

**SYDNEY CENTRAL PLANNING PANEL
SUPPLEMENTARY REPORT**

SCPP No	2017SCL064
DA Number	2017/1198
Local Government Area	Bayside Council
Proposed Development	Integrated Development for the demolition of existing structures, consolidation of the two lots into one lot and the construction of two x 7 storey buildings used as self-storage units with associated landscaping, car parking, fencing, signage and the amalgamation of the site from two lots to one.
Street Address	1-3 and 3A Ricketty Street Mascot
Applicant	Canal Aviv Pty Ltd
No. of Submissions	Nil
Regional Development Criteria	Development with a CIV of \$23,974,467.00
List of All Relevant s4.15(1)(a) Matters (previously Section 79C)	<ul style="list-style-type: none"> • List all of the relevant environmental planning instruments: s4.15(1)(a)(i) <ul style="list-style-type: none"> ○ State Environmental Planning Policy No. 55 – Remediation of Land; ○ State Environmental Planning Policy No. 64- Advertising and Signage ○ State Environmental Planning Policy (Infrastructure) 2007 ○ Botany Bay Local Environmental Plan 2013. • List any proposed instrument that is or has been the subject of public consultation under the Act and that has been notified to the consent authority: s4.15(1)(a)(ii); <ul style="list-style-type: none"> ○ Nil • List any relevant development control plan: s4.15(1)(a)(iii); <ul style="list-style-type: none"> ○ Botany Bay Development Control Plan 2013. • List any relevant planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4: s4.15(1)(a)(iiia); <ul style="list-style-type: none"> ○ Nil • List any coastal zone management plan: s4.15(1)(a)(v) <ul style="list-style-type: none"> ○ Nil • List any relevant regulations: s4.15(1)(a)(iv) eg. Regs 92, 93, 94, 94A, 288 • Nil
Documents submitted with this report for the panel's consideration	<ul style="list-style-type: none"> • Architectural plans- prepared by MCHP Architects • Landscape Plans- prepared by Taylor Brammer Landscape Architects Pty Ltd

	<ul style="list-style-type: none"> • Car parking and traffic report- prepared by Dobinson and Associates • Civil engineering plans- prepared by Northrop • Flood study- prepared by Northrop
Recommendation	<p>The Sydney Eastern City Planning Panel, as the Determining Authority resolve to:</p> <p>a) <i>Grant approval of Development Application No. 2017/1198 for the demolition of existing structures, consolidation of the two lots into one lot and the construction of two x 7 storey buildings used as self-storage units with associated landscaping, car parking, fencing, signage and the amalgamation of the site from two lots to one.</i></p>
Report by	Angela Lazaridis – Senior Development Assessment Officer

RESPONSE TO APPLICANT SUBMISSION

On 3 April 2018, Council received a submission from the applicant in response to the draft Schedule of Consent Conditions within the Planning Assessment Report submitted to the Panel on 26 March 2018. The applicant's submission details their proposed changes to approximately 13 conditions (including sub-conditions).

This Supplementary Report provides a response to the objections and questions raised by the applicant and details the proposed changes to the draft Schedule of Consent Conditions.

Council have reviewed the applicant's submission and are in agreement with the applicant that a majority of these conditions be amended or deleted. These changes are to delete and/or amend conditions relating to the construction and maintenance of the cycleway and landscape buffer along the Alexandra Canal frontage, tidy-up the wording of the conditions and monetary contributions.

Below sets out the original conditions, the applicant's objection and Council's response.

SUMMARY OF CHANGES

Condition No. 19:

Original Condition:

"19.

Rehabilitation and Maintenance

GT0007-00003 When the proposed controlled activity is completed, and the rehabilitation plan has been implemented, maintenance of the site must be carried out for a period of 2 years in accordance with that rehabilitation plan submitted as part of the controlled activity approval, and approved by Crown Lands and Water Division.

GT0011-00001 A rehabilitation plan for the waterfront land must be provided as part of a controlled activity approval application.

GT0023-00001 Vegetation clearance associated with the proposed controlled activity must be limited to where the controlled activity is to be carried out, as shown on the approved plan(s).'

Applicant's Objection:

The condition is not necessary given no rehabilitation will exist and no plans were submitted relating to this requirement.

Council response:

The condition is to be maintained as it was imposed by Water NSW and was considered on the merit of this application and not a separate application.

Condition Nos. 59(b) and 60:

Original Condition:

"59(b):

Footpath Crossing Deposit \$592,706.25 (See below)

60:

*Prior to the issue of any Construction Certificate, the applicant shall lodge a Footpath Crossing Deposit of **\$592,706.25** (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. The deposit will be refunded subject to inspection by Council 12 months after the completion of all works relating to the proposed development and Final Occupational Certificate has been issued."*

Applicant's Objection:

Amend. Footpath crossing bond clause to be reworded to address Venice Street or paths not part of council infrastructure yet. Perhaps a precondition on the condition i.e. reworded to "when" it becomes Council infrastructure? Also given the previous situation and that no crossings exist on Ricketty Street, perhaps consider a reduction in the fee bonded amount for one footpath on Ricketty Street to be less than the costed amount.

Council response:

Conditions to be retained however broken up for the two stages. There are two street frontages that bound the site. One at Ricketty Street and one the new Venice Street. Whether the road will be dedicated to Council now or in the future, the works on the site will require access partially from this street which is under construction. Ricketty Street does not have access at this stage however is bound by Council public domain. Therefore the fee of \$592,706.25 is to be retained. As the development will be constructed in two stages, the condition will be broken

up so that Stage 1 will incorporate the Ricketty Street frontage and half the frontage along Venice Street while Stage 2 will incorporate half of Venice Street.

Condition Nos. 59(c) and 61:

Original Condition:

“59(c):

Section 94 Contributions= \$24,345.09

61:

*Bayside Council being satisfied that the proposed development will increase the demand for public amenities within the area, and in accordance with Council's Section 94 Contributions Plans, a contribution of **\$24,345.09** is payable as calculated below:*

City of Botany Bay Section 94 Contributions Plan 2016

The s94 contributions (as indexed from July 2017) for the development is as follows:

- a) Community Facilities- Citywide= \$3,742.90
- b) Recreation Facilities- Mascot Precinct= \$379.74
- c) Recreation Facilities- Citywide= \$16,258.42
- d) Transport Management- Citywide= \$1,531.89
- e) Transport Management- Mascot= \$2,153.18
- f) Administration= \$278.95

TOTAL: \$24,345.09

*The total Section 94 Contribution of **\$24,345.09** is to be paid to Council prior to the issue of any Construction Certificate.*

Note: *The Section 94 Contributions are subject to annual review and the current rates are applicable for the financial year in which your consent is granted. If you pay the contribution in a later financial year you will be required to pay the fee applicable at the time.”*

Applicant's Objection:

The Section 94 Contributions have been calculated incorrectly as the number of employees on the site is 3 and will only be associated with the office use which has hours between 7.30am to 5pm. No other staff will be located on site after these hours with the exception of a patrol from the security company. All the site is linked back to the base security alarms and CCTV footage. Therefore the calculation of nine employees is incorrect.

Additionally, is there a payable at all given the value of the landscape buffer required by Council in a similar capacity to works in kind?

Council response:

The applicant has provided appropriate justification regarding to the number of employees proposed is similar to other premises.

Generally between 1 and 3 full time employees are typically used. In the applicant's case, given it is a larger facility it will require an additional staff member but also as is predominantly vertical it is easier to manage. The applicant envisages for Stage 1 to have 2 full time staff i.e. a centre manager and an assistant manager and a part time employee. Stage 1 is where the office and administration will be located. When Stage 2 has been constructed, the operation will replace the part timer with an additional full time worker i.e. an assistance manager therefore there is a total of 3 employees.

In accordance with the office hours proposed and no staff being available after hours, the section 94 contributions have been recalculated to include three workers within that office shift. Therefore the development contribution has been reduced to \$8,115.03.

In regards to works in kind calculation, the Botany Bay Development Contributions Plan 2016 does not specify any monetary value or works in kind for land along Alexandra Canal. As discussed below, a condition is to be imposed to dedicate the land to Council for the construction of a cycleway which Council will construct and maintain. As there is no indication of monetary contribution, works in kind is not applicable.

Condition No. 62(a):

Original Condition:

"62(a).

Prior to the issue of any Construction Certificate, amended plans are to be provided to Council's Manager of Development Services demonstrating the following:

- a) *The perimeter open palisade fencing around the site is to be reduced from 2.4 metres to 1.8 metres in height*
....."

Applicant's Objection:

Remove condition as operation is not a typical industrial usage and has a 24 hours usage pattern request. Request for the fence to remain at 2.4 metres as shown on plans for visual security and additional security for customers to feel more comfortable when using 24 hours. The fence is an open palisade style fence and not a solid fence.

Council response:

Agree to remove the condition due to security reasons. The fence will be retained at 2.4 metres in height and remain open for surveillance purposes.

Condition No. 63:

Original Condition:

“63.

Prior to the issue of the relevant Construction Certificate, detailed construction plans for demonstrating a 2.5 metre wide pedestrian path to be provided along the full site frontage to cater for Pedestrians and Cyclists. This path is to connect the existing pedestrian path on Alexandra Canal bridge with the eastern site road frontage. These plans are to be submitted to Council for approval.”

Applicant's Objection:

The condition is to be amended to not require the developer to provide construction plans regarding to the design details of the cycleway and pedestrian footpath. The condition could be worded to refer to any plans to demonstrate the reservation of the 10 metre landscape buffer.

Council response:

This condition can be deleted as it will be replaced by a new condition requiring the applicant to dedicate this strip of land to Council. It is envisaged that Council would assume responsibility for the construction, public liability and maintenance of the cycleway and landscaping along the buffer. Therefore the condition is no longer relevant.

Condition No. 72(a):

Original Condition:

“72(a):

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 Stage 2 Traffic and Transport Report by ARUP Group, dated 10 August 2016, Australian Standards AS 2890.6, SEPP 65 Design Code and Council requirements, and*

Applicant's Objection:

Delete the condition as the report that is referenced is not of relevance with the development application.

Council response:

Agree to delete the condition as the report was imposed in the condition of consent in error.

Condition No. 77(c):

Original Condition:

“77(c):

Prior to the issue of any Construction Certificate, a detailed Traffic Management Plan for the pedestrian and traffic management of the site during construction shall be prepared and submitted to the relevant road authority (Council or Roads and Maritime Services) for approval. The plan shall:

- c) during construction, if access from **Ricketty Street** is required, the applicant is to submit documentary evidence to the Principal Certifying Authority that the required Section 138 Consent under the Roads Act, 1993 has been issued by the New South Wales Roads and Maritime Services, and*

Applicant's Objection:

Delete the condition as access of Ricketty Street is no longer applicable due to the construction works blocking access for the construction of Venice Street.

Council response:

Agree to delete the condition relating to Ricketty Street based on the applicant's justification above and that no access along Ricketty Street is proposed.

Condition No. 79:

Original Condition:

“79.

An amended Stage 2 Detailed Site Investigation shall be completed by a suitably qualified and experienced environmental consultant to address the following data gaps:

- a) Undertake a SafeWork Dangerous Goods Search to determine if there are any known underground petroleum storage tanks on the site.*
- b) Undertake groundwater sampling across the site to delineate any potential contamination that may be a risk and to enable management of any risks on and off site.*
- c) Undertake additional soil sampling as required to delineate potential risk from hydrocarbons in soil, notably to 2m in areas of concern where olfactory detection was noted to these depths.*
- d) These works and reports shall be undertaken in accordance with:*
- e) NSW Office of Environment and Heritage (OEH) ‘Contaminated Sites – Guidelines for Consultants Reporting on Contaminated Sites’;*

f) NSW Environment Protection Authority (NSW EPA) approved guidelines under the Contaminated Land Management Act 1997; and

g) State Environmental Planning Policy 55 (SEPP55) – Remediation of Land;

and shall be provided to the Principal Certifying Authority and Bayside Council for concurrence and written approval prior to the issue of any Construction Certificate.

Following completion of the amended Stage 2 Detailed Site Investigation, if required a Stage 3 Remedial Action Plan shall be prepared. This shall be provided to the Principal Certifying Authority and Bayside Council for concurrence and written approval prior to the issue of any Construction Certificate. Approvals from appropriate government departments where required shall be obtained and full details of the investigation and site remediation are to be submitted to Bayside Council, in accordance with Section 80(A)2 of the Environmental Planning and Assessment Act 1979 prior to any Construction Certificate being issued for the proposed development.”

Applicant's Objection:

Concern is raised regarding to the requirement in providing this information prior to the issue of the construction certificate particularly as there have been reports that have been submitted to Council for assessment. The opportunity to provide comment on these requirements relating to the provision of contamination was not provided to the applicant until too late in the process. A recommendation from the applicant is to correspond with Council's Environmental Scientist on whether these data gaps can be discussed.

Council response:

As discussed in the original planning report, the Environmental Scientist had provided the following comments:

“This undertook some analysis of soil to delineate any potential hydrocarbon impact. However some samples were taken in the surface fill. Additionally groundwater was not assessed. Given the proximity of groundwater to the surface and the detection of hydrocarbon odour in several bore logs, groundwater sampling needs to be undertaken to ensure there is no risk to the future buildings that may be constructed at the site, and analysis for soil vapour F1 and F2 and BTEX down to 2m needs to be undertaken. There was also no dangerous goods search undertaken to rule out potential UST's onsite that may not be decommissioned and acting as a potential source. Clarification that there is no onsite issue is needed prior to buildings being constructed across the site. Additionally the excavation below ground level for a flood storage unit also needs to be addressed in regards to any risk issues for workers or environment into the future.

The information required above can be addressed through conditions of consent as there is no indication that the site can't be made suitable for the proposed development based on the data provided, however based on the outcome of the additional assessment, remediation of the site or risk management measures in the building if required could be completed prior to construction of the buildings.”

While it was acknowledged that the applicant was not consulted on these issues during the assessment of the proposal due to the timing of the comments provided for the report, the conditions were imposed to address the data inconsistencies. Discussion with Council's

Environmental Scientist can still occur after the determination of the application however the condition is to be retained within the consent as there is no guarantee that the site is suitable without addressing these data inconsistencies.

Condition No. 80:

Original Condition:

“80.

Prior to the issue of the relevant Construction Certificate, amended landscape plans are to be submitted to the principal certifying authority demonstrating a greater variety in the plant species provided along the landscape buffer along the Alexandra Canal. Augmentation of the quantity and variety of proposed trees with Melaleuca quinquenervia (Paperbark), Tristaniopsis laurina (WaterGum), Leptospermum laevigatum (Coastal Tea tree), Banksia integrifolia (Coastal Banksia), Banksia serrata (Old man Banksia), and Banksia aemula (Wallum Banksia). All trees shall be planted at 6 meters or more from existing retaining wall and a variety of shrubs and groundcovers shall be increased, with some other species that can be included include:

- a) *Imperata cylindrical, Blady Grass*
- b) *Themeda australis, Kangaroo Grass,*
- c) *Dianella caerulea, Paroo Lily,*
- d) *Acacia ulicifolia, Prickly Moses,*
- e) *Hakea teretifolia*
- f) *Epacris paludosa*
- g) *Ficinia nodosa, Knobby Club Rush*
- h) *Juncus pallidus, Pale Rush,*
- i) *Juncus usitatus, Pale rush,*
- j) *Lomandra flaviatilis,*
- k) *Lomandra tanika,*
- l) *Banksia ericifolia*
- m) *Leptospermum liversidgei,*
- n) *Leptospermum juniperinum*
- o) *Leptospermum continentale*
- p) *Callistemon citrinus”*

Applicant's Objection:

Concern is raised regarding to the plant species to be provided within the landscape buffer along Alexandra Canal which is to be dedicated to Council. The applicant does not agree in amending the landscape plan and species when they are not required to do any works to this area as it is presumed that Council will construct and maintain the cycleway after it has been dedicated. The condition is onerous and request to delete the condition is to be considered by Council.

Council response:

Consideration on whether the works to the buffer will need to be carried out by the developer has been discussed and it is agreed that the condition can be deleted as the works will be

carried out by Council once the land has been dedicated. Works and maintenance will fall within the responsibility of Council.

Condition No. 97:

Original Condition:

“97.

An experienced Landscape Contractor shall be engaged to undertake all landscaping (site and public domain) 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. 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.”

Applicant's Objection:

The applicant is of the opinion that the condition is too onerous particularly if the amount of landscaped area within the site is minimal. The request to maintain the landscape buffer which will be dedicated to Council is not recommended particularly as there is no time frame from Council on when the new cycleway and the pedestrian path will be constructed. The request to maintain every week for 52 weeks is onerous.

Council response:

It is agreed that the amount of landscaped area within the site (with the exclusion of the landscape buffer for the cycleway dedicated to Council) is minimal and the requirement for any landscaping to be maintained weekly for a period of 52 weeks is onerous. As there are no significant trees or landscaping proposed within the site, the removal of the condition is accepted.

Condition No. 121:

Original Condition:

“121.

Prior to the issue of the relevant Occupation Certificate, a total of 42 off-street car spaces shall be provided in accordance with the submitted plans. Stage 1 is to have 24 car spaces while Stage 2 is to have 18 spaces. Such spaces shall be paved, linemarked and made freely available at all times during business hours of the site for staff and visitors.”

Applicant's Objection:

Concern is raised regarding to the wording of 'linemarked' within the condition. The applicant recommends that the condition be reworded so that the internal parking/loading spaces are not linemarked but the external spaces surrounding the buildings are. Justification is provided regarding to the type of vehicles that will be loading and unloading from the premises. The

loading area is to cater for vehicles that may have trailers or slightly larger trucks. By linemarking the internal loading area, the vehicles may not fit within the allocated spaces. Therefore the recommendation of not having the area linemarked.

Council response:

Consideration of the applicants request is agreed upon particularly as there is space within the loading areas to accommodate a number of vehicles. The condition will be amended to specify that the external car spaces will be linemarked however the internal spaces are not to be linemarked to allow for appropriate parking and loading within the spaces. It is considered that the space will not be occupied for long periods therefore having this space not linemarked is acceptable.

Condition No. 129(c):

Original Condition:

“129.

A separate application must be made for a subdivision certificate to consolidate Lot 24 and 25 of DP 515070. The application is to be accompanied by:

- c) The linen plans must include a new right of carriageway easement for public pedestrian and cyclist access via the 10 metre wide landscape buffer between Alexandra Canal and the western side for the entire length of the site providing pedestrian access.”*

Applicant's Objection:

The requirement to have a right of carriageway over an area that will be dedicated to Council does not benefit the applicant. It is under the applicant's impression that the 10 metre wide landscape buffer will be dedicated to Council with works to be carried out by Council and maintained by Council. The linen plans could show the landscape buffer without the requirement for an easement.

Council response:

It is agreed with the applicant and the discussion above, that the condition can be deleted and replaced with a new condition relating to the landscape buffer being dedicated to Council. The condition will be worded as follow and will need to be satisfied prior to the issue of the Occupation Certificate:

“Prior to the issue of the Occupation Certificate, the applicant/owner shall dedicate the portion of land to Council having 10 metres in width for the full length of the Alexandra Canal frontage within the site and as detailed in the Botany Bay Development Control Plan 2013 for the purpose of construction a new cycleway/pathway and landscape buffer. Written evidence from Land and Property Information (LPI) of the registration of the dedicated portion of land shall be provided to Council and prior to issue of any Occupation Certificate. A copy of the registered document shall be submitted to Council for record purposes.”

Therefore the responsibility of construction and maintenance of the landscape buffer will fall onto Council.

The schedule of conditions of consent has been modified as attached with the recommendations found within the table.

1-3 and 3A Ricketty Street, Mascot

SCHEDULE OF CONSENT CONDITIONS

GENERAL CONDITIONS

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

Plans	Author	Dated / Received by Council
DA00- Cover Page- Rev H	MCHP Architects	Received 9 March 2018
DA01- Proposed Site- Floor Plan		Dated 2 March 2018 Received 9 March 2018
DA02- Proposed Site- Roof Plan- Rev B		Dated 21 December 2017 Received 9 March 2018
DA03- Site Analysis Plan- Rev A		Dated 11 September 2017 Received 9 March 2018
DA04- Demolition Plan- Rev A		Dated 12 September 2017; Received 9 March 2018
DA11- Stage 1- Level 1 Plan- Rev H		Dated 12 September 2017 Received 9 March 2018
DA12- Stage 1- Level 2 Plan- Rev G		Dated 12 September 2017 Received 9 March 2018
DA13- Stage 1- Level 3 Plan- Rev G		Dated 12 September 2017 Received 9 March 2018
DA14- Stage 1- Level 4 Plan- Rev F		Dated 12 September 2017 Received 9 March 2018

DA15- Stage 1- Level 5 Plan- Rev G		Dated 12 September 2017 Received 9 March 2018
DA16- Stage 1- Level 6 Plan- Rev F		Dated 12 September 2017 Received 9 March 2018
DA17- Stage 1- Level 7 Plan- Rev B		Dated 12 September 2017 Received 9 March 2018
DA18- Stage 1- Roof Plan- Rev B		Dated 12 September 2017 Received 9 March 2018
DA21- Stage 2- Level 1 Plan- Rev F		Dated 12 September 2017 Received 9 March 2018
DA22- Stage 2- Level 2 Plan- Rev F		Dated 12 September 2017 Received 9 March 2018
DA23- Stage 2- Level 3 Plan- Rev F		Dated 12 September 2017 Received 9 March 2018
DA24- Stage 2- Level 4 Plan- Rev F		Dated 12 September 2017 Received 9 March 2018
DA25- Stage 2- Level 5 Plan- Rev F		Dated 12 September 2017 Received 9 March 2018
DA26- Stage 2- Level 6 Plan- Rev F		Dated 12 September 2017 Received 9 March 2018
DA27- Stage 2- Level 7 Plan- Rev D		Dated 12 September 2017 Received 9 March 2018
DA28- Stage 2- Roof Plan- Rev C		Dated 12 September 2017 Received 9 March 2018
DA33- Stage 1- South Elevation and Schedule of Finishes- Rev G		Dated 8 November 2017 Received 9 March 2018
DA34- Stage 1- West Elevation- Rev H		Dated 5 March 2018 Received 9 March 2018
DA35- Stage 1- East Elevation- Rev G		Dated 8 November 2017 Received 9 March 2018
DA36- Stage 1- North Elevation- Rev H		Dated 5 March 2018 Received 9 March 2018
DA37- Stage 2- East Elevation- Rev G		Dated 5 March 2018 Received 9 March 2018

DA38- Stage 2- North Elevation- Rev G		Dated 5 March 2018 Received 9 March 2018
DA39- Stage 2- South Elevation- Rev G		Dated 5 March 2018 Received 9 March 2018
DA40- Stage 2- West Elevation- Rev G		Dated 5 March 2018 Received 9 March 2018
DA41- Stage 1- Section- Rev D		Dated 5 March 2018 Received 9 March 2018
DA42- Stage 2- Section- Rev D		Dated 5 March 2018 Received 9 March 2018
DA50- Site Elevations- Rev D		Dated 2 March 2018 Received 9 March 2018
DA51- Site Elevations- Rev B		Dated 2 March 2018 Received 9 March 2018
DA70- Signage Details- Rev A		Dated 13 October 2017; Received 9 March 2018
DA100- Proposed 12.5m Truck Path- Rev B		Dated 7 March 2018; Received 9 March 2018
DA101- Proposed 19m Truck Path- Rev B		Dated 7 March 2018; Received 9 March 2018
DA102- Proposed 8.8m Truck Path- Rev A		Dated 3 March 2018; Received 9 March 2018
DAC01.01- Cover sheet, drawing schedule and locality plan- Rev 1	Northrop	Dated 7 September 2017; Received 31 October 2017
DAC02.01- Sediment and Soil Erosion Control Plan- Rev 2		Dated 14 September 2017; Received 31 October 2017
DAC02.11- Sediment and Soil Erosion Control Details- Rev 1		Dated 7 September 2017; Received 31 October 2017
DAC03.01- Cut and Fill Plan- Rev 3		Dated 27 October 2017; Received 31 October 2017
DAC03.02- Cut and Fill Sections- Rev 1		Dated 7 September 2017; Received 31 October 2017
DAC04.01- Concept Siteworks and Stormwater management plan- Rev 3		Dated 16 October 2017; Received 31 October 2017

DAC05.01- Details- Sheet 1- Rev 2		Dated 14 September 2017; Received 31 October 2017
DAC05.02- Details- Sheet 2- Rev 1		Dated 8 September 2017; Received 31 October 2017
DAC06.01- Catchment Plan- Rev 3		Dated 16 October 2017; Received 31 October 2017
LA01- Cover Sheet and Context Plan- Rev A	Taylor Brammer Landscape Architects Pty Ltd	Dated 30 October 2017; Received 31 October 2017
LA02- Landscape Plan- Rev A		Dated 30 October 2017; Received 31 October 2017
LA03- Landscape Details- Rev A		Dated 30 October 2017; Received 31 October 2017

Reference Document(s)	Author	Dated / Received by Council
Civil Engineering Stormwater Management Report- Rev D	Northrop	Dated 9 March 2018; Received 9 March 2018
Noise Assessment	Atkins Acoustics	Dated 24 October 2017; Received 9 March 2018
DA response letter to request for additional information	Self Storage Investments	Dated 7 March 2018; Received 9 March 2018
Preliminary and Detailed Site Investigation	Alliance Geotechnical	Dated 8 September 2017; Received 31 October 2017
Geotechnical Investigation Report	Alliance Geotechnical	Dated 12 July 2017; Received 31 October 2017
Statement of Environmental Effects	Walsh Consulting-Town Planners	Dated October 2017; Received 31 October 2017
Flood Impact Report	Northrop	Dated 7 September 2017; Received 31 October 2017
Traffic and Parking Assessment Report	Dobinson and Associates	Dated October 2017 Received 31 October 2017
Waste Management Plan	-	Dated 30 October 2017; Received 31 October 2017

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

- 2 This Consent relates to land in Lots 24 and 25 of DP 515070 and, as such, building works must not encroach on to adjoining lands or the adjoining public place.
- 3 The construction of the development will be timed in two stages with the following separate Construction Certificates for each stage:
 - a) Building 1 (Southern Building)

b) Building 2 (Northern Building)

Note: The consent is structured to include conditions to be satisfied prior to the issue of the first/any construction certificate or prior to the relevant construction certificate.

- 4 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.
- 5 All building work must be carried out in accordance with the provisions of the Building Code of Australia.

CONDITIONS IMPOSED BY AN EXTERNAL AUTHORITY

Where relevant, the following external authority conditions apply:

The following conditions are imposed by **Roads and Maritime Services**:

- 6 All buildings and structures, together with any improvements integral to the future use of the site shall be wholly within the freehold property (unlimited in height or depth) and clear of the New M5 works.
- 7 Detailed design plans and hydraulic calculations of any changes to the 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: 8849 2766.

- 8 The developer is to submit design drawings and documents relating to any excavation of the site and support structures to Roads and Maritime for assessment, in accordance with Technical Direction GTD2012/001.

The developer is to submit all documentation at least six (6) weeks prior to commencement of construction and is to meet the full cost of the assessment by Roads and Maritime.

- 9 The report and any enquiries should be forwarded to: Project Engineer, External Works Sydney Asset Management Roads and Maritime Services PO Box 973 Parramatta CBD 2124. Telephone 8849 2114 Fax 8849 2766

If it is necessary to excavate below the level of the base of the footings of the adjoining roadways, the person acting on the consent shall ensure that the owner/s of the roadway is/are given at least seven (7) days notice of the intention to excavate below the base of the footings. The notice is to include complete details of the work.

- 10 A Construction Traffic Management Plan detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control should be submitted to Council for approval prior to the issue of a Construction Certificate. Further comment will be provided upon receipt of the Construction Traffic Management Plan.

- 11 Ricketty Street is identified in the NSW Governments 2013 Sydney Clearways Strategy for a possible future clearway. Full time No Stopping restrictions are to be implemented along the full Ricketty Street frontage of the development site. This restriction should be implemented prior to the commencement of any demolition works relating to the proposed development. Prior to the installation of the parking restrictions the applicant is to contact Roads and Maritime South East Network and Safety Unit by email development.sydney@rms.nsw.gov.au for a works instruction. Roads and Maritime may, in the future, supplement the No Stopping restriction with Clearways.

Parking for all vehicles associated with the proposed development should be fully contained within the development site and must not encroach onto any state road. Council should be satisfied that the parking provision for the proposed development is adequate to cater for all current and future demand.

All service vehicles (including garbage collection, building maintenance vehicles and removalists), must service this property from within the development or from the local road network.

- 12 A Road Occupancy Licence (ROL) should be obtained from Transport Management Centre for any works that may impact on traffic flows on Ricketty Street during construction activities. A ROL can be obtained through <https://myrta.com/oplinc2/pages/security/oplincLogin.jsf>.

- 13 The layout of the proposed car parking areas associated with the subject development (including, driveways, grades, turn paths, sight distance requirements in relation to landscaping and/or fencing, aisle widths, aisle lengths, and parking bay dimensions) should be in accordance with AS 2890.1- 2004, AS2890.6-2009 and AS 2890.2 – 2002 for heavy vehicle usage.

- 14 All demolition and construction vehicles are to be contained wholly within the site and vehicles must enter the site before stopping. A construction zone will not be permitted on Ricketty Street.

- 15 All works and signposting associated with the subject development shall be at no cost to Roads and Maritime.

The following conditions are imposed by **Water NSW**:

16 Design of works and Structures

GT0009-00004- Before commencing any proposed controlled activity on waterfront land, an application must be submitted to Crown Lands and Water Division, and obtained, for a controlled activity approval under the Water Management Act 2000.

17 Erosion and Sediment Controls

GT0006-00001- The following plan(s): - Erosion and Sediment Controls Plan must be: A. prepared in accordance with Managing Urban Stormwater: Soils and Construction, Volume 1 (Landcom, 2004), as amended or replaced from time to time, and B. submitted with an application for a controlled activity approval.

GT0014-00003- A. The consent holder must ensure that any proposed materials or cleared vegetation, which may: i. obstruct water flow, or ii. wash into the water body, or iii. cause damage to river banks, are not stored on waterfront land, unless in accordance with a plan held by Crown Lands and Water Division as part of a controlled activity approval. B. When the carrying out of the controlled activity has been completed, surplus materials must be removed from waterfront land.

GT0021-00001 The proposed erosion and sediment control works must be inspected and maintained throughout the carried out; construction or operation period of the controlled activity and must not be removed until the site is fully stabilised.

18 Plans, Standards and Guidelines

GT0001-00001 A. The application for a controlled activity approval must include the document(s) listed in Schedule 1. B. The document(s) must be prepared by a suitably qualified person.

GT0002-00119 A. This General Terms of Approval (GTA) only applies to the proposed activities described in the plans and associated documents found in Schedule 1, relating to Development Application DA2017/1198/1 provided by Council to Crown Lands and Water Division. B. Any amendments or modifications to the proposed activities may render the GTA invalid. If the proposed controlled activity is amended or modified, Crown Lands and Water Division, Parramatta Office, must be notified in writing to determine if any variations to the GTA will be required.

GT0005-00023 A. The application for a controlled activity approval must include the following plan(s): - Works Schedule; Outlet Structures; Erosion and Sediment Control Plan; and, Vegetation Management/Rehabilitation Plan that includes details of riparian corridor rehabilitation works. B. The plan(s) must be prepared in accordance with Crown Lands and Water Division's guidelines located on the website <http://www.water.nsw.gov.au/water-licensing/approvals/controlled-activity>. GT0010-00003 All documents submitted to Crown Lands and Water Division as part of an application for a controlled activity approval must be prepared by a suitably qualified person.

GT0030-00001 The application for a controlled activity approval must include plans prepared in accordance with Crown Lands and Water Division's guidelines located on the website as follows: <http://www.water.nsw.gov.au/waterlicensing/approvals/controlled-activity>.

19 Rehabilitation and Maintenance

GT0007-00003 When the proposed controlled activity is completed, and the rehabilitation plan has been implemented, maintenance of the site must be carried out for a period of 2 years in accordance with that rehabilitation plan submitted as part of the controlled activity approval, and approved by Crown Lands and Water Division.

GT0011-00001 A rehabilitation plan for the waterfront land must be provided as part of a controlled activity approval application.

GT0023-00001 Vegetation clearance associated with the proposed controlled activity must be limited to where the controlled activity is to be carried out, as shown on the approved plan(s).

20 Reporting Requirements

GT0016-00002 The consent holder must inform Crown Lands and Water Division in writing when any proposed controlled activity carried out under a controlled activity approval has been completed.

The following conditions are imposed by **Sydney Water**:

- 21 No building or permanent structure is to be constructed over the stormwater channel pipe or within 1 m from the outside wall of the stormwater asset or within Sydney Water easement whichever is larger. Permanent structures include (but are not limited to) basement car park, hanging balcony, roof eaves, hanging stairs, stormwater pits, stormwater pipes, elevated driveway, basement access or similar structures. This clearance requirement would apply for unlimited depth and height. The applicant is required to submit the elevation drawings with the stormwater channel pipe and easement boundary, to ensure that the proposed buildings and permanent structures are 1 m away from the outside face of the stormwater pipe/channel and away from the Sydney Water easement.
- 22 The exact position of the stormwater channel is to be identified using the pot holes or any other acceptable survey method. The location of the easement position should not be used as the location of the stormwater channel. One metre clearance requirement is to be confirmed based on this exact position of the Sydney Water's stormwater channel.
- 23 Stormwater run-off from the site should be of appropriate quality before discharge into a Sydney Water asset or system. Developments must demonstrate stormwater quality improvement measures that meet the following specified stormwater pollutant reductions:

Pollutant	Pollutant load reduction objective (%)
Gross Pollutants (>5mm)	90
Total Suspended Solids	85
Total Phosphorus	65
Total Nitrogen	45

This advice is not a formal approval of our servicing requirements. Formal requirements for servicing the development will be determined as part of the Section 73 application. More information about the Section 73 application process is available on our web page in the Land Development Manual.

24 Sydney Water has an email address for planning authorities to submit statutory or strategic planning documents for review. This email address is surbangrowth@sydneywater.com.au.

25 A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water prior to development commencement. It is recommended that the Council includes this term as a Condition of the DA approval.

The proponent is advised to 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.

26 The approved plans must be submitted to the Sydney Water Tap in™ online service to determine whether the development will affect any Sydney Water sewer or water main, stormwater drains and/or easement, and if further requirements need to be met.

The Sydney Water Tap in™ online self-service replaces our Quick Check Agents as of 30 November 2015.

The Tap in™ service provides 24/7 access to a range of services, including:

- a) building plan approvals
- b) connection and disconnection approvals
- c) diagrams
- d) trade waste approvals
- e) pressure information
- f) water meter installations
- g) pressure boosting and pump approvals
- h) changes to an existing service or asset, e.g. relocating or moving an asset.

Sydney Water's Tap in™ online service is available at:

<https://www.sydneywater.com.au/SW/plumbing-building-developing/building/sydney-water-tap-in/index.htm>

27 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/>

28 Water is our most precious resource and every customer can play a role in its conservation. By working together with Sydney Water, business customers are able

to reduce their water consumption. This will help your business save money, improve productivity and protect the environment.

Some water efficiency measures that can be easily implemented in your business are:

- a) Install water efficiency fixtures to help increase your water efficiency, refer to WELS (Water Efficiency Labelling and Standards (WELS) Scheme, <http://www.waterrating.gov.au/>
- b) Consider installing rainwater tanks to capture rainwater runoff, and reusing it, where cost effective. Refer to <http://www.sydneywater.com.au/Water4Life/InYourBusiness/RWTCalculator.cfm>
- c) Install water-monitoring devices on your meter to identify water usage patterns and leaks.
- d) Develop a water efficiency plan for your business.

It is cheaper to install water efficiency appliances while you are developing than retrofitting them later.

- 29 Under Sydney Water's customer contract Sydney Water aims to provide Business Customers with a continuous supply of clean water at a minimum pressure of 15meters head at the main tap. This is equivalent to 146.8kpa or 21.29psi to meet reasonable business usage needs.

Sometimes Sydney Water may need to interrupt, postpone or limit the supply of water services to your property for maintenance or other reasons. These interruptions can be planned or unplanned.

Water supply is critical to some businesses and Sydney Water will treat vulnerable customers, such as hospitals, as a high priority.

Have you thought about a contingency plan for your business? Your Business Customer Representative will help you to develop a plan that is tailored to your business and minimises productivity losses in the event of a water service disruption.

For further information please visit the Sydney Water website at:

<http://www.sydneywater.com.au/OurSystemsandOperations/TradeWaste/> or contact Business Customer Services on 1300985227 or businesscustomers@sydneywater.com.au.

The following conditions are imposed by **Sydney Airport Corporation Limited (SACL)**:

- 30 This location lies within an area defined in schedules of the Civil Aviation (Buildings Control) Regulations which limit the height of structures to 15.24 metres above existing ground height (AEGH) without prior approval of the Civil Aviation Safety Authority.
- 31 The application sought approval for the PROPERTY DEVELOPMENT to a height of 30.0 metres Australian Height Datum (AHD).
- 32 In the capacity as Airfield Design Manager and an authorised person of the Civil Aviation Safety Authority (CASA) under Instrument Number: CASA 229/11, in this

instance, the Airfield Manager has no objection to the erection of this development to a maximum height of 30.0 metres AHD.

- 33 The approved height is inclusive of all lift over-runs, vents, chimneys, aerials, TV antennae, construction cranes etc.
- 34 Should you wish to exceed this height a new application must be submitted.
- 35 Should the height of any temporary structure and/or equipment be greater than 15.24 metres AEGH, a new approval must be sought in accordance with the Civil Aviation (Buildings Control) Regulations Statutory Rules 1988 No. 161.
- 36 Construction cranes may be required to operate at a height significantly higher than that of the proposed development and consequently, may not be approved under the Airports (Protection of Airspace) Regulations.
- 37 Sydney Airport advises that approval to operate construction equipment (ie cranes) should be obtained prior to any commitment to construct.
- 38 "Prescribed airspace" includes "the airspace above any part of either an Obstacle Limitation Surface (OLS) or Procedures for Air Navigation Services – Aircraft Operations (PANS-OPS) surface for the airport (Regulation 6(1)).
- 39 The height of the prescribed airspace at this location is 51 metres above AHD.

Planning for Aircraft Noise and Public Safety Zones

- 40 Current planning provisions (s.117 Direction 3.5 NSW Environmental Planning and Assessment Act 1979) for the assessment of aircraft noise for certain land uses are based on the Australian Noise Exposure Forecast (ANEF). The current ANEF for which Council may use as the land use planning tool for Sydney Airport was endorsed by Airservices in December 2012 (Sydney Airport 2033 ANEF).
- 41 Whilst there are currently no national aviation standards relating to defining public safety areas beyond the airport boundary, it is recommended that proposed land uses which have high population densities should be avoided.

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

- 42 The proposed development shall comply with the following:
 - (a) A sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being carried out:
 - (i) Stating that unauthorised entry to the work site is prohibited;
 - (ii) 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;
 - (iii) The Development Approval number; and
 - (iv) The name of the Principal Certifying Authority including an afterhours contact telephone number.

- (b) Any such sign is to be removed when the work has been completed.
- 43 If the land to which the application relates is served by a common sewerage system that is also used by others, then measures must be placed in effect and prior to the commencement of work to ensure the operation of the sewerage system is without disruption to other joint users.
- 44 Prior to the commencement of any demolition, excavation or remediation works, the applicant must inform Council, in writing, of:
- (a) The name of the contractor, and licence number of the licensee who has contracted to do, or intends to do, the work: or
 - (b) The name and permit number of the owner-builder who intends to do the work;
 - (c) The Council also must be informed if: -
 - (i) A contract is entered into for the work to be done by a different licensee; or
 - (ii) Arrangements for the doing of the work are otherwise changed.
- 45 Prior to commencement of any works, application(s) shall be made to Council's Customer Services Counter and obtained the following approvals and permits on Council's property/road reserve under Road Act 1993 and Local Government Act 1993: - (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.
- 46 Soil and sedimentation controls are to be put in place prior to commencement of any work on site. The controls are to be maintained in effective working order during construction.

The controls are to be designed and installed in accordance with the Soil and Water Management for Urban Development Guidelines produced by the Southern Sydney Regional Organisation of Council. Copies of the guidelines are available from Council.

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

The statement must be in compliance with AS2601:1991 – ‘Demolition of Structures’, the requirements of WorkCover NSW and conditions of the Development Approval, and shall include provisions for:

- a) Enclosing and making the site safe, any temporary protective structures must comply with the “Guidelines for Temporary Protective Structures (April 2001)”;
- b) Induction training for on-site personnel;
- c) Inspection and removal of asbestos, contamination and other hazardous materials (by appropriately licensed contractors);
- d) Dust control – Dust emission must be minimised for the full height of the building. A minimum requirement is that perimeter scaffolding, combined with chain wire and shade cloth must be used, together with continuous water spray during the demolition process. Compressed air must not be used to blow dust from the building site;
- e) Disconnection of Gas and Electrical Supply;
- f) Fire Fighting – Fire fighting services on site are to be maintained at all times during demolition work. Access to fire services in the street must not be obstructed;
- g) Access and Egress – No demolition activity shall cause damage to or adversely affect the safe access and egress of this building;
- h) Waterproofing of any exposed surfaces of adjoining buildings;
- i) Control of water pollution and leachate and cleaning of vehicles tyres – Proposals shall be in accordance with the “Protection of the Environmental Operations Act 1997”;
- j) Working hours, in accordance with this Development Consent;
- k) Confinement of demolished materials in transit;
- l) Proposed truck routes, in accordance with this Development Consent;
- m) Location and method of waste disposal and recycling in accordance with the “Waste Minimisation and Management Act 1995”.
- n) Sewer – common sewerage system ad08.

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

- 49 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:
 - to a public sewer; or
 - if connection to a public sewer is not practicable to an accredited sewerage management facility approved by the Council; or,
 - 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.
- 50 This Consent shall not preclude the demolisher from giving notice to other statutory authorities, such as Sydney Water Corporation, WorkCover, etc.
- 51 Prior to the commencement of any works, 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.
- 52 A Soil and Water Management Plan shall be prepared in accordance with Soil and Water Management for Urban Development Guidelines produced by the Southern Sydney Region Organisation of Councils. A copy of the plan must be submitted to Council. The Plan must include details of the proposed erosion and sediment controls to be installed on the building site. A copy of the Soil and Water Management Plan must be kept on-site at all times and made available on request. Sediment control devices shall not be located beneath the driplines of trees, which are to be retained.
- 53 For any water from site dewatering to be permitted to go to the stormwater, the water must meet ANZECC 2000 Water Quality Guidelines for Fresh and Marine Water for the 95% protection trigger values for marine water. The results of all testing must be completed by a NATA accredited laboratory.
- All laboratory results must be accompanied by a report prepared by a suitably qualified person indicating the water meets these guidelines and is acceptable to be released into council's stormwater system. If it is not acceptable, details of treatment measures to ensure that the water is suitable for discharge to council's stormwater shall be provided in this report. Reports shall be provided to council prior to discharge of any groundwater to the stormwater system.
- 54 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 council's stormwater system a permit to discharge to the stormwater shall be obtained from Council. Dewatering shall not commence until this is issued by Council.

- 55 Council's warning sign for soil and water management must be displayed on the most prominent point on the building site, visible to both the street and site workers. The sign shall be erected prior to commencement of works and shall be displayed throughout construction.
- 56 The applicant shall provide Council with a 24 hour contact number for the manager of the remediation works prior to the commencement of any works at the site.
- 57 Prior to the commencement of any building works, the required Long Service Levy payable under Section 34 of the Building and Construction Industry Long Service Payments Act 1986 has to be paid. The Long Service Levy is payable at 0.35% of the total cost of the development, however this is a State Government Fee and can change without notice.
- 58 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 practicing 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 Principle Certifying Authority along with Council's (or other) consent if the works intrude on Council's (or other) property.

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

- 59 The applicant must prior to the issue of any Construction Certificate, pay the following fees:
- | | | |
|-----|---------------------------|------------------------|
| (a) | Development Control | \$3,000.00 |
| (b) | Footpath Crossing Deposit | \$394,668.60 (Stage 1) |
| | | \$198,037.65 (Stage 2) |
| (c) | Section 94 Contributions | \$8,115.03 (See below) |
- 60 Prior to the issue of any Construction Certificate, the applicant shall lodge a Footpath Crossing Deposit of **\$592,706.25** (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. The payment will be separated between the two stages with **\$394,668.6** for Stage 1 and **198,037.65** for Stage 2 to be paid. The deposit will be refunded subject to inspection by Council 12 months after the completion of all works relating to the proposed development on each Stage and Final Occupational Certificate has been issued for each Stage.
- 61 Bayside Council being satisfied that the proposed development will increase the demand for public amenities within the area, and in accordance with Council's Section 94 Contributions Plans, a contribution of **\$8,115.03** is payable as calculated below:

City of Botany Bay Section 94 Contributions Plan 2016

The s94 contributions (as indexed from July 2017) for the development is as follows:

g) Community Facilities- Citywide	\$1,247.63
h) Recreation Facilities- Mascot Precinct	\$126.58
i) Recreation Facilities- Citywide	\$5,419.47
j) Transport Management- Citywide	\$510.63
k) Transport Management- Mascot	\$717.73
l) Administration	\$92.98
TOTAL:	\$8,115.03

The total Section 94 Contribution of **\$8,115.03** is to be paid to Council prior to the issue of any Construction Certificate.

Note: The Section 94 Contributions are subject to annual review and the current rates are applicable for the financial year in which your consent is granted. If you pay the contribution in a later financial year you will be required to pay the fee applicable at the time.

62 Prior to the issue of any Construction Certificate, amended plans are to be provided to Council's Manager of Development Services demonstrating the following:

- a) A loading bay is to be demonstrated within the site to address the concerns relating to garbage collection. The plans are to demonstrate that any waste vehicle can appropriately manoeuvre and collect within the site and is to enter and exit the site in an appropriate manner;
- b) On the eastern façade of both buildings, fin walls or a similar building material is to be mounted similar to the western façade to break up the solidness of these elevations and add visual interest to the buildings.

63 Prior to the issue of any Construction Certificate, an amended waste management plan is to be provided to the principal certifying authority demonstrating that all waste collection is to occur from within the site.

64 Prior to the issue of the relevant Construction Certificate, the development shall make provision for the following car parking allocations:

- a) 24 spaces for Building 1 (Stage 1)
- b) 18 spaces for Building 2 (Stage 2)

This requirement shall be reflected on the **relevant** Construction Certificate plans. The approved car parking spaces shall be maintained to the satisfaction of Council, at all times.

65 Prior to the issue of the Construction Certificate, a dilapidation survey shall be undertaken of all properties and/or Council infrastructure, including but not limited to all footpaths, kerb and gutter, stormwater inlet pits, and road carriageway pavements, in the vicinity which could be potentially affected by the construction of this development. Any damage caused to other properties during construction shall be rectified. A copy of the dilapidation survey and an insurance policy that covers the cost of any rectification works shall be submitted to the Principal Certifying Authority prior to issue of the Construction Certificate. The insurance cover shall be a minimum of \$10 million.

- 66 A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained. Application must be made through an authorised Water Servicing Coordinator. Please refer to “Your Business” section of Sydney Water’s web site at www.sydneywater.com.au then the “e-developer” icon or telephone 13 20 92.
- i) Following application a “Notice of Requirements” will detail water and sewer extensions to be built and charges to be paid. Please make early contact with the Co-ordinator, since building of water/sewer extensions can be timed consuming and may impact on other services and building, driveway or landscape design. The Section 73 Notice of Requirements must be submitted to the Principal Certifying Authority prior to the issue of any Construction Certificate.
- 67 Any part of the proposed building located in the vicinity of the existing pipeline shall be constructed on a pier and beam type foundation, piers shall be located outside the boundary of the drainage easement and to extend to a depth no less than 300mm below the invert of the pipeline.
- 68 Commercial vehicle facilities shall be designed strictly in accordance with AS2890.2:2002.
- 69 Prior to the issue of any Construction Certificate, detailed drainage design plans for the management of stormwater are to be submitted to Council or an Accredited Certifier for assessment and approval and drainage design calculations are to be submitted with the plans. Botany DCP Part 10 sets out the minimum documentation requirements for detailed design plans.
- 70 Prior to the issue of any Construction Certificate, the applicant shall contact “Dial Before You Dig” to obtain a utility service diagram for, and adjacent to the property. The sequence number obtained from “Dial Before You Dig” shall be forwarded to Principal Certifying Authority. All utilities within the work zone shall be protected during construction. 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.
- 71 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 off street disabled parking shall have access to the adjacent road(s) and to the communal open space as per Australian Standards AS 2890.6 and Council requirements.
- 72 The off-street parking areas associated with the subject development shall be designed strictly in accordance with AS2890.1:2004.
- 73 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 the certifying authority prior to the issue of the relevant Construction Certificate and the building plans endorsed with the required acoustical measures.
- 74 Prior to the issue of the relevant construction certificate, to ensure that utility authorities and Council are advised of any effects to their infrastructure by the development, the applicant shall:

- a) Carry out a survey of all utility and Council services within the site including relevant information from utility authorities and excavation if necessary to determine the position and level of services,
- b) Negotiate with the utility authorities (e.g. AusGrid, Sydney Water, 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.

75 A Construction Management Program shall be submitted to, and approved by the Private Certifying Authority prior to the issue of any 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.

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

76 Prior to the issue of any Construction Certificate, a detailed Traffic Management Plan for the pedestrian and traffic management of the site during construction shall be prepared and submitted to the relevant road authority (Council or Roads and Maritime Services) for approval. The plan shall:

- a) be prepared by a RMS accredited consultant,
- b) nominate a contact person who is to have authority without reference to other persons to comply with instructions issued by Council's Traffic Engineer or the Police,
- c) if required, implement a public information campaign to inform any road changes well in advance of each change. The campaign may be required to be approved by the Traffic Committee.

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

77 An Acid Sulfate Soils Management Plan, that has been prepared by a suitably qualified and experienced environmental/geotechnical consultant, shall be submitted to the Principal Certifying Authority (and the Council if the Council is not the Principal 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.

78 An amended Stage 2 Detailed Site Investigation shall be completed by a suitably qualified and experienced environmental consultant to address the following data gaps:

- a) Undertake a SafeWork Dangerous Goods Search to determine if there are any known underground petroleum storage tanks on the site.

- b) Undertake groundwater sampling across the site to delineate any potential contamination that may be a risk and to enable management of any risks on and off site.
- c) Undertake additional soil sampling as required to delineate potential risk from hydrocarbons in soil, notably to 2m in areas of concern where olfactory detection was noted to these depths.
These works and reports shall be undertaken in accordance with:
- d) NSW Office of Environment and Heritage (OEH) 'Contaminated Sites – Guidelines for Consultants Reporting on Contaminated Sites';
- e) NSW Environment Protection Authority (NSW EPA) approved guidelines under the Contaminated Land Management Act 1997; and
- f) State Environmental Planning Policy 55 (SEPP55) – Remediation of Land;

and shall be provided to the Principal Certifying Authority and Bayside Council for concurrence and written approval prior to the issue of any Construction Certificate.

Following completion of the amended Stage 2 Detailed Site Investigation, if required a Stage 3 Remedial Action Plan shall be prepared. This shall be provided to the Principal Certifying Authority and Bayside Council for concurrence and written approval prior to the issue of any Construction Certificate. Approvals from appropriate government departments where required shall be obtained and full details of the investigation and site remediation are to be submitted to Bayside Council, in accordance with Section 80(A)2 of the Environmental Planning and Assessment Act 1979 prior to any Construction Certificate being issued for the proposed development.

DURING WORKS

- 79 All contractors shall comply with the following during all stages of demolition and construction:
- a) A Waste Container on Public Road Reserve Permit must be obtained prior to the placement of any waste container or skip bin in the road reserve (i.e. road or footpath or nature strip). Where a waste container or skip bin is placed in the road reserve without first obtaining a permit, the Council's fees and penalties will be deducted from the Footpath Reserve Restoration Deposit. Permits can be obtained from Council's Customer Service Centre.
 - b) A Road Opening Permit must be obtained prior to any excavation in the road reserve (i.e. road or footpath or nature strip). Where excavation is carried out on the road reserve without first obtaining a permit, the Council's fees and penalties will be deducted from the Footpath Reserve Restoration Deposit. Permits can be obtained from Council's Customer Service Centre.
 - c) A Hoarding Permit must be obtained prior to the erection of any hoarding (Class A or Class B) in the road reserve (i.e. road or footpath or nature strip). Where a hoarding is erected in the road reserve without first obtaining a permit, the Council's fees and penalties will be deducted from the Footpath Reserve Restoration Deposit. Permits can be obtained from Council's Customer Service Centre.

- d) A Crane Permit must be obtained from Council prior to the operation of any activity involving the swinging or hoisting of goods across or over any part of a public road by means of a lift, hoist or tackle projecting over the footway. Permits can be obtained from Council's Customer Service Centre.
 - e) A Permit to Dewater or Pump Out a site must be obtained prior to the discharge of pumped water into the road reserve, which includes Council stormwater pits and the kerb and gutter. Permits can be obtained from Council's Customer Service Centre.
- 80 Stockpiles are not permitted to be stored on Council property (including nature strip) unless prior approval has been granted. In addition stockpiles of topsoil, sand, aggregate, soil or other material shall be stored clear of any drainage line or easement, natural watercourse, kerb or road surface.
- 81 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.
- 82 Building and demolition operations such as brickcutting, washing tools or paint brushes, and mixing mortar shall not be performed on the roadway or public footway or any other locations which could lead to the discharge of materials into the stormwater drainage system.
- 83 All disturbed areas shall be stabilised against erosion within 14 days of completion, and prior to removal of sediment controls.
- 84 Builders and demolishers are required to confine access to building and demolition sites to no more than two 3m driveways, and provide a footpath protection pad over Council's footpath at these points (see attached detail). Within the site, provision of a minimum of 100mm coarse crushed rock is to be provided for a minimum length of 2 metres to remove mud from the tyres of construction vehicles.
- A vehicle wheel wash, cattle grid, wheel shaker or other appropriate device, shall be installed prior to commencement of any site works or activities, to prevent mud and dirt leaving the site and being deposited on the street. Vehicular access is to be controlled so as to prevent tracking of sediment onto adjoining roadways, particularly during wet weather or when the site is muddy. Where any sediment is deposited on roadways it is to be removed by means other than washing and disposed of appropriately.
- In addition builders / demolishers are required to erect a 1.5m high fence along the whole of the street alignment other than at the two openings. Such protection work, including fences, is to be constructed, positioned and maintained in a safe condition to the satisfaction of the Principal Certifying Authority, prior to the demolition of the existing structures and commencement of building operations.
- 85 Building, demolition and construction works not to cause stormwater pollution and being carried out in accordance with Section 2.8 of Council's Stormwater Pollution Control Code 1993. Pollutants such as concrete slurry, clay and soil shall not be washed from vehicles onto roadways, footways or into the stormwater system. Drains, gutters, roadways and access ways shall be maintained free of sediment. Where required, gutters and roadways shall be swept regularly to maintain them free from sediment.

Note: The Applicant may be liable to prosecution under the Environmental Planning and Assessment Act 1979 for a breach of an approval condition, or under the Protection of the Environment Operations Act 1997, if its employees, agents or sub-contractors allow sediment, including soil, excavated material, building materials, or

other materials to be pumped, drained or allowed to flow to the street, stormwater pipes or waterways. The Applicant shall ensure that its employees, agents or sub-contractors understand and maintain sediment control measures.

- 86 Construction related activities must not take place on the roadway without Council approval. Short-term activities (including operating plant, materials delivery) that reduce parking spaces, affect access to a particular route or prevent or restrict the passage of vehicles along the road must not occur without a valid Temporary Roadside Closure Permit. Activities involving occupation of the parking lane for durations longer than allowed under a Temporary Roadside Closure Permit require a Construction Zone Permit and must not occur prior to the erection of Construction Zone signs by the RTA. Permit application forms should be lodged at Council's Customer Service Centre allowing sufficient time for evaluation. An information package is available on request.
- 87 There shall be no encroachment of paths, fencing or other improvements onto the drainage easements without Council approval.
- 88 All footpath, or road and drainage modification and/or improvement works to be undertaken in the road reserve shall be undertaken by Council, or by a Private Licensed Contractor subject to the submission and approval of a Private Contractor Permit, together with payment of all inspection fees. An estimate of the cost to have these works constructed by Council may be obtained by contacting Council on 9562 1670. The cost of conducting these works will be deducted from the Footpath Reserve Restoration Deposit, or if this is insufficient the balance of the cost will be due for payment to Council upon completion of the work.
- 89 All driveway, footpath, or road and drainage modification and/or improvement works to be undertaken in the road reserve shall be undertaken in accordance with Council's Subdivision and Civil Works Construction Specification (AUS-SPEC 1). Amendment to the works specification shall only apply where approved by Council. Where a conflict exists between design documentation or design notes and AUS-SPEC 1, the provisions of AUS-SPEC 1 shall apply unless otherwise approved by Council.
- 90 This Roads Act approval does not eradicate the need for the Contractor to obtain a Road Opening Permit prior to undertaking excavation in the road or footpath.
- 91 Stormwater management requirements for the development site, including the final discharge / end connection point, must comply with Botany DCP Part 10 – Stormwater Management.
- 92 Fire booster assemblies and electrical kiosks and the like are to be housed within the building structure or screened by a built screen enclosure and/or landscaping so as not to reduce the visual amenity of the development or the streetscape and public domain.
- 93 During excavation and construction work the Council nature strip shall be maintained in a clean and tidy state at all times. The nature strip shall be suitably replaced where damaged due to construction work in accordance with Council Specification at the completion of construction, and at the Applicant's expense.
- 94 During excavation and construction works, the applicant / builder is required to ensure the protection and preservation of all boundary fencing or boundary walls between the subject site and adjoining properties. Any damage caused as a result of such works will be at the full cost of the applicant/builder.

- 95 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.
- 96 All possible and practicable steps shall be taken to prevent nuisance to the inhabitants of the surrounding neighbourhood from wind-blown dust, debris, noise and the like.
- 97 Vibration levels induced by the demolition activities shall not exceed 1mm/sec peak particle velocity (ppv) when measured at the footing of any occupied building.
- 98 The following shall be complied with during construction and demolition:
- (a) Construction Noise
 - (i) Noise from construction activities associated with the development shall comply with the NSW Environment Protection Authority's Environmental Noise Manual – Chapter 171 and the Protection of the Environment Operations Act 1997.
 - (b) Level Restrictions
 - (i) Construction period of 4 weeks and under:
 - (1) The L10 sound pressure level measured over a period of not less than 15 minutes when the construction site is in operating must not exceed the background level by more than 20dB(A).
 - (ii) Construction period greater than 4 weeks and not exceeding 26 weeks:
 - (1) The L10 sound pressure level measured over a period of not less than 15 minutes when the construction site is in operating must not exceed the background level by more than 10 dB(A).
 - (c) Time Restrictions
 - (i) Monday to Friday 07:00am to 06:00pm
 - (ii) Saturday 08:00am to 04:00pm
 - (iii) No demolition or construction to take place on Sundays or Public Holidays.
 - (d) Silencing
 - (i) All possible steps should be taken to silence construction site equipment.
- 99 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 council's stormwater system a permit to discharge to the stormwater shall be obtained from Council. Dewatering shall not commence until this is issued by Council.

- 100 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.
- 101 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.
- 102 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.
- 103 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.
- 104 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.
- 105 All remediation work must be carried out in accordance with:
- a) NSW Office of Environment and Heritage (OEH) 'Contaminated Sites – Guidelines for Consultants Reporting on Contaminated Sites';
 - b) NSW Environment Protection Authority (NSW EPA) guidelines under the Contaminated Land Management Act 1997;
 - c) State Environmental Planning Policy 55 (SEPP55) – Remediation of Land; and

- d) Any Remedial Action Plan (RAP) required to be submitted prior to the issue of the Construction Certificate.
- 106 Any material containing asbestos found on site during the demolition process shall be removed and disposed of in accordance with:
- a) SafeWork NSW requirements. An appropriately licensed asbestos removalist must complete all asbestos works if they consist of the removal of more than 10m² of bonded asbestos and/or any friable asbestos.
 - b) Protection of the Environment Operations Act 1997.
 - c) Protection of the Environment Operations (Waste) Regulation 2014.
 - d) NSW Environment Protection Authority Waste Classification Guidelines 2014.
- 107 During Demolition, Excavation and Construction, care must be taken to protect Council's infrastructure, including street signs, footpath, kerb, gutter and drainage pits etc. Protecting measures shall be maintained in a state of good and safe condition throughout the course of demolition, excavation and construction. The area fronting the site and in the vicinity of the development shall also be made safe for pedestrian and vehicular traffic at all times. Any damage to Council's infrastructure and surrounding development (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.
- 108 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.
- 109 During construction, the applicant shall ensure that all works and measures have been implemented in accordance with approved Traffic Management Plan and Construction Management Plan at all times.

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

- 110 Prior to use and occupation of the building an Occupation Certificate must be obtained under Section 109C(1)(c) and 109M of the Environmental Planning and Assessment Act 1979.
- 111 All works within the road reserve, which are subject to approval pursuant to Section 138 of the Roads Act 1993, shall be completed and accepted by council.
- 112 The applicant is responsible for the installation and protection of all regulatory/ parking / street signs fronting the property. Any damaged or missing street signs as a consequence of the development and associated construction works shall be replaced at full cost to the applicant.

- 113 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 any 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.
- 114 Prior to release of the any Occupation Certificate the developer must submit to the Principal Certifying Authority an acoustic report to verify that the measures stated in the 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).
- 115 Prior to the issue of any Occupation Certificate, street numbers shall be clearly displayed with such numbers being of contrasting colour and adequate size and location for viewing from the footway and roadway.
- 116 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 Bayside Council prior to the issue of the relevant Occupation Certificate.
- 117 Vehicles shall enter and exit the site in a forward direction at all times. A plaque with minimum dimensions 300mm x 200mm shall be permanently fixed to the inside skin of the front fence, or where there is no front fence a prominent place approved by the Principal Certifying Authority, stating the following: "Vehicle shall enter and exit the site in a forward direction at all times".
- 118 Prior to the issue of the relevant Occupation Certificate, a total of 42 off-street car spaces shall be provided in accordance with the submitted plans. Stage 1 is to have 24 car spaces while Stage 2 is to have 18 spaces. Such spaces shall be paved, linemarked (for the external car parking spaces only) and made freely available at all times during business hours of the site for staff and visitors.
- 119 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.
- 120 Prior to the issue of the relevant Occupation Certificate, a Chartered Professional Engineer shall certify that the stormwater system has been constructed in accordance with the approved plans and as required by Council's Botany DCP Part 10 - Stormwater Management. A works-as-executed drainage plan shall be prepared by a registered surveyor based on a survey of the completed works. A copy of the certificate and works-as-executed plan(s) shall be supplied to the Principal Certifying Authority. A copy shall be provided to Council if Council is not the Principal Certifying Authority.
- 121 If an Remedial Action Plan (RAP) is required, a Stage 4 – Site Validation Report (SVR) shall be prepared by a suitably qualified contaminated land consultant and shall be in accordance with:
- a) NSW Office of Environment and Heritage (OEH) 'Contaminated Sites – Guidelines for Consultants Reporting on Contaminated Sites';

- b) NSW Environment Protection Authority (NSW EPA) approved guidelines under the Contaminated Land Management Act 1997; and
- c) State Environmental Planning Policy 55 (SEPP55) – Remediation of Land.

The site validation report shall provide a notice of completion of remediation works, whether there are any ongoing site management requirements and a clear statement on the suitability of the likely proposed site use. The report shall be submitted to the Principal Certifying Authority and Bayside Council. The report is to be submitted after completion of remediation works and prior to the issue of any Occupation Certificate.

- 122 Prior to the issue of the relevant Occupation Certificate, the drainage system shall be constructed in accordance with the approved drainage plans and any amendments in red. All stormwater drainage plumbing work shall comply with the NSW Code of Practice: Plumbing and Drainage and Australian Standard AS3500.
- 123 Prior to the issue of the relevant Occupation Certificate, all plumbing work proposed for the installation and reuse of rainwater shall comply with the NSW Code of Practice: Plumbing and Drainage and be installed in accordance with Sydney Water “Guidelines for rainwater tanks on industrial properties.
- 124 A positive covenant must be created under Section 88E of the *Conveyancing Act 1919*, burdening the owner(s) with the requirement to maintain the on-site stormwater detention facilities on the site. The terms of the 88E instrument with positive covenant shall include, but not be limited to, the following:
 - a) The Proprietor of the property shall be responsible for maintaining and keeping clear all pits, pipelines, trench barriers and other structures associated with the on-site stormwater detention facilities (“OSD”).
 - b) The Proprietor shall have the OSD inspected annually by a competent person;
 - c) The Council shall have the right to enter upon the land referred to above, at all reasonable times to inspect, construct, install, clean, repair and maintain in good working order all pits, pipelines, trench barriers and other structures in or upon the said land which comprise the OSD or which convey stormwater from the said land and recover the costs of any such works from the proprietor;
 - d) Comply with the terms of any written notice issued by the Council in respect of the requirements of this covenant within the time stated in the notice;
 - e) The registered proprietor shall indemnify the Council and any adjoining land owners against damage to their land arising from the failure of any component of the OSD, or failure to clean, maintain and repair the OSD.

The Bayside Council is to be nominated as the Authority to release, vary or modify this Covenant. The proprietor or successor must bear all costs associated in the preparation of the subject 88E instrument. Proof of registration with NSW Land and Property Information must be submitted to and approved by the Principal Certifying Authority prior to the issue of the relevant Occupation Certificate.

- 125 A positive covenant must be created under Section 88E of the *Conveyancing Act 1919*, burdening the owner(s) with the requirement to maintain the stormwater quality improvement device/s on the site. The terms of the 88E instrument with positive covenant shall include, but not be limited to, the following:
 - a) The Proprietor of the property shall be responsible for maintaining and keeping the SQID clean and free from silt, rubbish, debris and any obstructions at the sole expense of the registered proprietors so that it functions in a safe and efficient manner;

- b) The Proprietor shall have the overland flow path inspected annually by a competent person;
- c) The Council shall have the right to enter upon the land referred to above, at all reasonable times to inspect, construct, install, clean, repair and maintain in good working order all pits, pipelines, trench barriers and other structures in or upon the said land which comprise the overland flow path and recover the costs of any such works from the proprietor;
- d) Comply with the terms of any written notice issued by the Council in respect of the requirements of this covenant within the time stated in the notice;
- e) The registered proprietor shall indemnify the Council and any adjoining land owners against damage to their land arising from the failure of any component of the SQID, or failure to clean, maintain and repair the SQID.

The Bayside Council is to be nominated as the Authority to release, vary or modify this Covenant. The proprietor or successor must bear all costs associated in the preparation of the subject 88E instrument. Proof of registration with NSW Land and Property Information must be submitted to and approved by the Principal Certifying Authority prior to the issue of the relevant Occupation Certificate.

- 126 A separate application must be made for a subdivision certificate to consolidate Lot 24 and 25 of DP 515070. The application is to be accompanied by:
- a) Linen plans with six (6) copies and appropriate fees. The linen plans must include details of any easement or encroachments and include a Section 88B Instrument under the Conveyancing Act, 1919.
 - b) Documentary evidence demonstrating full compliance with all conditions of this Development Consent No.2017/1198 and all pertinent Development Consent(s) and Section 96 Application(s) related to the subject allotment.
- 127 Prior to the issue of the Occupation Certificate, the applicant/owner shall dedicate the portion of land to Council having 10 metres in width for the full length of the Alexandra Canal frontage within the site and as detailed in the Botany Bay Development Control Plan 2013 for the purpose of construction a new cycleway/pathway and landscape buffer. Written evidence from Land and Property Information (LPI) of the registration of the dedicated portion of land shall be provided to Council and prior to issue of any Occupation Certificate. A copy of the registered document shall be submitted to Council for record purposes.
- 128
- a) Prior to the issue of any Occupation Certificate, Lot 24 and 25 of DP 515070 shall be consolidated into one title. The linen plans for the consolidation shall be registered with Land & Property Information.
 - b) Prior to the issue of an Occupation Certificate a Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained.

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

- 129 The overflow from the rainwater tank shall be directed to the storm water system.
- 130 All loading, unloading and transfer of goods to and from the loading bay and premises shall take place wholly within the property.
- 131 All wastewater and stormwater treatment devices (including drainage systems, sumps and traps) shall be regularly maintained in order to remain effective. All solid and liquid wastes collected from the device shall be disposed of in accordance with the Protection of the Environment Operations Act, 1997.
- 132 The rainwater tank shall be routinely de-sludged and all contents from the de-sludging process disposed – solids to the waste disposal and de-sludged liquid to the sewer.
- 133 The existing and future owners (Registered Proprietor) of the property will be responsible for the operation and maintenance of the detention system.

The Registered Proprietor will:

- a) permit stormwater to be temporarily detained by the system;
 - b) keep the system clean and free of silt, rubbish and debris;
 - c) maintain, renew and repair the whole or parts of the system so that it functions in a safe and efficient manner; and in doing so complete the same within the time and in the manner specified in written notice issued by the Council;
 - d) carry out the matters referred to in paragraphs (ii) and (iii) at the proprietor's expense;
 - e) not make alterations to the system or elements thereof without prior consent in writing of the Council.
 - f) permit the Council or its authorised agents from time to time upon giving reasonable notice (but at any time and without notice in the case of emergency) to enter and inspect the land for compliance with the requirement of this clause;
 - g) comply with the terms of any written notice issued by the Council in respect to the requirements of this clause within the time stated in the notice.
- 134 Ongoing maintenance of the road verges and footpaths and nature strips in Ricketty Street shall be undertaken by the owner/body corporate/Strata Corporation. Maintenance includes mowing, watering and maintaining the landscaping in these areas at all times. Maintenance does not include pruning, trimming, shaping or any work to street trees at any time.
- 135 The use of the premises shall not give rise to any of the following when measured or assessed at "sensitive" positions within any other property. These "sensitive" positions should be selected to reflect the typical use of a property (ie 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.
- (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.
- 136 All parking bays shown on the approved architectural plans shall be set aside for parking purpose only and shall not be used for other purposes, e.g. storage of goods. Vehicle turning areas shall be kept clear at all times and no vehicles are permitted to park in these areas.

ADVISORY NOTES

Comments provided by Roads and Maritime Services are as follows:

- 137 RMS has acquired a strip of land for road, as shown by blue colour on the attached aerial — "X". The acquired land is described as Lot 1 DP 515070. Roads and Maritime has no other approved proposal that would require any part of the subject property being Lots 24 & 25 DP 515070. Please note however the detailed design for the project has not been finalised and accordingly land requirements may be subject to change.
- 138 Road Occupancy Licence (ROL) should be obtained from Transport Management Centre for any works that may impact on traffic flows on Ricketty Street during construction activities. A ROL can be obtained through <https://myrta.com/oplinc2/pages/security/oplincLogin.jsf>.
- 139 A broad area under investigation for the New M5 WestConnex Project. The contractor for this project has now been announced and the contractor's final design requirements for this project do not require the subject property. Further information can be obtained by visiting the WestConnex Website www.westconnex.com.au or by contacting the WestConnex Team on 1800 660 248 or via Email: info@westconnex.com.au.
- 140 A broad area currently under investigation in relation to the proposed WestConnex Project (M4-M5). An indicative route has been proposed for the road proposal which includes a tunnel and at present Roads and Maritime advises that the subject property remains within an area of investigation. The design will be finalised following feedback on the environmental impact statement and once a contractor has been appointed Roads and Maritime will directly advise owners whose properties are impacted by the final road design.
- 141 A broad area currently under investigation for the proposed F6 Extension (F6E) corridor. Further information about the corridor, please contact the F6 Team on 1800 789 297 or F6Extension@rms.nsw.gov.au, or by visiting <http://www.rms.nsw.gov.au/projects/sydneyouth/f6/index.html>.
- 142 A community update on the F6 Extension (F6E) Corridor & F6E Stage 1 Project is enclosed for your information.
- 143 The proponent should also be advised that the New M5 contractor will be delivering the future Venice Street on Lot 1 DP 551509 on behalf of Roads and Maritime through to March 2020. There will be a need for construction interface management and there may be some restrictions as a result (for example, staging/access/deliveries, etc).