutting, washing tools or brushes and mixing mortar shall not be carried out on park/road reserve or in any other locations which could lead to the discharge of materials into the stormwater drainage system or onto Council's lands.
- (c) Hosing down or hosing/washing out of any truck (concrete truck), plant (e.g. concrete pumps) or equipment (e.g. wheelbarrows) on Council's road reserve or other property is strictly prohibited. Fines and cleaning costs will apply to any breach of this condition.
- (d) Pavement surfaces adjacent to the ingress and egress points are to be swept and kept clear of earth, mud and other materials at all times and in particular at the end of each working day or as directed by Council's Engineer.
- (e) Shaker pads are to be installed at the entry/exit points to the site to prevent soil material leaving the site on the wheels of vehicles and /or other plant and equipment.

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

44.

- (a) During Demolition, Excavation, Construction and any associated deliveries activities, access to the site shall be available in all weather conditions. The area shall be stabilised and protected from erosion to

prevent any construction-related vehicles (including deliveries) tracking soil materials onto street drainage system/watercourse, Council's lands, public roads and road-related areas. Hosing down of vehicle tyres shall only be conducted in a suitable off-street area where wash waters do not enter the stormwater system or Council's lands.

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

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

- (a) Approved Soil and Water Management Plan;
- (b) Approved Construction Traffic Management Plan and;
- (c) Approved Construction Management Plan

46. All works carried out on the road reserve shall be inspected and approved by Council's engineer. Documentary evidence of compliance with Council's requirements shall be obtained prior to proceeding to the subsequent stages of construction, encompassing not less than the following key stages:

- (a) Initial pre-construction on-site meeting with Council's engineers to discuss concept and confirm construction details, traffic controls and site conditions/constraints prior to commencement of the construction of the civil works;
- (b) Prior to placement of concrete (vehicular crossing, kerb and gutter and footpath)/road pavement;
- (c) Prior to backfilling of proposed stormwater drainage system in the road reserve; and
- (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.

47. The following shall be complied with during construction and demolition:

- (a) Construction Noise
  - (i) Noise from construction activities associated with the development shall comply with the NSW Environment Protection Authority's Environmental Noise Manual – Chapter 171 and the Protection of the Environment Operations Act 1997.

- (b) Level Restrictions
    - (i) Construction period of 4 weeks and under:
      - (1) The L10 sound pressure level measured over a period of not less than 15 minutes when the construction site is in operating must not exceed the background level by more than 20dB(A).
    - (ii) Construction period greater than 4 weeks and not exceeding 26 weeks:
      - (1) The L10 sound pressure level measured over a period of not less than 15 minutes when the construction site is in operating must not exceed the background level by more than 10 dB(A).
  - (c) Time Restrictions
    - (i) Monday to Friday 07:00am to 06:00pm
    - (ii) Saturday 07:00am to 01:00pm
    - (iii) No Construction to take place on Sundays or Public Holidays.
  - (d) Silencing
    - (i) All possible steps should be taken to silence construction site equipment.
48. The vehicular entry/exits to the site must be protected from erosion and laid with a surface material which will not wash into the street drainage system or watercourse.
49. 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 EPA Environmental Noise Control Manual.
50. All vehicles transporting soil, sand or similar materials to or from the site shall cover their loads at all times.
51. All remediation work must be carried out in accordance with: -
- (a) Managing Land Contamination: Planning Guidelines SEPP 55 Remediation of Land;
  - (b) EPA Guidelines made under the Contaminated Land Management Act 1997; and
  - (c) the Remediation Action Plan entitled 'Toplace Pty Ltd Remediation Action Plan – 182-196 O’Riordan Street, Mascot NSW’ prepared by Environmental Investigations, Report No. E1566.1AD dated 20 April 2012.

52. Results of the monitoring of any field parameters such as soil, groundwater, surface water, dust or noise measurements shall be made available to Council Officers on request throughout the remediation and construction works.
53. 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.
54. To prevent contaminated soil being used onsite, all imported fill shall be certified VENM material and shall be validated in accordance with the Office of Environment and Heritage (OEH) 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.
55. 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.
56. For any water from site dewatering to be permitted to go to stormwater, the water must meet ANZECC 2000 Water Quality Guidelines for Fresh and Marine Water for the 95% protection trigger values for Freshwater. All testing must be completed by a NATA accredited laboratory. All laboratory results must be accompanied by a report prepared by a suitably qualified and experienced person indicating the water is acceptable to be released into Councils stormwater system.
57. A Stage 4 – Site Validation Report (SVR) shall be prepared by a suitably qualified contaminated land consultant and shall be in accordance with:
  - (a) NSW Department of Environment, Climate Change and Water (DECCW) ‘Contaminated Sites – Guidelines for Consultants Reporting on Contaminated Sites’; and
  - (b) State Environmental Planning Policy 55 (SEPP55) – Remediation of Land.
  - (c) The site validation report shall provide a notice of completion of remediation works, whether there are any ongoing site management requirements and a clear statement on the suitability of the likely proposed site use. The report shall be submitted to the Principal Certifying Authority (and the Council if the Council is not the Principal Certifying Authority for review and concurrence). The report is to be submitted after completion of remediation works and prior to commencing any building works.



58. To ensure that the site is suitable for the proposed use, a Site Audit Statement (SAS) completed by an accredited site auditor under the Contaminated Land Management Act 1997 shall be submitted to Council clearly demonstrating that the site is suitable for the proposed development. The report is to be submitted after completion of remediation works and prior to commencing any building works.

Any conditions imposed on the SAS shall form part of this consent. In circumstances where the SAS conditions (if applicable) are not consistent with the consent, a s96 application pursuant to the Environmental Planning & Assessment Act 1979 shall be submitted to ensure that they form part of the consent conditions.

59. In accordance with the Contaminated Land Management Act 1997, notification of all category 2 remediation work to Council is required at least 30 days prior to commencement of works.

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

- (a) Erection of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site;
- (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.

61. A sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being carried out:

- (a) stating that unauthorised entry to the work site is prohibited;
- (b) showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours;
- (c) the Development Approval number;
- (d) the name of the Principal Certifying Authority including an after hours contact telephone number; and

- (e) any such sign is to be removed when the work has been completed.

62.

- (a) All excavations and backfilling shall be executed safely and in accordance with appropriate professional standards; and
- (b) All excavations shall be properly guarded and protected to prevent them from being dangerous to life or property; and,
- (c) If the soil conditions require it:-
  - (i) retaining walls associated with the erection or demolition of a building or other approved methods of preventing movement of the soil must be provided and:-
  - (ii) adequate provision must be made for drainage.
- (d) Existing structures and or services on this and adjoining properties are not endangered during any excavation or construction work associated with the development. The applicant is to provide details of any shoring, piling, or underpinning prior to the commencement of any work. The construction shall not undermine, endanger or destabilise any adjacent structures.
- (e) As the development involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:
  - (i) Protect and support the adjoining premises from possible damage from the excavation, and
  - (ii) Where necessary, underpin the adjoining premises to prevent any such damage.

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

63. The City of Botany Bay being satisfied that the proposed development will increase the demand for public amenities within the area, and in accordance with Council's Section 94 Contributions Plans listed below a contribution of \$2,192,050.16 is required to be paid to Council prior to the issue of the Occupation Certificate.

(a)	Community facilities	\$254,277.82
(b)	Administration	\$41,648.95
(c)	Shopping Centre Improvements (City wide)	\$184,132.21
(d)	Open Space and Recreation	\$1,711,991.17
	<b>TOTAL S94 CONTRIBUTION</b>	<b>\$2,192,050.16</b>

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.

64.

- (a) All existing aboveground service cables, including power lines, telecommunications cables and other similar services (“overhead service cables”) in the streets adjacent to and within the confines of the development site shall be placed underground at no cost to the Council in the following manner:
  - (i) Overhead service cables on the King Street frontage to be undergrounded, starting from the existing pole “A” to the existing pole “C” as shown on Plan No. 1. (Note: Poles “A” and “C” may be retained however the cables must be undergrounded between these poles).
  - (ii) Overhead service cables on the O’Riordan Street frontage to be undergrounded, starting from the existing pole “C” to the existing pole “G” as shown on Plan No. 1. (Note: Poles “C” and “G” may be retained however the cables must be undergrounded between these poles).
- (b) The cable conduits shall be installed underground within the future road and footpath alignment based on any future road widening.
- (c) Existing street lights located within the footpath reserve along the entire King Street and O’Riordan Street frontages of the development site, being street lights identified as being located on poles “B” and “D” and “F” as shown on Plan No. 1 shall be replaced with new street lighting.
- (d) Approval shall be obtained from Council, RMS and the responsible utility authority for the location, design, style, etc. of required street lighting. Detailed street lighting design and construction plans, prepared by a suitably qualified person, shall be submitted to Council for approval. The design shall be in lights in accordance with the requirements of Australian/New Zealand Standard AS/NZS 1158-1997 “Public Lighting Code” and the requirements of the Roads Authority. Alterations/additions to street lighting shall be carried out by the responsible utility authority for lighting, or to the satisfaction of that authority, and all capital contributions associated with the installation of the lighting shall be borne by the applicant. The proposal shall include details of all fixtures being proposed and underground power reticulation shall be allowed for in the design. P2 lighting design category shall be provided to all street frontages of the site.
- (e) All of the works required by this condition must be completed prior to the issue of any Occupation Certificate.

65. Prior to issue of any Occupation Certificate the developer must submit to the Principal Certifying Authority an acoustic report to verify that the measures stated in the Aircraft and Road Traffic Noise Intrusion report referred to in Condition 25 have been carried out and certify that the construction meets the above requirements. The report must be prepared by a qualified practicing acoustic engineer (who is a member of either the Australian Acoustical Society or the Association of Australian Acoustical Consultants).
66. Prior to the issue of any Occupation Certificate, all services (Utility, Council, etc) within the road reserve (including the footpath) shall be relocated and/or adjusted to match the proposed/existing levels as required by the development.
67. Any damage not shown in the dilapidation report submitted to Council before site works have commenced, will be assumed to have been caused by the site works undertaken (unless evidence to prove otherwise). All damages as a result from site works shall be rectified at the applicant's expense to Council's satisfaction, prior to the issue of Final Occupation Certificate.
68. Prior to the issue of any Occupation Certificate, minimum 205 off-street car parking bays and 2 loading bays for Small Rigid Vehicle (SRV) as defined in AS2890.2 shall be provided to the development as shown on the approved architectural plans. All parking bays and loading bays shall be line marked. The allocation of parking bays shall be in accordance with the following:-
- (a) Commercial / Retail parking
    - (i) 2 parking bays for each tenancy, with total of twelve (12) parking bays being provided for the entire commercial/retail premises
  - (b) Residential parking
 

193 off-street parking bays for residents and visitors based on the following rate: -

    - (i) Studio/ 1-bedroom unit 1 space / unit
    - (ii) 2-bedroom /3-bedroom unit 2 spaces / unit
    - (iii) Visitors 4 spaces
    - (iv) Six (6) of the aforementioned 193 residential parking bays are to be provided as disabled car parking spaces and are to conform to AS 2890.6:2009.
69. Prior to the issue of any Occupation Certificate, construction of the stormwater drainage system (including OSD system and pump-out 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', Australian Rainfall & Runoff (AR&R), AS 3500 and BCA.

Documentation from a qualified civil engineer shall be submitted to the Principal Certifying Authority certifying that the stormwater drainage system (including OSD systems and pump-out system) has been constructed generally in accordance with the approved stormwater drainage construction plan(s) and accepted practice.

70. Prior to the issue of Final Occupation Certificate, maintenance schedule of the on-site detention system and pump-out system shall be prepared by a qualified engineer and submitted to Principal Certifying Authority and a copy to Council for record purpose.
71. In order to ensure that the constructed OSD and pump-out systems 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 standard wording of the terms of the Positive Covenant and Restriction on the Use of Land are available in Council. The relative location of the systems, in relation to the building footprint, shall be shown on a scale sketch, attached as an annexure to the plans/ forms. Proof of registration shall be submitted to the Principal Certifying Authority prior to the issue of Final Occupation Certificate.
72. Prior to the issue of any Occupation Certificate, all applications associated with works on Council's land must be made at least 7-10 days prior to the programmed completion of works and all construction must be completed and approved by Council.
73. Prior to the issue of Final Occupation Certificate, the redundant vehicular crossings, together with any necessary works shall be removed and the footpath, nature strip and kerb and gutter shall be reinstated in accordance with Council's specification.
74. Prior to the issue of any Occupation Certificate, new vehicular crossings including layback and/or gutter and any associated road restoration shall be constructed on King Street and High Street 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.

Each crossing shall be minimum 4.5 metres wide at the property boundary and at 90° to the kerb and gutter in plain concrete. Vehicular crossing on High Street shall be designed to restrict right turn exit onto High Street from the site. 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.

75.

- (a) Prior to issue of Final Occupation Certificate, the following civil works in public domain and road reserve area shall be completed to Council's satisfaction: -

**High Street**

- (i) Reconstruct kerb and gutter, footpath and kerb ramps for the entire High Street frontage of the site.
- (ii) Provide landscaping of the verge along the High Street frontage of the site to the western boundary of the SWOOS to the satisfaction of Council's Landscape Officer.
- (iii) Replace verge landscaping on the southern side of High Street between O'Riordan Street and the western boundary of the SWOOS to the satisfaction of Council's Landscape Officer.
- (iv) Construct proposed vehicular crossings High Street.
- (v) Provide line marking and all necessary signage High Street in accordance with RMS requirements. The details of line marking and signage shall be approved by Council Traffic Committee.
- (vi) Resurface the road pavement for the area directly in front of the site on High Street with 50mm AC10 hotmix. The area of construction shall extend from the lip of new kerb and gutter to the lip of the existing kerb and gutter on the southern side of the road.
- (vii) Refurbishment or replace the existing unit paving at the threshold of High Street to O'Riordan Street.

**King Street**

- (viii) Reconstruct kerb and gutter, footpath and kerb ramps for the entire King Street frontage of the site.
- (ix) Provide landscaping of the verge along the King Street frontage of the site to the western boundary of the SWOOS to the satisfaction of Council's Landscape Officer.
- (x) Replace verge landscaping on the northern side of King Street between O'Riordan Street and the western boundary of the SWOOS to the satisfaction of Council's Landscape Officer. These works shall also include the installation of 2 new bollards to match existing to protect the verges from encroachment by vehicles.

**O'Riordan Street**

- (xi) Construct new footpath, kerb and gutter on the O'Riordan Street frontage of the site between King Street and High Street.

### **RMS Land**

- (xii) Construct new landscape works and paving generally in accordance with Drawing No. 1901 LP-01 prepared by John Lock and Associates

### **Stormwater Drainage System**

- (xiii) Construct stormwater drainage system from the site to the new kerb inlet gully pit on High Street and then to the existing Council's drainage pit at the corner of O'Riordan Street and High Street. This work shall include construction of a new 2.4m long opening grated kerb inlet gully pit on High Street and reconstruction of the existing kerb inlet pit at the corner of O'Riordan Street and High Street.
- (b) Prior to the issue of Final Occupation Certificate, the following documentation shall be submitted to Council and Principal Certifying Authority attesting this condition has been appropriately satisfied.
- (i) Written confirmation / completion certificate obtained from Council's engineers;
  - (ii) Inspection reports (formwork and final) for the works on public domain and road reserve area obtained from Council's engineer; and
  - (iii) A copy of the approved engineering construction plans showing Work-as-Executed details (together with an electronic copy (DWG format)) for all the civil works on public domain and road reserve area. The plan shall be prepared by a registered surveyor.

76. The applicant is responsible for the installation and protection of all regulatory / parking / street signs fronting the site during construction. Any damaged or missing street signs as a consequence of the construction works associated with the development shall be replaced at full cost to the applicant, prior to the issue of Occupation Certificate.

77. The name of the development, street numbers and unit numbers shall be clearly displayed with such numbers being in contrasting colour and adequate size and location for viewing from the footway and roadway. Details of street numbering shall be submitted to Council for approval prior to the release of the Occupation Certificate.

78.

- (a) Prior to use and occupation of the building an Occupation Certificate must be obtained under Section 109C(1)(c) and 109N of the Environmental Planning and Assessment Act, 1979.
- (b) Condition Nos. 6(a), 11(a) and 63 to 78 are pre-conditions prior to the issue of the Occupation Certificate.

## **ONGOING CONDITIONS**

79.

- (a) The fitout of each of the retail / commercial tenancies located on the ground floor of the development shall form the subject of further development application(s) to Council.
- (b) The occupier(s) of the commercial/retail premises 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 (eg. footpath, nature strip, road shoulder, road reserve, public car park etc).

80. The proposal shall comply with the City of Botany Bay's General Noise Criteria is as follows:

- (a) The operation of all plant and equipment shall not give rise to an equivalent continuous (LAeq) sound pressure level at any point on any residential property greater than 5dB(A) above the existing background LA90 level (in the absence of the noise under consideration). 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.
- (b) 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.
- (c) 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.

'Offensive noise' as defined in the Protection of the Environment Operations Act 1997 and the Protection of the Environment Operations (Noise Control) Regulation 2000, (See advisory notes).

81. All waste and recycling containers shall be stored in the designated waste storage area. The waste containers are not to be over filled and the lids kept closed at all times except when material is being put in them. The occupier shall be responsible for cleaning the waste storage area, equipment, and waste collection containers.

82. The stormwater drainage system (including all pits, pipes, absorption, detention structures, treatment devices, infiltration systems and rainwater tanks) shall be regularly cleaned, maintained and repaired in accordance with



the Maintenance Schedule submitted to Council to ensure the efficient operation of the system from time to time and at all times. The system shall be inspected in accordance with the frequency specified in the aforementioned Maintenance Schedule 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.

83. All vehicles shall enter the site via King Street and exit via High Street access driveway by right turn only. All vehicles shall enter and exit the site in a forward direction.
84. Vehicles making deliveries (including goods, merchandise and the like) to the site shall comply with the following requirements: -
  - (a) Vehicles making deliveries to the site shall be limited to Small Rigid Vehicle (SRV) (as defined by AS2890.1).
  - (b) All loading and unloading activities associated with the development shall take place wholly within the dedicated loading bays in the basement car parking area.
  - (c) No deliveries to the premises shall be made direct from a public places, public streets or any road related areas (eg. footpath, nature strip, road shoulder, road reserve, public car park etc)
85. All parking and loading bays shown on the approved architectural plans shall be set aside for parking and loading/unloading purpose only and shall not be used for other purposes, e.g. storage of goods.
86. Vehicle turning areas shall be kept clear at all times and no vehicles shall be permitted to park in these areas.
87. A total of 205 off-street parking spaces are to be provided in accordance with the approved architectural plans. Of these, one hundred and ninety three (193) spaces shall be allocated to residents parking based on the following rate:
  - (a) Studio/ 1-bedroom unit 1 space / unit
  - (b) 2-bedroom /3-bedroom unit 2 spaces / unit
  - (c) Four (4) off-street parking spaces shall be made available at all times for visitors parking, with two (2) to be used for car wash bays
  - (d) Six (6) of the aforementioned 193 residential parking bays are to be provided as disabled car parking spaces and are to conform to AS 2890.6:2009
  - (e) Twelve (12) parking spaces shall be dedicated to commercial/retail premises, with 2 parking bays for each tenancy

88. A positive covenant shall be created over the twelve (12) parking spaces allocated to the commercial / retail tenancies to ensure that the commercial units retain exclusive use of the spaces between 7.30am to 6.00pm Monday to Friday and 7.30am to 1.00pm on Saturdays. At all other times these spaces shall be available for use by visitors to the residential apartments. A suggested wording for the covenant is indicated below:
- “The Registered Proprietors covenant as follows with Council in respect to the area of common property identified as ‘Commercial / Retail Parking’ spaces on the Strata Plan (herein called ‘The Burdened Land’). The Registered Proprietor will:*
- (i) permit the registered proprietors and/or invitees of the registered proprietors of the commercial lots # inclusive to enter upon The Burdened Land with a vehicle or vehicles whether motorized or not and to park, leave or place such a vehicle upon The Burdened Land within the times commencing at 7.30am in the morning Monday to Saturday and ending at 6.00pm in the evening Monday to Friday and 1.00pm in the afternoon on Saturdays. The times referred to are Australian Eastern Standard time or Australian Eastern daylight saving time whichever is in effect at the time that the registered proprietor or invitee enters upon The Burdened Land.*
  - (ii) not obstruct or inhibit in any manner whatsoever access to or exclusive use of The Burdened Land in accordance with the prior cause.*
  - (iii) comply with the terms of any written notice issued by Council in respect to the requirements of this clause within the time stated in the notice. ”*
89. Roller shutters to windows and doors are not permitted if visible from street.
90. A limited amount of internal lighting should be left on at night to enable patrolling police, security guards and passing people to monitor activities within the businesses and ground floor common areas.
91. The ongoing maintenance of the nature strip/footpath shall be undertaken by the occupier/owner. Maintenance includes mowing and watering of grass areas and the maintenance of a good, even coverage at all times and the removal of weeds and rubbish in grass and paved areas.
92. 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. 11/274 dated as 22 December 2011 and that any alteration, variation, or extension to the use, for which approval has been given, would require further Approval from Council.

Certified Mr Rodger Dowsett.....  
Director - Planning and Development