

**SUPPLEMENTARY REPORT TO THE JOINT REGIONAL PLANNING
PANEL
(Sydney East Region)**

JRPP No	2016SYE037
DA Number	16/9
Local Government Area	City of Botany Bay
Proposed Development	Integrated Development Application, requiring approval from the NSW Department of Primary Industries - Water pursuant to the Water Management Act 2000, for a mixed use development containing five buildings of between 7 to 8 storeys. The development comprises two levels of basement car parking, residential apartments, serviced apartments, ground floor retail premises and childcare centre.
Street Address	200 Coward Street, Mascot
Legal Description	Lot 1 DP 701026
Applicant	Karimbla Constructions Services (NSW) Pty Ltd
Owner	Karimbla Properties (No. 36) Pty Ltd
No. of Submissions	Ten (10) in opposition
Regional Development Criteria	Development with a CIV of \$105,959,235
List of All Relevant s79C(1)(a) Matters	• Environmental Planning & Assessment Act 1979, Part 4 – Development Assessment • Environmental Planning & Assessment Regulation 2000, Part 6 – Procedures relating to development applications • State Environmental Planning Policy (Infrastructure) 2007 • State Environmental Planning Policy No. 55 – Contaminated Land • State Environmental Planning Policy 2004 (BASIX); • State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Buildings • Botany Bay Local Environmental Plan 2013 • Botany Bay Development Control Plan 2013
Additional Plans and Documents submitted with this report for the panel's	• Amended plans – Basement 1, Basement 2, Ground Floor and First Floor Plans, Elevations, Sections • Amended Landscape Plans • Amended GFA plans • Amended apartment schedule

consideration	• Letter to Council • Emails from RMS confirming acceptance of amended proposal.
Recommendation	The Sydney East Joint Regional Planning Panel (JRPP), as the Determining Authority, resolve to: (a) Grant consent subject to the General Terms of Approval from the Department of Primary Industries – Water; (b) Grant consent to the Clause 4.6 variation request under Botany Bay Local Environmental Plan 2013 to permit a variation to the maximum height standard; and (c) Approve Development Application No. 16/9 for a mixed use development containing five buildings of between 7 to 8 storeys. The development comprises two levels of basement car parking, residential apartments, serviced apartments, ground floor retail premises and childcare centre.
Report by	Brendon Clendenning – Senior Assessment Planner

1.0 Executive Summary

Council received Development Application No. 16/9 on the 3 February 2016 seeking consent for a mixed use development containing five buildings of between 7 to 8 storeys. The development comprises two levels of basement car parking, residential apartments, serviced apartments, ground floor retail premises and childcare centre.

The application was reported to the JRPP on the 12 July 2016 with a recommendation for deferral based on issues relating to the treatment of the frontages, and the associated impacts to easements within the property, which had not been resolved at the time of compiling the report.

The Panel resolved unanimously to support the recommendation of Council and the application was deferred with a request that a Supplementary Report be received by 22 July 2016.

During the Public Meeting, the owner of 132 O’Riordan Street addressed the panel, with concerns relating to setbacks and privacy, fencing, and deep soil. The applicant indicated the intention to address the matters raised by the objector.

The Panel also indicated that further details on the gross floor area needed to be provided to Council for assessment.

Information has been provided by the applicant to address the reasons for deferral, the issues raised by the objector and the panel, as well as addressing draft conditions requiring design amendments prior to the issue of a Construction Certificate. The information that has been provided has adequately responded to the issues, and the application is now recommended for approval.

2.0 RMS Drainage Easement

Note 1 of the Assessment Report indicated that Council received plans in late June seeking to address issues that were earlier raised by Council. This included the provision of retail frontages to both Coward Street and O’Riordan Street, with associated ramping provided within the street setbacks (the ramps were not shown on the previous plan revision, as the majority of the frontages were proposed for residential purposes). Part of this ramping sat over a drainage pipe which is to become burdened with an easement to benefit the RMS. This outcome was not satisfactory to Council (and possibly not to the RMS) for the following reasons:

- The proposed ramps would prevent access to the easement for maintenance purposes.
- Information submitted to Council in relation to DA-15/232 indicated that the future RMS easement was not to be strictly for subsurface drainage, but also for overland flow. Although the flood report submitted with the application indicates that there is unlikely to be an overland flow path in this location, the placement of ramps within this location would be contrary to the requirements of the RMS.

An amended ground floor plan was provided with a revised layout of the ground floor retail and childcare centre within Building A. The revised layout provides new entries to the childcare centre and the southern retail premises, both of which sit to the south of the easement drainage pipe. The northern retail premise is provided with a recessed entry, with sufficient space provided to enable a wheelchair lift. The amended architectural and landscape plans are shown below.

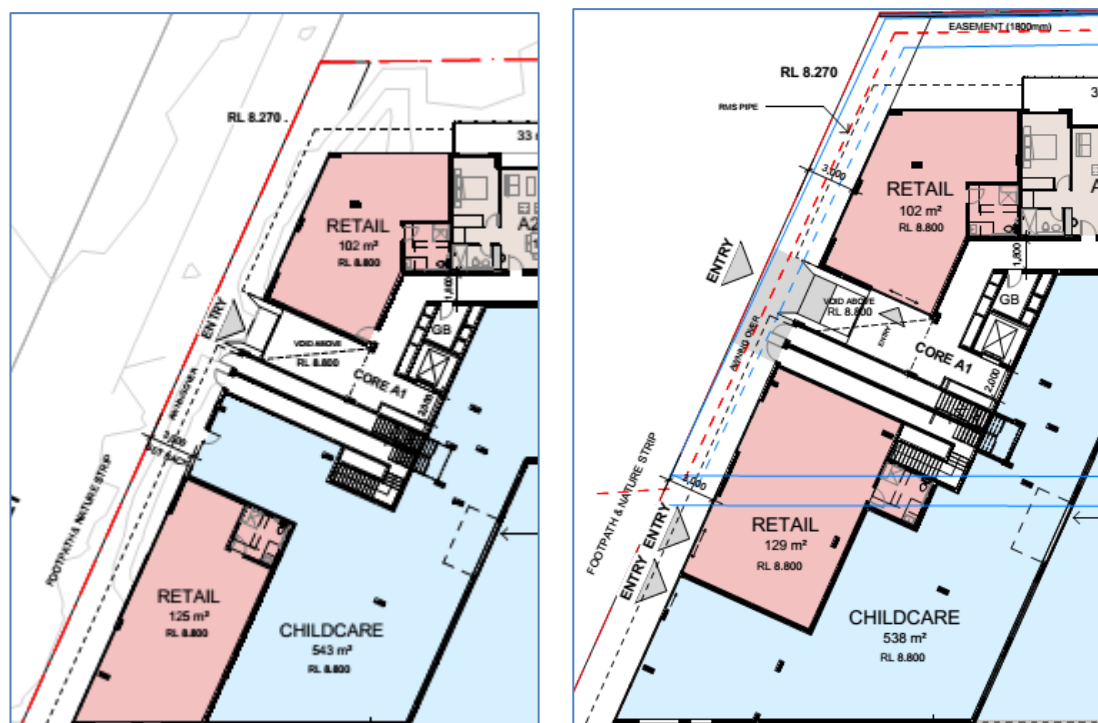


Figure 1 Proposed entries to retail and childcare centres with the previous revision shown on the left, and the later amendments shown on the right.



Figure 2 Reduction in ramp sizes and improvements to landscaping as a consequence of the changes to the ground floor, with the previous revision shown on the left, and the later amendments shown on the right.

An email was also provided, which indicated that the RMS were satisfied that the proposed amendments were appropriate. Therefore this matter has been addressed satisfactorily.

3.0 Issues Raised by Objector

The owner of the western-most property which adjoins the northern boundary of the subject site, Amanda Meers, discussed several matters for concern relating to the subject application. The concerns can be broadly grouped into three categories as follows: setbacks and privacy, lack of deep soil and screening planting, dividing fences. The applicant has submitted additional information seeking to address each of these issues, and the assessment of the amendments is conducted below.

Setbacks and privacy

The objector had privacy concerns associated with the northern access point provided in the vicinity of the northern boundary. This area has been provided with a first floor void above, two provide high ceilings at the entry point. The northern entry to Building A has been amended to provide fire egress only, which will require all occupants accessing Building A to enter and exit from the O'Riordan Street entry. The pathway along the northern boundary remains, however, this may require deletion to meet compliance with recommended landscaped conditions, as discussed later within the report.

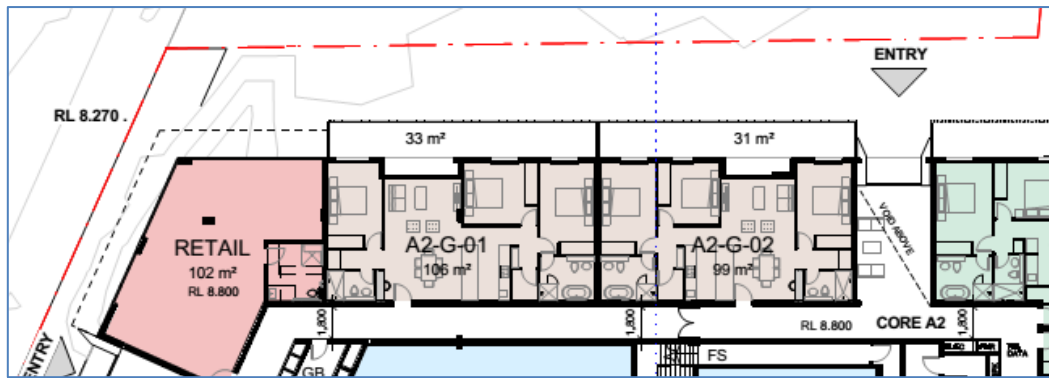


Figure 3 Previous ground floor plan revision showing entry towards the north.

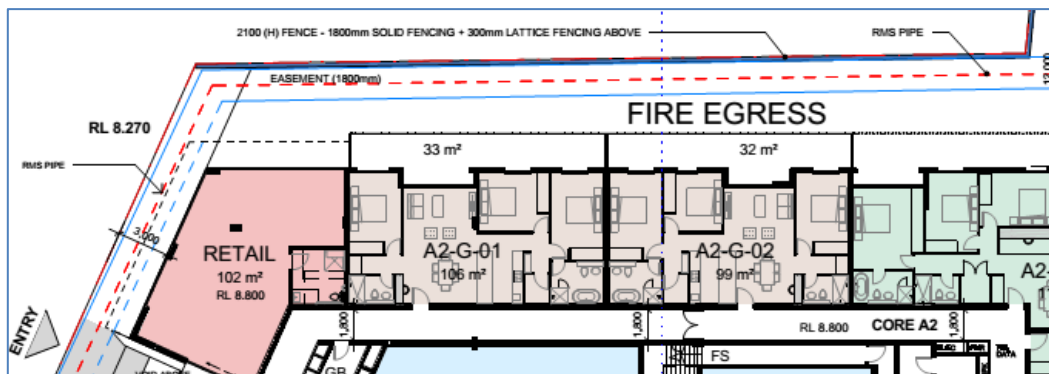


Figure 4 Current ground floor plan revision showing entry towards the north has been replaced with an additional bedroom and bathroom.

Note that the deleted lobby has been replaced by the provision of an additional bedroom provided to the adjacent unit, resulting in the conversion of a two bedroom unit into a three bedroom unit. In addition, the first floor void area and a two bedroom apartment, have been replaced by two x one bedroom apartments.

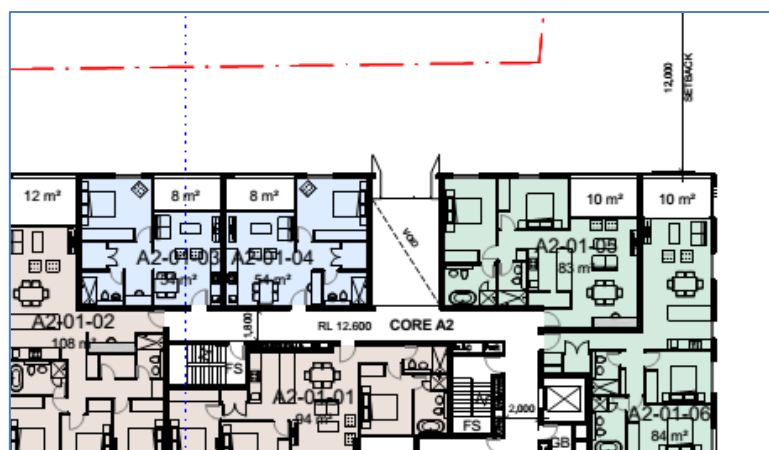


Figure 5 Previous first floor plan showing void area and two bedroom apartment to the east.

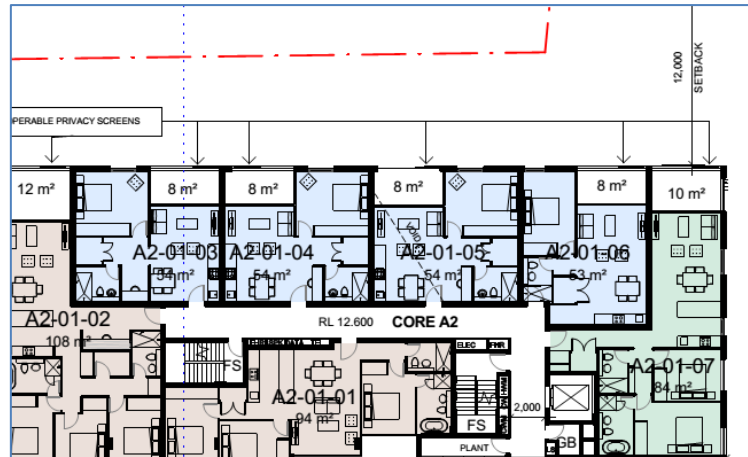


Figure 6 Amended first floor plan showing two x one bedroom apartments in place of the deleted void area and two bedroom apartment.

The other key privacy concern related to a lack of balcony privacy screening: Privacy screens have been introduced to the balconies of the north facing units of Building A from Levels 1-3 as shown on the revised architectural drawings. Privacy screening is not required at higher levels, given the additional setback that is provided.



Figure 7 Provision of additional privacy screens to the northern elevation with the previous revision shown on the left and the current plan shown on the right.

Lack of deep soil and screening planting

The objector raised concerns in relation to a lack of deep soil and the associated impacts on potential screening planting. These matters raised by the objector, were also discussed in detail within Note 3 the Council Assessment Report. The Assessment Report had recommended a condition (shown within the Assessment Report as Condition 53) requiring amended landscape plans, provided with construction level detail, with a range of design amendments to be incorporated into the landscape scheme.

Amended concept landscape plans were provided to Council, which depicted additional landscaping to be provided to the street frontages. However, the plans showed minimal

changes to landscaping provided to screen the development from the north. The following images are provided from the most recent landscape amendment.

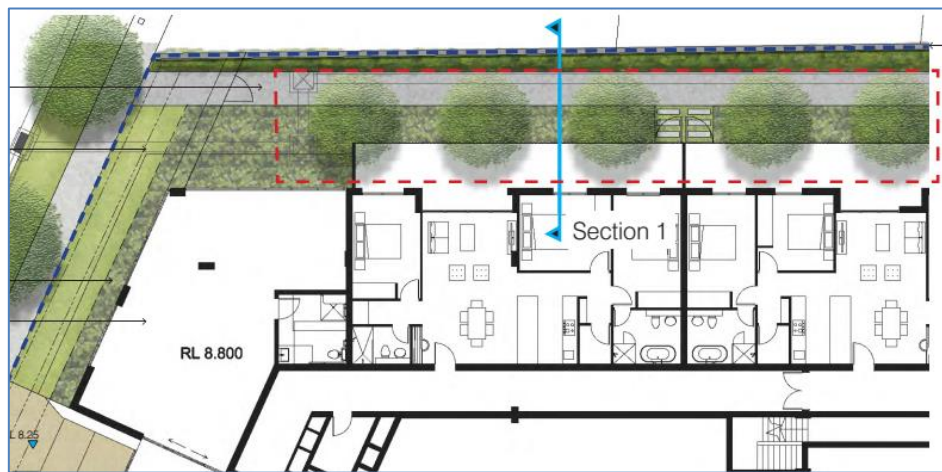


Figure 8 Landscaping provided to the northern boundary, shown in plan.

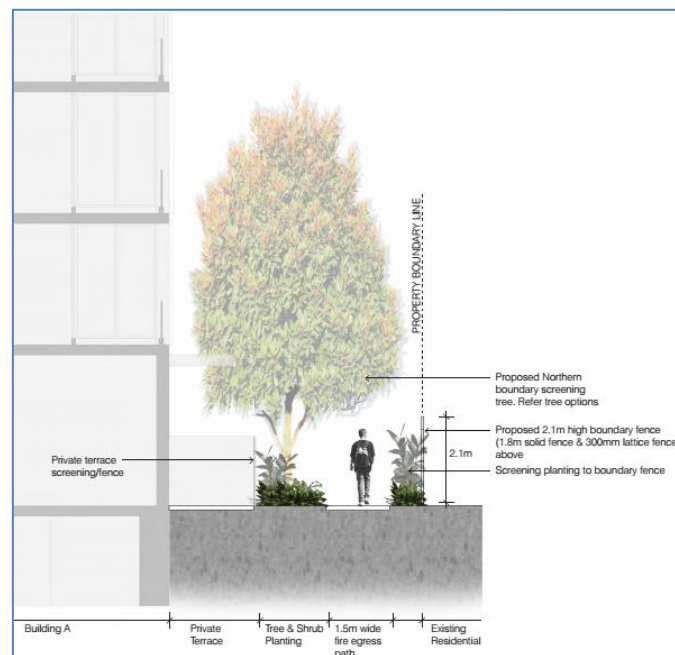


Figure 9 Landscaping provided to the northern boundary, shown in section.

Condition 53 (as per the schedule of conditions within the Assessment Report) included a requirement to specifically address landscaping at the northern boundary. This part of this condition relating to the northern screening planting is as follows:

Medium to large trees are to be provided in the northern setback to provide screening and privacy for existing adjoining residential dwellings.

It is noted that the current landscape design depicts trees that would be considered as ‘medium’ size. The recommended condition requires that the design also incorporates large trees, which are up to 13m-18m high, and with up to a 16m spread.

It is considered that this condition is appropriate to ensure that sufficient screening landscaping is provided at the boundary.

It is also noted that the amended plans have provided the additional deep soil required by draft Condition 13. As a consequence, draft condition 13 is no longer included within the recommended conditions.

Dividing fences

The objector raised concerns that no details were provided on new boundary fencing that would be provided in place of the recently demolished building, which sat on the northern boundary and functioned as boundary fencing. Details have been provided on the ground floor plan and the amended landscape plan, which indicating the provision of a 1.8m solid timber fence panelling with a 300mm lattice fencing strip above. The fencing is shown on the ground floor plan as extending along the entire northern boundary; however, the applicant has also indicated that it is their intention to provide the same treatment to the eastern boundary.



Figure 10 Boundary fencing detail provided with amended landscape plan

In general, it is considered that the amended plans and additional information have provided an appropriate response to the concerns of the objector. However, information has not been received which satisfactorily addressed the landscape requirements of Council. Notwithstanding, as discussed within Note 3 of the Assessment Report, a condition is recommended which requires substantial changes to the landscaping provided at the site. This condition (shown as Condition 53 within the original Assessment Report, but now referred to as Condition 47) requires that construction-level detailed (and not merely concept) landscape plans be provided to the approval of Council prior to the issue of any Construction Certificate for above ground works.

4.0 Gross Floor Area

The Panel had raised concerns that areas of the ground floor were not included within the calculation of gross floor area (GFA), and that the proposed floor space ratio may not have been represented accurately.

Updated GFA plans were received which indicate the inclusions for the purposes of calculating GFA. The plans indicate that waste and storage areas were included in the calculation of GFA, and this was consistent with the calculations within the previous plan revision. The GFA plan and Ground Floor Plan are provided below for comparison.

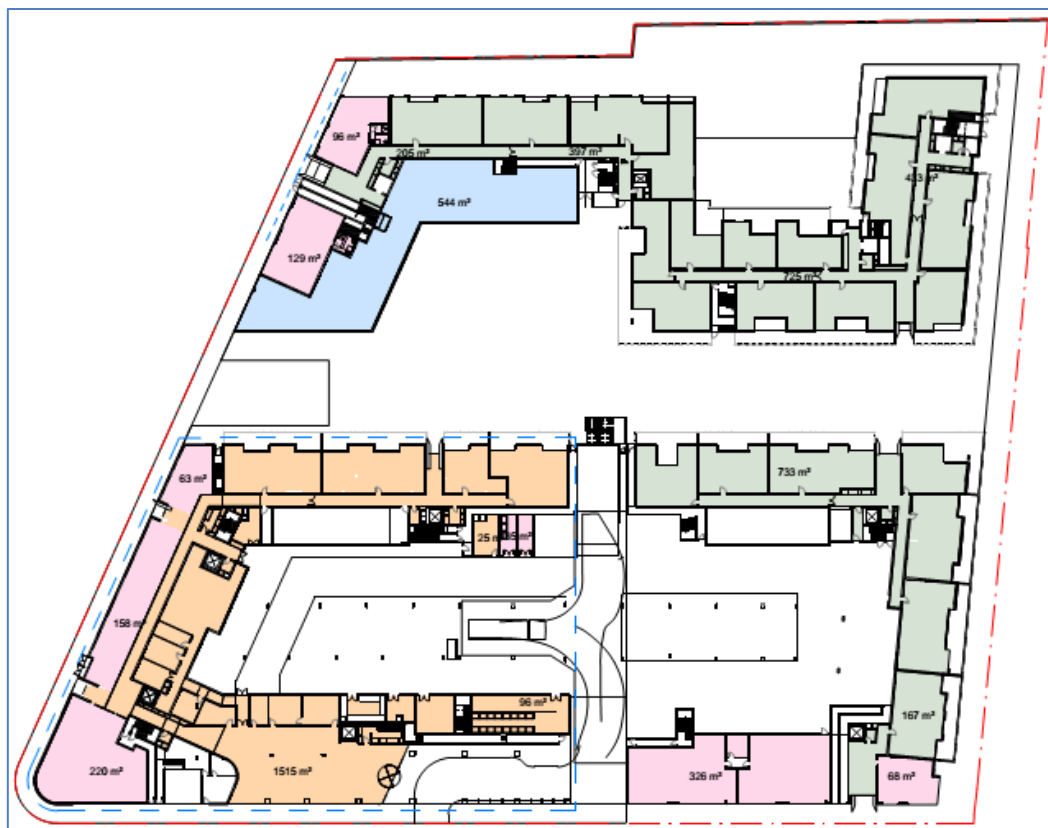


Figure 11 Ground floor GFA plan

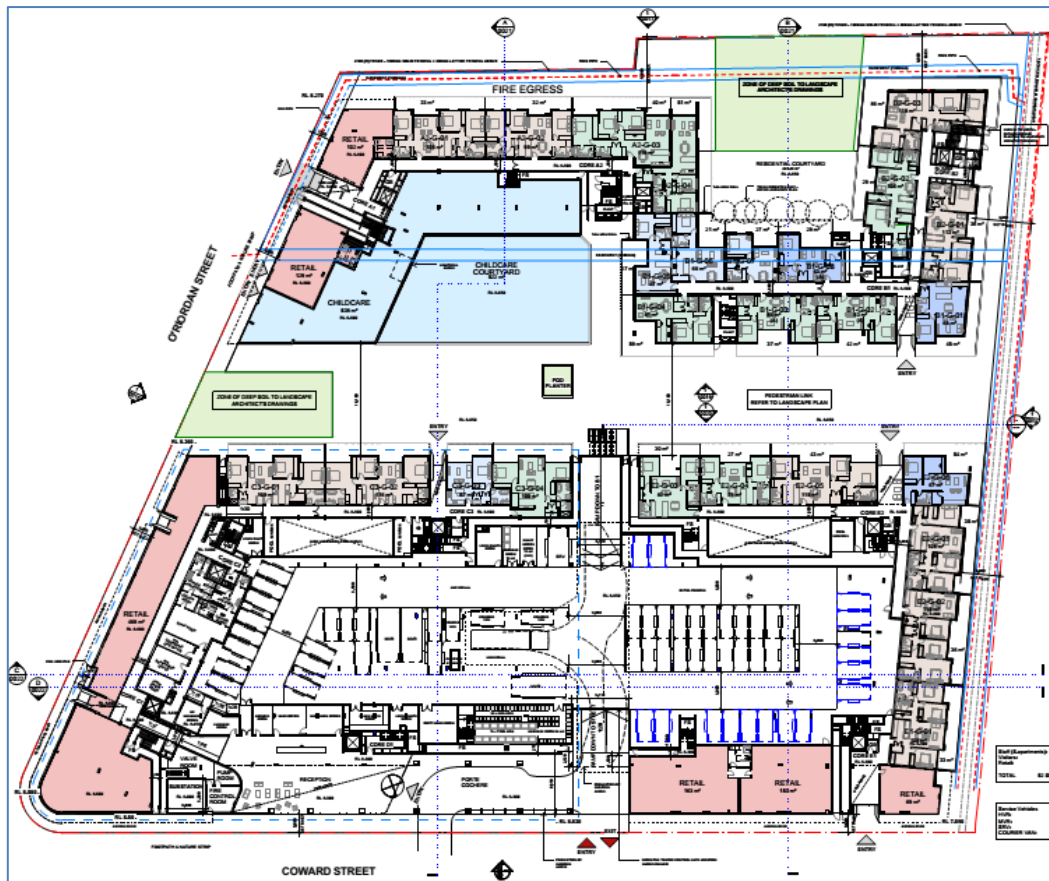


Figure 12 Current Ground Floor Plan

The definition for the inclusions of gross floor area is as follows:

gross floor area means the sum of the floor area of each floor of a building measured from the internal face of external walls, or from the internal face of walls separating the building from any other building, measured at a height of 1.4 metres above the floor, and includes:

- (a) the area of a mezzanine, and
 - (b) habitable rooms in a basement or an attic, and
 - (c) any shop, auditorium, cinema, and the like, in a basement or attic,
- but excludes:
- (d) any area for common vertical circulation, such as lifts and stairs, and
 - (e) any basement:
 - (i) storage, and
 - (ii) vehicular access, loading areas, garbage and services, and
 - (f) plant rooms, lift towers and other areas used exclusively for mechanical services or ducting, and
 - (g) car parking to meet any requirements of the consent authority (including access to that car parking), and
 - (h) any space used for the loading or unloading of goods (including access to it), and
 - (i) terraces and balconies with outer walls less than 1.4 metres high, and
 - (j) voids above a floor at the level of a storey or storey above.

The ground floor gross floor area calculations for the ground floor correctly exclude the following:

- Parking and manoeuvring for service vehicles, garbage vehicles, and commercial areas, all of which are required by the BBDCP 2013.
- The area underneath the in-ground pools provided at Level 1.
- Service rooms.

Council is satisfied that the ground floor GFA has been calculated correctly.

The inclusion of parking within GFA

The proposal is provided with a surplus of residential car parking within the basement. As indicated within Note 4 of the Assessment Report, 450 parking spaces were required, and 564 parking spaces were provided. As a consequence of design amendment to improve deep soil, a total of 30 spaces have been deleted, which reduces the total provision of parking spaces to 534, or a surplus of 84.

The submitted GFA plans did not include any additional floor space as a consequence of the surplus of parking that is provided at this site. However, Council has reviewed the GFA calculations and the GFA plans, and concluded that additional GFA must be included to account for the surplus of parking.

The GFA of the development, having regard for the inclusions within the GFA plans, is calculated to be 41,488sqm, which gives an FSR of 2.42:1. The dimensions for the parking spaces are given as 2.4m x 5.4m, which equates to 12.96sqm of GFA per additional parking space. The additional floor space generated by the surplus of 84 parking spaces would therefore equate to 1088.64sqm bringing the total GFA to 42576.64sqm, and the FSR to 2.48:1. Therefore FSR will remain compliant with the requirement of 2.5:1.

5.0 Amendments to Plans and Recommended Conditions of Consent

Following the publication of the original Assessment Report on the JRPP website, the applicant wrote to Council seeking changes to draft conditions of consent shown within the Assessment Report.

Where appropriate, Council has made amendments to the draft conditions. However, the following comments are provided on requests that were not agreed to by Council.

Condition 5 – Down pipes and air conditioning to be concealed from view

The applicant sought to have this condition amended to state that services should be concealed from view “where appropriate”. This is a standard condition that is applied to all developments of this nature, and Council does not support changes to this condition.

Condition 15 – Developer contributions

Section 94 contributions are not able to be postponed until prior to the issue of an Occupation Certificate, as was requested by the applicant. Contributions must be paid prior to the issue of a Construction Certificate.

Condition 27 – Damage deposit

The applicant questioned the damage deposit figure. This amount also includes a 12 month performance bond, and the condition has been updated appropriately. The damage deposit is

calculated in line with Council's standard fees and charges, at \$3000/m frontage, and changes to this amount are not supported.

Condition 34(d) - Undergrounding of cables on both sides of Coward Street.

The applicant has sought for this condition to be amended as to delete the requirement for the undergrounding of cables on the opposite side of Coward Street. However, the majority of the power poles sit on the opposite side of Coward Street, adjacent to the public park. Given there is limited infrastructure at the subject site frontage, it is appropriate that the applicant underground the cables on the opposite side of Coward Street. The applicant's comparison to a development in 130 Bunnerong Road (British and American Tobacco Australia site) is not appropriate, as this project sits opposite residential properties, and the applicant would need to approach individual property owners on the opposite side of the development site to undertake the works. In the current circumstances, the land on the opposite side is owned by Council.

Condition 53 – Amended landscape plans

- 53(c) – changes sought to the tree species are not considered appropriate. Spotted Gum may be provided within the road verge but not on site. Further, there are many varieties of Lillypilly and the appropriate species should be used for this situation. The condition is mainly concerned with the provision of trees of an appropriate height.
- 53(g) – changes sought to the trees within the setback to the porte cochere are not considered appropriate. Sightlines can still be achieved with trees, this response is not accepted. If large pot size trees are used, formative pruning to achieve canopy heights of 2 metres from ground and clear trunks will achieve sightline requirements. There are ample similar examples.
- 53(j) – changes sought to the minimum pot size of larger trees is not considered appropriate. This condition is recommended in order to account for the significant and large canopy trees removed from the site. These large trees up to 1000L should be located near the O'Riordan Street frontage as this is where the significant trees were removed. There is also scope for tree of this size on the northern boundary setback and the 3 metre wide landscape area on Coward Street.
- Timing of condition – the applicant has sought that the requirements of this condition be met prior to the issue of a Construction Certificate for fitout works. This is not agreed to by Council.

Condition 75 – Protection of trees on neighbouring sites

The applicant suggested that this condition requires the developer to obtain access to other sites. However, although not stated explicitly within the condition, the applicant is only required to protect trees on neighbouring properties, from within the confines of the subject site. This does not necessarily apply to trees within the road reserve (i.e. depending on whether those trees are affected by vehicle movements, etc).

Condition 78(g) – No services or change in levels within primary tree root zone

This condition is necessary to ensure retained trees are able to withstand the works. The condition does allow for tree roots to be accommodated where structures are within close proximity to trees.

Note that the condition numbers above are based on those provided within the original Assessment Report. As some conditions have been relocated or deleted, the condition numbers shown within Part 8.0 of this report may be different to those listed above.

6.0 Other Matters

Changes to Dwelling Mix

As indicated within Section 3.0 of this report, the proposed dwelling mix has been amended to facilitate the changes to the northern building entry. A comparison between the dwelling mix that was considered within the original Assessment Report, and the dwelling mix that is currently proposed is provided below:

	Previous Proposal	Current Plans
Studio	Nil	Nil
1 bedroom	91 (38.7%)	93 (39.6%)
2 bedroom	76 (32.3%)	74 (31.5%)
3 bedroom	68 (28.9%)	69 (29.4%)
Total	235	236

The BBDCP 2013 indicates that a maximum of 25% of dwellings within a residential flat development may be studio or one bedroom. The previous proposal did not comply with this requirement, and Note 5 of the Assessment Report indicated that this was considered acceptable for the following reasons:

- The proposal is provided with generally large apartments. The median dwelling sizes are as follows:
 - 55sqm for 1 bedroom apartments;
 - 84sqm for 2 bedroom apartments, and;
 - 105sqm for 3 bedroom apartments.

This comfortably exceeds the respective minimum requirements of 50sqm, 75sqm; and 95sqm (not that this also accounts for the additional 5sqm requirement for bathrooms within 2 and 3 bedroom apartments, as all of the 2 and 3 bedroom apartments are proposed with two bathrooms).

- The dwelling mix provides a relatively equal proportion of 1 bedroom, 2 bedroom and 3 bedroom apartments, with no studios proposed. The proportion of 3 bedroom apartments (29%) is relatively high for a development of this size.
- The design and layout of the apartment are consistent with the objectives of the family friendly' apartment controls contained within Part 4C.4.2.

The discussion above remains applicable to the amended proposal, and the variation to the unit mix requirement is considered to remain acceptable.

Cross Ventilation, Solar Access, and Adaptable Dwellings

The change to the apartment mix also affects compliance with the following requirements:

Control	Required	Previous Proposal	Current Plans
Cross ventilation	Minimum 60% (ADG)	138 (59%)	138 (58%)
Solar access	Minimum 70% (ADG)	168 (71%)	167 (70%)

No solar access	Maximum 15% (ADG)	37 (16%)	37 (15%)
Adaptable Dwellings	Minimum 20% (DCP)	48 (21%)	48 (20%)

The proposal remains compliant with the majority of the controls listed above, with the exception of cross ventilation. The proposal will result in a reduction in the proportion of cross ventilated apartments from 59% to 58%, which remains below the minimum requirement of 60%. The original Assessment Report indicated that this non-compliance was a consequence of a design that seeks to provide the building massing requirements within the BBDCP 2013 and minimise overshadowing to Mascot Park. Given the minor nature of the non-compliance, the proportion of dwellings receiving cross ventilation is considered acceptable.

7.0 Recommendation

That the Sydney East Joint Regional Planning Panel (JRPP), as the Determining Authority, resolve to:

- (a) Grant consent subject to the General Terms of Approval from the Department of Primary Industries – Water;
- (b) Endorse the Clause 4.6 variation request under Botany Bay Local Environmental Plan 2013 to permit a variation to the maximum height standard; and
- (c) Approve Development Application No. 16/9 for a mixed use development containing five buildings of between 7 to 8 storeys. The development comprises two levels of basement car parking, residential apartments, serviced apartments, ground floor retail premises and childcare centre, subject to conditions.

8.0 Conditions of Consent

Premises: 200 Coward Street, Mascot

DA No: 16/9

GENERAL CONDITIONS

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

No	Drawing	Rev	Author	Dated
0001	Cover Sheet	X	Crone Architects	22.06.2016
0003.2	Site Plan	B		14.06.2016
0005.1	GA Parking Level 01	V		07.07.2016
0005.2	GA Parking Level 02	I		04.07.2016
0006	GA Ground	BB		20.07.2016
0007	GA Level 01	V		20.07.2016
0008	GA Level 02	T		21.06.2016
0009	GA Level 03	T		21.06.2016
0010	GA Level 04	V		21.06.2016

No	Drawing	Rev	Author	Dated
0011	GA Level 05	U		21.06.2016
0012	GA Level 06	U		21.06.2016
0013	GA Level 07	T		21.06.2016
0014	GA Roof	S		21.06.2016
0015	Elevations	O		20.07.2016
0016	Elevations	P		20.07.2016
0017	Elevations	K		20.07.2016
0018	Elevations	J		20.07.2016
0019	Elevations	H		20.07.2016
0020	Elevations	K		20.07.2016
0021	Sections	P		20.07.2016
0022	Sections	H		21.07.2016
A01	Adaptable Units	D		23.12.2015
A02	Adaptable Units	D		23.12.2015
A03	Adaptable Units	D		23.12.2015
A04	Adaptable Units	D		23.12.2015
A05	Adaptable Units	B		23.12.2015
XX07	Residential Apartment Schedule	D	Urbis	22.07.2016
XX08	Residential Apartment Schedule	D		25.07.2016
XX12	BASIX Notes	A		29.01.2016
ND1385	Ground Level Landscape Master Plan	D	Urbis	14.07.2016
ND1385	RMS Easement Treatments Plan	B		14.07.2016
ND1568	Landscape Section and Proposed Tree Species	B		14.07.2016

Reference Document(s)	Author	Dated
Access Review	Morris Goding Accessibility Consulting	25 January 2016
Acoustic Report 20131297.1/1201A/R0/TA	Acoustic Logic	12 January 2016
Aeronautical Impact Assessment	The Ambidji Group Pty Ltd	22 January 2016
Arboricultural Assessment Report Ref: 3303	Tree and Landscape Consultants	4 December 2015
BASIX Certificate 663663M	Efficient Living Pty Ltd	29 January 2016
Construction Management Plan for Excavation	Meriton Property Services Pty Ltd	1 January 2015
Construction Traffic Management Plan Document Number: SBMG01262-00	Sbmg Pty Ltd	18 November 2015
Flooding, drainage Easement realignment and Stormwater management Plan Report Ref: X13425	Calibre Consulting	1 January 2016
Preliminary Acid Sulfate Soils Management Plan Ref:: CES131109-MG-AG	Consulting Earth Scientists	28 January 2016
Preliminary Geotechnical Investigation	JK Geotechnics	1 April 2015

Reference Document(s)	Author	Dated
Report No: 27062ZNrpt Rev: 1		
Qualitative Environmental Wind Assessment Report Number 610.13484 Rev: 0	SLR Consulting Australia Pty Ltd	28 January 2016
SEPP 65 Design Verification Statement	Nicholas Bandounas - Chrono Architects	4 January 2016
Stage 2 Environmental Site Assessment Ref:: CES131109-MG-AE	Consulting Earth Scientists	25 August 2015
Thermal Comfort & BASIX Assessment Ref: 8935 (A)	Efficient Living Pty Ltd	29 January 2016
Transport Impact Assessment 236683-00	ARUP	25 January 2016
Waste Management Plan Rev. A	Elephants Foot Waste Compactors PTY LTD	1 February 2016
Arboricultural Assessment – Lionel Bowen Park, Mascot	Botanics Tree Wise People Pty Ltd.	May 2016
Statement of Heritage Impact	NBRS Architecture	June 2016

2. Unless stated elsewhere, no signage is approved by this development consent.
3. No construction works shall be undertaken prior to the issue of the Construction Certificate.
4. This Consent relates to land in Lot 1 DP 701026, and as such, building works must not encroach on to adjoining lands or other public places, other than public domain work or the awning required of this consent.
5.
 - a) All building work must be carried out in accordance with the provisions of the Building Code of Australia;
 - b) All plumbing stacks, vent pipes and downpipes, including balcony drainage and the like shall be kept within the building and suitably concealed from view. This Condition does not apply to the venting to atmosphere of the stack above roof level; and,
 - c) All air conditioning units shall be appropriately treated to ensure that they are concealed from view.
6. Pursuant to clause 97A(3) of the Environmental Planning & Assessment Regulation 2000, it is a condition of this development consent that all the commitments listed in the approved BASIX Certificate are fulfilled.
 - a) Note Relevant BASIX Certificate means:
 - i) A BASIX Certificate that was applicable to the development when this development consent was granted (or, if the development consent is modified under section 96 of the Act, a BASIX Certificate that is applicable to the development when this development consent is modified); or,

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

CONDITIONS IMPOSED BY AN EXTERNAL AUTHORITY

Where relevant, the following external authority conditions apply:

- 8. The proposed development is to comply with the conditions dated 23 February 2016 issued by Sydney Airport Corporation Limited (SACL). SACL requires that approval for construction cranes be obtained, and the conditions relate to such an approval, and are as follows:
 - a) Pursuant to s. 183 of the Airports Act 1996 and Reg 7 of the Airports (Protection of Airspace) Regulations 1996, the Proponent must apply through the Airport to the Secretary of the Department of Infrastructure and Regional Development for approval of the operation ("controlled activity") set out in the Schedule.
 - b) An Application for approval must be given to the Airport at least 28 days before commencement of the operation.
 - c) The operation must not commence without approval, and must only proceed in compliance with any conditions imposed on such approval.
 - d) Sydney Airport has delegated authority from the Secretary to determine "short term" operations (less than 3 months).
 - e) The Airport is required to invite submissions from CASA and Airservices regarding the proposed operation.

- f) The Secretary and the Airport, as applicable, may request further information before determining an application.
 - g) The "Important Notes" must be read and accepted.
 - h) The Proponent must complete an Application and provide it to Sydney Airport, with a copy to the Council as part of the relevant Development Application.
9. The proposed development is to comply with the following General Terms of Approval provided by the NSW Department of Primary Industries - Water on 11 March 2016:

General

- a) An authorisation shall be obtained for the take of groundwater as part of the activity. Groundwater shall not be pumped or extracted for any purpose other than temporary construction dewatering at the site identified in the development application. The authorisation shall be subject to a currency period of 12 months from the date of issue and will be limited to the volume of groundwater take identified.
- b) The design and construction of the building must prevent any take of groundwater after the authorisation has lapsed by making any below-ground levels that may be impacted by any water table watertight for the anticipated life of the building. Waterproofing of below-ground levels must be sufficiently extensive to incorporate adequate provision for unforeseen high water table elevations to prevent potential future inundation.
- c) Sufficient permanent drainage shall be provided beneath and around the outside of the watertight structure to ensure that natural groundwater flow is not impeded and:
 - i) any groundwater mounding at the edge of the structure shall be at a level not greater than 10 % above the level to which the water table might naturally rise in the location immediately prior to the construction of the structure; and
 - ii) any elevated water table is more than 1.0 m below the natural ground surface existent at the location immediately prior to the construction of the structure; and
 - iii) where the habitable structure is founded in bedrock or impermeable natural soil then the requirement to maintain groundwater flows beneath the structure is not applicable.
- d) Construction methods and material used in and for construction shall be designed to account for the likely range of salinity and pollutants which may be dissolved in groundwater, and shall not themselves cause pollution of the groundwater.
- e) DPI Water requires documentation (referred to as 'report') comprising measurements, maps, bore logs, calculations, results, discussion and justification for various matters related to the dewatering process. Information will be required at several stages: prior to construction commencing (initial report - which will

accompany the application for the authorisation), at any time when an authorisation renewal is required or a significant change in activities occurs (intermediate report); and at the completion of dewatering and related operations (completion report). Reports need to be submitted to the DPI Water at Parramatta Office, in a format consistent with electronic retrieval without editing restrictions; raw data should be presented in Excel spreadsheets without editing restrictions.

Prior to excavation

- f) The following shall be included in the initial report:
- i) measurements of groundwater levels beneath the site from a minimum of three relevant monitoring bores, together with details of the bores used in the assessment including bore logs and three-dimensional identification information.
 - ii) a map of the site and its immediate environs depicting the water table (baseline conditions) shown relative to the topography and approved construction footprint from the surface level and below. An assessment of the potential variation in the water table during the life of the proposed building together with a discussion of the methodology and information on which this assessment is based.
 - iii) details of the present and potential groundwater flow paths and hydraulic gradients in and around the site; the latter in response to the final volumetric emplacement of the construction.
 - iv) a schedule for the ongoing water level monitoring and description of the methodology to be used, from the date of consent until at least two months after the cessation of pumping. [DPI Water prefers that monitoring be undertaken on a continuous basis using automatic loggers in boreholes.]
- g) The Applicant shall assess the likely impacts of the dewatering activities on other groundwater users or structures or public infrastructure; this assessment will include an appropriate bore, spring or groundwater seep census and considerations relevant to potential subsidence or excessive settlement induced in nearby buildings and property, and be documented together with all calculations and information to support the basis of these in the initial report.
- h) Groundwater quality testing of samples taken from outside the footprint of the proposed construction, with the intent of ensuring that as far as possible the natural and contaminant hydrochemistry of the potential dewatered groundwater is understood, shall be conducted on a suitable number of samples and tested by a NATA-certified laboratory. Details of the sampling locations and the protocol used, together with the test results accompanied by laboratory test certificates shall be included in the initial report. An assessment of results must be done by suitably qualified persons with the intent of identifying the presence of any contaminants and comparison of the data against accepted water quality objectives or criteria for the intended dewatering purpose. In the event of adverse quality findings, the Applicant must develop a plan to mitigate the impacts of the

hydrochemistry on the dewatered groundwater and present the details of all assessments and plans in the initial report.

- i) Groundwater quality testing generally in accordance with Clause 8 shall be undertaken on any anniversary or other renewal or alteration of any dewatering authorisation.
- j) A reasonable estimate of the total volume of groundwater to be extracted shall be calculated and included in the initial report; together with details and calculation methods for the parameters and supporting information to confirm their development or measurement (e.g. permeability predicted by slug-testing, pump-testing or other means).
- k) A copy of a valid consent for the development shall be provided in the initial report.
- l) The method of disposal of pumped water shall be nominated (i.e. reinjection, drainage to the stormwater system or discharge to sewer) and a copy of the written permission from the relevant controlling authority shall be provided in the initial report. The disposal of any contaminated pumped groundwater (sometimes called "tailwater") must comply with the provisions of the Protection of the Environment Operations Act 1997 and any requirements of the relevant controlling authority.
- m) Contaminated groundwater (i.e. above appropriate NEPM 2013 thresholds) shall not be reinjected into any aquifer. The reinjection system design and treatment methods to remove contaminants shall be nominated and included in the initial report and any subsequent intermediate report as necessary. The quality of any pumped water that is to be reinjected must be demonstrated to be compatible with, or improve, the intrinsic or ambient groundwater in the vicinity of the reinjection site.

During excavation

- n) Engineering measures designed to transfer groundwater around and beneath the basement shall be incorporated into the basement construction to prevent the completed infrastructure from restricting pre-existing groundwater flows.
- o) Piping, piling or other structures used in the management of pumped groundwater shall not create a flooding hazard or induce mounding of groundwater. Control of pumped groundwater is to be maintained at all times during dewatering to prevent unregulated off- site discharge.
- p) Measurement and monitoring arrangements to the satisfaction of DPI Water are to be implemented. Weekly records of the volumes of all groundwater pumped and the quality of any water discharged are to be kept and a completion report provided after dewatering has ceased. Records of groundwater levels are to be kept and a summary showing daily or weekly levels in all monitoring bores provided in the completion report.

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

Following excavation

- u) Following completion of the dewatering operations, the Applicant shall submit to the DPI Water, Parramatta Office, the completion report which shall include:
 - i) detail of the volume of water taken, the precise periods and location of water taken, the details of water level monitoring in all of the relevant bores; and
 - ii) a water table map depicting the aquifer's settled groundwater condition and a comparison to the baseline conditions; and
 - iii) a detailed interpreted hydrogeological report identifying all actual resource and third party impacts, including an assessment of altered groundwater flows and an assessment of any subsidence or excessive settlement induced in nearby buildings and property and infrastructure.
 - v) The completion report is to be assessed by DPI Water prior to any certifying agency's approval for occupation or use of the completed construction.
10. The proposed development is to comply with the following condition provided by Roads and Maritime Services on 14 April 2016:
- a) In relation to the easement for drainage acquired by Roads and Maritime:
 - i) All buildings or structures, together with any improvements integral to the future use of the site are clear of the O'Riordan Street road reserve (unlimited in height or depth) and the easement;
 - ii) access to the Roads and Maritime's easement is not denied; and
 - iii) the integrity of the easement is not compromised

- b) Detailed design plans and hydraulic calculations of any changes to the Roads and Maritime's stormwater drainage system are to be submitted to Roads and Maritime for approval, prior to the commencement of any works.

Details should be forwarded to:

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

A plan checking fee will be payable and a performance bond may be required before Roads and Maritime approval is issued. With regard to the Civil Works requirement please contact the Roads and Maritime Project Engineer, External Works Ph: 8849 2114 or Fax: 88492766.

- c) The developer shall be responsible for all public utility adjustment/relocation works, necessitated by the above work and as required by the various public utility authorities and/or their agents.
 - d) Any proposed landscaping and/or fencing must not restrict sight distance to pedestrians and cyclist travelling along the footpath of O'Riordan Street.
 - e) A Road Occupancy Licence should be obtained from Transport Management Centre for any works that may impact on traffic flows on O'Riordan Street during construction activities.
 - f) A construction zone will not be permitted on O'Riordan Street.
 - g) All vehicular access to the subject site is to be via Coward Street during both construction and operation phases of the development. Alternative access arrangements may be arranged subject to RMS approval.
 - h) All works/regulatory signposting associated with the proposed development are to be at no cost to Roads and Maritime.
11. The proposed development is to comply with the following conditions provided by Sydney Water on 29 February 2016:
- a) No building or permanent structure is to be constructed within 1 m from the outside wall of the stormwater asset. Permanent structures include (but are not limited to) basement car park, hanging balcony, roof eaves, hanging stairs, stormwater pits, stormwater pipes. This clearance requirement would apply for unlimited depth and height.
 - b) The applicant is required to submit the elevation drawings with the stormwater channel, to ensure that the proposed buildings and permanent structures are located at least 1 m away from the stormwater channel.
 - c) The proponent is required to provide the fencing arrangement along the Sydney Water's open stormwater channel.

- d) Any fence other than 1.2m high pool fencing or equivalent should be located at least 1m away from the outside face of the stormwater channel and supported on piers. Piers are to be extended at least 1 m below the invert level of the stormwater channel.
- e) The proponent is required to undertake a dilapidation survey report & CCTV report of the Sydney Water's stormwater channel prior to commencement of any work on the site. This report should extent at least 10m upstream and downstream from the property boundary. A copy of this dilapidation report is to be provided to Sydney Water.

This dilapidation survey report/CCTV Report is to be carried out again upon completion of the all construction work.

- f) Any new stormwater connections or modification to the existing connections are to be carried out according to the Sydney Water's connection requirements. All new connections or modification to the existing connections are to be carried out as part of the

If any of the existing stormwater connection from the development site is not required then these existing connections are to be sealed according to the Sydney Water's requirements.

- g) The applicant is required to submit a Flood Impact Assessment report based on a current flood model for the proposed development and identify flood hazards. The FIA must:
- demonstrate that there are no potential adverse flood impacts offsite due to the
 - development; and
 - evaluate the impacts of flooding on the proposed development.
- h) If the proposed development require direct stormwater connection to the Sydney Water's stormwater system then the connection should comply with Sydney Water's On Site Detention requirements.
- i) Stormwater run-off from the site should be of appropriate quality before discharged into a Sydney Water asset or system. Developments must demonstrate stormwater quality improvement measures that meet the following specified stormwater pollutant reductions:

Pollutants	Pollutant load reduction objective (%)
Gross Pollutants (>5mm)	90
Total Suspended Solids	85

Total Phosphorus	65
Total Nitrogen	45

- j) A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water. Make an early application for the certificate, as there may be water and wastewater pipes to be built that can take some time. This can also impact on other services and buildings, driveways or landscape designs.

Applications must be made through an authorised Water Servicing Coordinator. For help either visit www.sydneywater.com.au > Plumbing, building and developing> Developing> Land development or telephone 13 20 92.

- k) You must have your building plans stamped and approved before any construction is commenced. Approval is needed because construction/building works may affect Sydney Water's assets (e.g. Water, sewer and stormwater mains).

For further assistance please telephone 13 20 92 or refer to the Building over or next to assets page on the Sydney Water website (see Plumbing, building and developing then Building over or next to assets).

- l) If this development is going to generate trade wastewater, the property owner must submit an application requesting permission to discharge trade wastewater to Sydney Water's sewerage system. You must wait for approval of this permit before any business activities can commence.

The permit application should be emailed to Sydney Water's Business Customer Services at businesscustomers@sydneywater.com.au It is illegal to discharge Trade Wastewater into the Sydney Water sewerage system without permission.

A Boundary Trap is required for all developments that discharge trade wastewater where arrestors and special units are installed for trade wastewater pre-treatment.

If the property development is for Industrial operations, the wastewater may discharge into a sewerage area that is subject to wastewater reuse. Find out from Business Customer Services if this is applicable to your development.

- m) Backflow is when there is unintentional flow of water in the wrong direction from a potentially polluted source into the drinking water supply.

All properties connected to Sydney Water's supply must install a testable Backflow Prevention Containment Device appropriate to the property's hazard rating. Property with a high or medium hazard rating must have the backflow prevention containment device tested annually. Properties identified as having a low hazard rating must install a non-testable device, as a minimum.

Separate hydrant and sprinkler fire services on non-residential properties, require the installation of a testable double check detector assembly. The device is to be located at the boundary of the property.

Before you install a backflow prevention device:

- Get your hydraulic consultant or plumber to check the available water pressure versus the property's required pressure and flow requirements.
- Conduct a site assessment to confirm the hazard rating of the property and its services. Contact PIAS at NSW Fair Trading on 1300 889 099.

For installation you will need to engage a licensed plumber with backflow accreditation who can be found on the Sydney Water website: <http://www.sydneywater.com.au/Plumbing/BackflowPrevention>.

12. The proposed development is to comply with the following advice provided by Ausgrid on 25 February 2016:

- a) Ausgrid requires kiosk substation housings to be separated from building ventilation system air intake and exhaust duct openings, by not less than 6 metres. This applies irrespective of whether the building ducted ventilation system is mechanical or natural and irrespective of whether or not fire dampers are installed in the ducts.

Any portion of a building other than a BCA class 10a structure constructed from noncombustible materials, which is not sheltered by a non-ignitable blast-resisting barrier and is within 3 metres in any direction from the housing of a kiosk substation, is required to have a Fire Resistance Level (FRL) of not less than 120/120/120. Openable or fixed windows or glass blockwork or similar, irrespective of their fire rating, are not permitted within 3 metres in any direction from the housing of a kiosk substation, unless they are sheltered by a non-ignitable blast resisting barrier.

For further details on fire segregation requirements refer to Ausgrid's Network Standard

- b) Any work undertaken near Overhead Power lines needs to be done in accordance with
- WorkCover Document ISSC 23 "Working Near Overhead Power Lines"
 - Ausgrid Network Standards
 - Ausgrid Electrical Safety Rules
- c) The location of underground cables by using *Dial Before You Dig* and comply with the requirements of Ausgrid's Network Standard 156: *Working Near or Around Underground Cables* before any excavation works are undertaken.
- d) Existing Ausgrid easements, leases and/or right of ways must be maintained at all times to ensure 24 hour access. No temporary or permanent alterations to this property tenure can occur without written approval from Ausgrid.

For further details refer to Ausgrid's Network Standard 143.

- e) The developer is required to make a formal submission to Ausgrid by means of a duly completed Preliminary Enquiry and/ or Connection Application form, to allow Ausgrid to assess any impacts on its infrastructure and determine the electrical supply requirements for the development (e.g. whether a substation is required on site).
- f) The developer is to ensure that the proposed works do not contravene Ausgrid's technical standards and statutory requirements, in regards to the safe and reliable operation of Ausgrid's network.

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

13. Prior to the issue of any Construction Certificate, the applicant must pay the following fees and bonds. Details are provided elsewhere within these conditions. A summary of the payments is as follows:-

a) Builders Damage Deposit	\$856,785.00 (outlined elsewhere)
b) Development Control	\$2,890.00
c) Section 94 Contributions	\$4,892,871.04 (outlined elsewhere)
d) Tree Preservation Bond	\$50,000.00
e) Street Tree Maintenance Bond	\$25,000.00

14. The City of Botany Bay being satisfied that the proposed development will increase the demand for public amenities within the area, and in accordance with Council's Section 94 Contributions Plan 2016 the following required contributions have been calculated:

The Section 94 Contribution of **\$4,892,871.04** is to be paid to Council prior to the issue of the first Construction Certificate. Note: The Section 94 Contribution fees are subject to annual review and the current rates are applicable for the quarter in which your consent is granted. If you pay the contribution in a later quarter you will be required to pay the fee applicable at the time.

15. Prior to the issue of a Construction Certificate for the basement structure, detail design and construction plans in relation to On-site Flood Mitigation Temporary Storage Tanks system for the development shall be submitted to the Certifying Authority for approval.

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

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

- a) Provision of a Temporary On-site Flood Mitigation Storage Tanks. The tanks shall be sized accordingly to compensate for the loss of any flood storage as a consequence of the new development.

If it is deemed that Temporary On-site Flood Mitigation Storage are not required, relevant calculations shall be submitted to Certifying Authority for consideration and approval. Any required Flood Mitigation Storage must not be provided in deep soil or landscaped areas.

- 16. A final Acid Sulfate Soils Management Plan, that has been prepared by a suitably qualified and experienced environmental/geotechnical consultant, shall be submitted to the Certifying Authority (and the Council if the Council is not the Certifying Authority) prior to the issue of any Construction Certificate. This plan shall include any site specific procedures and mitigation measures required and shall include a site analysis from a NATA registered laboratory. The plan shall provide details of the following:

- a) Site specific mitigation measures to both minimise the disturbance of acid sulfate soils as well as any measures relating to acid generation and acid neutralisation of the soil;
- b) Management of acid sulfate affected excavated material;
- c) Measures taken to neutralise the acidity of any acid sulfate affected material; and
- d) Run-off control measures for the acid sulfate affected soil.

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

- 17. An Erosion and Sediment Soil and Water Management Plan (ESCP) shall be prepared in accordance with the Landcom *Managing Urban Stormwater – Soils and Construction* 4th Edition (2004) and submitted to the Principal Certifying Authority prior to the release of any Construction Certificate.

This plan shall be implemented prior to commencement of any site works or activities. All controls in the plan shall be maintained at all times during the construction works. A copy of the ESCP shall be kept on-site at all times and made available to Council Officers on request.

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

- 18. If required, a sufficient area shall be provided onsite to enable separate stockpiling and treatment of excavated acid sulfate soils. Details of this area shall be provided in the Erosion and Sediment Control Plan (ESCP) prior to the release of any construction certificate.
- 19. The proposed shade structure in the play area should be designed with reference to AS/NZC 44 86:1:1997. Details to be submitted to Council prior to release of the relevant Construction Certificate.

20. Prior to the issue of any Construction Certificate, the applicant shall lodge a Builder's Damage Deposit and Performance Bond of \$856,785.00 (GST Exempt) by way of cash deposit or unconditional bank guarantee to Council against possible damage to Council's asset during the course of the building works. Subject to an inspection by Council, 50% of this amount may be refunded upon issue of a Final Occupation Certificate. The remaining amount 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. A Construction Management Program shall be submitted to, and approved by the Principal Certifying Authority prior to the issue of a Construction Certificate. The program shall detail:
- a) The proposed method of access to and egress from the site for construction vehicles, including access routes through the Council area and the location and type of temporary vehicular crossing for the purpose of minimising traffic congestion and noise in the area, with no access across public parks or public reserves being allowed,
 - b) The proposed phases of construction works on the site and the expected duration of each construction phase,
 - c) The proposed order in which works on the site will be undertaken, and the method statements on how various stages of construction will be undertaken,
 - d) The proposed manner in which adjoining property owners will be kept advised of the timeframes for completion of each phase of development/construction process,
 - e) The proposed method of loading and unloading excavation and construction machinery, excavation and building materials, formwork and the erection of any part of the structure within the site. Wherever possible mobile cranes should be located wholly within the site,
 - f) The proposed areas within the site to be used for the storage of excavated materials, construction materials and waste containers during the construction period,
 - g) The proposed method/device to remove loose material from all vehicles and/or machinery before entering the road reserve, any run-off from the washing down of vehicles shall be directed to the sediment control system within the site,
 - h) The proposed method of support to any excavation adjacent to adjoining properties, or the road reserve. The proposed method of support is to be designed and certified by an Accredited Certifier (Structural Engineering), or equivalent,
 - i) Proposed protection for Council and adjoining properties, and
 - j) The location and operation of any on site crane. Please note that a crane may require prior approval from Sydney Airports Corporation.

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

22. Any adjustments or damage to public utilities/services as a consequence of the development and associated construction works shall be restored or repaired at the applicant's expense.
23. A qualified practitioner, with a certificate of attainment in NWP331A Perform Conduit Evaluation, shall undertake a closed circuit television (CCTV) inspection and then report on the existing condition of the existing stormwater drainage infrastructure on O'Riordan Street and Coward Street adjacent to the development. The camera and its operation shall comply with the following:
 - a) The internal surface of the drainage pipe/culvert shall be viewed and recorded in a clear and concise manner,
 - b) The CCTV camera used shall be capable to pan, tilt and turning at right angles to the pipe axis over an entire vertical circle to view the conduit joints,
 - c) Distance from the manholes shall be accurately measured, and
 - d) The inspection survey shall be conducted from manhole to manhole.
 - e) The written report, together with a copy of the digital video footage of the pipeline and detail maps recording which video is of which pipe shall be submitted to Council 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.

24. Prior to the release of the relevant 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) All service vehicles shall enter the property front in front out,
 - c) 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.
 - d) 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,

- e) Swept path analysis shall be provided for manoeuvring of commercial vehicles, and
 - f) A longitudinal section plotting headroom clearance above driveway access is to be provided for assessment.
25. Prior to the release of the relevant Construction Certificate, the following required section(s) are to be submitted to and approved by the Principal Certifying Authority:
- a) Disabled car parking spaces shall be provided and clearly marked as per the Australian Standards AS 2890.6 and Council requirements.
26. To ensure that utility authorities and Council are advised of any effects to their infrastructure by the development, the applicant shall:
- a) Carry out a survey of all utility and Council services within the site including relevant information from utility authorities and excavation if necessary to determine the position and level of services,
 - b) Negotiate with the utility authorities (eg AusGrid, Sydney Water, Telecommunications Carriers and Council in connection with:
 - i) The additional load on the system, and
 - ii) The relocation and/or adjustment of the services affected by the construction.
 - c) The Ausgrid Power poles along the eastern side of O’Riordan Street, will need to be decommissioned and new lighting poles shall be constructed satisfying V2 lighting requirements any other requirements as specified by Council, RMS and any other service provider,
 - d) The Ausgrid Power poles along both sides of Coward Street, will need to be decommissioned and new lighting poles shall be constructed satisfying P2 lighting requirements any other requirements as specified by Council, RMS and any other service provider,
 - e) All above ground utilities shall be relocated underground in accordance with Ausgrid and any other affected and relevant service provider, and
 - f) All underground and above ground infrastructure shall be constructed as specified by Ausgrid, RMS, Council and any other affected service provider. The location of the new electrical pillars, new lighting poles, any new pits and trenches for utilities shall be confirmed with Council prior to the issue of the relevant Construction Certificate.

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

27. Prior to the issue of a Construction Certificate for the basement structure, detail design and construction plans in relation to stormwater management and disposal system for the development shall be submitted to the Principal Certifying Authority for approval.

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

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

- a) An On-Site Detention System (OSD) shall be designed according to Part 6 of the SMTG. It should be noted that OSD systems shall be designed to detain the stormwater runoff from the site for all storm events up to and including 1 in 100 year ARI storm and permissible site discharge (PSD) shall be based on 1 in 5 year ARI peak flow generated from the site under the "State of Nature" condition (i.e. the site is totally grassed/turfed), rather than pre-development condition,
 - b) Provision for rainwater tanks as required by BASIX commitments, for internal reuse in accordance with Section 4 of Botany Bay's SMTG,
 - c) If an OSD system is proposed, incorporate a Stormwater Quality Improvement system to ensure compliance with Section 16 of Botany Bay's SMTG,
 - d) The water quality improvement system and WSUD strategy proposal shall be designed to capture and treat at least 85% flows generated from the site.
 - e) A WSUD Strategy and MUSIC model must be prepared and submitted to Council for the development. The MUSIC model must be prepared in line with the Draft NSW MUSIC Modelling Guidelines (Sydney Metro CMA). Sydney's Water's requirements are that the water quality improvement should meet or exceed the target as described in the "Botany Bay & Catchment Water Quality Improvement Plan" which was prepared by the Sydney Metropolitan Catchment Management Authority in April 2011, and
 - f) The submission of detailed calculations including computer modelling where required supporting the proposal.
28. Where any shoring is to be located on or is supporting Council's property, or any adjoining private property, engineering drawings certified as being adequate for their intended purpose by an appropriately qualified and practising structural engineer, showing all details, including the extent of encroachment and the method of removal (or any other method) and de-stressing of shoring elements, shall be submitted with the Construction Certificate to the Principal Certifying Authority along with Council's (or other) consent if the works intrude on Council's (or other) property.
29. Prior to the issue of a relevant Construction Certificate, the following requirements shall apply to telecommunication facilities in the building:

- a) Appropriate access and space within the plant area of the building shall be provided for telecommunication carriers or other providers of broad-band access by ground or satellite delivery.
 - b) Appropriate ducting and cabling shall be provided for telecommunication carriers or other providers for telecommunication access and broad-band cabling to each apartment of the building.
30. Detailed mechanical ventilation system plans and specification prepared by a *professional practising engineer*, as defined by the Building Code of Australia, must be submitted to Principal certifying authority prior to the release of the relevant Construction Certificate certifying compliance with AS/NZS 1668 *The Use of Mechanical Ventilation and Air Conditioning in Buildings*, Part 1-2002: *Fire and smoke control in multi-compartment buildings* and Part 2-2002: *Ventilation design for indoor air contamination control*. (Note: BCA has not yet adopted the 2002 Standards and still utilises the previous 1991 AS1668).
 31. 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 to be submitted to the Principal Certifying Authority prior to release of the relevant Construction Certificate.
 32. A final Waste Management Plan prepared in accordance with Council's Waste Management and Minimisation Guidelines Development Control Plan shall be submitted to the Council for approval prior to the release of the Construction relevant Certificate. The Waste Management Plan shall include the size and storage of bins, the collection point for the waste contractor recycling contractor, maintenance of the bins and the provision of recycling and composting facilities.
 33. Prior to the release of the Construction Certificate the required Long Service Levy payable under Section 34 of the Building and Construction Industry Long Service payments Act 1986 must be paid. The Long Service Levy is payable at 0.35% of the total cost of the development, however, this is a State Government fee and can change without notice.
 34. Prior to the issue of the Construction Certificate, the applicant shall contact "Dial Before You Dig on 1100" to obtain a Service Diagram for, and adjacent to, the property. The sequence number obtained from "Dial Before You Dig" shall be forwarded to Principal Certifying Authority. Any damage to utilities/services will be repaired at the applicant's expense.
 35. Prior to issue of any Construction Certificate, a Dilapidation Report of the immediate adjoining properties and public infrastructure (including Council and public utility infrastructure) shall be prepared by a Practising Structural / Geotechnical Engineer and submitted to Council. The report shall include records and photographs of the adjoining properties that will be impacted by the development:
 - a) In relation to Council's infrastructure, the report shall include at the proposed point of construction site entry, photographic survey showing the existing conditions of Council's infrastructure. The survey shall detail the physical conditions and identify any existing damage to the roads, kerbs, gutters,

footpaths, driveways, street trees, street signs and any other Council assets fronting the property and extending to a distance of 50m from the development.

- b) Prior to commencement of the surveys, the applicant/ owner shall advise (in writing) all property owners of buildings to be surveyed of what the survey will entail and of the process for making any future claim regarding property damage. A copy of this communication shall be submitted to Council.
- c) The applicant shall bear the cost of all restoration works to buildings/ structures and public infrastructure that been damaged during the course the demolition, site clearing and site remediation works. Any damage to buildings/structures, infrastructures, roads, lawns, trees, gardens and the like shall be fully rectified by the applicant/developer, at the applicant/developer's expense.
- d) A copy of the dilapidation report together with the accompanying photographs shall be given to all immediately adjoining properties owners and public utility authorities, including Council. The report shall be agreed by all affected parties as a fair record of existing conditions prior to commencement of any works;
- e) A second dilapidation report, including a photographic survey shall then be submitted at least one month after the completion of all works. A copy of the second dilapidation report together with the accompanying photographs shall be given to Council, public utilities authorities and all adjoining properties owners.

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

- 36. Prior to the issue of a Construction Certificate for the basement structure, details are to be provided to the Principal Certifying Authority demonstrating that the each land use within the development is provided with a minimum parking allocation in accordance with the following table:

- a)

Use	Required Spaces
Residential	252, including 34 visitor and 24 disabled spaces.
Serviced Apartment:	110
Retail	53, including 2 disabled
Childcare	35, including 1 disabled
Bicycle Parking	45
Motorcycle	5
Service vehicle	As indicated on approved plans
Car share	1

Any surplus parking shown on the plans (following design amendments to account for deep soil), may be allocated as required.

- b) At least one (1) disabled parking bay shall be available for visitor parking.
 - c) A minimum one (1) car wash bay shall be provided and shall be connected to water and sewer.
 - d) The car share parking space shall be allocated for the use of a car share service provider.
 - e) The proposed car parking facility (space size, aisle widths, headroom clearance gradients and safe sight distance etc) shall be designed to ensure all vehicles visiting the site can safely enter and leave in a forward direction in accordance with relevant sections of AS2890. The architectural plans shall be amended where required and Traffic Engineering certification confirming compliance shall be submitted for approval with the relevant Construction Certificate application.
37. The proposed development will result in substantial excavation that has the potential to affect adjoining buildings and proposed public infrastructure.

Prior to the issue of the Construction Certificate, the applicant shall:

- a) seek independent advice from a Geotechnical Engineer on the impact of the proposed excavations on the adjoining properties;
- b) detail what measures are to be taken to protect those properties from undermining during construction; and
- c) provide Council with a certificate from the engineer on the necessity and adequacy of support for the adjoining properties.

All recommendations of the Geotechnical Engineer are to be carried out during the course of the excavation. The applicant must give at least seven (7) days notice to the owner and occupiers of the adjoining allotments before excavation works commence.

38. Prior to the issue of the relevant Construction Certificate, plans and specifications for the storage room for waste and recyclable materials shall be submitted to the Principal Certifying Authority. Storage of Waste and recycling shall meet the following requirements.

The rooms for the storage of garbage and recyclable materials shall be:

- a) Fully enclosed;
- b) Adequately ventilated;
- c) Constructed with a concrete floor, concrete or cement rendered walls coved to the floor;
- d) 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.
- e) Washing facilities shall be provided within close proximity to the garbage and recycling storage area.

39. A Construction Management Program shall be submitted to the Certifying Authority prior to the issue of a Construction Certificate. The program shall detail:-
- a) The proposed method of access to and egress from the site for construction vehicles, including access routes through the Council area and the location and type of temporary vehicular crossing for the purpose of minimising traffic congestion and noise in the area, with no access across public parks or reserves being allowed.
 - b) The proposed phases of construction works on the site and the expected duration of each construction phase.
 - c) The proposed order in which works on the site will be undertaken, and the method statements on how various stages of construction will be undertaken.
 - d) The proposed manner in which adjoining property owners will be kept advised of the timeframes for completion of each phase of development/construction process.
 - e) The proposed method of loading and unloading excavation and construction machinery, excavation and building materials, formwork and the erection of any part of the structure within the site. Wherever possible mobile cranes should be located wholly within the site.
 - f) The proposed areas within the site to be used for the storage of excavated materials, construction materials and waste containers during the construction period.
 - g) The proposed method/device to remove loose material from all vehicles and/or machinery before entering the road reserve, any run-off from the washing down of vehicles shall be directed to the sediment control system within the site.
 - h) The proposed method of support to any excavation adjacent to adjoining properties, or the road reserve. The proposed method of support is to be designed and certified by an Accredited Certifier (Structural Engineering), or equivalent.
 - i) Proposed protection for Council and adjoining properties.
 - j) The location and operation of any on site crane. Please note that a crane may require prior approval from Sydney Airports Corporation.
 - k) The location of any Work Zone (if required) approved by Council's Engineering Section, including a copy of that approval.
 - l) The proposed method of access to and egress from the site for construction vehicle, including the proposed method of traffic control, 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. Access across public parks and open space reserves is prohibited.
 - m) Obtain Permits required under this consent.

40. The Applicant is to submit payment for a Tree Preservation Bond by way of cash deposit or unconditional bank guarantee of \$50,000.00 to ensure protection of the existing Council street trees and trees on adjoining properties to the north and east from damage during construction. The duration of the Bond shall be limited to a period of 12 months after issue of the Occupation Certificate. At the completion of the 12 month period the Tree Preservation Bond shall be refunded pending a satisfactory inspection by Council or a qualified Arborist. If the tree was found to be in decline, damaged (including roots), dead, excessively pruned or removed without Council permission or, if tree protection measures were not satisfied at any time, then all or part thereof of the bond shall be forfeited. The Tree Preservation Bond was calculated using the Thyer Tree Evaluation method.

CONDITIONS WHICH MUST BE SATISFIED PRIOR TO THE ISSUE OF ANY CONSTRUCTION CERTIFICATE FOR ABOVE GROUND WORKS

41. The landscape areas shown on the plans by Urbis, Issue C, dated June 2016, as amended by conditions of this consent requiring increased deep soil area, shall be the subject of **detailed (ie. construction/tender level detail, not conceptual/indicative)** amended documentation to be submitted to and approved by the **City of Botany Bay Council's Landscape Architect** prior issue of any Construction Certificate for above ground works. The amended landscape plans shall be accompanied by amended architectural and civil plans (where appropriate) and shall address the following :
- a) The deep soil areas are to provide soil volumes capable of supporting a variety of large to small trees to provide variety in the tree planting design that is responsive to privacy, solar access, provides a liveable, hospitable and usable open space for residents, addresses excessive winter shade, reduces wind tunnel effects, provides upper level softening of buildings and as replacement of significant existing large canopy. The central spine is to be devoted entirely to communal open space only. The area is not to be further reduced in size through the use of retaining walls/walls/fencing resulting in landscape area appearing as part of private ground floor terraces. The space is to be maximised for growing large canopy trees spatially at both ground level and for below ground root expansion unencumbered by footings and the like.
 - b) The retail setbacks to both street frontages are to contain larger dimension planter boxes and small to medium size evergreen trees where suitable and where this does not result in any encroachment on the required RMS drainage easement. Landscaping and hard pavement shall be balanced.
 - c) The trees nominated in the June 2016 Issue B landscape concept plan are not suitable in their entirety in that they do not include large canopy trees and many are considered unlikely to attain the heights specified in a modified environment eg. Water Gum (likely 6m not 10m), Little Gem/Exmouth (5-7m not 20m), Robinia (6-8m not 9m), Lillypilly (5m not 8m), C. Summer Red (3-5m not 6m), Spotted Gum (20m not 30m). With the provision of true deep soil large canopy trees are to be provided. The amended design shall include a mixture of small, medium and large trees in all boundary setbacks, communal open spaces and the central spine. The majority of trees are required to be evergreen species.
 - d) Tree soil volumes are to be provided as follows :

Tree size	Volume required (species variable)	Deep soil requirement ie. not over podium/basement
Large 13-18, high up to 16m spread	80+ cubic metres	Yes
Medium 9-12m high 8m spread	30-40 cubic metres	Yes
Small 3-8m high 4m spread	10-15 cubic metres	No but preferred

Source : Apartment Design Guide, Residential Flat Design Code, Council DCP Landscape Technical Guidelines, Arborgreen/Citygreen Pty Ltd

- e) Feature/specimen trees for foliage/flower are to be provided in the central spine on the O’Riordan Street frontage.
- f) Large sizes are required for trees of 400 to 1000 litre pot size using trees specifically grown to size or ex-ground specimens. The landscape tender must allow for this.
- g) Large/medium evergreen canopy trees are required in the 3 metre street setback to the reception/porte cochere.
- h) Details are to be provided depicting how landscaping is to be provided over the stormwater culvert adjoining the eastern boundary as medium to large trees are preferred in this area for screening. Soil depths and volumes are required accordingly to allow lateral root spread.
- i) The access pathway adjacent to the northern boundary may require redesign or deletion as required. Should the access pathway be deleted, alternative design features shall be required to clearly indicate pedestrian movements.
- j) Medium to large trees are to be provided in the northern setback to provide screening and privacy for existing adjoining residential dwellings.
- k) A public domain plan is required which shall be inclusive of street trees and other low level landscaping to enhance the public domain, street furniture (Council specification eg. seats, bollards, bike racks where required), paving (to Council specification NOTE : civil drawings shall include levels and detailed footpath construction sections). Citygreen Stratavault (Arborgreen : supplier) is to be utilised with the planting of all new street trees and is to be installed in the entire road verge. The public domain plan is to provide a full specification of the Stratavault application and paving for this development. The nominated street trees are Spotted Gum for O’Riordan Street and Waterhousia floribunda/Corymbia eximia for Coward Street. The plan is to consider the replacement of any poor quality street trees but only where warranted and after Council approval in view of replacement with a high quality new street tree proposal.
- l) The playground area is to be fully documented ensuring suitable and optimal play value. A full specification is required and the playground is to be an experienced

playground designer. The projected demographics for the development must be considered.

- m) The communal open space is to consider and other features such as BBQ area and outdoor fitness areas and are to be included in the landscape documentation.
- n) Shrubs of varying height shall be used throughout the development including at the base of buildings to visually ground buildings and screen edges and facades. Shade tolerant species including lawns will be required.
- o) A planting plan and full plant schedule with all plant locations, centres, numbers, pot sizes and staking requirements suitable for tender. There is to be a dense, layered planting of trees and shrubs of varying height in all landscaped areas.
- p) Specifications detailing soil and mulch finishes, root barriers, irrigation, edge treatments and other landscape hardworks/materials such as retaining walls and paving. Sectional construction details are required.
- q) All fencing sectional details and materials as well as details of all privacy screening, pergolas and the like.
- r) Details of all other landscape elements such as furniture and amenity lighting, pergolas, feature/paved landscape areas and so on.
- s) Planter box on podium sectional details, drainage and external finishes. Planter box depths and finishes to be in accordance with Council's Landscape Technical Guidelines (DCP).
- t) Clearly indicate all awnings. Awnings are not permitted to extend past the property boundary on any frontage, to ensure the canopy development of street trees, as well as trees in the frontage setbacks in planter boxes or fronting the porte cochere/reception are not compromised.

Landscaping shall be installed in accordance with the Council approved landscape plan only. This amended, approved plan will supersede the original landscape plan. The landscaped areas on the property shall be maintained at all times in accordance with the final Council approved landscape documentation, the conditions of consent and Council's Landscape Technical Guidelines at all times.

- 42. The building shall be constructed in accordance with *AS2021- 2000: Acoustics, Aircraft Noise Intrusion, Building Siting and Construction*, the details of which must be prepared by a practicing professional acoustical consultant. The report shall be submitted to Certifying Authority prior to the release of the Construction Certificate for above ground works and the building plans endorsed with the required acoustical measures.
- 43. The building shall be designed in accordance with the *Office of Environment and Heritage (Department of Environment, Climate Change and Water) 'NSW Road Noise Policy'*, and shall also meet the criteria recommended in Table 1 of Australian Standard AS 2107-2000. Details shall be submitted to the certifying authority prior to the release of the Construction Certificate for above ground works.

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

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

45. The measures required in the acoustical assessment report prepared by Acoustic Logic, dated 12/01/2016, Report reference number 20131297.1 shall be undertaken in accordance with the provisions of *AS 2021 – 2000: Acoustics - Aircraft Noise Intrusion - Building Siting and Construction* to establish components of construction to achieve indoor design sound levels in accordance with Table 3.3 of AS2021 – 2000.

The work detailed in the report includes:

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

Note: In many cases the applicant chooses to install air conditioning to meet mechanical ventilation requirements above. If they do it will require consideration of the noise from the air conditioner.

46. Evidence of a Sydney Water permit or consent for discharge of wastewater to the sewer shall be submitted to the Certifying Authority prior to the issue of the first Construction Certificate. Where a permit or consent may not be required from Sydney Water

certification shall be provided verifying that any discharges to the sewer will meet specific standards imposed by Sydney Water.

47. Prior to the issue of the Construction Certificate design verification is required to be submitted from a qualified designer to confirm the development is in accordance with the approved plans and details and continues to satisfy the design quality principles in State Environmental Planning Policy No. 65 Design Quality of Residential Apartment Development.
48. Prior to the issue of the construction certificate, the architectural plans shall be amended to include gas and water tap connections to each private open space area
49. Circulation spaces shall be well lit at night, with any lighting on the site 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 of the Construction Certificate.
50. Appropriate noise insulation shall be provided between common walls within residential apartments. Details shall be provided to the Principal Certifying Authority.

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

51. In order to ensure that the existing Council street trees in both O’Riordan Street and Coward Street are protected during all stages of construction, and their health and structural stability ensured, the following is required :
 - a) Prior to commencing any works the trees shall be physically protected by fencing underneath the canopy dripline using 1.8 metre high chainwire fence to form the Tree Protection Zone (TPZ). The fence shall remain in place until construction is complete. The area within the fencing is to be mulched with leaf mulch to a depth of 100mm and a weekly deep watering program undertaken during construction.
 - b) If there is insufficient space to erect fencing in a particular area, wrap the trunk with hessian or carpet underlay to a height of 2.5 metres or to the tree’s first lateral branch, whichever is greater, and affix timber palings around the tree with strapping or wire (not nails) in accordance with Arborist instructions.
 - c) Any hoarding or scaffolding shall be designed and erected to minimise impacts on existing tree canopy. A separate application to Council for the erection of hoarding is required, and Council will consider whether tree pruning is acceptable, in its consideration of any such application.
 - d) Before any works commence on site, the Applicant is required to contact Council for an inspection of the fenced TPZ’s. Council approval is required prior commencement of any work.

- e) All detailed Construction Certificate plans shall show trees to be protected and the TPZ.
52. Prior to commencement of any works, where necessary, relevant application(s) shall be made to Council's Customer Services Counter and the following approvals and permits on Council's property/road reserve shall be obtained under Road Act 1993 and Local Government Act 1993:-
- (It should be noted that any works shown within Council's road reserve or other Council Lands on the development approval plans are indicative only and no approval for these works is given until this condition is satisfied.)
- a) Permit to erect hoarding on or over a public place, including Council's property/road reserve,
 - b) Permit to construction works, place and/or storage building materials on footpaths, nature strips,
 - c) Permit to install temporary ground anchors in public land,
 - d) Permit to discharge ground water to Council's stormwater drainage system,
 - e) Permit for roads and footways occupancy (long term/ short term),
 - f) Permit to construct vehicular crossings, footpaths, kerbs and gutters over road reserve,
 - g) Permit to open road reserve area, including roads, footpaths, nature strip, vehicular crossing or for any purpose whatsoever, such as relocation / re-adjustments of utility services,
 - h) Permit to place skip/waste bin on footpath and/or nature strip, and
 - i) Permit to use any part of Council's road reserve or other Council lands.
53. Prior to commencement of any works, 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.
54. Erosion and sediment control devices shall be installed and in function prior to the commencement of any demolition, excavation or construction works upon the site in order to prevent sediment and silt from site works (including demolition and/or excavation) being conveyed by stormwater into public stormwater drainage system, natural watercourses, bushland, trees and neighbouring properties. In this regard, all stormwater discharge from the site shall meet the legislative requirements and

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

55. Where any shoring is to be located on or is supporting Council's property, or any adjoining private property, engineering drawings certified as being adequate for their intended purpose by an appropriately qualified and practising structural engineer, showing all details, including the extent of encroachment and the method of removal (or any other method) and de-stressing of shoring elements, shall be submitted with the Construction Certificate to the Principal Certifying Authority along with Council's (or other) consent if the works intrude on Council's (or other) property.
56. A Soil and Water Management Plan (SWMP) shall be prepared in accordance with the *Landcom Managing Urban Stormwater – Soils and Construction* 4th Edition (2004). All management measures recommended and contained within the Soil and Water Management Plan (SWMP) shall be implemented in accordance with the *Landcom Managing Urban Stormwater – Soils and Construction* 4th Edition (2004). This plan shall be implemented prior to commencement of any site works or activities. All controls in the plan shall be maintained at all times. A copy of the SWMP shall be kept on-site at all times and made available to Council Officers on request.
57. A sufficient area shall be provided onsite to enable separate stockpiling of excavated materials for sampling and analysis prior to removal or re-use on site. Details of this area shall be provided in the Soil and Water Management Plan (SWMP) prior to the release of any construction certificate.

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

58. A sufficient area shall be provided onsite to enable separate stockpiling and treatment of excavated materials with a pH of less than 5.5. Details of this area shall be provided in the Soil and Water Management Plan (SWMP) prior to the release of any construction certificate.
59. 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.
60. Erosion and sediment control devices shall be installed and functioning prior to the commencement of any demolition, excavation or construction works upon the site in order to prevent sediment and silt from site works (including demolition and/or excavation) being conveyed by stormwater into public stormwater drainage system, natural watercourses, bushland and neighbouring properties. In this regard, all stormwater discharge from the site shall meet the legislative requirements and guidelines including the *Protection of the Environment Operations Act 1997*.

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

61. The site to which this approval relates must be adequately fenced or other suitable measures employed that are acceptable to the Principal Certifying Authority to restrict public access to the site and building works. Such fencing or other measures must be in place before the approved activity commences.
62. Building operations such as brick cutting, washing tools or brushes and mixing mortar shall not be carried out on public roadways or footways or in any other locations which could lead to the discharge of materials into the stormwater drainage system or onto Council's lands.
63. Hosing down or hosing/washing out of any truck (concrete truck), plant (eg concrete pumps) or equipment (eg wheelbarrows) on Council's road reserve or other property is strictly prohibited. Fines and cleaning costs will apply to any breach of this condition.
64. 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.
65. All vehicles transporting soil, sand or similar materials to or from the site shall cover their loads at all times.
66. Existing structures and or services on this and adjoining properties are not to be endangered during any excavation or construction work associated with the above project. The application is to provide details of any shoring, piling or underpinning prior to the commencement of any work. The construction shall not undermine, endanger or destabilize any adjacent structures.
67. The Principal Certifying Authority must be satisfied that: -
 - a) In the case of work to be done by a licensee under the Home Building Act: -
 - i) Has been informed in writing of the licensee name and contractor licence number, and;
 - ii) Is satisfied that the licensee has complied with the requirements of Part 6 of the Home Building Act 1989; or,
 - b) In the case of work to be done by any other person: -
 - i) Has been informed in writing of the persons name and owner-builder permit number, or;
 - ii) Has been given a declaration signed by the owner of the land that states that the reasonable market cost of the labour and materials involved in the work is less than the amount prescribed for the purposes of the definition of *owner builder work* in Section 29 the Home Building Act 1989.
68. At least forty-eight (48) hours prior to the commencement of, the applicant must inform Council, in writing, of:
 - a) Written notice, indicating the date when demolition of the building is to commence.

- b) This person's full name and address.
- c) Details of Public Liability Insurance.

CONDITIONS WHICH MUST BE SATISFIED DURING WORKS RELATED TO THE DEVELOPMENT

69. In order to ensure that the existing Council street trees in O'Riordan Street and Coward Street are protected during all stages of construction, as well as all trees on adjoining properties to the east and north of the site and their health and structural stability ensured, the following is required. The trees on the adjoining properties to be protected are:

- # 30 and 31 located at the rear of 26 Carinya Avenue on the eastern boundary
 - # 32 located in the Graphic Arts Club on the eastern boundary
 - # 33 located within the raised garden bed adjacent to the eastern boundary
 - # 35 located at the rear of 52 Carinya Avenue
 - # 36 located at the rear of 132 O'Riordan Street
- (tree numbers in accordance with the Arborist report Dec 2015)

- a) All TPZ's as well as the Council nature strip are a "No-Go" zone. There shall be no access to the property excluding the existing crossover, no stockpiling, storage or sorting of waste or building materials, no construction work, no concrete mixing, strictly no washing down of concrete mixers or tools, no chemicals mixed/disposed of, no excavation or filling, no service trenching. Any unavoidable work within the fenced zone shall be under the direction of Council's Tree Officer.
- b) Where unavoidable foot access is required in the TPZ, provide temporary access with timber sheets to minimise soil compaction, spillage or root damage.
- c) Excavation within the TPZ or within an area extending 3 metres outward of the canopy dripline of any tree to be retained shall be carried out manually using hand tools to minimise root damage or disturbance.
- d) Tree roots 40mm in diameter or greater that require pruning shall be done only under the direction of Council's Tree Officer or the consulting Arborist after a site inspection.
- e) It is the Applicant's responsibility to ensure that there is no damage to the canopy, trunk or root system (including the surrounding soil) of any tree. There shall be no canopy pruning unless approval has been granted by Council's Tree Officer under separate application. Approved pruning shall be undertaken by a qualified Arborist in accordance with AS 4373.
- f) Masonry boundary fencing/walls or built structures shall be of piered or bridged construction to minimise damage to major or structural tree roots. Trench or strip footings are not permitted. If a tree root 40mm diameter or greater is in the location of a pier and the root cannot be cut without compromising the tree (must be obtained after Council inspection and advice), the pier will need to be relocated and the root bridged.

- g) Any structures such as walls (retaining or otherwise), pavements, change in levels, trenching for new subsurface utilities or the location of new overhead services within the primary root zone or canopy of any tree to be retained must accommodate tree roots without damage or pruning.
- h) The Applicant shall undertake any tree maintenance/remedial pruning as required by Council at the completion of construction.

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

70. 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.

- a) 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.
- b) Hosing down or hosing/washing out of any truck (concrete truck), plant (eg concrete pumps) or equipment (eg wheelbarrows) on Council's road reserve or other property is strictly prohibited. Fines and cleaning costs will apply to any breach of this condition.
- c) 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.

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

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

- a) Level Restrictions

Construction period of 4 weeks and under:

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

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

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

b) Time Restrictions

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

Monday to Friday : 07:00 am to 06:00 pm

Saturday: 08:00 am to 03:00 pm

No Construction to take place on Sundays or Public Holidays.

c) Silencing

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

73. During Demolition, Excavation, Construction and Deliveries, access to the site shall be available in all weather conditions. The area shall be stabilised and protected from erosion to prevent any vehicles (including deliveries) tracking soil materials onto street drainage system/watercourse, Council's lands, public roads and road-related areas. Hosing down of vehicle tyres shall only be conducted in a suitable off-street area where wash waters do not enter the stormwater system or Council's land.

74. If an excavation associated with the proposal extends below the level of the base of the footings of a building on an adjoining allotment of land or the common boundary fence the person causing the excavation to be made:

a) Must preserve and protect the building/ fence from damage; and,

b) If necessary, underpin and support such building in an approved manner;

c) Must at least be 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of the intention to do so to the owner of the adjoining allotment of land and, furnish particulars of the excavation to the owner of the building being erected or demolished;

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

d) 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.
- 75. Any new information that comes to light during demolition or construction which has the potential to alter previous conclusions about site contamination and remediation must be notified to Council and the accredited certifier immediately. All work on site shall cease until the council is notified and appropriate measures to assess and manage the contamination in accordance with any relevant NSW EPA adopted guidelines is completed by an appropriately qualified and experienced environmental consultant.
- 76. Any remediation work must be carried out in accordance with:
 - a) NSW Office of Environment and Heritage (OEH) ‘Contaminated Sites – Guidelines for Consultants Reporting on Contaminated Sites’;
 - b) NSW Environment Protection Authority (NSW EPA) guidelines under the Contaminated Land Management Act 1997;
 - c) State Environmental Planning Policy 55 (SEPP55) – Remediation of Land; and
- 77. For any water from site dewatering to be permitted to go to stormwater, the water must meet ANZECC 2000 Water Quality Guidelines for Fresh and Marine Water for the 95% protection trigger values for Marine Water. All testing must be completed by a NATA accredited laboratory. All laboratory results must be accompanied by a report prepared by a suitably qualified and experienced person indicating the water is acceptable to be released into Councils stormwater system.

If the groundwater does not meet these guideline levels a Trade Waste permit from Sydney Water must be sought to put the groundwater to sewer.
- 78. To ensure that relevant engineering and water quality provisions are met during the period of dewatering for construction, prior to any water from site dewatering to be permitted to go to stormwater a permit to discharge to the stormwater shall be obtained from Council. Dewatering shall not commence until this is issued by Council.
- 79. All materials excavated from the site (fill or natural) shall be classified in accordance with the NSW Environment Protection Authority (EPA) Waste Classification Guidelines (2014) prior to being disposed of to a NSW approved landfill or to a recipient site.
- 80. To prevent contaminated soil being used onsite and to ensure that it is suitable for the proposed land use, all imported fill shall be appropriately certified material and shall be validated in accordance with the:
 - a) Office of Environment and Heritage (OEH) approved guidelines; and
 - b) Protection of the Environment Operations Act 1997; and
 - c) Protection of the Environment Operations (Waste) Regulation 2014.

All imported fill shall be accompanied by documentation from the supplier which certifies that the material has been analysed and is suitable for the proposed land use.

81. The principal contractor or owner builder must install and maintain water pollution, erosion and sedimentation controls in accordance with:
 - a) The Soil and Water Management Plan;
 - b) “Managing Urban Stormwater - Soils and Construction” (2004) Landcom (‘The Blue Book’); and
 - c) Protection of the Environment Operations Act 1997.
82. Results of the monitoring of any field parameters such as soil, groundwater, surface water, dust or noise measurements shall be made available to Council Officers on request throughout the remediation and construction works.
83. During demolition, excavation, construction and any associated delivery activities, access to the site shall be available in all weather conditions. The area shall be stabilised and protected from erosion to prevent any construction-related vehicles (including deliveries) tracking soil materials onto street drainage system/watercourse, Council’s lands, public roads and road-related areas. Hosing down of vehicle tyres shall only be conducted in a suitable off-street area where wash waters do not enter the stormwater system or Council’s lands.
84. 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.
85. If an excavation associated with the proposal extends below the level of the base of the footings of a building on an adjoining allotment of land or the common boundary fence the person causing the excavation to be made:
 - a) Must preserve and protect the building/ fence from damage; and,
 - b) If necessary, underpin and support such building in an approved manner;
 - c) Must at least be 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of the intention to do so to the owner of the adjoining allotment of land and, furnish

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

- d) Any retained existing structures and or services on this and adjoining properties are not endangered during any demolition excavation or construction work associated with the above project. The applicant is to provide details of any shoring, piling, or underpinning prior to the commencement of any work. The construction shall not undermine, endanger or destabilise any adjacent structures.
 - e) If the soil conditions required it:
 - i) Retaining walls associated with the erection of a building or other approved methods of preventing movement or other approved methods of preventing movement of the soil must be provided, and
 - ii) Adequate provision must be made for drainage.
86. Toilet facilities are to be provided at or in the vicinity of the work site on which work involves:
- a) demolition and construction of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site;
 - b) Each toilet provided:
 - i) must be standard flushing toilet; and,
 - ii) must be connected:
 - 1 to a public sewer; or
 - 2 if connection to a public sewer is not practicable to an accredited sewerage management facility approved by the Council; or,
 - 3 if connection to a public sewer or an accredited sewerage management facility is not practicable to some other sewerage management facility approved by the Council.
 - c) The provisions of toilet facilities in accordance with this condition must be in place before work commences.
87. 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*.
88. Throughout the construction period, Council's warning sign for soil and water management shall be displayed on the most prominent point of the building site, visible to both the street and site workers. A free copy of the sign is available from Council's Customer Service Counter.
89. 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.

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

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

92. 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 any Occupation 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 Site Audit Statement (SAS) prior to the issuing of the construction 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.

93. An experienced Landscape Contractor shall be engaged to undertake the landscaping work and shall be provided with a copy of both the approved landscape drawing and the conditions of approval to satisfactorily construct the landscape to Council requirements.

At the completion of landscaping on the site, the Applicant is required to obtain a Certificate of Compliance from the Landscape Consultant to certify that the landscaping has been installed in accordance with the Council approved landscape plan. The Certificate is to be submitted to the City of Botany Bay Council prior to the Issue of an Occupation Certificate.

The contractor shall be engaged weekly for a minimum period of 52 weeks from final completion of landscaping for maintenance and defects liability, replacing plants in the event of death, damage, theft or poor performance. After that time regular and ongoing maintenance is required.

94. To ensure satisfactory growth and maintenance of the landscaping, a fully automatic drip irrigation system is required in all landscape areas, installed by a qualified landscape contractor. The system shall provide full coverage of all planted areas with no more than 300mm between drippers, automatic controller and backflow prevention device and shall be connected to a recycled water source, where provided. Irrigation shall comply with both Sydney Water and Council requirements as well as Australian Standards, and be maintained in effective working order at all times.

95. The electrical kiosk and fire booster assembly (and similar utilities) must be located in an unobtrusive location away from vehicle and pedestrian entrances to the property and not within the landscaped setbacks. The utilities must be housed within the external face of the building structure and screened from view from the public domain area.
96. The Applicant is to submit payment of a Street Tree Maintenance Bond of \$25,000.00. The duration of the Bond shall be limited to a period of 12 months after final Council approval of planting of the new street trees. At the completion of the Bond period the Bond shall be refunded pending an inspection of the trees by Council. If a tree is found to be dead, pruned or dying and will not recover Council will forfeit all or part of the bond to replace or maintain the tree/s, unless the Applicant undertakes this work under instruction from Council.
97. A report prepared by a qualified air quality/mechanical engineer certifying that the mechanical ventilation/exhaust system as installed complies in all respects with the design and operation standards of AS 1668 – Mechanical Ventilation and Air Conditioning Codes, and the relevant provisions of the Protection of the Environment Operations Act 1997 shall be submitted to Council within 21 days of the installation of the system and prior to the occupation of the premises.
98. Evidence of a Sydney Water permit or consent for discharge of wastewater to the sewer shall be submitted to the Principal Certifying Authority prior to use or occupation of the premises. Where a permit or consent may not be required from Sydney Water certification shall be provided verifying that any discharges to the sewer will meet specific standards imposed by Sydney Water.
99. Prior to the issue of the Occupation Certificate for the Child Care Centre, the child care centre is to comply with the requirements of the Education and Care Services National Regulations and any other requirements as specified by the NSW Department of Family and Community Services.
100. Prior to commencing trading the occupier of the premises must register the food premises with Council (application form attached), and register with the New South Wales Food Authority (contact details for registration for the Food Authority NSW are <http://www.foodnotify.nsw.gov.au/nafsis> or by telephone 1300 650 124.
101. The car parking area is to be clearly and appropriately marked/signposted indicating all the vehicular movements on the site.
102. The internal road network, pedestrian facilities and parking facilities (including visitor parking and parking for persons with disabilities) shall be clearly designated, sign posted and line marked prior to the issuing of an Occupation Certificate. Signage and line marking shall comply with Australian Standards, AS1742, Manual of Uniform Traffic Control Devices and NSW Road Transport (Safety and Traffic Management) Regulations 1999.
103. Prior to the issue of any Occupation Certificate(s), 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

104. Prior to the issue of Occupation Certificate, the following documentation shall be submitted to Council and Principal Certifying Authority attesting this condition has been appropriately satisfied:-
- a) Inspection reports (formwork and final) for the works on public domain and road reserve area, and the on-site detention system shall be obtained from Council's engineer; and
 - b) A copy of the approved engineering construction plans showing Work-as-Executed details (together with an electronic copy (DWG format)) for all the civil works on public domain and road reserve area. The plan shall be prepared by a registered surveyor.
105. A certificate from a Chartered Professional Engineer/Registered Surveyor must be obtained and submitted to Council verifying that the on-site detention system as constructed will function hydraulically in accordance with the approved design plans.
106. A certificate from a Registered Engineer (NPER) must be lodged with Council verifying that the structures associated with the on-site detention systems have been constructed to withstand all loads likely to be imposed on them during their lifetime.
107. Any damage not shown in the photographic survey submitted to Council before site works have commenced will be assumed to have been caused by the site works (unless evidence to prove otherwise). All damages as a result from site works shall be rectified at the applicant's expense to Council's satisfaction, prior to occupancy of the development and release of damage deposit.
108. A qualified practitioner, with a certificate of attainment in NWP331A Perform Conduit Evaluation, shall undertake a closed circuit television (CCTV) inspection and then report on the existing condition of the existing and new stormwater drainage infrastructure on on O'Riordan Street and Coward Street, including the newly relocated RMS and existing Sydney Water infrastructure. The camera and its operation shall comply with the following:
- a) The internal surface of the drainage pipe/culvert shall be viewed and recorded in a clear and concise manner,
 - b) The CCTV camera used shall be capable to pan, tilt and turning at right angles to the pipe axis over an entire vertical circle to view the conduit joints,
 - c) Distance from the manholes shall be accurately measured, and
 - d) The inspection survey shall be conducted from manhole to manhole.

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

109. Prior to the issue of the Occupation Certificates, documentation from a practising civil engineer shall be submitted to the Principal Certifying Authority certifying that the stormwater drainage system has been constructed generally in accordance with the approved stormwater management construction plan(s) and all relevant standards.
110. Prior to the issue of any Occupation Certificate(s), a restriction on Use of Land and Positive Covenant(s) shall be imposed on the development. The following covenants shall be imposed under Section 88(E) of the Conveyancing Act 1919 and lodged with the NSW Land and Property Information:
- a) Restriction on Use of Land for On-Site Detention System. Refer to Appendix B of the SMTG for suggested wording, and
 - b) Restriction on Use of Land for Stormwater Quality Improvement Device. Refer to Appendix E of the SMTG for suggested wording.
111. 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.
112. Prior to the issue of Final Occupation Certificate, the applicant shall carry out the following works:
- a) On O’Riordan Street, demolish the existing driveways and driveway laybacks and construct new kerb and gutter as per Council and RMS Infrastructure Specifications,
 - b) On O’Riordan Street, adjacent to the development, reconstruct existing Kerb and Gutter for the full length of the property in accordance with Council and RMS Infrastructure Specifications,
 - c) On O’Riordan Street, adjacent to development, demolish existing concrete footpath and construct new concrete footpath as per Council’s Landscape Architect and Council’s Infrastructure specifications,
 - d) On Coward Street, demolish the existing driveways and driveway laybacks and construct new kerb and gutter as per Council and RMS Infrastructure Specifications,
 - e) On Coward Street, adjacent to the development, reconstruct existing Kerb and Gutter for the full length of the property in accordance with Council and RMS Infrastructure Specifications,
 - f) On Coward Street, adjacent to development, demolish existing concrete footpath and construct new concrete footpath as per Council’s Landscape Architect and Council’s Infrastructure specifications,
 - g) On Coward Street, adjacent to development, reconstruct the road asphalt full width, in accordance with Council Specifications and relevant RMS and Australian Standards.

Note: To ensure satisfactory performance of the completed external public infrastructure works, a maintenance period of twelve (12) months shall apply to all public domain works completed in relation to this application. The performance period shall commence from the issue date of the Final Occupational Certificate.

113. Prior to the issue of the Occupation Certificate, inspection reports (formwork and final) for the works on the road reserve shall be obtained from RMS representative and Council's engineer and submitted to the Principal Certifying Authority attesting that this condition has been appropriately satisfied.
114. Prior to the issue of any Occupation Certificate, the following easements shall be extinguished with the prior approval of the beneficiary:
 - a) Registered 1.83m wide "Easement for Drainage Purposes" dealing number 249514, shall be extinguished with the written approval from RMS.
115. Prior to the issue of any Occupation Certificate, the following easements shall be created in conjunction with Council and the beneficiary:
 - a) Register a new 1.8m wide "Easement for Drainage Purposes" over the new RMS stormwater drain in conjunction with RMS and Sydney Water. in conjunction with and approval by RMS and Sydney Water.
116. Any damage not shown in the dilapidation report submitted to Council before site works have commenced, will be assumed to have been caused by the site works undertaken (unless evidence to prove otherwise). All damages as a result from site works shall be rectified at the applicant's expense to Council's satisfaction, prior to the issue of Final Occupation Certificate
117. Prior to release of the Occupation Certificate the developer must submit to the Principal Certifying Authority an acoustic report to verify that the measures stated in the approved acoustic report have been carried out and certify that the construction meets the above requirements. The report must be prepared by a qualified practicing acoustic engineer (who is a member of either the Australian Acoustical Society or the Association of Australian Acoustical Consultants).
118. All services (Utility, Council, etc) within the road reserve (including the footpath) affected by the proposed development shall be relocated/adjusted where required to match the proposed/existing levels. All costs are to be borne by the applicant.
119. Prior to the issue of any Occupation Certificate, all associated works on Council's land must be must be completed and approved by Council.
120. All vehicular crossings are to be constructed. Prior to the issuing of an Occupation Certificate (or the completion of work or the use of the building), the applicant shall make a separate application to Council's Customer Service Counter to construct (or reconstruct) a vehicular crossing (either using Council or own forces) to all vehicular entry points to the site. All vehicular crossings, which were shown on submitted plans, shall be in the correct location. All redundant vehicular crossings shall be removed and replaced to fit the main footpath cross-section. If any applicant wants to retain an

existing vehicular crossing an application still has to be submitted with the matter highlighted. The footway area must be restored by turfing.

121. Prior to the issue of the 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, with relation to the required building heights, drainage, boundary and road reserve levels, have been strictly adhered to; and
 - b) The development as built stands within the subject land.
122. A copy of any Building Management Statement and By-Laws shall be submitted to the Principal Certifying Authority for approval prior to the issue of the Occupation Certificate. The Building Management Statement and By-Laws shall address all conditions associated with the ongoing use of the development of Development Consent No. 16/9 and include:
- a) Responsibilities with regard to the ongoing maintenance of the building and landscaped areas at the property in accordance with the plans and details approved under Development Consent No. 16/9;
 - b) Responsibilities with regard to the maintenance of artificial features at the property in accordance with the plans and details approved under Development Consent No. 16/9;
 - c) Responsibilities for ensuring owners and/or tenants have adequate and hygienic waste sterile, disposal and collection arrangements and for ensuring the waste storage area is appropriately maintained and kept in a clean and safe state at all times;
 - d) Responsibilities to ensure that receptacles for the removal of waste, recycling etc. are put out for collection between 4.00pm and 7.00pm the day prior to collection, and, on the day of collection, being the day following, returned to the premises before 12.00 noon;
 - e) The Owners Corporation/Executive Committee obligations under clauses 177, 182, 183, 184, 185 and 186 of the Environmental Planning and Assessment Regulation 2000;
 - f) Responsibilities to ensure that wastewater and stormwater treatment devices (including drainage systems, sumps and traps) are regularly maintained in order to remain effective. All solid and liquid wastes collected from the devices shall be disposed of in a manner that does not pollute waters and in accordance with the Protection of the Environment Operations Act 1997;
 - g) The linen plan must include details of any easements, encroachments, rights of way, including right of footway, restriction as to user or positive covenants and include a Section 88B Instrument under the *Conveyancing Act, 1919*. Council is to be nominated as the only authority permitted to release, vary or modify any

easements, encroachments, rights of way, restriction as to user or positive covenants;

- h) A graffiti management plan for the removal of graffiti and similar vandalism within seven (7) days of its occurrence and surface re-instatement;
- i) 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;
- j) CCTV surveillance of all public areas within the development site; and

123.

- a) Residents of this development are not eligible to participate in Council's on-street resident parking scheme. Before entering a purchase/lease/occupancy agreement, or individual units are on-sold, all tenants and occupiers of the development are to be advised of this by the owner of the building.
- b) Prior to the issue of the Occupation Certificate, a sign to this effect shall be located in a prominent place, to Council's satisfaction, such as a directory board or notice board, where it can easily be observed and read by persons entering the building;
- c) Where a building is to be Strata subdivided, a condition should be placed in the by-laws advising residents that they are not eligible to participate in on-street resident parking schemes.

124. A suitable intercom system linked to all units within the development shall be provided at the vehicle entrance to the development to ensure any visitors to the site can gain access to the visitor parking in the car parking area. The details of the intercom system shall be submitted to the Principal Certifying Authority prior to the issue of the Occupation Certificate.

125. Storage to each individual unit is to be provided in accordance with the information provided within the approved apartment schedule.

126. Each apartment and non-residential unit shall be provided with individual water meters.

127. Written evidence is required to be provided to Council prior to the issue of the Final Occupation Certificate from all service providers such as Sydney Water, Energy Australia and their telecommunication provider, confirming that adequate infrastructure can and/or has been provided to the development.

128. The car parking spaces shall be made available to occupants and visitors at all times, with such spaces being clearly marked and signposted prior to issue of the Occupation Certificate. The Allocation of the car parking shall be as indicated on the approved plans, except where modified by these conditions. 24 of the adaptable dwellings shall be provided with an accessible parking space.
129. The floor surface of the entry area, kitchen and internal storage, of each two-bedroom and three-bedroom apartment, are to be water-resistant and easy to be cleaned and maintained, i.e. not carpet.
130. Each habitable room is to be provided with at least one window with a maximum sill height of 1.5 metres above finished floor level.
131. Street numbers shall be clearly displayed with such numbers being of contrasting colour, of adequate size and location for viewing from the footway and roadway, and in accordance with the NSW Addressing Policy.

All letter boxes must be constructed and located in accordance with the relevant provisions of Australian Standard AS/NZS 4253:1994 Mailboxes and to Australia Post's satisfaction. Letter boxes shall be located in lobbies or perpendicular to the street alignment, with no interference with proposed landscaping.

Details of street numbering, letter boxes, and apartment numbers, shall be submitted to Council for approval prior to the issue of the Occupation Certificate.

132. Legible signage should be provided throughout the development containing information on common areas.

CONDITIONS WHICH MUST BE SATISFIED FOR THE ONGOING USE

133. New street trees shall be maintained by the Applicant/Owner/Strata Corporation for a 12 month defects period after final Council approval of planting. Maintenance includes twice weekly watering to sustain adequate growth, bi-annual fertilising, mulch replenishment every 3 months minimum and weekly weed removal around the base but does not include trimming or pruning the trees under any circumstances.
134. Ongoing maintenance of grass nature strips and landscaping outside the property boundary shall be undertaken by the occupier, strata or owner. Maintenance includes mowing, watering and maintaining an even coverage of grass and/or plants. Maintenance **does not include** pruning, trimming or any work to Council's street tree assets located on the Council nature strip under any circumstances at any time, including new street trees. All pruning is undertaken by Council only. Plants shall be replaced in the event of failure.
135. The ground floor non-residential premises have been approved for retail use, based on a car parking rate of 1 space per 25sqm of Gross Floor Area. Any future applications for the use of these premises for a use with a car parking requirement as specified in the BBDCP 2013 that is higher than that approved, such as for a café or restaurant, must be lodged as a Development Application and cannot be approved via a Complying Development Certificate (as the car parking will not comply with the approved car parking on site).

136. The stormwater drainage system (including all pits, pipes, detention structures, treatment devices 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.
137. 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, waste water, waste products, grit, oil, or otherwise.
138. The use of the premises shall not give rise to air impurities in contravention of the *Protection of the Environment Operations Act 1997*. Waste gases released from the premises shall not cause a public nuisance nor be hazardous or harmful to human health or the environment.
139. All intruder alarms shall be fitted with a timing device in accordance with the requirements of *Regulation 12A of the Noise Control Act, 1975*, and *AS2201, Parts 1 and 2 - 1978 Intruder alarm systems*.
140. The operation of the required car share space must be undertaken in conjunction with a car share service provider.
141. The permitted hours of the retail premises and childcare centre are as follows:
- a) Monday – Friday: 7:00am to 6:00pm;
 - b) Saturday – Sunday: 8:00am to 5:00pm

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

142. The serviced apartments are to be used for short term or temporary accommodation for tourists or visitors only, as defined within the Botany Bay Local Environmental Plan 2013:

Serviced apartment means a building (or part of a building) means a building (or part of a building) providing self-contained accommodation to tourists or visitors on a commercial basis and that is regularly serviced or cleaned by the owner or manager of the building or part of the building or the owner's or manager's agents.

Serviced apartments are not subject to the *Residential Tenancies Act 1987*.

143.

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

- b) The operation of all plant and equipment when assessed on any residential property shall not give rise to a sound pressure level that exceeds LAeq 50dB(A) day time and LAeq 40 dB(A) night time.
 - c) The operation of all plant and equipment when assessed on any neighbouring commercial/industrial premises shall not give rise to a sound pressure level that exceeds LAeq 65dB(A) day time/night time.
 - d) For assessment purposes, the above LAeq sound levels shall be assessed over a period of 10-15 minutes and adjusted in accordance with EPA guidelines for tonality, frequency weighting, impulsive characteristics, fluctuations and temporal content where necessary.
- 144.
- a) All waste and recycling containers shall be stored in the designated waste storage areas within the building. 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.
 - b) No waste or waste containers shall be placed on the public way (including: footpaths, roadways and reserved) at any time.
- 145.
- a) Each residential dwelling (apartment) is approved as a single dwelling for use and occupation by a single family. They shall not be used for separate residential occupation or as separate residential flats. No plumbing fixtures, fittings, walls shall be deleted or added, doorways enclosed or any other changes made from the approved plans in Condition No. 1 of this Consent without the prior Consent of the Council;
 - b) The adaptable apartments approved under this development consent are to remain unaltered at all times; and
 - c) The storage areas located within the basement shall be allocated to the relevant residential dwelling in any future subdivision of the site. In addition, any isolated storage areas and other spaces shall be monitored by CCTV cameras at all times;
 - d) The approved Waste Management Plan shall be complied with at all times during the on-going use of the site / premises.
146. Should the external fabric of the building(s), walls to landscaped areas and like constructions be subject to graffiti or like vandalism, then within seven (7) days of this occurrence, the graffiti must be removed and the affected surface(s) returned to a condition it was in before defilement.
147. 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.

148. Any air conditioning units shall comply with the following requirements:

- a) Air conditioning units are not to be visible from the street or public place and are not to obscure windows/window frames or architectural features of the dwelling.
- b) A person must not cause or permit an air conditioner to be used on residential premises in such a manner that it emits noise that can be heard within a habitable room in any other residential premises (regardless of whether any door or window to that room is open):
 - i) Before 8 am or after 10 pm on any Saturday, Sunday or public holiday, or
 - ii) Before 7 am or after 10 pm on any other day.

149. Provisions shall be made to enable the garbage trucks to be located within the property when emptying bins.

150. The applicant being informed that this approval shall be regarded as being otherwise in accordance with the information and particulars set out and described in the Development Application registered in Council's records as Development Application No. 16/9 dated as 3 February 2016 and that any alteration, variation, or extension to the use, for which approval has been given, would require further Approval from Council.

ADVISORY NOTES

151. The following recommendations are provided by NSW Police Botany Bay Local Area Command. The conditions are outlined as follows, and relevant details shall be included in the plans and documentation submitted with the Construction Certificate:

- a) Surveillance
 - i) 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. It is crucial even in the development stage that these cameras are installed as soon as power is available to the site.
 - ii) By angling fire egress inlet walls 45 degrees or more, opportunities for entrapment, loitering and vandalism can be reduced.
 - iii) 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.
- b) Territorial Reinforcement

- i) Warning signs should be strategically posted around the buildings to warn intruders of what security treatments have been implemented to reduce opportunities for crime.
 - 1 Warning, trespasser will be prosecuted
 - 2 Warning, these premises are under electronic surveillance
 - ii) 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.
 - iii) 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.
 - iv) Graffiti resistant materials and anti-graffiti coating should be utilised throughout the development.
- c) Access Control
- i) The main access to the underground car park should have restricted access with a security pass. The opening/closing mechanism should be protected from vandalism and tampering. All exit doors from the car park should have striker plates installed to minimise chance of tampering.