

Supplementary Joint Regional Planning Panel

(Sydney East Region)

Meeting Date: 14 May 2015

JRPP Number:	2014SYE139
DA Number:	14/207/1
Local Government Area:	City of Botany Bay
Property:	53 – 79 Baxter Road & 62 – 66 Robey Street Mascot
Lot & DP Nos:	Lot 39 & 40 DP 979354, Lot 300 DP 1068656, Lot 1 DP 555198, Lot 28 DP 90406, Lot 27 DP 979354, Lot 281 DP 1138673, Lots 31 & 32 DP 893 and Lot B DP 305901.
Proposed Development:	<p>Integrated Development and Joint Regional Planning Panel:-</p> <ul style="list-style-type: none"> • Demolition of existing structures; • Construction of a serviced apartments complex:- <ul style="list-style-type: none"> - One (1) level of basement car parking for 115 vehicles and bicycle storage, 18 car spaces at ground level (total car parking of 133 spaces) with 3 drop-off/pick-up spaces at the front of the building from Robey Street; - Eight (8) storey building comprising 146 serviced apartments with retail space, pool, guest dining area and meeting room on the ground floor; and - Loading dock and service areas on the ground floor accessed from Baxter Road; • Through-site link between Baxter Road & Robey Street; • Publicly accessible playground; • Construction of 3 storey warehouse/office building fronting Baxter Road and loading dock at ground level and single storey warehouse fronting Robey Street. • Lot consolidation and subdivision into two (2) lots; and • Associated landscaping and stormwater drainage works.
Applicant:	Zauner Constructions
Applicant Address:	Level 3, 366 Griffith Road Lavington NSW 2641
Number of Submissions:	Four (4) submissions
Recommendation:	Conditional consent
Report by:	Heather Warton, Director Planning and Development, City of Botany Bay

1. BACKGROUND

This development application seeks consent for the demolition of the existing buildings and structures on the site and the construction of an 8 storey serviced apartment complex above basement parking and new warehouse and office building, lot consolidation and subdivision into two (2) Torrens title allotments and associated landscaping and stormwater drainage works.

The development application was reported to the JRPP on the 16 April 2015 by Council with a recommendation for deferral subject to the submission of amended plans.

The Panel made the following recommendation on 16 April 2015:

- 1) The majority of the Panel (John Roseth, David Furlong and Julie Savet-Ward) resolves to defer the determination of the application to allow the applicant to submit amended drawings, which
 - a) reduce the FSR of the proposal to 1.5:1; and
 - b) reduce the plan area of the roof feature to no more than one-third of the plan area of the roof. The reason for this requirement is that a smaller structure is more easily accepted as an “architectural roof feature” as defined in clause 5.6 of the Botany Bay LEP 2013.*
- 2) The Panel requests the applicant to lodge amended drawings by 24 April 2015 and the council assessment officer to provide a supplementary report, by 30 April 2015, that assesses whether the amended drawings comply with the requirement in 1(a) and 1(b) above. The Panel will consider the application again at a public meeting on 14 May 2015.*
- 3) Peter Fitzgerald and George Glinatsis voted to refuse the application on the grounds that it does not comply with the FSR and height controls.*

2. APPLICANT’S RESPONSE TO JRPP RESOLUTION

The Applicant submitted amended plans to Council on 24 April 2015 in response to the Panel’s resolution. These amended plans reflect the following changes:-

- 1) Reduction in the total gross floor area (GFA) of the serviced apartments building by **525.4m²** to achieve an overall FSR of 1.49:1 (max FSR is 1.5:1) through the following amendments:-
 - a) Ground floor level - reduction in GFA of **21.2m²** by reducing the area of the wind lobby adjoining the porte-cochere area along the Robey Street frontage. The location of the meeting room and retail space have also been swapped, however, there were no resulting GFA changes;
 - b) Levels 1 to 4 – reduction in GFA of approx. **320m²** comprising:-
 - Deletion of a studio unit and 2 x 2 bed units at the eastern end on each level for levels 1 – 4 inclusive and replacement with a “communal sun terrace” and 2 x 1 bed units with a new balcony for each unit;
 - Minor reduction in circulation spaces (hall);
 - Reduction in unit size from a 2 bed to 1 bed unit and additional balcony in the north-western corner at the western end of the building;

- c) Level 5 – reduction in GFA of **92m²** for level 5 comprising:-
 - Deletion of a studio unit and 2 x 2 bed units at the eastern end and replacement with a “communal sun terrace” and 2 x 1 bed units with a new balcony for each unit;
 - Minor reduction in circulation spaces (hall);
 - Reduction in unit size from a 2 bed to 1 bed unit and additional balcony in north-western corner and reduction in unit size of 1 bed unit and additional balcony in south-western corner at the western end of the building;
- d) Level 6 - reduction in GFA of **92m²** for level 6 comprising:-
 - Deletion of a studio unit and 2 x 2 bed units at the eastern end and replacement with a “communal sun terrace” and 2 x 1 bed units with a new balcony for each unit;
 - Minor reduction in circulation spaces (hall);
 - Reduction in unit size from a 2 bed to 1 bed unit and additional balcony in north-western corner and reduction in unit size of 1 bed unit and additional balcony in south-western corner at the western end of the building;
- 2) Reduction in the lateral extent of the proposed architectural roof feature by approximately 7.9 metres at both the eastern and western ends of the roof feature to provide a feature of approximately 819.92m² (33% of plan area of roof = 2444.92m²).

These plans represent the amended proposal and are the subject of this supplementary report and draft consent conditions.

3. CONSIDERATION OF AMENDED PLANS

This supplementary report is required to consider whether the amended plans address the requirements of the JRPP recommendation dated 16 April 2015. The requirements for the amended plans were twofold and are considered below:-

- a) Reduce the FSR of the proposal to 1.5:1; and
- b) Reduce the plan area of the roof feature to no more than one-third of the plan area of the roof. The reason for this requirement is that a smaller structure is more easily accepted as an “architectural roof feature” as defined in clause 5.6 of the Botany Bay LEP 2013.

Reduction in FSR

The total GFA of the amended proposal is **12,221.9m²**, representing an FSR of 1.49:1 with the serviced apartments comprising 10,864.7m² and the office/warehouse component comprising 1,357.2m² (unchanged from previous plans). The maximum FSR pursuant to Clause 4.4(2) of the *Botany Bay Local Environmental Plan 2013* (“BBLEP 2013”) is 1.5:1 equating to a maximum GFA of 12,223.71m². The amended proposal therefore complies with the maximum FSR under BBLEP 2013, being 1.81m² under the maximum GFA. The Clause 4.6 Exception to the FSR development standard request submitted with the original and previously amended proposal is therefore no longer required.

It is considered that the amended plans submitted to Council adequately address Clause 1(a) of the JRPP’s recommendation dated 16 April 2015.

Roof feature and Maximum height limit

The amended plans reduce the area of the architectural roof feature to approximately 819.92m², with the area of the roof, pursuant to drawing DA 10 – Level 7 Floor Plan, being 2,444.28m².

The amendments therefore reflect an architectural roof feature which is approximately 33.5% or 1/3 of the total roof area, complying with Clause 1(b) of the JRPP's recommendation dated 16 April 2015.

The JRPP stated that the reason for this requirement was that a smaller structure is more easily accepted as an *“architectural roof feature” as defined in clause 5.6 of the Botany Bay LEP 2013*. Clause 5.6 of the BBLEP 2013 allows architectural roof features with development consent, stating the following:-

- 1) *The objectives of this clause are as follows:*
 - (a) *to ensure that architectural roof features to which this clause applies are decorative elements only and that the majority of the roof is contained within the maximum building height standard.*
 - 2) *Development that includes an architectural roof feature that exceeds, or causes a building to exceed, the height limits set by clause 4.3 may be carried out, but only with development consent.*
 - 3) *Development consent must not be granted to any such development unless the consent authority is satisfied that:*
 - (a) *the architectural roof feature:*
 - (i) *comprises a decorative element on the uppermost portion of a building, and*
 - (ii) *is not an advertising structure, and*
 - (iii) *does not include floor space area and is not reasonably capable of modification to include floor space area, and*
 - (iv) *will cause minimal overshadowing, and*
 - (b) *any building identification signage or equipment for servicing the building (such as plant, lift motor rooms, fire stairs and the like) contained in or supported by the roof feature is fully integrated into the design of the roof feature.*

The definition of building height in the Dictionary to the BBLEP 2013 states:-

“building height (or height of building) means the vertical distance between ground level (existing) and the highest point of the building, including plant and lift overruns, but excluding communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like”.

The maximum height (pursuant to definition in BBLEP 2013) is unchanged in the amended proposal and remains 26.78 metres above natural ground level at its highest point to the top of the roof feature since this is the top of the lift well. Clause 5.6 allows the architectural roof feature with development consent and therefore a Clause 4.6 variation is not required for that portion of the building comprising the architectural roof feature (the area above the main parapet line). This architectural roof feature complies with the JRPP's recommendation dated 16 April 2015.

There remains, however, a minor non-compliance with the overall maximum height development standard pursuant to Clause 4.3(2) of the BBLEP 2013 due to the main parapet line of the building exceeding the 22 metre height limit as illustrated on the plans (DA 12-North and South Elevations) by approximately 638mm.

Since there has been no change to the overall height of the building which exceeds this maximum height limit of 22 metres (the main building parapet line below the architectural roof feature), the Clause 4.6 variation submitted with the amended proposal prepared by *Plandev Pty Ltd* dated March 2015 remains valid and needs to be reconsidered from the original JRPP report prepared by Council in light of the changes to the bulk and scale of the architectural roof

feature outlined in the amended plans. This reconsideration of the Clause 4.6 variation for the maximum building height is outlined below.

Clause 4.6 Exceptions to Development Standards (Height and FSR)

The proposal is inconsistent with the height of buildings development standard pursuant to Clause 4.3 of the BBLEP 2013. The applicant has submitted a variation to Clause 4.3 pursuant to Clause 4.6 requesting a greater height, which is considered below for the amended proposal.

Consent may be granted for the proposal subject to Clause 4.6, notwithstanding that the proposal would contravene the development standards, as the height development standard is not expressly excluded from this Clause (Cl 4.6(2)). In assessing the proposed departure, consideration has been given to the objectives of the standard, the objectives of the zone, and the objectives of BBLEP 2013 (including Clause 4.6) as outlined below.

The applicant has provided a written request justifying the contravention of the development standard pursuant to Clause 4.6(3) of BBLEP 2013 for the amended proposal, which is considered below. Clause 4.6 (6), (7) and (8) are not relevant to the current proposal.

Clause 4.3 Height of Buildings

The maximum height of buildings that applies to the development site is 22 metres pursuant to Clause 4.3 of BBLEP 2013. The proposed maximum height is **22.638 metres** (RL 27.00m) in the SE corner. The extent of the height (to top of level 7 parapet) non-compliance is **0.638 metres**. The non-compliance with the maximum building height considered in this variation is to the top of the main building façade (and not the architectural roof feature) as outlined above and is considered in this discussion below. The roof of this main portion of the building (up to the roof of Level 6) is between 202mm below (NW corner) to 638mm (SE corner) above the maximum height limit, illustrated in **Figure 1** from the applicant's Clause 4.6 variation.

Applicant's Clause 4.6 Variation

The applicant has submitted a Clause 4.6 variation to Clause 4.3 requesting a greater height pursuant to Clause 4.6(3) of the BBLEP 2013 which provides the following justification:

- *The proposal satisfies the first test set out in Wehbe v Pittwater Council [2007] NSWLEC 827 for establishing whether a development standard is unreasonable or unnecessary in that compliance with the development standard is unreasonable or unnecessary because the objectives of the development standard are achieved notwithstanding non-compliance with the standard;*
- *There will be no adverse impacts on the amenity of adjoining residential development in that there will be no privacy or view loss or any significant overshadowing arising from the non-compliance;*
- *The building articulation and façade treatment ensures an appropriate visual relationship and treatment of interface with the residential area. The massing of the building to Baxter Road provides the opportunity for deep soil landscape treatments along the Robey Street frontage resulting in enhanced streetscape amenity.*
- *The building design is articulated into three separate forms to reduce its bulk and adopts a varied palette of colours to create visual interest when viewed from the public domain.*
- *The proposal is consistent with the desired future character of the area.*
- *The proposed height is not inconsistent with the extent of variations to which consent has previously been provided.*

- *The topography and flood constraints require the building floor level to be raised 700mm and the reduced footprint will minimise flooding impacts to other properties.*
- *There are sufficient environmental planning grounds for the non-compliance including the flooding constraints and the need to provide a large landscaped interface to Robey Street;*
- *The proposed development is in the public interest because it satisfies the zone objective which seek to support centres by providing airport related uses and employment opportunities close to Sydney Airport and the objectives of the height development standard as demonstrated in the Wehbe.*
- *The contravention of the development standard does not raise any matter of significance for State or regional environmental planning. The site does not set a precedent at the state and regional level.*
- *There is no public benefit of maintaining the standard given the significant improvements to the locality that will be achieved through the development, particularly the public pedestrian through-site link providing a connection for residents at the eastern end of Baxter Road to the John Curtain Memorial Reserve and the relocation and upgrade and of Council's stormwater infrastructure on the site.*
- *The proposal represents the optimum outcome for the site given a bulky goods warehouse is permissible which would result in an inferior design and greater impact on residential amenity.*



Figure 1: Height Exceedance (Source - Applicant's CI 4.6 Variation)

A. Compliance with the development standard is unreasonable or unnecessary in the circumstance of the case

The Land and Environment Court have set out a five part test for consent authorities to consider when assessing an application to vary a standard to determine whether the objection to the development standard is well founded. This test is outlined below for this variation to the maximum height.

1) The objectives of the standard are achieved notwithstanding non-compliance with the standard

The objectives of Clause 4.3 Height of Buildings of the Botany Bay LEP 2013 are:

- a) to ensure that the built form of Botany Bay develops in a coordinated and cohesive manner,
- b) to ensure that taller buildings are appropriately located,
- c) to ensure that building height is consistent with the desired future character of an area,
- d) to minimise visual impact, disruption of views, loss of privacy and loss of solar access to existing development,
- e) to ensure that buildings do not adversely affect the streetscape, skyline or landscape when viewed from adjoining roads and other public places such as parks, and community facilities.

It is considered that the proposed non-compliance with the maximum height development standard is generally consistent with the objectives of the Height of Buildings development standard for the following reasons:-

- The additional height allows for development to proceed in a coordinated and cohesive manner, given the height limit is only exceeded by less than a metre;
 - The proposed development is generally compatible with the bulk and scale of the existing development to the west of the site and the future desired character of the locality;
 - The height of the development generally provides for a suitable transition between the existing low scale residential development to the east of the site along both Baxter Road and Robey Street and the high density commercial developments to the west of the site comprising the Quest, Baxter and Stamford Hotel buildings;
 - There is unlikely to be any significant adverse impacts from the additional height proposed on the amenity of adjoining properties in terms of overshadowing, privacy or view loss; and
 - The main reason for the non-compliance is attributed to the flood hazard affecting the site which is considered to be acceptable in this instance.
- 2) *The underlying objective or purpose of the standard is not relevant to the development and therefore compliance is unnecessary*

The underlying objective and purpose of the Height of Buildings control has generally been achieved as stated above, and remains relevant.

- 3) *The underlying object of purpose would be defeated or thwarted if compliance was required and therefore compliance is unreasonable*

The underlying objectives and purposes of the Height of Buildings control remain relevant to the proposed development. The proposed development is generally consistent with the objectives of the Height of Buildings control in the BBLEP 2013 as detailed above.

- 4) *The development standard has been virtually abandoned or destroyed by the council's own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable*

The Height of Buildings control has been varied in the surrounding area in recognition of a need to meet the demands for housing and commercial development in the area. The proposed Height of Buildings variation is consistent with the extent of variations to which consent has previously been provided given it is only a minor non-compliance in this instance.

- 5) *The compliance with development standard is unreasonable or inappropriate due to existing use of land and current environmental character of the particular parcel of land. That is, the particular parcel of land should not have been included in the zone*

This reason has not been relied upon.

B. Sufficient Environmental Planning Grounds

There are sufficient planning grounds arising from the proposal to warrant support of this variation to the height development standard given:-

- The proposed development is generally consistent with the development standards of the height control as outlined above;
- The proposed development is generally compatible with the bulk and scale of the existing development in the area and the future desired character of the locality;
- There are a number of public benefits proposed in the development including a publicly accessible park and through-site link as well as upgrading of drainage infrastructure and footpaths in the area;
- The flooding constraint requires the overall height of the building to be increased and therefore the height can be supported on technical grounds;
- The non-compliance is generally consistent with the objectives of Clause 4.6 in that the variation represents an ‘appropriate’ degree of flexibility in that only a small increase in the building height development standard is necessary for the development; and
- The site is suitable for the height of the development.

Accordingly, it is considered that there are sufficient planning grounds to justify the small building height non-compliance.

C. Other Matters For Consideration

The following matters pursuant to Clause 4.6 also need to be considered:-

- Objectives of Clause 4.6
- Public interest and public benefit of maintaining the development standard Cl 4.6(4)(a)(ii) and (5)(b) of BBLEP 2013); and
- Any matters of state or regional importance (Cl 4.6(5)(a) of BBLEP 2013)

The objectives of Clause 4.6 (pursuant to Cl 4.6(1) of BBLEP 2013) are:

- a) *to provide an appropriate degree of flexibility in applying certain development standards to particular development,*
- b) *to achieve better outcomes for and from development by allowing flexibility in particular circumstances.*

As outlined above, it is considered that the proposed non-compliance with the Height of Buildings development standard is small and the use of Clause 4.6 allows an appropriate degree of flexibility to allow the proposal. There are several public benefits in the proposal which warrant the development standard to be varied. There are no matters of State or Regional significance arising from the minor non-compliance with the height development standard.

The rationale and argument presented in the Clause 4.6 variation is generally agreed with and it is recommended that the development standard relating to the maximum height of buildings for the site pursuant to Clauses 4.3 of the BBLEP 2013 be varied for this proposal.

As discussed in this assessment, it has been adequately established that the proposed development is appropriate and that strict adherence to the development standard in this instance is unreasonable and unnecessary. Maintaining and enforcing the development standard in this case is not required to ensure the orderly and economic development of land.

It is considered that the applicant's Clause 4.6 is well-founded and the departure is in the public interest given the height of the building is appropriate in this location. On the basis of this assessment, it is concluded that the variation can be supported.

4. Compliance of Amended Plans with the BBLEP 2013 and BBDCP 2013

The amended plans are generally consistent with the BBLEP 2013 and the *Botany Bay Development Control Plan 2013* ("BBDCP 2013").

The previous proposal was inconsistent with Clauses 4.4 (FSR), 5.6 (Architectural Roof Feature) and 6.16 (Design Excellence), however, following the amended plans the proposal is generally now consistent with these clauses. While the proposal is still inconsistent with Clause 4.3(Height), this non-compliance has been addressed in the Clause 4.6 variation considered above. The amended proposal is therefore consistent with the BBLEP 2013.

Part 7L.2 Control C12 of the BBDCP 2013 requires that studio and 1 bed units shall not form more than 60% of the total units where a serviced apartment development comprises more than 20 units. The amended plans provide an amended unit composition, which now proposes 54.8% (previously 44.7%) of the units to be studio or 1 bed units and therefore is still consistent with the BBDCP 2013. The amended proposal complies with the remainder of the controls under Part 7L.2 for serviced apartments of the BBDCP 2013, including unit sizes and facilities.

The car parking controls pursuant to Part 3A.2 of the BBDCP 2013 require 1 space/1.5 serviced apartments which would equate to 98 spaces for the amended proposal (102 spaces were required for the previous proposal). Therefore, there are now four (4) less car parking spaces required under the amended proposal. Notwithstanding this, the basement parking level remains unchanged and therefore surplus car parking is provided on the site. The amended proposal is therefore consistent with the BBDCP 2013.

5. Conclusion

In accordance with Clause 3 of Schedule 4A of the EP&A Act, the Application is referred to the JRPP Sydney East Region for determination.

The proposal has been assessed in accordance with Section 79C of the EP&A Act and the BBLEP 2013. The proposal is permissible in the B5 Business Development zone, is generally consistent with the objectives of the zone and is generally considered to be suitable in the context.

The proposed development has an FSR of 1.49:1 which is consistent with the maximum FSR of 1.5:1 pursuant to Clause 4.4(2) of the BBLEP 2013. The applicant has submitted a Clause 4.6 Variation for the exceedance to the maximum height limit pursuant to Clause 4.3(2) of the BBLEP 2013, which is considered to satisfy the underlying objectives of the height of buildings control and it is considered that the proposal will result in an improved planning outcome for the site. The variation to the maximum building height is considered to be well founded and the variation to the maximum height control is supported by Council in this case.

A total of four (4) submissions were received as a result of the public exhibition process and matters raised have been addressed in this report and conditions (where relevant).

In accordance with Clause 2 of the JRPP resolution of the 16 April 2015, the application is referred back to the JRPP for determination as the amended proposal complies with the requirements outlined in Clause 1(a) and (b) of the JRPP's decision dated 16 April 2015. The amended plans provided by the applicant in respect of Clause 1 of the Panels resolution, demonstrates that the requested reduction in GFA has been undertaken and the architectural roof feature reduced.

Based on the above matters and pursuant to Clause 2 of the JRPP's decision dated 16 April 2015, it is recommended that the Panel grant approval to the application subject to the draft conditions in the Schedule.

RECOMMENDATION

It is recommended that the Joint Regional Planning Panel (JRPP), as the determining Authority in this instance, resolve to:

- (a) Grant consent to the Clause 4.6 variation request to vary the maximum building height development standard required by Clause 4.3(2) pursuant to Clause 4.6 of the *Botany Bay Local Environmental Plan 2013* to permit a maximum height of 22.638m (RL 27.00); and
- (b) Approve Development Application No. 14/207 for the construction of a serviced apartments and warehouse/office development at 53 – 79 Baxter Road & 62 – 66 Robey Street Mascot subject to the conditions imposed in the attached schedule.

Premises: 53 -79 Baxter Road & 62 – 66 Robey Street Mascot**DA No: 14/207****SCHEDULE OF CONSENT CONDITIONS****GENERAL CONDITIONS**

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

Drawing No.	Author	Date & Issue
Architectural Plans		
DA01 – Locality/Context Plan	Clarke Keller/dwp suters	26 March 2015/B
DA02 – Site Location & Analysis Plan	Clarke Keller/dwp suters	26 March 2015/B
DA02a – Pedestrian Link Plan	Clarke Keller/dwp suters	26 March 2015/C
DA03 – Site Plan	Clarke Keller/dwp suters	23 April 2015/J
DA04 – Site Demolition Plan	Clarke Keller/dwp suters	26 March 2015/D
DA05 –Street Elevations Plan	Clarke Keller/dwp suters	23 April 2015/H
DA06 – Basement Plan	Clarke Keller/dwp suters	26 March 2015/D
DA07 – Ground Floor Plan	Clarke Keller/dwp suters	27 April 2015/M
DA08 – Typical Floor Plan Levels 1- 4	Clarke Keller/dwp suters	23 April 2015/G
DA09 – Typical Floor Plan Level 5	Clarke Keller/dwp suters	23 April 2015/F
DA09a – Typical Floor Plan – Level 6	Clarke Keller/dwp suters	23 April 2015/A
DA10 – Level 7 Floor Plan	Clarke Keller/dwp suters	23 April 2015/G
DA11 – Roof Plan	Clarke Keller/dwp suters	23 April 2015/F
DA12 – North & South Elevations	Clarke Keller/dwp suters	23 April 2015/J
DA13 – East & West Elevations	Clarke Keller/dwp suters	23 April 2015/H
DA14 – Building Sections	Clarke Keller/dwp suters	23 April 2015/H
DA15 – Sun & Shadow Studies	Clarke Keller/dwp suters	26 March 2015/B
DA16 – Materials & Finishes Schedule	Clarke Keller/dwp suters	August 2014/A
DA16a – Signage Elevation	Clarke Keller/dwp suters	9 March 2015/A

DA16b – Architectural Roof Feature – 3D Perspective	Clarke Keller/dwp suters	23 April 2015/C
DA16c – Baxter Road/Podium Interface	Clarke Keller/dwp suters	9 March 2015/A
DA17 – Warehouse – Ground Floor Plan	Clarke Keller/dwp suters	26 March 2015/C
DA18 – Warehouse – First Floor Plan	Clarke Keller/dwp suters	26 March 2015/C
DA19 – Warehouse – Second Floor Plan	Clarke Keller/dwp suters	26 March 2015/B
DA20 – Warehouse – Third Floor Plan	Clarke Keller/dwp suters	26 March 2015/B
DA21 – Warehouse – Overall Roof Plan	Clarke Keller/dwp suters	26 March 2015/B
DA22 – Warehouse – North Elevation	Clarke Keller/dwp suters	26 March 2015/B
DA23 – Warehouse – South Elevation	Clarke Keller/dwp suters	26 March 2015/B
DA24 – Section A1	Clarke Keller/dwp suters	26 March 2015/B
DA25 – Section B1	Clarke Keller/dwp suters	26 March 2015/B
Landscape Plans		
L1 - Landscape Layout Plan	Nicholas Bray Landscapes	3 September 2014 (DA-B)
L2 - Landscape Planting Plan	Nicholas Bray Landscapes	3 September 2014 (DA-B)
L3 - Landscape Schedule & Construction Details	Nicholas Bray Landscapes	3 September 2014 (DA-B)
L4 - Landscape Themes	Nicholas Bray Landscapes	3 September 2014 (DA-B)
L5 - Landscape Elevations	Nicholas Bray Landscapes	15 August 2014 (DA-A)
Civil Engineering Works Plans		
13958_DA_C000 – Locality Sketch	Henry & Hymas	19 August 2014/Rev 02
13958_DA_C100 – Detail Plan – Ground Floor Level	Henry & Hymas	19 August 2014/Rev 02
13958_DA_C101 – Detail Plan – Basement Level 1	Henry & Hymas	19 August 2014/Rev 02
13958_DA_C110 – Detail Plan – Typical Channel Section 1-1	Henry & Hymas	23 July 2014/Rev 01
13958_DA_C200 – Stormwater Miscellaneous Details & Pit Lid Schedule	Henry & Hymas	19 August 2014/Rev 02
13958_DA_C210 – Stormwater Sections & Details	Henry & Hymas	23 July 2014/Rev 01
13958_DA_C211 – Stormwater Sections & Details	Henry & Hymas	23 July 2014/Rev 01
13958_DA_C250 – Music Modelling Catchment Plan	Henry & Hymas	19 August 2014/Rev 02
13958_DA_C251 – Stormwater Catchment Plan	Henry & Hymas	19 August 2014/Rev 02

Reference Document(s)	Author	Dated
Statement of Environmental Effects	Plandev Urban Planning	September 2014
Clause 4.6 Exceptions to Development Standards Report	Plandev Urban Planning	October 2014 (amended March 2015)
Traffic Impact Assessment Report	Colston Budd Hunt & Kafes Pty Ltd	August 2014 (Ref 9214/2); amended 3 February 2015 (Ref JH/9214/jj)
DA Noise Impact Assessment	Acoustic Logic	Ref: 20140829.1/1208 A /R2/BW; Addendum 19 January 2015 (Ref:0140829.1/19 01A /RO/BW)
Plan of Management – Serviced Apartments	No author	August 2014; amended January 2015
Accessibility Report	Accessibility Solutions (NSW) Pty Ltd	25 August 2014
Arboricultural Impact Appraisal & method Statement	Naturally Trees	19 January 2015
Stormwater Issues and Design Summary	H & H Consulting Engineers Pty Ltd	14 August 2014
Quantity Surveyors Report	Zauner Constructions	18 August 2014
Indicative Ecological Sustainable Development Report	SLR	14 August 2014 (Ref 610.13572-R2)
Architectural Response to Design Review Panel Report	Clarke Keller/dwp suters	Undated
Stage 1 Preliminary Contamination Assessment	Coffey	14 November 2013
Stage 2 Contamination Assessment	Coffey	11 November 2014(amended) (Ref ENAURHOD0469 9AA-R01 rev 1)

Pre-demolition/Refurbishment Hazardous Materials Report	Coffey	9 September 2014 (Ref ENAURHOD0469 9AA-R01 rev 1)
Geotechnical Investigation	Coffey	28 July 2014 (Ref GEOTLCOV2480 2 AB-AB rev 1)
Qualitative Wind Assessment	SLR	15 August 2015 (Report No: 610.13572-R1)
Construction Management Plan	Zauner Constructions	18 August 2014
Construction Traffic Management Plan	Sydney Traffic Control	-
Waste Management Plan	SLR	19 August 2014 (Report No: 610.13572-R1)
Services Report	Simpson Kotzman	15 August 2014, Addendum 3 February 2015

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

- 2 This Consent relates to land known as No 53 -79 Baxter Road & 62 – 66 Robey Street Mascot, and as such, building works must not encroach on to adjoining lands or the adjoining public place, other than public works required and as otherwise permitted by this consent.
- 3 The consent given does not imply that works can commence until such time that:
 - (a) Detailed plans and specifications of the building have been endorsed with a Construction Certificate by:
 - (i) The consent authority; or,
 - (ii) An accredited certifier; and,
 - (b) The person having the benefit of the development consent:
 - (i) Has appointed a principal certifying authority; and
 - (ii) Has notified the consent authority and the Council (if the Council is not the consent authority) of the appointment; and,
 - (iii) The person having the benefit of the development consent has given at least 2 days notice to the council of the persons intention to commence the erection of the building.
- 4 All building work must be carried out in accordance with the provisions of the Building Code of Australia.
- 5 Only the signage wall along Robey Street is approved. No further signage, other than signage permitted as exempt or complying development, shall be installed or

displayed at the premises without a development application being lodged with Council and consent thereto being given by Council in accordance with Council's guidelines and *State Environmental Planning Policy No. 64 – Advertising and Signage*.

- 6 This consent is for serviced apartments and does not authorise the permanent residential occupation of the building and prohibits any permanent strata-titling of the building as a residential flat building.

CONDITIONS IMPOSED BY AN EXTERNAL AUTHORITY

- 7 The following conditions are imposed by NSW Office of Water as General Terms of Approval for construction dewatering:

General

- 1) An authorisation shall be obtained from NSW Office of Water for the take of groundwater as part of the activity. Groundwater shall not be pumped or extracted for any purpose other than temporary construction dewatering at the site identified in the development application. The authorisation shall be subject to a currency period of 12 months from the date of issue and will be limited to the volume of groundwater take identified in the authorisation.
- 2) The design and construction of the building must prevent any take of groundwater after the authorisation has lapsed by making any below-ground levels that may be in contact with groundwater watertight for the anticipated life of the building. Waterproofing of below-ground levels must be sufficiently extensive to incorporate adequate provision for reasonably foreseeable high water table elevations to prevent potential future inundation.
- 3) Construction methods and material used in and for construction shall be designed to account for the likely range of salinity and pollutants which may be dissolved in groundwater, and shall not themselves cause pollution of the groundwater.

Prior to excavation

- 4) Measurements of groundwater levels beneath the site from a minimum of three monitoring bores shall be taken. These measurements should be included in a report provided to the NSW Office of Water in support of the dewatering licence application, along with a schedule and indicative level predictions for the proposed ongoing water level monitoring from the date of consent until at least two months after the cessation of pumping shall be included in the report.
- 5) A reasonable estimate of the total volume of groundwater to be extracted shall be calculated and a report provided to the NSW Office of Water. Details of the parameters (e.g. permeability predicted by slug-testing, pump-testing or other means) and calculation method shall be included in the report submitted to the NSW Office of Water in support of the dewatering licence.

- 6) A copy of a valid development consent for the project shall be provided in the report to the NSW Office of Water.
- 7) Groundwater quality testing shall be conducted on a suitable number of samples using a suitable suite of analytes and completed by a NATA-certified laboratory, with the results collated and certificates appended to a report supplied to the NSW Office of Water. Samples must be taken prior to the substantial commencement of dewatering, and a schedule of the ongoing testing throughout the dewatering activity shall be included in the report. Collection and testing and interpretation of results must be done by suitably qualified persons and NATA certified laboratory identifying the presence of any contaminants and comparison of the data against accepted water quality objectives or criteria.
- 8) The method of disposal of pumped water shall be nominated (i.e. reinjection, drainage to the stormwater system or discharge to sewer) and a copy of the written permission from the relevant controlling authority shall be provided to the NSW Office of Water. The disposal of any contaminated pumped groundwater (sometimes referred to as —tailwaterl) must comply with the provisions of the *Protection of the Environment Operations Act 1997* and any requirements of the relevant controlling authority.
- 9) Contaminated groundwater (i.e. above appropriate NEPM 2013 investigation thresholds) shall not be reinjected into any aquifer without the specific authorisation of the NSW Environment Protection Authority (any such discharge would be regulated through a licence issued under the Protection of the Environment Operations Act 1997 [POEO Act]). The reinjection system design and treatment methods to remove contaminants shall be nominated and a report provided to the NSW Office of Water. The quality of any pumped water that is to be reinjected must be compatible with, or improve the intrinsic or ambient groundwater in the vicinity of the reinjection site.

During excavation

- 10) Engineering measures designed to transfer groundwater around the basement shall be incorporated into the basement construction to prevent the completed infrastructure from restricting pre-existing groundwater flows.
- 11) Piping, piling or other structures used in the management of pumped groundwater shall not create a flooding hazard. Control of pumped groundwater is to be maintained at all times during dewatering to prevent unregulated off-site discharge.
- 12) Measurement and monitoring arrangements to the satisfaction of the NSW Office of Water are to be implemented. Monthly records of the volumes of all groundwater pumped and the quality of any water discharged are to be kept and a report provided to the NSW Office of Water after dewatering has ceased. Daily records of groundwater levels are to be kept and a report provided to the NSW Office of Water after dewatering has ceased.
- 13) Pumped groundwater shall not be allowed to discharge off-site (e.g. adjoining roads, stormwater system, sewerage system, etc) without the

controlling authorities approval and/or owners consent. The pH of discharge water shall be managed to be between 6.5 and 8.5. The requirements of any other approval for the discharge of pumped groundwater shall be complied with.

- 14) Dewatering shall be undertaken in accordance with groundwater-related management plans applicable to the excavation site. The requirements of any management plan (such as acid sulfate soils management plan or remediation action plan) shall not be compromised by the dewatering activity.
- 15) The location and construction of groundwater extraction works that are abandoned are to be recorded and a report provided to the NSW Office of Water after dewatering has ceased. The method of abandonment is to be identified in the documentation.
- 16) Access to groundwater management works used in the activity is to be provided to permit inspection when required by the NSW Office of Water under appropriate safety procedures.

Following excavation

- 17) All monitoring records must be provided to the NSW Office of Water after the required monitoring period has ended together with a detailed interpreted hydrogeological report identifying all actual resource and third party impacts.
- 8 The following condition is imposed by Ausgrid and is to be complied with:
- (a) Provision shall be made for accommodation for an electricity substation within the premises.
- 9 The following condition is imposed by Sydney Water and are to be complied with:-
- (a) Water - Sydney Water will further assess the impact of the developments when the proponent applies for a Section 73 Certificate. This assessment will enable Sydney Water to specify any works required as a result of the development and to assess if amplification and/or changes to the system are applicable. Sydney Water requests Council continue to instruct proponents to obtain a Section 73 Certificate from Sydney Water.
 - (b) Wastewater - The proposed development can connect to the 225mm wastewater main located in Baxter Road.
 - (c) Section 73 Compliance Certificate - A Section 73 Compliance Certificate under the *Sydney Water Act 1994* must be obtained from Sydney Water.
- 10 The following conditions are imposed by the Australian Rail Track Corporation Limited and must be complied with:

The consent authority must be satisfied that appropriate measures will be taken to ensure that the following LAeq acoustic levels are not exceeded:-

- (i) In any bedroom in the building: 35dB(A) at any time 10pm – 7am;

- (ii) Anywhere else in the building (other than a garage, kitchen, bathroom or hallway): 40dB(A) at any time.
- 11 The following conditions are imposed by the Sydney Airport Corporation Limited (SACL) and must be complied with:
- (a) The property development at 53-79 Baxter Road MASCOT 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) The Civil Aviation Safety Authority (CASA) have no objection to the proposed development to a maximum height of 33 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 33 metres above AHD , a new application must be submitted. 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.
 - (e) 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. SACL advises that approval to operate construction equipment (ie cranes) should be obtained prior to any commitment to construct. Information required by SACL prior to any approval is to include:
 - (i) the location of any temporary structure or equipment, ie. 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 ie. construction cranes, intended to be used in the erection of the proposed structure/activity;
 - (iv) the period of the proposed operation (ie. construction cranes) and desired operating hours for any temporary structures.
 - (f) 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.

Bird and Obstacle Hazard

- (g) The area in which the proposed development is located is in the vicinity of Sydney (KS) airport. To minimise the potential for bird habitation and roosting, the Proponent must ensure that non-bird attracting plant species are used in any landscaping design. Any landscaping design must minimise the attractiveness for foraging birds, ie site is kept clean regularly, refuse bins are covered, and detention ponds netted. All trees to be planted shall

not be capable of intruding into the Obstacle Limitation Surface when mature.

PRIOR TO THE DEMOLITION AND REMEDIATION WORKS

- 12 A Remediation Action Plan containing an Acid Sulphate Soils Management Report (prepared by a suitably qualified and experienced environmental/geotechnical consultant) shall be submitted to the Principal Certifying Authority, prior to the issue of the Construction Certificate. This report shall include any site specific procedures and mitigation measures required and shall include a site analysis from a NATA registered laboratory. The report shall provide details of the following:
- (a) Site specific mitigation measures to both minimise the disturbance of acid sulphate soils as well as any measures relating to acid generation and acid neutralisation of the soil;
 - (b) Management of acid sulphate affected excavated material;
 - (c) Measures taken to neutralise the acidity of any acid sulphate soil affected material; and
 - (d) Run-off control measures for the acid sulphate affected soil.

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

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

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

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. This shall be provided prior to the release of the Construction Certificate.

Any conditions imposed on the SAS shall form part of this consent. The accredited site auditor shall provide Council with a copy of the Site Audit Report (SAR) and SAS prior to issuing the occupation certificate. In circumstances where the SAS conditions (if applicable) are not consistent with the consent, a Section 96

application pursuant to the *Environmental Planning & Assessment Act 1979* shall be submitted to ensure that they form part of the consent conditions.

- 14 Prior to the commencement of any demolition work, a licensed demolisher who is registered with the WorkCover Authority must prepare a Work Method Statement to the satisfaction of the Principal Certifying Authority (Council or an accredited certifier) and a copy sent to Council (if it is not the PCA). A copy of the Statement must also be submitted to the WorkCover Authority.

The statement must be in compliance with *AS 2601-1991 Demolition of Structures*, the requirements of WorkCover Authority and conditions of this approval, and must include provisions for:

- (a) Enclosing and making the site safe, any temporary protective structures must comply with the —Guidelines for Temporary Protective Structures (April 2001);
- (b) Induction training for on-site personnel;
- (c) Inspection and removal of asbestos, contamination and other hazardous materials (by appropriately licensed contractors);
- (d) Dust control – Dust emission must be minimised for the full height of the building. Compressed air must not be used to blow dust from the building site;
- (e) Disconnection of Gas and Electrical Supply;
- (f) Fire Fighting – Fire fighting services on site are to be maintained at all times during demolition work. Access to fire services in the street must not be obstructed;
- (g) Access and Egress – No demolition activity shall cause damage to or adversely affect the safe access and egress of this building;
- (h) Waterproofing of any exposed surfaces of adjoining buildings;
- (i) Control of water pollution and leachate and cleaning of vehicles tyres – Proposals shall be in accordance with the *Protection of the Environmental Operations Act 1997*;
- (j) Working hours, in accordance with this Development Consent;
- (k) Confinement of demolished materials in transit;
- (l) Proposed truck routes, in accordance with this Development Consent;
- (m) Location and method of waste disposal and recycling in accordance with the *Waste Minimisation and Management Act 1995*;
- (n) Sewer – common sewerage system;
- (o) On site monitoring both during asbestos removal and the remainder of demolition activities.
- (p) Erosion and Sedimentation Controls are in place and in accordance with the approved plan.

- 15 Demolition work shall be carried out in accordance with AS 2601-1991 *Demolition of Structures*, the requirements of the NSW WorkCover Authority and the *Pre - Demolition/Refurbishment Hazardous Materials Report* prepared by Coffey dated 9 September 2014.
- 16 The Applicant must indemnify Council against all loss of or damage to the property of others and injury or death to any persons which may arise out of or in consequence of the carrying out of the work and against all claims, demands, proceedings, costs, charges and expenses whatsoever in respect thereof or in relation thereto. In this regard, the Applicant shall take out a public liability policy during the currency of the works in the sum of not less than \$20,000,000 and to be endorsed with City of Botany Bay Council as principal, and keep such policy in force at the Applicant's own expense. A certificate from the Applicant's insurers to this effect is to be LODGED WITH COUNCIL BEFORE ANY WORK IS COMMENCED. The amount of Common Law liability shall be unlimited.

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

- 17 Prior to the issue of any Construction Certificate, the applicant must pay the following fee:-
- | | | |
|-------|--------------------------|-----------------------------|
| (i) | Development Control | \$12,300 |
| (ii) | Section 94 Contributions | \$134,234.00 (Condition 17) |
| (iii) | Cul-de-Sac Contribution | \$30,000.00 (Condition 18) |
| (iv) | Damage Deposit | \$696,000.00 (Condition 19) |
- 18 The City of Botany Bay being satisfied that the proposed development will increase demand for services and facilities within the area. Therefore, the Section 94 Contributions are required to be paid in accordance with Council's Section 94 Contribution Plans 2005-2010 a sum of **\$134,234.95** listed below towards the provision of services is to be paid to Council prior to the issuing of the first Construction Certificate.
- | | | |
|-------|--|---------------|
| (i) | Community Facilities | \$10,155.90 |
| (ii) | Administration | \$1,542.30 |
| (iii) | Shopping Centre Improvements | \$6,576.60 |
| (iv) | Open Space & Recreation | \$71,586.00 |
| (v) | Transport Management (Mascot West Industrial Area) | - \$44,374.15 |

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 fees applicable at that time.

- 19 Prior to the issue of any Construction Certificate, the applicant shall pay the following amount of \$30,000 towards the construction of a cul-de-sac at the eastern end of Baxter Road.

- 20 Prior to the issue of the first Construction Certificate, the applicant shall lodge a Damage Deposit of **\$696,000.00** (GST Exempt) by way of cash deposit or unconditional bank guarantee to Council against possible damage to Council's asset as a result of the building works. The deposit will be refunded subject to inspection by Council 12 months after the completion of all works relating to the proposed development and Final Occupational Certificate has been issued.
- 21 Prior to the issue of the first Construction Certificate, a Section 73 Compliance Certificate under the *Sydney Water Act 1994* must be obtained. Application must be made through an authorised Water Servicing Coordinator. Please refer to —Your Business section of Sydney Water's web site at www.sydneywater.com.au then the e-developer icon or telephone 13 20 92. Following application a —Notice of Requirements will detail water and sewer extensions to be built and charges to be paid. The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to the issue of the Construction Certificate. Building plans must be lodged at Sydney Water Quick Agent for approval prior to commencement of works.
- 22 Prior to the issue of the first Construction Certificate, the required Long Service Levy payable under Section 34 of the *Building and Construction Industry Long Service Payments Act 1986* has to be paid. The Long Service Levy is payable at 0.35% of the total cost of the development, however this is a State Government Fee and can change without notice.
- 23 Prior to the issue of the first Construction Certificate, the applicant shall contact Dial Before You Dig on 1100 to obtain a Utility Service Diagram for, and adjacent to, the property. The sequence number obtained from —Dial Before You Dig shall be forwarded to Principal Certifying Authority. All utilities within the work zone shall be protected during construction..
- 24 A Soil and Water Management Plan (SWMP) shall be prepared in accordance with the Landcom *Managing Urban Stormwater – Soils and Construction* 4th Edition (2004) and submitted to the Principal Certifying Authority prior to the issue of the first Construction Certificate. This plan shall incorporate and reference the construction environmental management plan and address site limitations.
- This plan shall be implemented prior to commencement of any site works or activities. All controls in the plan shall be maintained at all times during the construction works. A copy of the SWMP shall be kept on-site at all times and made available to Council Officers on request.
- 25 A Construction Management Program shall be submitted to, and approved in writing by the Principal Certifying Authority prior to the issue of the Construction Certificate. The program shall detail:-
- (a) The proposed method of access to and egress from the site for construction vehicles, including access routes through the Council area and the location and type of temporary vehicular crossing for the purpose of minimising traffic congestion and noise in the area, with no access across public parks or reserves being allowed.

- (b) The proposed phases of construction works on the site and the expected duration of each construction phase.
 - (c) The proposed order in which works on the site will be undertaken, and the method statements on how various stages of construction will be undertaken.
 - (d) The proposed manner in which adjoining property owners will be kept advised of the timeframes for completion of each phase of development/construction process.
 - (e) The proposed method of loading and unloading excavation and construction machinery, excavation and building materials, formwork and the erection of any part of the structure within the site. Wherever possible mobile cranes should be located wholly within the site.
 - (f) The proposed areas within the site to be used for the storage of excavated materials, construction materials and waste containers during the construction period.
 - (g) The proposed method/device to remove loose material from all vehicles and/or machinery before entering the road reserve, any run-off from the washing down of vehicles shall be directed to the sediment control system within the site.
 - (h) The proposed method of support to any excavation adjacent to adjoining properties, or the road reserve. The proposed method of support is to be designed and certified by an Accredited Certifier (Structural Engineering), or equivalent.
 - (i) Proposed protection for Council and adjoining properties.
 - (j) The location and operation of any on site crane.
 - (k) The location of any Work Zone (if required) approved by Council's Engineering Section, including a copy of that approval.
- 26 A detailed Traffic Management Plan for the pedestrian and traffic management of the site during construction shall be prepared and submitted to the Principal Certifying Authority for approval. The plan shall:
- (a) be prepared by a RMS accredited consultant.
 - (b) nominate a contact person who is to have authority without reference to other persons to comply with instructions issued by Council's Traffic Engineer or the Police.
 - (c) if required, implement a public information campaign to inform any road changes well in advance of each change.

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

- 27 The applicant shall bear the cost of all restoration works to Council's property damaged as a result of the building works. The applicant shall advise Council, in writing, of any existing damage to Council property before commencement of the development. A dilapidation survey of Council's assets, including photographs and written record, must be prepared by a suitably qualified person and submitted to Council prior to the release of the Construction Certificate.
- 28 Prior to the issue of any Construction Certificate, at the proposed point of construction site entry, photographic survey showing the existing conditions of Council's and RMS infrastructure shall be submitted to Council and Principal Certifying Authority. The survey shall detail the physical conditions and identify any existing damages to the roads, kerbs, gutters, footpaths, driveways, street trees, street signs and any other Council assets fronting the property and extending to a distance of 50 metres from the development. Failure to do so may result in the applicant/developer being liable for any construction related damages to these assets. Any damage to Council's infrastructure, as a result of the building works shall be restored at the applicant's cost.
- 29 Prior to the release of the Construction Certificate, a plan (written and/or diagrammatic) shall be submitted and approved by the Principal Certifying Authority, showing the method of access of building materials and plant to the property, and storage location on the property during construction and shall include all existing structures.
- 30 To ensure that utility authorities and Council are advised of any effects to their infrastructure by the development, the applicant shall:-
- (a) Carry out a survey of all utility and Council services within the site including relevant information from utility authorities and excavation if necessary to determine the position and level of services.
 - (b) Negotiate with the utility authorities (e.g. Ausgrid, Sydney Water and Telecommunications Carriers) and Council in connection with:-
 - i) The additional load on the system; and
 - ii) The relocation and/or adjustment of the services affected by the construction
 - (c) Any costs in the relocation, adjustment, provision of land or support of services as requested by the service authorities and Council are to be the responsibility of the developer.

The above details are to be submitted to the Principal Certifying Authority prior to the Construction Certificate.

- 31 Prior to the issue of the Construction Certificate detail plans are to be submitted demonstrating that 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 particular to all the overhead service cables on the Baxter Road and Robey Street frontage to be undergrounded.

All existing Street lights located within the footpath reserve along the entire Baxter Road and Robey Street frontages of the development site shall be replaced with new street lights in accordance with the requirements of Australian/New Zealand

Standard AS/NZS 1158-1997 “Public Lighting Code” and the requirements of the Roads and Traffic Authority details to be submitted with the Construction Certificate.

- 32 A Remediation Action Plan containing an Acid Sulphate Soils Management Report (prepared by a suitably qualified and experienced environmental/geotechnical consultant) shall be submitted to the Principal Certifying Authority, prior to the issue of the Construction Certificate. This report shall include any site specific procedures and mitigation measures required and shall include a site analysis from a NATA registered laboratory. The report shall provide details of the following:
- (e) Site specific mitigation measures to both minimise the disturbance of acid sulphate soils as well as any measures relating to acid generation and acid neutralisation of the soil;
 - (f) Management of acid sulphate affected excavated material;
 - (g) Measures taken to neutralise the acidity of any acid sulphate soil affected material; and
 - (h) Run-off control measures for the acid sulphate affected soil.

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

- 33 Plans and specifications for the storage room for waste and recyclable materials to allow for on-site waste and recyclable collection shall be submitted to the Principal Certification Authority with the application for the Construction Certificate. Storage of Waste and recycling shall meet the following requirements:
- (a) The rooms for the storage of garbage and recyclable materials shall be
 - (i) fully enclosed;
 - (ii) adequately ventilated;
 - (iii) Constructed with a concrete floor, concrete or cement rendered walls covered to the floor;
 - (iv) The floor shall be graded to an approved sewer connection incorporating a sump and galvanized grate cover or basket in accordance with the requirements of Sydney Water Corporation
 - (v) Washing facilities shall be provided within close proximity to the garbage and recycling storage area.
 - (b) The area can be serviced easily accessed and serviced by a garbage truck or MRV.

- 34 The development shall make provision for a total of 133 car parking spaces, including eight (8) accessible parking spaces in accordance with Part 3C of the BBDCP 2013 and relevant Australian Standards. All staff and visitor spaces must be signposted and marked, including two (2) parking spaces to be designated as drop-off/pick up spaces. These requirements shall be reflected on the Construction Certificate plans. The approved car parking spaces shall be maintained to the satisfaction of Council, at all times.

- 35 Prior to the release of the Construction Certificate the following required section(s) are to be submitted to and approved by the Principal Certifying Authority.

- (a) All driveways/access ramps/vehicular crossings shall conform with Australian Standards AS 2890.1 and Council requirements, including but not limited to, Section 8(v) of the DCP Stormwater Management Technical Guidelines.
 - (b) For commercial developments, the applicant shall provide longitudinal sections along the extremities and the centre line of each internal driveway/access ramp at a scale of 1:25. These long sections shall extend from the horizontal parking area within the property to the centre line of the roadway. The sections shall also show the clear height from the ramp to any overhead structure.
- 36 Prior to the release of the Construction Certificate, the following required section(s) are to be submitted to and approved by Principal Certifying Authority:
- (a) All driveways/access ramps/vehicular crossings shall conform with Australian Standards AS 2890.2 and Council requirements including but not limited to Section 8(v) of the DCP Stormwater Management Technical Guidelines,
 - (b) All service vehicles shall enter the property front in/front out,
 - (c) Demonstrate safe headroom clearance of 4.5m is achieved in the driveway entrance and along the along the travel path, parking and manoeuvring areas of a Medium Rigid Vehicle (MRV), including Council's Garbage Truck,
 - (d) Swept path analysis shall be provided for manoeuvring of commercial vehicles, and
 - (e) A longitudinal section plotting headroom clearance above driveway access is to be provided for assessment.
- 37 Prior to the release of the Construction Certificate, the following required section(s) are to be submitted to and approved by Private Certifying Authority:
- (a) Disabled car parking spaces shall be provided and clearly marked in accordance with Australian Standards AS 2890.6, SEPP 65 Design Code and Council requirements, and
 - (b) All off street disabled parking shall have access to the adjacent road(s) and to the communal open space as per Australian Standards AS 2890.6 and Council requirements.
 - (c) The proposed traffic movements and parking arrangements within and adjoining the development shall conform with Australian Standard AS2890-1, Australian Road Rules and the NSW Road Transport (Safety and Traffic Management) Regulation (and any other relevant legislation) unless otherwise stipulated by another condition of this Consent. Details to be submitted to the Principal Certifying Authority prior to issue of the Construction Certificate.
 - (d) Bicycle storage racks/spaces capable of accommodating a minimum of 16 bicycles must be provided in the basement on the site. This on-site bicycle storage area shall conform to AS 2890.3:1993. Details to be submitted to and approved by the Principal Certifying Authority prior to issue of the Construction Certificate.

- (e) Any wall or fence or solid object on either side of the driveway/vehicular crossings where it meets the Council's road reserve at the boundary must comply with sight distances stipulated in Australian Standard AS 2890.1. Details shall be submitted to the Principal Certifying Authority prior to issue of the Construction Certificate.

38

- (a) The gradient for all disabled access ramps shall not exceed a maximum of one (1) (vertical) in fourteen (14) (horizontal) pursuant to *Australian standard 1428.1(2001) – design for access and mobility– general requirements for access– new building work*. The final design of the proposed disabled access ramps shall be submitted to council or the principal certifying authority prior to the release of the Construction Certificate.
- (b) Toilet facilities shall be provided for disabled persons in accordance with the design criteria in AS 1428.1(2001)– design for access and mobility– general requirements for access– new building work. this requirement shall be submitted to council or the Principal Certifying Authority prior to the release of the Construction Certificate.
- (c) Detailed plans for the approved development shall be submitted in accordance with the requirements of AS 1428 Part 1 prior to the release of the Construction Certificate, showing detailed levels, ramp slopes, door widths, and circulation spaces.
- (d) Signs incorporating the international symbol of access for disabled persons must be provided to identify each accessible entrance, lift or bank of lifts; and sanitary facility. This requirement shall be submitted the principal certifying authority prior to the release of the Construction Certificate.

39 Any exhaust ventilation from the car park is to be ventilated away from the property boundaries of the adjoining dwellings, and in accordance with the provisions of AS1668.1 and AS1668.2. Details are to be submitted to the Principal Certifying Authority prior to release of the Construction Certificate.

40 Prior to the issue of the Construction Certificate the applicant shall submit to Council details of the construction and fit out of the food premises. Such details must demonstrate compliance with the following requirements:-

- (a) the *Food Act 2003*,
- (b) *Food regulations 2004*;
- (c) the Food Standards Code as published by food standards Australia and New Zealand; and
- (d) *AS 4674 – 2004: Construction and Fit Out Of Food Premises.*

41 A qualified practitioner, with a certificate of attainment in NWP331A Perform Conduit Evaluation, shall undertake a closed circuit television (CCTV) inspection

and then report on the existing condition of the adjacent Council drainage pipeline. The camera and its operation shall comply with the following:

- (a) The internal surface of the drainage pipe shall be viewed and recorded in a clear and concise manner,
- (b) The CCTV camera used shall be capable to pan, tilt and turning at right angles to the pipe axis over an entire vertical circle to view the conduit joints,
- (c) Distance from the manholes shall be accurately measured, and
- (d) The inspection survey shall be conducted from manhole to manhole.

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

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

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

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

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

- (a) Provision made in the Civil Engineering Works Drawings by Henry & Hymas, dated 19 August 2014,
- (b) No pump-out shall be used to drain seepage from the basement due to the elevated water table level. That is the basement shall be designed as a fully tanked structure,
- (c) A pump-out can only be utilized to dispose runoff that may enter the basement car park from driveway access to the basement, and
- (d) The submission to Council, detailed calculations including computer modelling supporting the design.

- 43 Prior to the issue of the Construction Certificate, details of the flood gate system for the basement, including a management plan for the system, shall be submitted to the Principal Certifying Authority and Council for approval. This flood gate system is to be generally in accordance with the requirements of the Stormwater Report prepared by H & H Consulting Engineers Pty Ltd dated 14 August 2014 and Council's specifications.

- 44 The building shall be constructed in accordance with AS2021- 2000: *Acoustics, Aircraft Noise Intrusion, Building Siting and Construction* and the requirements of the *DA Noise Impact Assessment* prepared by Acoustic Logic dated 12 August

2014. Details and building plans endorsed with the required acoustical measures prepared by a practicing professional acoustical consultant are to be provided on the Construction Certificate plans. The building shall be constructed in accordance with these details.
- 45 A report prepared by a suitably qualified and experienced energy efficiency consultant is to be submitted to the Principal Certifying Authority, prior to the issue of the Construction Certificate. The report is to confirm that the design of the building meets the Energy Efficiency provisions pursuant to Part 3H of the *Botany Bay Development Control Plan 2013* as outlined in the *Indicative Ecological Sustainable Design Report* (Report No 610.13572-R2) prepared by SLR dated 14 August 2014. Details are to be indicated on the Construction Certificate plans and all works shall be completed prior to the issue of the Occupation Certificate.
- 46 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. All lighting shall comply with *AS4282-1997 Control of the obtrusive effects of outdoor lighting*; and the installation of solar power to external space lighting. Details are to be submitted to the Principal Certifying Authority prior to the release to the Construction Certificate.
- 47 Prior to the release of the Occupation Certificate, an Emergency Management and Evacuation Plan must be prepared for the serviced apartments in accordance with Part 7F.2 (c22) the *Botany Bay Development Control Plan 2013*.
- 48 Prior to the issue of the Construction Certificate, a final landscape plan shall be submitted to and approved by the Principal Certifying Authority. The final landscape plan is to be generally in accordance with the approved landscape plan and demonstrate compliance with the following requirements:-
- (a) Additional landscaping including:-
- Landscaping must achieve a more layered approach in front of the warehouse to the southwest of the site (fronting Baxter Road) with more groundcovers, shrubs and trees required in the deep soil setback (in place of turf);
 - Planters within the guest courtyard (northern elevation) should include additional small to medium sized tree species;
 - Street trees are required to the west of the vehicular entry point along Robey Street to be consistent with the *Botany Bay City Council Street Tree Master Plan 2014* (STMP), which specifies *Shinus areira* (non-wire side) along Robey Street;
 - Trees with a broad, leafy canopy are required in the central planting strip within the car parking area (one (1) tree per 5 car spaces) to provide a 50% canopy coverage of the car park at maturity;
 - Additional canopy trees are required adjacent to the warehouse access driveway (west of the car park) on Robey Street;
 - There shall be no plant species used on the site that are toxic, dangerous and the like.
- (b) A site plan showing building envelopes, paved areas and areas to be landscaped.

- (c) A planting plan at 1:100 scale showing all plant locations, groupings and centres. There is to be a dense 3-tier planting of trees, shrubs and groundcovers in all landscaped areas.
- (d) A plant schedule listing all plants by botanical name, total plant numbers, plant spacing, pot sizes and staking.
- (e) Specifications detailing soil and mulch finishes, root barriers, irrigation, edging and other landscape hard works such as retaining walls.
- (f) Areas of paving, schedule of materials, edge treatments and sectional construction details.
- (g) All fencing, privacy screening and pergolas – elevations and materials
- (h) Details of other landscape elements such seating and furniture, pedestrian lighting, sculpture and water features. Provide sectional construction details and elevations where required.
- (i) Planter box on slab sectional details – drainage, waterproofing, sediment barrier, irrigation, planting substrate and so on. Planter boxes shall be of adequate dimensions (area and depth – min. 900mm) for growing suitable sized trees.
- (j) Show the location of underground stormwater/rainwater tanks, maximising landscape area availability. Comply with Council's Engineering Services Stormwater Guidelines, conditions and requirements in this regard.
- (k) Show the location of any electrical substations and fire booster valves required. Comply with conditions relating to their location. Any electrical kiosks or fire booster valve is to be located in unobtrusive location toward site boundaries and away from entrances into the site. Utilities shall be softened with landscaping so as not to detract from the overall appearance of the development and amenity of the streetscape.

The landscape documentation is to be prepared by a suitably qualified Landscape Architect, in accordance with Council's Landscape DCP.

- 49 Prior to the issue of the Construction Certificate, a detailed plan for the publicly accessible park and through-site link shall be prepared by a suitably qualified Landscape Architect to accompany the landscape documentation for approval by Council. The Plan shall include, but is not be limited to, the following requirements:-

- (a) Proposed street trees, paving, furniture/seating, other landscaping, irrigation and lighting;
- (b) Appropriate Fencing - solid fences are discouraged for new development or subdivision backing onto public domains and open spaces. Open fencing preferred.
- (c) Walking paths, are to be an adequate width for pedestrians;
- (d) Compliance with relevant Australian Standards including AS 1428;
- (e) Detailed sections to be provided indicating changes in level and treatments.

The Plan shall be in accordance with Council's requirements. Civil drawings shall also be submitted providing levels and detailed footpath construction sections in accordance with Council's requirements.

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

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

- (a) Permit to erect hoarding on or over a public place, including Council's property/road reserve
- (b) Permit to construction works, place and/or storage building materials on footpaths, nature strips
- (c) Permit for roads and footways occupancy (long term/ short term)
- (d) Permit to construct vehicular crossings, footpath, kerb and gutter over road reserve
- (e) Permit to open road reserve area, including roads, footpaths, nature strip, vehicular crossing or for any purpose whatsoever
- (f) Permit to place skip/waste bin on footpath and/or nature strip
- (g) Permit to use any part of Council's road reserve or other Council lands
- (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 RTA and NSW Police. In some cases, the above Permits may be refused and temporary road closures required instead which may lead to longer delays due to statutory advertisement requirements.)
- (i) Permit to establish "Works Zone" on public roads adjacent to the development site, including use of footpath area.

Application(s) shall be submitted prior to the planned commencement of works on the development site. 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.

51 Noise from construction activities associated with the development shall comply with the NSW Environment Protection Authority's Environmental Noise Manual – Chapter 171 and the *Protection of the Environment Operations Act 1997*.

(a) Level Restrictions

Construction period of 4 weeks and under:

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

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

- (ii) the L10 sound pressure level measured over a period of not less than 15 minutes when the construction site is in operating must not exceed the background level by more than 10 dB(A).
 - (b) Time Restrictions
Construction/demolition work shall be limited to the following hours:
Monday to Friday: 07:00 am to 06:00 pm
Saturday: 07:00 am to 01:00 pm
No Construction to take place on Sundays or Public Holidays.
 - (c) Silencing
All possible steps should be taken to silence construction site equipment.
- 52 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*.
- 53 For any water from site dewatering to be permitted to go to stormwater, the water must meet ANZECC 2000 Water Quality Guidelines for Fresh and Marine Water for the 95% protection trigger values for marine water. The results of all testing must be completed by a NATA accredited laboratory.
- All laboratory results must be accompanied by a report prepared by a suitably qualified person indicating the water meets these guidelines and is acceptable to be released into council's stormwater system. If it is not acceptable, details of treatment measures to ensure that the water is suitable for discharge shall be provided in the report. Reports shall be provided to Council prior to discharge of groundwater to the stormwater system.
- 54 All management measures recommended and contained within the Soil and Water Management Plan (SWMP) submitted as part of the construction certificate shall be implemented in accordance with the *Landcom Managing Urban Stormwater – Soils and Construction* 4th Edition (2004). This plan shall be implemented prior to commencement of any site works or activities. All controls in the plan shall be maintained at all times and made available to council officers on request.
- 55 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.

- (iii) The provisions of toilet facilities in accordance with this clause must be completed before any other work is commenced.
- 56 A sign must be erected in a prominent position on any work site on which work involved in the erection of a building is being carried out;
- (a) stating that unauthorised entry to the work site is prohibited;
 - (b) showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours;
 - (c) the Development Approval number;
 - (d) the name of the Principal Certifying Authority including an after-hours contact telephone number; and
 - (e) any such sign is to be removed when the work has been completed.
- 57 All works carried out on the public roads shall be inspected and approved by Council. Documentary evidence of compliance with Council's requirements shall be obtained prior to proceeding to the subsequent stages of construction, encompassing not less than the following key stages:
- (a) Initial pre-construction on-site meeting with Council's engineers to discuss concept and confirm construction details, traffic controls and site conditions/constraints prior to commencement of the construction of the civil works associated with the road widening;
 - (b) Prior to placement of concrete (kerb and gutter and footpath);
 - (c) Prior to construction and placement of road pavement materials; and
 - (d) Final inspection.

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

DURING WORKS

- 58 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 Erosion and Sediment Control Plan;
 - (b) Approved Traffic Management Plan and;
 - (c) Approved Construction Management Plan.
- 59 Inspections must be conducted by Council's Engineer at the following occasions:
- (a) Formwork inspection of driveway layback prior to laying of concrete,
 - (b) Formwork inspection of Council's kerb and gutter prior to laying of concrete,
 - (c) Formwork inspection of Council's footpath prior to laying of concrete,

- (d) Inspection of Council's stormwater pit prior to concrete pour / backfill,
 - (e) Inspection of stormwater pipe / culvert prior to backfill,
 - (f) Inspection of road pavement following prior to laying of new asphalt,
 - (g) Final inspection of driveway layback,
 - (h) Final inspection of Council's kerb and gutter,
 - (i) Final inspection of Council's footpath,
 - (j) Final inspection of Council's stormwater inlet pits, and
 - (k) Final inspection of new road pavement.
- 60 The approved Waste Management Plan for the site shall be complied with at all times during demolition works and construction works.
- 61 All remediation work must be carried out in accordance with: -
- (a) NSW Office of Environment and Heritage (OEH) '*Contaminated Sites – Guidelines for Consultants Reporting on Contaminated Sites*';
 - (b) NSW Environment Protection Authority (NSW EPA) guidelines under the *Contaminated Land Management Act 1997*;
 - (c) *State Environmental Planning Policy 55 (SEPP 55) – Remediation of Land*, including *Managing Land Contamination: Planning Guidelines SEPP 55 Remediation of Land*; and
 - (d) The Remedial Action Plan - 53 – 79 Baxter Road and 62 – 66 Robey Street, Mascot NSW' prepared by Coffey Environments Pty Ltd (Report No. ENAURHODO4699AA-R02 rev 1) dated 20 January 2015.
- 62 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 construction works.
- 63 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.
- 64 Any material containing asbestos found on site during the demolition process shall be removed and disposed of in accordance with:
- (a) WorkCover NSW requirements. An appropriately licensed asbestos removalist must complete all asbestos works if they consist of the removal of more than 10m² of bonded asbestos and/or any friable asbestos.
 - (b) *Protection of the Environment Operations Act 1997*;
 - (c) *Protection of the Environment Operation (Waste) Regulation*; and
 - (d) *DECC Waste Classification Guidelines 2008*.
- 65 The management of potential and actual acid sulfate soils shall be conducted in accordance with the approved Remediation Action Plan containing the Acid Sulfate Soils Management Plan, required to be submitted prior to the construction certificate including:

- (a) Site specific mitigation measures to both minimise the disturbance of acid sulphate soils as well as any measures relating to acid generation and acid neutralisation of the soil;
 - (b) Management of acid sulphate affected excavated material;
 - (c) Measures taken to neutralise the acidity of any acid sulphate affected material; and
 - (d) Run-off control measures for the acid sulphate affected soil.
- 66 For water 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. If the groundwater from dewatering does not meet these guideline levels a Trade Waste permit from Sydney Water must be sought to put the groundwater to sewer.
- 67 To prevent contaminated soil being used onsite and to ensure that it is suitable for the proposed land use, all imported fill shall be appropriately certified and shall be validated in accordance with the
- (a) Office of Environment and Heritage (OEH) approved guidelines;
 - (b) *Protection of the Environment Operations Act 1997*; and
 - (c) *Protection of the Environment Operations (Waste) Regulation 2005*.
- All imported fill shall be accompanied by documentation from the supplier which certifies that the material has been analysed and is suitable for the proposed land use.
- 68 The following shall be complied with at all times:-
- (a) The applicant shall conduct all construction works and any related deliveries/activities wholly within the site. If any use of Council's road reserve is required, approval and permits shall be obtained from Council.
 - (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 (eg wheelbarrows) on Council's road reserve or other property is strictly prohibited. Fines and cleaning costs will apply to any breach of this condition.
 - (d) Pavement surfaces adjacent to the ingress and egress points are to be swept and kept clear of earth, mud and other materials at all times and in particular at the end of each working day or as directed by Council's Engineer.
 - (e) 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.

- (f) Shaker pads are to be installed at the entry/exit points to the site to prevent soil material leaving the site on the wheels of vehicles and other plant and equipment.
 - (g) All construction and related deliveries wholly on site or shall make a separate application to Council for a “Work Zone” adjacent to the development site. This application should be submitted prior to the planned commencement of works on the development site. Application forms are available at Council’s Customer Service Counter.
 - (h) During construction works, the applicant/builder is required to ensure the protection and preservation of all boundary fencing or boundary walls between the subject site and adjoining properties. Any damage caused as a result of such works will be at the full cost of the applicant/builder.
- 69 During Demolition, Excavation and Construction, care must be taken to protect Council’s infrastructure, including street signs, footpath, kerb, gutter and drainage pits etc. Protecting measures shall be maintained in a state of good and safe condition throughout the course of demolition, excavation and construction. The area fronting the site and in the vicinity of the development shall also be make safe for pedestrian and vehicular traffic at all times. Any damage to Council’s infrastructure as a result of the building works shall be fully repaired in accordance with Council’s specification and AUS-SPEC at no cost to Council.
- 70 If the work involved in the construction of a building:
- (a) likely to cause pedestrians or vehicular traffic in a public place to be obstructed or rendered inconvenient; or,
 - (b) involves the enclosure of a public place:
 - (c) a hoarding or fence must be erected between the work site and the public place.
- 71 If an excavation associated with the proposal extends below the level of the base of the footings of a building on an adjoining allotment of land or the common boundary fence the person causing the excavation to be made:
- (a) Must preserve and protect the building/ fence from damage; and,
 - (b) If necessary, underpin and support such building in an approved manner;
 - (c) Must at least be 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of the intention to do so to the owner of the adjoining allotment of land and, furnish particulars of the excavation to the owner of the building being erected or demolished;
 - (d) Any retained existing structures and or services on this and adjoining properties are not endangered during any demolition excavation or construction work associated with the above project. The applicant is to provide details of any shoring, piering, or underpinning prior to the

- commencement of any work. The construction shall not undermine, endanger or destabilise any adjacent structures.
- (e) If the soil conditions required it:
- (i) Retaining walls associated with the erection of a building or other approved methods of preventing movement or other approved methods of preventing movement of the soil must be provided, and
- (ii) Adequate provision must be made for drainage.
- (f) Where any shoring is to be located on or is supporting Council's property, or any adjoining private property, engineering drawings certified as being adequate for their intended purpose by an appropriately qualified and practising engineer, showing all details, including the extent of encroachment and the method of removal (or any other method) and de-stressing of shoring elements, shall be submitted with the Construction Certificate to the Principal Certifying Authority along with Council's (or other) consent if the works intrude on Council's (or other) property.
- 72 Any costs in the relocation, adjustment, and provision of land or support of services as requested by the service authorities and Council are to be the responsibility of the developer.
- 73 Throughout the construction period, Council's warning sign for soil and water management shall be displayed on the most prominent point of the building site, visible to both the street and site workers. A copy of the sign is available from Council's Customer Service Counter.
- 74 Steps shall be taken to prevent nuisance to the inhabitants of the surrounding neighbourhood from wind-blown dust, debris, noise and the like.
- 75 The fire hydrant and booster assembly are required to be housed within an external façade/wall of the building or elsewhere within the building structure and shall be enclosed/screened with doors to the approval of the Principal Certifying Authority and FRNSW.

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

- 76 Prior to use and occupation of the building an Occupation Certificate must be obtained under Section 109C(1)(c) and 109M of the *Environmental Planning and Assessment Act 1979*.
- 77 Prior to the issue of the final Occupation Certificate, documentation from a practising civil engineer shall be submitted to the Principal Certifying Authority certifying that all of the car parking spaces and areas, loading areas and bays, driveways entrances, ramps and egresses have been constructed generally in accordance with the approved construction plan(s) and comply with AS2890.1, AS2890.2 and AS2890.6 requirements. The internal parking facilities shall be

clearly designated, sign posted and line marked. Signage and line marking shall comply with the current Australian Standards.

- 78 Prior to the issue of the Final Occupation Certificate, a deed of agreement for the provision of 28 marked car parking spaces within the basement car parking level of the serviced apartment complex for the warehouse/office component must be provided. Documentary evidence of this deed of agreement must be provided to the Principal Certifying Authority.
- 79 Prior to the issue of the Final Occupation Certificate, the Workplace travel Plan needs to be updated to address its implementation strategy and success measures.
- 80 The applicant is responsible for the installation and protection of all regulatory/parking / street signs fronting the property. Any damaged or missing street signs as a consequence of the development and associated construction works shall be replaced at full cost to the applicant.
- 81 Prior to the issue of the final Occupation Certificate, street numbers shall be clearly displayed with such numbers being of contrasting colour and adequate size and location for viewing from the footway and roadway.
- 82 Prior to the release of the final 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.
- 83 Prior to the issue of the final Occupation Certificate, all services (Utility, Council, etc) within the road reserve (including the footpath) shall be relocated/adjusted to match the proposed/existing levels as required by the development.
- 84 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 all the overhead service cables on the Baxter Road and Robey Street frontage to be undergrounded.
- Existing street lights located within the footpath reserve along the entire Baxter Road and Robey Street frontages of the development site shall be replaced with new street lights in accordance with the requirements of Australian/New Zealand Standard AS/NZS 1158-1997 —Public Lighting Code and the requirements of the Roads and Traffic Authority.
- All of the works required by this condition must be completed prior to the issue of the Occupation Certificate.
- 85 Any damage not shown in the photographic survey submitted to Council before site works commenced, as a result of the building works, shall be rectified at the applicant's expense to Council's satisfaction, prior to the final Occupation Certificate and release of damage deposit.
- 86 At the completion of all construction works, a qualified practitioner, with a certificate of attainment in NWP331A Perform Conduit Evaluation, shall undertake a closed circuit television (CCTV) inspection and then report on the existing

condition of the adjacent Council drainage pipeline. The camera and its operation shall comply with the following:

- The internal surface of the drainage pipe/culvert shall be viewed and recorded in a clear and concise manner,
- The CCTV camera used shall be capable to pan, tilt and turning at right angles to the pipe axis over an entire vertical circle to view the conduit joints,
- Distance from the manholes shall be accurately measured, and
- The inspection survey shall be conducted from manhole to manhole.

The written report, together with a copy of the digital video footage of the pipeline shall be submitted to Council for review. Any damage to the culvert/pipeline since the commencement of construction on the site shall be repaired in full to the satisfaction of Council. A written acknowledgement shall be obtained from Council (attesting this condition being appropriately satisfied) and submitted to the Principal Certifying Authority.

- 87 Prior to the issue of the final Occupation Certificate, documentation from a practising civil engineer shall be submitted to the Principal Certifying Authority certifying that the stormwater drainage system has been constructed generally in accordance with the approved stormwater management construction plan(s) and all relevant standards.
- 88 Prior to the issue of the final Occupation Certificate, a Certificate of Survey from a Registered Surveyor shall be submitted to the Principal Certifying Authority and the Council to the effect that:
- (a) All reduced levels shown upon the approved plans, in relation to the parapets, towers, lift enclosures, drainage, boundary and road reserve levels, have been strictly adhered to; and
 - (b) A Floor Space Ratio and a maximum height (top of parapet in accordance with *Botany Bay Local Environmental Plan 2013*) as approved under this Development Consent No. 14/207 have been strictly adhered to and any departures are to be rectified in order to issue the Final Occupation Certificate.
 - (c) The development as built, stands within 53 – 79 Baxter Road and 62-66 Robey Street Mascot.
- 89 The consolidation of all allotments into two titles must be undertaken; one comprising Lots 39 & 40 in DP 979354 and Lot 31 DP 893; the other comprising Lot 300 DP 1068656, Lot 1 DP 555198, Lot 28 DP 90406, Lot 27 DP 979354, Lot 281 DP 1138673, Lot 32 DP 893 and Lot B DP 305901. Details demonstrating compliance with this requirement are to be submitted to the satisfaction of the Principal Certifying Authority prior to the release of the final Occupation Certificate. Evidence of registration shall be submitted to Council or the Principal Certifying Authority prior to occupation and use of the building.
- 90 Prior to the issue of the final Occupation Certificate, a restriction on Use of Land and Positive Covenant(s) shall be imposed on the development. The following

covenants shall be imposed under Section 88E of the *Conveyancing Act 1919* and lodged with the NSW Land and Property Information:

- (a) Restriction on Use of Land for Stormwater Quality Improvement Device.
Refer to Appendix E of the SMTG for suggested wording.

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

- 91 Prior to the issue of the inal Occupation Certificate, a restriction on Use of Land shall be imposed on the development. The following covenants shall be imposed under Section 88B of the *Conveyancing Act 1919* and lodged with the NSW Land and Property Information:

- (a) The maximum period for occupation of a serviced apartment is 3 months.

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

Any Section 88B Instrument creating restrictions as to user which benefit Council shall contain a provision enabling such restrictions to be revoked, varied or modified only with the consent of Council.

- 92 Prior to the issue of the Occupation Certificate, extinguish any existing Council Easement for Stormwater and create a 3.5 metre wide Easement for Stormwater over the new stormwater culvert traversing the site.
- 93 Prior to issue of the final Occupation Certificate, high-level overflows from the swimming pool shall be gravity fed and connected to Sydney Water's sewer via an approved system. The connection must not directly vent the receiving sewer. Upon completion, certification from a licence plumber shall be submitted to the Principal Certifying Authority certifying that the connection has been made in accordance with the Sydney Water's requirements and the current plumbing codes.
- 94 Prior to issue of the final Occupation Certificate, the Principal Certifying Authority shall confirm the deck or concourse area surrounding the swimming pool have been constructed at minimum 1.0% grade towards the pool to prevent surface water overflowing into the adjoining properties.
- 95 Prior to issue of the final Occupation Certificate, the Principal Certifying Authority shall confirm that all the safety barriers enclosing the new swimming pool are installed and satisfy *AS1926.1 Swimming Pool Safety – Safety Barriers for Swimming Pools*.
- 96 Prior to issue of the final Occupation Certificate, the Principal Certifying Authority shall confirm that a pool cover is installed across the entirety of the swimming pool to minimise evaporation rates.

- 97 Prior to the issue of the final Occupation Certificate, certification from an appropriately qualified and practicing energy efficiency consultant shall be submitted to the Principal Certifying Authority and the Council to the effect that the energy efficiency measures required in the development for compliance with Part 3H of the *Botany Bay Development Control Plan 2013* have been implemented.
- 98 Prior to the issue of the final Occupation Certificate, documentation from a practising and qualified acoustic consultant must be submitted to the Principal Certifying Authority certifying that the buildings have been constructed generally in accordance with the approved acoustic report, this development consent and all relevant standards.
- 99 Prior to the issue of the final Occupation Certificate, documentation from a practising and qualified Hydraulic consultant must be submitted to the Principal Certifying Authority certifying that the flood gate system for the basement has been constructed generally in accordance with the stormwater report, this approval and all relevant standards.
- 100 Prior to the release of the final Occupation Certificate, the landscaping shall be installed in accordance with the approved final landscape plan. The landscaped areas on the site shall be maintained in accordance with the landscape documentation, the conditions of consent and Council's Landscape DCP at all times.
- 101 Prior to the issue of the final Occupation Certificate, the operator shall enter into a commercial contract for the collection of trade waste and recyclables arising from the premises. A copy of all contracts and receipts shall be kept on the premises and made available to Council Officers on request.
- 102 Prior to the issue of the Occupation Certificate, the applicant shall carry out the following works:
- (a) On Robey Street, adjacent to development, demolish all redundant vehicular road crossings (driveway) and construct new concrete footpath and new kerb and gutter in accordance with Council's Infrastructure Specifications,
 - (b) On Baxter Road, adjacent to development, demolish all redundant vehicular road crossings (driveway) and construct new concrete footpath and new kerb and gutter in accordance with Council's Infrastructure Specifications,
 - (c) On Robey Street, adjacent to development, reconstruct existing Kerb and Gutter for the full length of the property in accordance with Council Infrastructure Specifications,
 - (d) On Robey Street, adjacent to development, demolish existing concrete footpath and construct new concrete footpath in accordance with Council's Infrastructure Specifications,
 - (e) On Baxter Road, adjacent to development, reconstruct existing Kerb and Gutter for the full length of the property in accordance with Council Infrastructure Specifications,

- (f) On Baxter Road, adjacent to development, demolish existing concrete footpath and construct new concrete footpath in accordance with Council's Infrastructure Specifications,
 - (g) Demolish existing box culvert and channel traversing the site and construct new 2750x750 box culvert on proposed new location as per the Civil Engineering Works Drawings by Henry & Hymas, dated 19 August 2014,
 - (h) On Baxter Road, demolish the existing box culvert crossing the road and extend the new 2750x750 box culvert from the development site to the southern kerb and gutter on Baxter Road and connect to the existing 1200 diameter pipe,
 - (i) On Baxter Road, over the new box culvert construct two (2) new inlet pits with minimum 3.6 metre lintel and a hinged galvanised grate in accordance with Council's Infrastructure Specifications,
 - (j) On Robey Street, adjacent to the development, demolish existing stormwater inlet pits and construct new inlet pits with minimum 2.4 metre lintel and a hinged galvanised grate in accordance with Council's Infrastructure Specifications,
 - (k) On Baxter Road, adjacent to the development, demolish existing stormwater inlet pits and construct new inlet pits with minimum 2.4 metre lintel and a hinged galvanised grate in accordance with Council's Infrastructure Specifications,
 - (l) Construct new public pedestrian pathway connecting Robey Street and Baxter Road, along the eastern boundary of the property as per the Landscape Layout Plan by Nicholas Bray Landscapes, dated 3 September 2014 and Council's Infrastructure Specifications,
 - (m) On Robey Street, adjacent to the development, reconstruct half road pavement by milling 50mm of the existing road pavement and laying AC10 50mm thick in accordance with Council's Infrastructure Specifications, and
 - (n) On Baxter Road, adjacent to the development, reconstruct half road pavement by milling 50mm of the existing road pavement and laying AC10 50mm thick in accordance with Council's Infrastructure Specifications.
- 103 Prior to the issue of the final Occupation Certificate, inspection reports (formwork and final) for the works on the road reserve shall be obtained from Council's engineer and submitted to the Principal Certifying Authority attesting that this condition has been appropriately satisfied. A copy of the approved public domain civil works plans showing Work-as-Executed details (together with an electronic copy) prepared by a registered surveyor are to be provided to the Principal Certifying Authority.
- 104 Prior to the issue of an Occupation Certificate, a Workplace Travel Plan is required to be submitted to Council in accordance with Clause 6.2.4 of BBDCP 2013 to encourage higher public transport (including walking and cycling) use and include strategies to encourage and promote car sharing and car pooling strategies.

The plan shall generally include but not limited to the following:

- (a) Prepare Transport Access Guides (TAGs) for staff and occupants about information on how to reach the site via public transport, walking or cycling;
- (b) Encourage staff to cycle and/or walk to the workplace;
- (c) Encourage staff to use public transport to travel to workplace;
- (d) Adopt car sharing and /or car pool scheme;
- (e) Provide priority parking for staff with car pool;
- (f) Establish measurable targets on the number of staff travel to work by public transport, cycling and walking.

This Workplace Travel Plan must include a pedestrian connectivity assessment as well as a traffic assignment diagram between the subject site and the domestic airport (having regard to the Airport Master plan with Robey Street being left only at O’Riordan Street).

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

- 105 The operation of the premises shall be conducted in such a manner as not to interfere with or materially affect the amenity of the neighbourhood by reason of noise, vibration, odour, fumes, vapour, steam, soot, ash, dust, particulate matter, waste water, waste products or other impurities which are a nuisance or injurious to health.
- 106 No offensive odour from any process shall be detected outside the premises by an authorised Council Officer as defined in the *Protection of the Environment Operations Act 1997*.
- 107 The use of the premises shall not give rise to air impurities in contravention of the *Protection of the Environment Operations Act 1997* and shall be controlled in accordance with the requirements of this Act.
- 108 The operation of the premises shall be conducted in a manner that does not pollute waters as defined by the *Protection of the Environment Operations Act 1997*.
- 109 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. All lighting shall comply with AS4282-1997 *Control of the obtrusive effects of outdoor lighting*.
- 110 The hours of operation of the office/warehouse are restricted to the following:-
 - (a) Office – 7.00am to 5.00pm Monday to Friday and 9.0am to 5.00pm Saturday and Sunday;
 - (b) Warehouse – 6.00am to 8.00pm Monday to Friday and 7.00am to 5.00pm Saturdays and Sundays.
- 111 Prior to commencing trading all new food businesses must register the food premises with Council and register with the New South Wales Food Authority

(contact details for registration for the Food Authority NSW are <http://www.foodnotify.nsw.gov.au/nafsis> or by telephone 1300 650 124).

- 112 All parking bays shown on the approved architectural plans shall be set aside for parking purpose only and shall not be used for other purposes, e.g. storage of goods. Vehicle turning areas shall be kept clear at all times and no vehicles are permitted to park in these areas.
- 113 The pick-up/drop-off zones at the front of the development along Robey Street shall be marinated for this use at all times. No vehicles are permitted to park in these areas.
- 114 All vehicles shall enter and exit the premises in a forward direction.
- 115 All loading and unloading of vehicles in relation to the use of the premises shall take place wholly within the dedicated loading dock/area, which is wholly within the building.
- 116 Waste collection must occur on the site during daylight hours.
- 117 The operation of the development and movement of vehicles shall comply with the following requirements:-
 - (a) The largest size of vehicle accessing the development shall be restricted to MRV;
 - (b) Garbage collection and loading and unloading activities associated with deliveries shall take place wholly within the loading dock;
 - (c) Deliveries shall be conducted in accordance with the Plan of Management.
 - (d) No deliveries to the premises shall be made from a public places, public streets or any road related areas (e.g. footpaths, nature strip, road shoulder, road reserve etc);
 - (e) Vehicle manoeuvring area shall be kept clear at all times. All vehicles shall be parked in the marked parking bays.;
 - (f) Maximum number of delivery vehicles on site shall be limited to two at any one time for the serviced apartments.
- 118 The operation of the site must at all times fully comply with the requirements of the approved Plans of Management for the Serviced Apartments.
- 119 Any graffiti or similar vandalism to the external fabric of the buildings or walls to landscaped areas shall be removed within seven (7) days and the surface returned to its original condition.
- 120 The landscaped areas on the property shall be maintained in accordance with the approved landscape documentation and plans, the conditions of development approval at all times. The Landscape Contractor shall be engaged weekly for a minimum period of 6 weeks from completion of the landscape installation to maintain the landscaping. After that time monthly maintenance is required.

- 121 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 40dB(A) night time. The operation of all plant and equipment when assessed on any neighbouring commercial/industrial premises shall not give rise to a sound pressure level that exceeds LAeq 65dB(A) day time/night time.

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

- 122 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.

- 123 The stormwater drainage system (including all pits, pipes, absorption, detention structures, treatment devices, infiltration systems and rainwater tanks) shall be regularly cleaned, maintained and repaired to ensure the efficient operation of the system from time to time and at all times. The system shall be inspected after every rainfall event to remove any blockage, silt, debris, sludge and the like in the system. All solid and liquid waste that is collected during maintenance shall be disposed of in a manner that complies with the appropriate Environmental Guidelines.

- 124 The owner of the pool shall display a notice showing:

- (a) Appropriate instructions of artificial resuscitation methods.
- (b) A warning stating 'YOUNG CHILDREN SHOULD BE SUPERVISED WHEN USING THIS POOL'.

Note: This notice shall be kept in a legible condition and at the pool side.

- 125 The pool filtering equipment shall be encased by a soundproof cover and shall be located as far as is practical from adjoining premises. Pool equipment shall not operate between 10.00pm and 7.00am.

- 126 The commercial swimming pool/spa pool operation shall comply with the NSW *Public Health Act and (Swimming Pools and Spa Pools) Regulation* and Guidelines.

- 127 Prior to use or operation of the swimming pool, any filtration equipment or pump(s) shall be enclosed with appropriate sound insulation materials to ensure noise levels do not exceed 5dBA above the ambient background noise level when measured at the side and rear boundaries of the property.

- 128 The applicant being informed that this approval shall be regarded as being otherwise in accordance with the information and particulars set out and described in the Development Application registered in Council's records as Development

Application No. 14/207 and that any alteration, variation, or extension to the use, for which approval has been given, would require further Approval from Council.

ADVISORY NOTES

A1 The following requirements are imposed by the NSW Police Service: Surveillance

- (a) 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 surveillance 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.
- (b) 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).
- (c) 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.
- (d) It is crucial even in the development stage that these cameras are installed as soon as power is available to the site.
- (e) Any proposed landscaping and vegetation should adhere to the following principles:-
 - Shrubs, bushes, plants should remain under 900mm in height;
 - Branches of large trees should start at a height of two (2) metres and higher;

This will assist with natural surveillance and reduce hiding spots and dark areas for potential offenders.
- (f) By angling fire egress inlet walls 45 degrees or more, opportunities for entrapment, loitering and vandalism can be reduced.
- (g) Any proposed seating area, playground or grass area should be positioned somewhere which can be viewed easily by the community. Consider whether the area will be used enough to warrant its development. Areas which are isolated, unused and maintained poorly become a breeding ground for anti-social behaviour.
- (h) 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.

- (i) 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.
- (j) Public laundries, garbage disposal areas and other communal spaces should not be located in a buildings "left over 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.
- (k) Uneven building alignments, inset doorways and hidden entrances should be avoided. They can facilitate predatory crimes, thefts, malicious damage and other offences.
- (l) 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.

Lighting

- (m) 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.
- (n) 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).
- (o) 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.
- (p) 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.
- (q) Improve lighting needs to extend from the development towards adjacent streets. Consideration must be given to pedestrians walking from the development to surrounding streets for the purpose of catching public transport etc. Areas adjoining pathways should be illuminated to avoid opportunities for concealment and entrapment.

Territorial Reinforcement

- (r) Clear street number signs should be displayed and appropriately positioned at the front of the business to comply with the *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 a corporation. The number should be in contrasting colours to building materials and be a minimum height of 120mm.

- (s) 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, trespassers will be prosecuted
Warning, these premises are under electronic surveillance
- (t) Directional signage should be posted at decision making points (e.g. entry/egress points) to provide guidance to the users of the development. This can also assist in access control and reduce excuse making opportunities by intruders.
- (u) A Fire Safety Statement must be prominently displayed within the development to comply with the *Environmental Planning and Assessment Regulations (1994)* Clause 80GB. The annual fire safety statement is a statement issued by the owner of a building.
- (v) Signage needs to be provided at fire exist to assist occupants to identify exists in emergency situations.
- (w) Signage needs to be provided to assist staff and customers to identify fire suppression equipment, e.g. extinguishes, fire hoses etc.
- (x) A graffiti management plan needs to be incorporated into the maintenance plan for the development. Research has shown that the most effective strategy for reducing graffiti attacks is the quick removal of such material generally within 24 hours.
- (y) Graffiti resistant materials and anti-graffiti coating should be utilised throughout the development.

Space/Activity Management

- (z) An emergency control and evacuation plan which complies with the Australian Standard, Emergency Control Organisation and Procedures for Buildings, Structures and Workplaces, AS:3745 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://ema.gov.au>.
- (aa) 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 must cover this area if they are constructed. Solid steel housing and quality key locks should be used to prevent access.

Access Control

- (bb) The door and door frames to these premises should be of solid construction.
- (cc) Doors should be fitted with locks that comply with the Australian Standard

- Mechanical Locksets for doors in buildings, AS:4145:1993, to restrict unauthorised access and the Building Code of Australia (fire regulations). This standard specifies the general design criteria, performance requirements and procedures for testing mechanical lock sets and latch sets for their resistance to forced entry and efficiency under conditions of light to heavy usage. The standard covers lock sets for typical doorways, such as wooden, glass or metal hinged swinging doors or sliding doors in residential premises. Requirements for both lock and associated furniture are included. Certain area may require higher level of locking devices not referred to in this standard (e.g. locking bars, electronic locking devices and detection devices). Dead lock are required for residential units.
- (dd) There are some doors within the premises which are designated as fire exits and must comply with the Building Code of Australia. This means that they provide egress to a road or open space, an internal or external stairway, a ramp, a fire isolated passageway, a doorway opening to a road or open space. The doors in the required exits must be readily open-able without a key from the side that face the person seeking egress, by a single hand downward action or pushing action on a single device which is located between 900mm and 1.2m from the floor.
- (ee) Any sliding doors MUST be fitted with lockable bolts in the bottom and top of the door fame.
- (ff) The windows and window-frames to these premises should be of solid construction. These windows should be fitted with locks with comply with the Australian Standard – Mechanical Locksets for windows in buildings, AS:4145 to restrict unauthorized access. This standard specifies the general design criteria, performance requirements and procedures for testing mechanical lock sets and latch sets for their resistance to forced entry and efficiency under conditions of light to heavy usage. The standard covers lock set for typical windows, such a wooden, glass or metal hinged swinging windows or sliding windows in residential and business premises, including public buildings, warehouses and factories. Requirements for both the lock and associated furniture are included. Certain areas may require higher level of locking devices not referred to in this standard (e.g. locking bars, electronic locking devices, detection devices, alarms).
- (gg) 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 form the car park should have striker plates installed to minimise chance of tampering.
- (hh) 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.