

AMENDED CONDITIONS

25 JUNE 2019

Attachment 1: Schedule of Conditions

Premises: 256 Coward Street, Mascot

DA No: 2018/1187

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.

Drawing No.	Author	Dated
DA-01-0200 A Site Plan	PTW Architects	13/2/19
DA-10-0800 A Basement Level 02 Plan	PTW Architects	2/4/19
DA-10-0900 A Basement Level 01 Plan	PTW Architects	2/4/19
DA-10-1000 A Ground Floor Plan	PTW Architects	2/4/19
DA-10-1100 A Level 01 Plan	PTW Architects	2/4/19
DA-10-1200 A Level 02 Plan	PTW Architects	13/2/19
DA-10-1300 A Levels 03-04 Plan	PTW Architects	13/2/19
DA-10-1500 A Level 05 Plan	PTW Architects	13/2/19
DA-10-1600 A Level 06 Plan	PTW Architects	13/2/19
DA-10-1700 A Levels 07-08 Plan	PTW Architects	13/2/19
DA-10-1900 A Level 09 Plan	PTW Architects	13/2/19
DA-10-2000 A Levels 10-12 Plan	PTW Architects	13/2/19
DA-10-2300 A Level 13 Plan	PTW Architects	13/2/19
DA-10-2400 A Roof Plan	PTW Architects	13/2/19
DA-20-0100 A South Elevation – Coward Street	PTW Architects	13/2/19
DA-20-0200 A West Elevation – Site Link Park	PTW Architects	13/2/19
DA-20-0300 A North Elevation	PTW Architects	13/2/19
DA-20-0300 A East Elevation	PTW Architects	13/2/19
DA-30-0100 A East Section – Tower A	PTW Architects	14/2/19
DA-30-0200 A West Section – Tower B	PTW Architects	14/2/19
DA-30-0300 A East-West Section	PTW Architects	13/2/19
DA-40-0100 A Perspective – Coward Street	PTW Architects	13/2/19
DA-40-0200 A Perspective – Corner South West	PTW Architects	13/2/19
DA-50-0100 A External Materials And Finishes	PTW Architects	13/2/19
DA-50-0200 A Façade Materials – Tower Facades – Sheet 1	PTW Architects	13/2/19
DA-50-0300 A Façade Materials – Tower Facades – Sheet 2	PTW Architects	13/2/19
DA-50-0400 A Façade Materials – Tower Facades – Sheet 3	PTW Architects	13/2/19
DA-50-0500 A Façade Materials – Tower Facades – Sheet 4	PTW Architects	13/2/19

Drawing No.	Author	Dated
DA-70-0100 A Adaptable Units	PTW Architects	14/9/18
DA-90-0310 A Corner Units Privacy	PTW Architects	7/2/19
DA-90-0400 A Landscape And Deep Soil Diagram	PTW Architects	13/2/19
DA-90-0500 A Communal Open Space Diagram	PTW Architects	13/2/19
DA-90-0600 A Staging Plan	PTW Architects	13/2/19
Landscape Development Application	Urbis	14/2/19
DAC002 General Notes and Legends	AT&L	28/9/18
DAC005 Typical Sections Sheet	AT&L	28/9/18
DAC010 Siteworks Details	AT&L	28/9/18
DAC015 Stormwater Details Sheet	AT&L	28/9/18
DAC020 Siteworks and Stormwater Plan	AT&L	28/9/18
DAC025 Stormwater Longsection and Details	AT&L	28/9/18
DAC026 OSD Tank Plan and Details	AT&L	28/9/18
DAC027 OSD Tank Sections	AT&L	28/9/18
DAC030 Pavement, Signage and Linemarking Plan	AT&L	28/9/18
DAC040 Sedimentation and Erosion Control Plan	AT&L	28/9/18
DAC041 Sedimentation and Erosion Control Details	AT&L	28/9/18
DAC050 Services and Utilities Coordination Plan	AT&L	28/9/18
DAC060 Stormwater Catchment Plan	AT&L	28/9/18

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- a) The north boundary wall is to be treated as patterned precast wall and the wall patterns and colours will be developed to compliment this public link. A revised façade elevation and materials and finishes schedule for Building B is to be submitted to Council for the approval by the Director, Planning and Environment, prior to the issue of the relevant Construction Certificate.
- b) That the accessible parking spaces in the public car park can be placed near the main entrance.

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A Public Domain Plan, in accordance with Council's Public Domain Manual is to be submitted for Coward Street and the through site link. Full public domain details – plans and specifications are to be submitted to Council for approval, prior to the issue of the relevant Construction Certificate for above ground works. The following is to be addressed in the Plan:

- a) Clearly indicate all landscape structures and finishes, furniture and walling details (incl. skateboard restrictors), paving details and the like. All proposed public parks are required to be fully documented as it will be dedicated to and maintained by Council. Greater detail of amenity lighting locations;
- b) Additional detailed cross sections are required in both directions through the space showing the relationship to the streetscape and adjacent development;
- c) Bins located within the new streets and public parks are recommended to be the Council standard (spec supplied) to retain consistency with other public domain areas in the precinct;
- d) Appropriate and suitable additional street lighting, if required by the RMS, to a

high decorative standard is to be provided to the Coward Street frontage of the site, so as to provide safety and illumination for residents of the development and pedestrians in the area. All street lighting shall comply with relevant electricity authority guidelines and requirements.

- 4 The fit out and use of the child care centre on level 2 shall be subject to a separate Development Application.
- 5 Works to be completed in public space owned by Council and RMS, will be of no cost to Council or the RMS, including the following: Landscaping and embellishment of Coward Street, and John Street frontages to the development site, including footpaths, paving, street trees, tree pits/grates and other planting. All landscape improvements shall follow the Mascot Station Town Centre Precinct Master Plan.
 - a) Existing street trees, Tree 1 is dead and tree 2 is damaged, both trees shall be removed and replaced street tree planting shall be undertaken as detailed below.
 - b) Coward Street, (regional road with activated retail frontage setback).
 - i. Verge strip shall be planted with *Corymbia maculata* (Spotted Gum) along Coward Street as per Botany Bay Street Tree Management Plan 2014.
 - ii. Pot size supplied shall be not less than 400 Litre. Height above container 5.5 meters, calliper at 300mm greater than 70mm, with a clear trunk height of 1.5 meters.
 - c) John Street, New Local Street, *Corymbia maculata* along verge, between parking lane and footpath, and *Harpullia pendula* within road blisters, located in line with parking lane. Pot size supplied shall be not less than 200 Litre. Height above container 3.5meters, calliper at 300mm greater than 60mm, with a clear trunk height of 1.5 meters.
 - d) Trees provided shall conform to NATSPEC guide. Trees supplied shall be healthy and vigorous, free of pest and disease, free from injuries.
- 6 This 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 the relevant 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 person's intention to commence the erection of the building.
- 8
 - a) All building work must be carried out in accordance with the provisions of the Building Code of Australia.
 - b) All plumbing stacks, vent pipes, stormwater downpipes and the like shall be kept within the building and suitably concealed from view;
 - c) The basement of the building must be designed and built so that on completion, the basement is a "fully tanked" structure, i.e. it is designed and built to prevent the entry of ground water / ground moisture into the inner part of the basement; and
 - d) Air conditioning units must not be visible from any public place.
- 9 Service Alterations – All mains, services, poles, etc., which require alteration due to works associated with the development, shall be altered at the applicant's expense.
- 10 In designing the street tree layout, the consultant shall check and ensure that all new

street trees are positioned such that there are no conflicts with the proposed street lights, utilities and driveway accesses. The proposed street lights will have priority over the street trees. All costs associated with the removal of existing street trees, where required, will be borne by the Developer.

- 11 This Consent relates to land in Pts 101 in DP 1241951 (256 Coward Street) and as such, building works must not encroach on to adjoining lands or the adjoining public place, other than public works required by this consent.

CONDITIONS IMPOSED BY AN EXTERNAL AUTHORITY

- 12 The following condition is imposed by **Sydney Water** and is to be complied with:

(a) Sydney Water Servicing

A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water.

Make an early application for the certificate, as there may be water and wastewater pipes to be built that can take some time. This can also impact on other services and buildings, driveways or landscape designs.

Applications must be made through an authorised Water Servicing Coordinator.

For help either visit www.sydneywater.com.au > Plumbing, building and developing > Developing > Land development or telephone 13 20 92.

(b) Building Plan Approval

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:

- building plan approvals
- connection and disconnection approvals
- diagrams
- trade waste approvals
- pressure information
- water meter installations
- pressure boosting and pump approvals
- 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>

(c) Trade Wastewater Requirements

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

The permit application should be emailed to Sydney Water's Business Customer Services at businesscustomers@sydneywater.com.au

It is illegal to discharge Trade Wastewater into the Sydney Water sewerage system without permission.

A Boundary Trap is required for all developments that discharge trade wastewater where arrestors and special units are installed for trade wastewater pre-treatment. If the property development is for Industrial operations, the wastewater may discharge into a sewerage area that is subject to wastewater reuse. Find out from Business Customer Services if this is applicable to your development.

(d) Backflow Prevention Requirements

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

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

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

Before you install a backflow prevention device:

1. Get your hydraulic consultant or plumber to check the available water pressure versus the property's required pressure and flow requirements.
2. 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/>

(e) Water Efficiency Recommendations

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:

- 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/>
- 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>
- Install water-monitoring devices on your meter to identify water usage patterns and leaks.
- Develop a water efficiency plan for your business.

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

(f) Contingency Plan Recommendations

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 1300 985 227 or businesscustomers@sydneywater.com.au

(RMS).

- (a) The proposed driveway on Coward Street is to be designed to restrict all vehicles to Left-In, Left-Out arrangement. As such, the existing central median on Coward Street will need to be extended to the existing traffic signals on Coward Street.
The work shall be designed to meet Roads and Maritime requirements, and endorsed by a suitably qualified practitioner. The design requirements shall be in accordance with AUSTROADS and other Australian Codes of Practice. The certified copies of the civil design plans shall be submitted to Roads and Maritime for consideration and approval prior to the release of the relevant Construction Certificate by the Principal Certifying Authority and commencement of road works.
The developer is required to enter into a Works Authorisation Deed (WAD) for the abovementioned works. Roads and Maritime fees for administration, plan checking, civil works inspections and project management shall be paid by the developer prior to the commencement of the works.
- (b) The design and construction of the new gutter crossing on Coward Street shall be in accordance with Roads and Maritime requirements. Details of these requirements should be obtained from Roads and Maritime Developer Works Unit at developerworks.sydney@rms.nsw.gov.au
Detailed design plans of the proposed gutter crossing are to be submitted to Roads and Maritime for approval prior to the issue of the relevant Construction Certificate and commencement of any road works.
A plan checking fee (amount to be advised) and lodgement of a performance bond may be required from the applicant prior to the release of the approved road design plans by Roads and Maritime.
- (c) 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.
A plan checking fee will be payable and a performance bond may be required before Roads and Maritime approval is issued.
- (d) The developer is to submit design drawings and documents relating to the 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.
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) day notice of the intention to excavate below the base of the footings. The notice is to include complete details of the work.
- (e) 'No Stopping' signage will need to be installed across the entire frontage of the property, with the exception of the 'Bus Zone' which shall be retained. All works/signposting associated with the subject development (including public utility adjustment/relocation works) shall be at no cost to Roads and Maritime.

- (f) A Construction Pedestrian Traffic Management (CPTMP) detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control should be submitted to Council prior to the issue of the relevant Construction Certificate.
- (g) All demolition and construction vehicles are to be contained wholly within the site (or on local road) and vehicles must enter the site before stopping.
- (h) A Road Occupancy Licence should be obtained from Transport Management Centre for any works that may impact on traffic flows on Coward Street during construction activities.
- (i) A construction zone will not be permitted on Coward Street.
- (j) Vegetation and proposed landscaping/fencing must not hinder driver sight lines on Coward Street to other road users and critical road infrastructure.
- (k) 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.
- (l) As construction may impact bus operations, the developer should consult with the local bus operator, as part of the CPTMP.

14 The following conditions are imposed by the **NSW Office of Water (General Terms of Approval)**:

- (a) A Water Supply Work Approval from WaterNSW must be obtained prior to commencing dewatering activity on the proposed site. Please complete an Application for approval for water supply works, and/or water use.
- (b) An application for a Water Supply Works Approval will only be accepted upon receipt of supporting documentation, and payment of the applicable fee (see Application fees for New or amended Works and/or Use Approvals). The information required for the processing of the water supply work application may include preparation of a dewatering management plan. Please refer to checklist attached.
- (c) If approved, the Approval will be issued for a period of up to 24 months to cover the dewatering requirements during the construction phase. It will include conditions to ensure that impacts are acceptable and that adequate monitoring and reporting procedures are carried out. The Approval will be issued subject to the proponent meeting requirements of other agencies and consent authorities. For example, an authorisation by either Sydney Water or the local Council, depending where the water will be discharged. If contaminants are likely, or are found to be present in groundwater, and are being discharged to stormwater, including high salinities, a discharge licence under the *Protection of the Environment Operations Act 1997 (NSW)* may also be required.
- (d) WaterNSW prefers “tanking” (i.e. total water proofing below the seasonal high water table) of basement excavations, and avoids the ongoing extraction of groundwater after the initial construction phase. It is also advised to adopt measures to facilitate movement of groundwater post construction (eg. a drainage blanket behind the water-proof membrane).
- (e) If the basement is not “tanked”, the proponent will require a Water Access Licence (WAL) and need to acquire groundwater entitlements equivalent to the yearly ongoing take of groundwater. Please note: Acquiring groundwater entitlements could be difficult, and may cause delay in project completion. If a WAL is required, please complete an Application for a new water access licence with a zero share component.

15 The following conditions are imposed by the **NSW Police**:

- (a) The CCTV cameras are installed as soon as power is available to the site.
- (b) No letter boxes be available/accessible to the public without security swipe pass.
- (c) Main entrance of all parking to be covered with CCTV footage.

- (d) The provision of covered lockable racks to secure bicycles increases the effort required to commit crime.
- (e) Lighting (lux) levels for this development must be commensurate with a medium crime risk identified in this evaluation. The emphasis should be on installing low glare/high uniformity lighting levels in line with Australian Standard AS:1158.
- (f) A limited amount of internal lighting should be left on at night to enable patrolling police, security guards and passing people to monitor activities within the Building Premise.
- (g) Directional signage should be posted at decision making points (eg. Entry/egress points) to provide guidance to the uses of the development. This can also assist in access control and reduce excuse making opportunities by intruders.
- (h) A Fire Safety Statement must be prominently displayed within the development to comply with the Environmental Planning & Assessment Regulations (1994) Clause 80GB. The annual fire safety statement is a statement issued by the owner of a building.
- (i) Signage needs to be provided at fire exits to assist occupants to identify exits in emergency situations.
- (j) Signage needs to be provided to assist occupants to identify fire suppression equipment, eg extinguishers, fire hoses etc.
- (k) A graffiti management plan needs to be incorporated into the maintenance plan for the development. Research has shown that the most effective strategy for reducing graffiti attacks is the quick removal of such material generally within 24 hours.
- (l) Graffiti resistant materials and anti-graffiti coating should be utilised throughout the development or at least ground levels situated on the outsides of the buildings.
- (m) An Emergency control and evacuation plan which complies with the Australian Standard, Emergency Control Organisation and Procedures for buildings, AS:3745:2002 should be prepared and maintained by your development to assist workers and tenants in the event of an emergency. This standard sets out the requirements for the development of procedures for the controlled evacuation of the building during emergencies. Further information in relation to planning for emergencies can be obtained from Emergency NSW <http://www.emergency.nsw.gov.au> or Emergency Management Australia <http://wwwv.ema.gov.au>.
- (n) The door and door frames to these premises should be of solid construction.
- (o) Doors should be fitted with locks that comply with the Australian Standard — Mechanical Locksets for doors in buildings, AS:4145:1993, to restrict unauthorised access and the Building Code of Australia (fire regulations). This standard specifies the general design criteria, performance requirements and procedures for testing mechanical lock sets and latch sets for their resistance to forced entry and efficiency under conditions of light to heavy usage. The standard covers lock sets for typical doorways, such as wooden, glass or metal hinged swinging doors or sliding doors in residential premises. Requirements for both the lock and associated furniture are included. Certain areas may require higher level of locking devices not referred to in this standard (eg. Locking bars, electronic locking devices and detection devices) Dead locks are required for residential units.
- (p) There are some doors within the premises which are designated as fire exits and must comply with the Building Code of Australia. This means that they provide egress to a road or open space, an internal or external stairway, a ramp, a fire isolated passageway, a doorway opening to a road or open space. The doors in the required exits must be readily open-able without a key from the side that face the person seeking egress, by a single hand downward action or pushing action on a single device which is located between 900mm and 1.2m from the floor.

- (q) The windows and window-frames to these premises should be of solid construction. These windows should be fitted with locks with comply with the Australian Standard — Mechanical Locksets for windows in buildings, AS:4145 <http://www.standards.org.au> to restrict unauthorised access. This standard specifies the general design criteria, performance requirements, and procedures for testing mechanical lock sets and latch sets for their resistance to forced entry and efficiency under conditions of light to heavy usage. The standard covers lock sets for typical windows, such a wooden, glass or metal hinged swinging windows or sliding windows in residential and business premises, including public buildings, warehouses, Schools and factories. Requirements for both the lock and associated furniture are included. Certain areas may require higher level of locking devices not referred to in this standard. (e.g. locking bars, electronic locking devices, detection devices, alarms).
- 16 The following conditions are imposed by the **Sydney Airport Corporation Limited:**
- a) The PROPERTY DEVELOPMENT at 256-280 COWARD STREET, MASCOT lies within an area defined in schedules of the Civil Aviation (Buildings Control) Regulations, which limit the height of structures to 50 feet (15.24 metres) above existing ground height (AEGH) without prior approval of this Corporation.
 - b) The Civil Aviation Safety Authority (CASA) have no objection to the erection of the building to a height of 51 metres above Australian Height Datum (AHD).
 - c) The approved height is inclusive of all lift over-runs, vents, chimneys, aerials, TV antennae, construction cranes etc.
 - d) Should you wish to exceed the above heights, a new application must be submitted. Should the height of any temporary structure and/or equipment be greater than 50 feet (15.24 metres) above existing ground height (AEGH), a new approval must be sought in accordance with the Civil Aviation (Buildings Control) Regulations Statutory Rules 1988 No. 161.
 - e) Construction cranes may be required to operate at a height significantly higher than that of the proposed controlled activity and consequently, may not be approved under the Airports (Protection of Airspace) Regulations. SACL advises that approval to operate construction equipment (ie cranes) should be obtained prior to any commitment to construct. Information required by SACL prior to any approval is to include:
 - i) the location of any temporary structure or equipment, ie. construction cranes, planned to be used during construction relative to Mapping Grid of Australia 1994 (MGA94);
 - ii) the swing circle of any temporary structure/equipment used during construction;
 - iii) the maximum height, relative to Australian Height Datum (AHD), of any temporary structure or equipment ie. construction cranes, intended to be used in the erection of the proposed structure/activity;
 - iv) the period of the proposed operation (ie. construction cranes) and desired operating hours for any temporary structures.
 - f) Any application for approval containing the above information, should be submitted to this Corporation at least 35 days prior to commencement of works in accordance with the Airports (Protection of Airspace) Regulations Statutory Rules 1996 No. 293, which now apply to this Airport.
 - g) The development is to comply with the Civil Aviation Safety Authority (CASA) requirements as outlined in the Council's Development Application Guide for Multi-Unit Residential, Commercial and Industrial.
- 17 The following conditions are imposed by **Telstra:**
- (a) No proposed vehicle crossover will be constructed over Telstra access pits or manholes.
 - (b) Contact is to be made to discuss footpath work effects on Telstra network on 1800 810443 or on-line via

<https://say.telstra.com.au/customer/general/forms/request-asset-relocation-or-commercial-works>

- (c) Telstra is to be contacted to inspect the network before any works on the footpath and road adjacent to the subject site.

- 18 **Ausgrid** have advised that until the electrical load requirements of the development are provided, the accommodation of an electrical substation should be allowed for within the premises. Accordingly, the applicant is to liaise with Ausgrid to obtain confirmation on this issue, prior to the relevant Construction Certificate.

Before the location of any substation is agreed with Ausgrid, approval from Council to the location must be obtained.

CONDITIONS WHICH MUST BE SATISFIED PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE OR THE RELEVANT CONSTRUCTION CERTIFICATE AS NOTED

- 19 The Voluntary Planning Agreement relating to the provision of 90 public car parking spaces and the public through site link is to be executed by Bayside Council and associated parties before the issue of any Construction Certificate for works at or above the ground level containing the public car park.
- 20 The external walls of the building including attachments must comply with the relevant requirements of the National Construction Code (NCC). Prior to the issue of a Construction Certificate and Occupation Certificate the Certifying Authority and Principal Certifying Authority must:
- Be satisfied that suitable evidence is provided to demonstrate that the products and systems proposed for use or used in the construction of external walls including finishes and claddings such as synthetic or aluminium composite panels comply with the relevant requirements of the NCC; and
 - Ensure that the documentation relied upon in the approval processes include an appropriate level of detail to demonstrate compliance with the NCC as proposed and as built.
- 21 The applicant must prior to the issue of the relevant Construction Certificate, pay the following fees and bonds:
- Builders Security Deposit \$377,811.00 (Condition 21)
 - Development Control \$13,583.00

Development Contributions

- 22 A Section 7.11 contribution of **\$6,359,756.89** shall be paid to Council. The contribution is calculated according to the provisions contained within the Council's adopted Former City of Botany Bay s7.11 Development Contributions Plan 2016 (Amendment 1) and having regard to the Ministerial Directive of 21 August 2012 (the \$20,000 cap). The amount to be paid is to be adjusted at the time of payment, in accordance with the review process contained Contributions Plan. The contribution is to be paid prior to the issue of any compliance certificate; subdivision certificate or construction certificate. The contributions are only used towards the provision or improvement of the amenities and services identified below.

(a) Stage 1 Podium

Community Facilities	\$15,773.46
Recreation and Open Space	\$165,621.33
Transport Facilities	\$13,801.68
Administration	\$1,971.68
Total in 2018/19	\$197,168.25

(b) Stage 2 Tower B

Community Facilities	\$249,600.00
Recreation and Open Space	\$2,620,800.00
Transport Facilities	\$218,400.00
Administration	\$31,200.00

Total in 2018/19	\$3,120,000.00
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(c) Stage 3 Tower A

Community Facilities	\$243,407.09
Recreation and Open Space	\$2,555,774.46
Transport Facilities	\$212,981.20
Administration	\$30,425.89
Total in 2018/19	\$3,042,588.64

23 Prior to the issue of the first Construction Certificate, the applicant shall lodge a Damage Deposit of **\$377,811.00** (GST Exempt) by way of cash deposit or unconditional bank guarantee to Council against possible damage to Council's asset during the course of the building works.

24 A Construction Management Program shall be submitted to and approved by the Principal Certifying Authority prior to the issue of the first 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.

25 Prior to the issue of the relevant Construction Certificate, at the proposed point of construction site entry, photographic survey showing the existing conditions of Council's and RMS infrastructure shall be submitted to Council and Principal Certifying Authority.

The survey shall detail the physical conditions and identify any existing damages to the roads, kerbs, gutters, footpaths, driveways, street trees, street signs and any other Council assets fronting the property and extending to a distance of 50m from the development. Failure to do so may result in the applicant/developer being liable

for any construction related damages to these assets. Any damage to Council's infrastructure during the course of this development shall be restored at the applicant's cost.

- 26 The provision of disabled access throughout the development is required and shall be in compliance with the Building Code of Australia Part D3 "Access for People with Disabilities" and Australian Standard AS1428.1 (2001) - Design for Access and Mobility - Part 1 General Requirements for Access - Buildings. This requirement shall be reflected on the relevant Construction Certificate plans.
- 27 The landscape areas shown on Urbis Landscape plans dated 14th February 2019 shall be the subject of detailed landscape construction level documentation to be submitted to and approved by the Bayside Council's Landscape architect prior to the issue of the relevant Construction Certificate. The plans shall address the following:
- (a) Include some landscape on sides of two units of Kiosk substation located on Coward Street. The substations are located approximately 4,7 metres from driveway, leaving an area of more than 23 m² on the east of the substation. This area shall include soft landscape treatment, considering that is located in the proposed deep soil setback area. Planting shall consist on accent plants and groundcovers to maximum 900mm height.
 - (b) Central Linear Site Link, pocket park in private land with public access shall include the following:
 - (i) Seating areas shall be present along the entire length of the link park. Seats shall be custom style for the park. Seats and other built elements proposed shall be robust and durable in nature, shall relate to the site specific history, and include anti-skateboard and rollerblade edge protectors;
 - (ii) Pavement treatments materials and patterns can vary in the link park, however shall be integrated with public domain treatment and shall be approved by Council.
 - (iii) One set of Bicycle racks;
 - (iv) Lighting shall include:
 - Pedestrian lighting, the level of illuminance required is to be determined by AS1158.3.1:1999 - Pedestrian area lighting, and is to be approved by Council.
 - Up lighting to trees
 - Wall lighting for retaining walls, stairs, planter boxes
 - Bollard lighting;
 - (v) Street safe cameras CCTV. (as recommended by NSW Police);
 - (vi) Fountain bubblers;
 - (vii) Rubbish bins minimum two within the private park;
 - (viii) Safety bollards at both ends of park;
 - (ix) Deep soil areas shall maximised the use of planting with native groundcovers, feature plants and large canopy trees. Canopy trees shall be supplied and planted in super advanced sizes, minimum acceptable is 200 litres. Canopy cover shall include native trees, and the provision of deciduous trees only in areas where sun access is needed;
 - (x) Turf areas shall be only provided where sun access is sufficient to allow the growth and health of turf. Where sun access is restricted by the built form shadowing the treatment shall be with shade tolerant feature plants and groundcovers;
 - (xi) All planting shall comply with CPTED guideline;
 - (xii) Public artwork shall be included in the park. Artwork shall be integrated in pavement treatment, seats and/or other proposed urban furniture. Art element can also be included. Art proposal shall be related to the site and shall be approved by Council.
 - (c) Podium landscape on Level 02 .Waterhousia floribunda (Weeping Lilly Pilly) proposed to be in pots, is recommended to be in built in planter boxes. If tree planting will be provided in pots, these shall allow enough soil to maximise the

growth of proposed trees, and automatic drip irrigation system shall be provided to all pots as well as to all planting proposed on podium.

- (d) All proposed pergolas shall have climbers growing on top to ameliorate amenity and environment.

Child Care Centre

- (e) Playgrounds are completed in accordance with Australian Standards set out in AS/NZS 4422:2016 and a Certificate of Compliance is issued with installations. All playground equipment must be independently certified prior to obtaining an occupation certificate;
- (f) Physical shading devices are to provide sun protection to children and be integrated into the design of the building and the outdoor area. Shading shall be in accordance with Shade for Child Care Services published by the NSW Cancer Council and NSW Health Department.
- (g) Synthetic turf shall be only used in shaded areas to avoid raise of temperatures. Only use synthetic grass that is no carcinogenic and free of lead and heavy metals.

Irrigation

- (h) To ensure satisfactory growth and maintenance of the landscaping, a fully automatic drip irrigation system is required in all landscaped areas, inclusive of the street tree pits. The system shall be installed by a qualified landscape contractor and provide full coverage of planted areas with no more than 300mm between drippers, automatic controllers and backflow prevention devices, and should be connected to a recycled water source. Irrigation shall comply with both Sydney Water and Council requirements as well as Australian Standards, and be maintained in effective working order at all times.
- (i) Planter boxes will be fully automatic irrigated. Construction details, sections and external finishes shall be provided. Planter box depths and construction specifications to be in accordance with Apartment Design Guide, NSW Planning and Environment, July 2015.
- (j) Landscape plan shall include/display all proposed and retained levels, top of walls and all stormwater relevant information: location of underground stormwater, pits and rainwater tanks, ensuring deep soil availability for landscaping and tree planting is maximised. NOTE: detention tanks not permitted in street setbacks. A planting plan indicating all plant location, groupings and centre/spacings. There is to be a dense, layered planting of canopy trees, medium trees and shrubs of a varying height and feature in all landscaped areas. All landscaped areas adjacent to public domain shall follow CPTED principles. Landscape specifications detailing soil and mulch finishes, root barriers, irrigation, edge treatments and other landscape handworks/materials such as retaining walls and paving. Provide details, sections and materials of fences, privacy screening, pergolas and walls visible from the public domain of both external roads and public open space. Indicate the location of all basement structures relative to the landscape areas on the landscape plan.

28 Prior to the issue of the relevant Construction Certificate, the construction drawings shall indicate the following:

- a) That water will be prevented from penetrating behind fittings/linings and into concealed spaces in laundry, sanitary areas and bathrooms etc;
- b) That floor to ceiling in laundry and bathroom areas to be tiled;
- c) That timbers used in the development are plantation, recycled or regrowth timbers of timbers grown on Australian farms or State forest plantations and that no old growth or rainforest timbers are to be used in any circumstances; and
- d) That plumbing to each dwelling will be separated and adequately contained to prevent noise transmission and vibration.

29 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:

- All driveways/access ramps/vehicular crossings shall conform with Australian Standards AS 2890.1 and Council requirements including but not limited to Section 8(v) of the DCP Stormwater Management Technical Guidelines,
- All service vehicles shall enter the property front in front out,
- Demonstrate safe headroom clearance of 4.5m is achieved in the driveway entrance and along the along the travel path, parking and manoeuvring areas of a Medium Rigid Vehicle (MRV), including Council's Garbage Truck,
- Swept path analysis shall be provided for manoeuvring of commercial vehicles, and
- A longitudinal section plotting headroom clearance above driveway access is to be provided for assessment.

30 Prior to the release of the relevant Construction Certificate, the following required details are to be submitted to and approved by Council:

- Disabled car parking spaces shall be provided and clearly marked in accordance with Australian Standard AS 2890.6, SEPP 65 Design Code and Council requirements, and
- All off street disabled parking shall have access to the adjacent road(s) as per Australian Standard AS 2890.6 and Council requirements.

31 The applicant shall bear the cost of all restoration works to Council's property damaged during the course of this development. The applicant shall advise Council, in writing, of any existing damage to Council property before commencement of the development. Dilapidation survey reports (one prior to commencement and one at completion) of Council's assets, including photographs and written record, must be prepared by a suitably qualified person and submitted to Council prior to the release of Construction and Occupation Certificate.

32 Prior to the issue of the relevant 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.

33 A qualified practitioner, with a certificate of attainment in NWP331A Perform Conduit Evaluation, shall undertake a closed circuit television (CCTV) inspection and then report on the existing condition of the existing stormwater drainage infrastructure on Coward Street, road reserve. The camera and its operation shall comply with the following:

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

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

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

34 To ensure that utility authorities and Council are advised of any effects to their

infrastructure by the development, the applicant shall:

- 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,
- Negotiate with the utility authorities (e.g. Ausgrid, Sydney Water, Telecommunications Carriers and Council in connection with:
 - (a) The additional load on the system, and
 - (b) The relocation and/or adjustment of the services affected by the construction.
- All underground and above ground infrastructure shall be constructed as specified by Ausgrid, RMS, Council and any other affected service provider. The location of any new electrical pillars, new lighting poles, any new pits and trenches for utilities shall be confirmed with Council prior to the issue of the relevant Construction Certificate.

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

- 35 A Soil and Water Management Plan (also known as an Erosion and Sediment Control Plan) shall be prepared according to *'Do It Right On-Site' Soil and Water Management for the Construction Industry* (available from Council) and NSW EPA's *Managing Urban Stormwater: Construction Activities* and submitted to the Principal Certifying Authority prior to issue of the relevant Construction Certificate. This Plan shall be implemented prior to commencement of any site works or activities. All controls in the plan shall be maintained at all times during the construction works. A copy of the Soil and Water Management Plan shall be kept on-site at all times and made available to Council Officers on request.
- 36 Prior to the issue of the relevant Construction Certificate the required Long Service Levy payable under Section 34 of the Building and Construction Industry Long Service Payments Act 1986 has to be paid. The Long Service Levy is payable at 0.35% of the total cost of the development, however this is a State Government Fee and can change without notice.
- 37 Prior to the issue of the relevant Construction Certificate design verification is required to be submitted from a qualified designer to confirm the development is in accordance with the approved plans and details and continues to satisfy the design quality principles in State Environmental Planning Policy No. 65 Design Quality of Residential Apartment Development.
- 40
- a) Prior to the issue of the relevant Construction Certificate, the measures required in the Development Application Acoustic Report No. 20181081.1/0304/RO/TA prepared by Acoustic Logic dated 3 April 2019 shall be undertaken in accordance with the provisions of *AS2021-2000: Acoustics – Aircraft Noise Intrusion – Building Siting and Construction* to establish components of construction to achieve indoor design sound levels in accordance with Table 3.3 of AS2021-2000 shall be incorporated into the construction of the building;
 - b) Prior to the issue of the relevant Construction Certificate, a compliance report from a suitably qualified acoustic consultant shall be submitted to Council indicating any required noise mitigation measures to the approved dwelling, as detailed in the NSW Road Noise Policy 2011 in accordance with AS 3671-1989 – Acoustic – Road Traffic Intrusion;
 - c) Prior to the issue of the relevant Construction Certificate details are to be provided on acoustic treatment to the entry and exit roller door to driveway of the development to comply with the Office of Environment & Heritage's Industrial Noise Policy and Noise Control Guidelines.

- 41 Prior to the issue of the relevant Construction Certificate, the measures required in the Qualitative Wind Assessment, Ref: 610.18233-R01 prepared by SLR dated September 2018 shall be detailed on the relevant Construction Certificate plans.
- 42 Plans and specifications for the storage room for waste and recyclable materials shall be submitted to the Certifying Authority with the application for the relevant Construction Certificate. Storage of Waste and recycling shall meet the following requirements:
- a) The rooms for the storage of garbage and recyclable materials shall be:
 - i) fully enclosed;
 - ii) adequately ventilated;
 - iii) Constructed with a concrete floor, concrete or cement rendered walls coved to the floor;
 - iv) The floor shall be graded to an approved sewer connection incorporating a sump and galvanized grate cover or basket in accordance with the requirements of Sydney Water Corporation.
 - v) Washing facilities shall be provided within close proximity to the garbage and recycling storage area.
 - b) Waste arising from the development (when complete) is to be removed from the Coward Street, the detail of which is to be submitted with the relevant Construction Certificate.

All garbage must be collection within the site. The head clearance of the loading dock area to facilitate this must be a minimum of 4.5 metres.

- 43 A suitable intercom system linked to all units within the development shall be provided at the vehicle entrance for the residential car parking area to ensure any visitors to the site can gain access to the visitor parking in the car parking area. The details of the intercom system shall be submitted to the Certifying Authority prior to the issue of the relevant Construction Certificate and its location and specifications endorsed on the construction drawings.
- 44 Prior to the issue of the relevant Construction Certificate, detail design and construction plans in relation to stormwater management and disposal system for the development shall be submitted to the Principal Certifying Authority and Council for approval.
- The detail drawings and specifications shall be prepared by a suitably qualified and experienced civil engineer and to be in accordance with Council's Development Control Plan 'Stormwater Management Technical Guidelines', AS/NSZ 3500 – Plumbing and Drainage Code and the BCA. All drawings shall correspond with the approved architectural plans.
- The plans shall incorporate but not be limited to the following:
- Provisions made in the Stormwater and Civil Drawings and Civil Infrastructure DA Report prepared by AT & I Pty Ltd, Ref No 18-571-R001-01 Coward Street Civil Report, dated 29 September 2018,
 - Provision of a minimum 10kL rainwater tank for each building collection system for internal reuse in accordance with Section 4 of Botany Bay's SMTG,
 - No pump-out shall be used to drain seepage from the basement due to the elevated water table level. That is the basement shall be designed as a "fully tanked" structure,
 - The pump-out can only be utilized to dispose runoff that may enter the basement carpark from driveway access to the basement,
 - On Coward St, connect proposed Building A's outlet pipe to Council's existing stormwater inlet pit and reconstruct existing stormwater inlet pit with 1.8metre Lintel with a hinged steel galvanised grate,
 - On Coward St, the proposed new stormwater pipe shall be minimum 375diametre Class 4 Reinforced Concrete, and
 - On Coward St, the proposed new stormwater inlet pit shall have a 1.8metre Lintel

with a hinged steel galvanised grate.

45 Prior to the issue of the relevant Construction Certificate, design certification, prepared by a suitably qualified engineer shall be submitted to the Certifying Authority certifying the car parking area shown on the construction plans has been designed in accordance with AS 2890.1, AS2890.2 (for loading area) and AS2890.6.

46 The fire hydrant and booster assembly are required to be housed within an external façade/wall of the building or elsewhere within the building structure and shall be enclosed/screened with doors to Council approval.

47 The drawings for the construction certificate for the car park shall show the following parking requirements:

Car Parking Rates	Required
0.6 space / 1 bed unit 113 units	68 spaces
0.9 space / bed unit 147 units	133 spaces
1.4 space / bed unit 45 units	63 spaces
1 visitor space / 7 dwellings	44 spaces
Public car park	90 spaces
Child care centre	25 spaces
Retail Spaces	15 spaces
TOTAL REQUIRED	438
TOTAL PROVIDED	440

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

48 Prior to the issue of the relevant Construction Certificate, the following documentation shall be submitted to Principal Certifying Authority:

- a) Longitudinal sections along centreline of all the ramps between each basement parking levels;
 - b) Design certification, prepared by a suitably qualified engineer, showing the longitudinal sections shall be designed in accordance with AS2890.1 (including gradients and gradient transitions).
 - c) Design certification, prepared by a suitably qualified engineer shall be submitted to Principal Certifying Authority certifying the car parking area shown on the construction plans includes the required sight lines for safety and has been designed in accordance with AS 2890.1, AS2890.2 (for loading area) and AS2890.6.
 - d) Details including swept paths demonstrating that a MRV vehicle and a garbage truck can access the Coward Street vehicular entry/exit to the building are to be submitted.
 - e) The vehicular driveways to the building are to be a minimum of 6m.
- Note: Any wall or fence or solid object on either side of the driveway/vehicular crossing where it meets the Council's road reserve at the boundary must comply with sight distances stipulated in AS 2890.2.

49 Prior to the issue of the relevant Construction Certificate, detailed construction plans in relation to the development shall be revised and submitted to Council for approval. The plan shall be revised to include the following: Any wall or fence or solid object on either side of the driveway/vehicular crossing where it meets the Council's road reserve at the boundary must comply with sight distances stipulated in AS 2890.2.

50 Adaptable units must be provided in accordance with Section 4C.6.1 of Botany Bay Development Control Plan 2013. Such units shall be designed in accordance with AS

4299 and BBDCP 2013 (Section 4C.6.1). Details to be submitted with the relevant Construction Certificate.

- 51 Any air conditioning units are to be located so that they are not visible from the street or public place and are not obscure windows/window frames or architectural features of the development with details shown on plans submitted with the relevant construction certificate.
- 52 Prior to the issue of the relevant Construction Certificate for the development, an application for Property Address Allocation and associated fee are required to be submitted to Council. All new addresses will be allocated in accordance with AS/NZS 4819:2011 Rural and Urban Addressing Standard and Section 5.2 of the NSW Address Policy.
The form is available for download at:
<https://www.bayside.nsw.gov.au/services/developmentconstruction/buildingoralteringproperty/commonlyusedforms>
The general principles of addressing in NSW are described in the NSW Addressing User Manual, Ch.6 Addressing Principles. The manual is available for download at:
http://www.gnb.nsw.gov.au/_data/assets/pdf_file/0007/199411/NSW_AUM_July2018_Final.pdf
- 53 The numbering (sub-addresses) of the individual units in multilevel sites should be consistent with Australian Standards AS/NZS 4819:2011 Rural and Urban Addressing Standard & NSW Addressing User Manual.
Developers of multilevel buildings are required to submit their schedule of addresses to Council for addressing approval prior to registration of the subdivision plan.
Finalised architectural and survey plans of the site, identifying the location and nature of the development have to be submitted to Council.

PRIOR TO COMMENCEMENT OF WORKS

- 54 Prior to commencement of any works on-site, a dilapidation report of the immediate adjoining properties and public infrastructure (including Council and public utility infrastructure) shall be prepared by a qualified person and submitted to Council.
- a) The report shall include records and photographs of the following area that will be impacted by the development: All properties immediately adjoining the site and Coward Street.
 - b) The applicant shall bear the cost of all restoration works to buildings/ structures and public infrastructure that been damaged during the course the demolition, site clearing and site remediation works. Any damage to buildings/structures, infrastructures, roads, lawns, trees, gardens and the like shall be fully rectified by the applicant/developer, at the applicant/developer's expense.
 - c) In addition, the following issues shall also be complied with:
 - i) A copy of the dilapidation report together with the accompanying photographs shall be given to all immediately adjoining properties owners and public utility authorities. The report shall be agreed by all affected parties as a fair record of existing conditions prior to commencement of any works;
 - ii) A second dilapidation report, including a photographic survey shall then be submitted at least one month after the completion of demolition/excavation works. A copy of the second dilapidation report together with the accompanying photographs shall be given to Council, public utilities authorities and all adjoining properties owners;
 - d) Should demolition, site clearing and site remediation works cause rise to public safety and/or workplace safety; works shall halt until absolute safety is restored.

Note: Prior to commencement of the surveys, the applicant/ owner of the development shall advise (in writing) all property owners of buildings to be surveyed

of what the survey will entail and of the process for making a claim regarding property damage. A copy of this information shall be submitted to Council.)

- 55 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 *Roads Act 1993* and *Local Government Act 1993*. Any works shown within Council's road reserve or other Council Lands on the development approval plans are indicative only and no approval for these works is given until this condition is satisfied:
- a) Permit to erect hoarding on or over a public place, including Council's property/road reserve,
 - b) Permit to construction works, place and/or storage building materials on footpaths, nature strips,
 - c) Permit for roads and footways occupancy (long term/ short term),
 - d) Permit to construct vehicular crossings, footpaths, kerbs and gutters over road reserve,
 - e) Permit to open road reserve area, including roads, footpaths, nature strip, vehicular crossing or for any purpose whatsoever, such as relocation / re-adjustments of utility services,
 - f) Permit to place skip/waste bin on footpath and/or nature strip,
 - g) Permit to install temporary shoring under Council's road reserve, and
 - h) Permit to use any part of Council's road reserve or other Council lands.
- 56 Erosion and sediment control devices shall be installed and in function prior to the commencement of any excavation or construction works upon the site in order to prevent sediment and silt from site works (including demolition and/or excavation) being conveyed by stormwater into public stormwater drainage system, natural watercourses, bushland, trees and neighbouring properties. In this regard, all stormwater discharge from the site shall meet the legislative requirements and guidelines. These devices shall be maintained in a serviceable condition AT ALL TIMES throughout the entire demolition, excavation and construction phases of the development and for a minimum one (1) month period after the completion of the development, where necessary.
- 57 All telecommunication and utility services are to be placed underground along the Street frontages. The extent of works required in order to achieve this outcome may involve works beyond the frontage of the development site. Plans are to be prepared and certified by a suitably qualified Electrical Design Consultant for decommissioning the existing network and constructing the new network; and are to be submitted to, and approved by Council and relevant utility authorities, prior to commencement of work.
- 58 A Site Audit Statement (SAS) for the park that is to be dedicated to council is required and Council will require that there is no ongoing management of any land that is to be dedicated to Council.

DURING WORKS

- 59 The vehicular entry/exits to the site must be protected from erosion and laid with a surface material which will not wash into the street drainage system or watercourse.
- 60 The approved Waste Management Plan for the site prepared by Elephants Foot Recycling Solutions, Report No. 18038 Revision D, dated 6 September 2018, shall be complied with at all times during demolition works and construction works.
- 61 Throughout the construction period, Council's warning sign for soil and water management shall be displayed on the most prominent point of the building site, visible to both the street and site workers. A free copy of the sign is available from Council's Customer Service Counter.

- 62 All vehicles transporting soil, sand or similar materials to or from the site shall cover their loads at all times.
- 63 The Applicant must indemnify Council against all loss of or damage to the property of others and injury or death to any persons which may arise out of or in consequence of the carrying out of the work and against all claims, demands, proceedings, costs, charges and expenses whatsoever in respect thereof or in relation thereto. In this regard, the Applicant shall take out a public liability policy during the currency of the works in the sum of not less than \$20,000,000 and to be endorsed with City of Botany Bay Council as principal, and keep such policy in force at the Applicant's own expense. A certificate from the Applicant's insurers to this effect is to be LODGED WITH COUNCIL BEFORE ANY WORK IS COMMENCED. The amount of Common Law liability shall be unlimited.
- 64 A sign must be erected in a prominent position on any work site on which work involved in the erection of a building is being carried out;
- a) stating that unauthorised entry to the work site is prohibited;
 - b) showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours;
 - c) the Development Approval number;
 - d) the name of the Principal Certifying Authority including an after hours contact telephone number; and
 - e) any such sign is to be removed when the work has been completed.
- 65 All works carried out on the public roads shall be inspected and approved by Council's engineer. Documentary evidence of compliance with Council's requirements shall be obtained prior to proceeding to the subsequent stages of construction, encompassing not less than the following key stages:
- a) Initial pre-construction on-site meeting with Council's engineers to discuss concept and confirm construction details, traffic controls and site conditions/constraints prior to commencement of the construction of the civil works associated with the road widening;
 - b) Prior to placement of concrete (kerb and gutter and footpath);
 - c) Prior to construction and placement of road pavement materials; and
 - d) Final inspection.
- Note:** Council's standard inspection fee will apply to each of the above set inspection key stages. Additional inspection fees may apply for additional inspections required to be undertaken by Council.
- 66 The operation shall not give rise to offensive odour or other air impurities in contravention of the *Protection of the Environment Operations Act 1997*. The principal contractor shall ensure that all practical means are applied to minimise dust and odour from the site. This includes:
- a) Covering excavated areas and stockpiles,
 - b) The use of fine mists of hydrocarbon mitigating agents on impacted stockpiles or excavation areas,
 - c) Maintenance of equipment and plant to minimise vehicle exhaust emissions,
 - d) Erection of dust screens on the boundary of the property and/or closer to potential dust sources,
 - e) All loads entering or leaving the site are to be covered,
 - f) The use of water sprays to maintain dust suppression,
 - g) Keeping excavated surfaces moist.
- 67 During remediation and construction, the applicant shall ensure that all works and measures have been implemented in accordance with following approved plans at all times:
- a) Approved Erosion and Sediment Control Plan;
 - b) Approved Traffic Management Plan and;

- c) Approved Demolition Management Plan and Construction Management Plan.
- 68 Any new information that comes to light during construction which has the potential to alter previous conclusions about site contamination and remediation must be notified to Council and the accredited certifier immediately.
- 69 During 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 (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.
- 70 During 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.
- 71 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.
- 72
- a) The applicant shall conduct all construction works and any related deliveries/activities wholly within the site. If any use of Council's road reserve is required, approval and permits shall be obtained from Council.
 - b) Construction operations such as brick cutting, washing tools or brushes and mixing mortar shall not be carried out on park/road reserve or in any other locations which could lead to the discharge of materials into the stormwater drainage system or onto Council's lands.
 - c) Hosing down or hosing/washing out of any truck (concrete truck), plant (e.g. concrete pumps) or equipment (e.g. wheelbarrows) on Council's road reserve or other property is strictly prohibited. Fines and cleaning costs will apply to any breach of this condition.
 - d) Pavement surfaces adjacent to the ingress and egress points are to be swept and kept clear of earth, mud and other materials at all times and in particular at the end of each working day or as directed by Council's Engineer.
- 73 If the work involved in the construction of a building:
- a) likely to cause pedestrians or vehicular traffic in a public place to be obstructed or rendered inconvenient; or,
 - b) involves the enclosure of a public place:
 - i) a hoarding or fence must be erected between the work site and the public place.
 - ii) If necessary an awning is to be erected sufficient to prevent any substance from or in connection with the work falling into the public place.
 - iii) The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to person(s) in the public place.
 - iv) Any such hoarding, fence or awning is to be removed when the work has been completed.
 - c) Suitable consent shall be obtained from Council prior to the erection of any hoarding at the property.

- 74 Toilet facilities are to be provided at or in the vicinity of the work site on which work involves the erection of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site;
- d) Each toilet provided:
- i) must be standard flushing toilet; and,
 - ii) must be connected:
 - (1) to a public sewer; or
 - (2) if connection to a public sewer is not practicable to an accredited sewerage management facility approved by the Council; or,
 - (3) if connection to a public sewer or an accredited sewerage management facility is not practicable to some other sewerage management facility approved by the Council.
 - iii) The provisions of toilet facilities in accordance with this clause must be completed before any other work is commenced.
- 75 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.
- 76 The land to which this Consent relates must be fenced and enclosed to protect the entry or access to the land and site by lawful persons. The fencing must be in place before demolition works commence.
- 77 Throughout the construction period, Council's warning sign for soil and water management shall be displayed on the most prominent point of the building site, visible to both the street and site workers. A copy of the sign is available from Council's Customer Service Counter.
- 78 During construction works, the applicant/builder is required to ensure the protection and preservation of all boundary fencing or boundary walls between the subject site and adjoining properties. Any damage caused as a result of such works will be at the full cost of the applicant/builder.
- 79
- a) Existing structures and or services on this and adjoining properties shall not be endangered during any demolition associated with the above project. The Applicant is to provide details of any stabilisation works required to adjacent developments to Council.
 - b) As the development involves an excavation that extends below the level of the base of the footings of a building or road on adjoining land, the person having the benefit of the development consent must, at the person's own expense:
 - iii) Protect and support the adjoining premises from possible damage from the excavation, and
 - iv) Where necessary, underpin the adjoining premises to prevent any such damage.
 - v) Must at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of his intention to do so to the owner of the adjoining allotment of land and, furnish particulars of the excavation to the owner of the building being erected or demolished.
- 80 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.
- 81 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. Details of street numbering shall be submitted to Council for approval prior to the issue of the relevant Construction Certificate.

- 82 The operation shall not give rise to offensive odour or other air impurities in contravention of the Protection of the Environment Operations Act 1997. The Principle contractor shall ensure that all practical means are applied to minimise dust and odour from the site. This includes:
- a) Covering excavated areas and stockpiles,
 - b) The use of fine mists of hydrocarbon mitigating agents on impacted stockpiles or excavation areas,
 - c) Maintenance of equipment and plant to minimise vehicle exhaust emissions,
 - d) Erection of dust screens on the boundary of the property and/or closer to potential dust sources,
 - e) All loads entering or leaving the site are to be covered,
 - f) The use of water sprays to maintain dust suppression,
 - g) Keeping excavated surfaces moist.
- 83 The Development is to be constructed to meet the following construction noise requirements:
- a) Construction Noise
 - vi) Noise from construction activities associated with the development shall comply with the Interim Construction Noise Guidelines and the Protection of the Environment Operations Act 1997.
 - b) Level Restrictions
 - vii) Construction period of 4 weeks and under: The L10 sound pressure level measured over a period of not less than 15 minutes when the construction site is in operating must not exceed the background level by more than 10dB(A).
 - viii) Construction period greater than 4 weeks and not exceeding 26 weeks: The L10 sound pressure level measured over a period of not less than 15 minutes when the construction site is in operating must not exceed the background level by more than 10 dB(A).
 - c) Time Restrictions
 - ix) Monday to Friday 07:00am to 06:00pm;
 - x) Saturday 08:00am to 3:00pm;
 - xi) No Construction to take place on Sundays or Public Holidays.
 - d) Silencing
 - xii) All possible steps should be taken to silence construction site equipment.
- 84 The following shall be complied with:
- a) The construction of the premises shall not give rise to transmission of vibration at any affected premises that exceeds the vibration in buildings criteria outlined in the NSW Environmental Noise Control Manual;
 - b) Vibration levels induced by the demolition and construction activities shall not exceed 1mm/sec peak particle velocity (ppv) when measured at the footing of any occupied building.
 - c) Vibration levels induced by the demolition and construction activities shall not exceed 3mm/sec peak particle velocity (ppv) when measured at the footing of any unoccupied building.
 - d) The upper noise level from the demolition and construction operations measured over a period of 10 minutes must not exceed the background noise level by more than 10dB(A).

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

- 85 In accordance with the letter of offer dated 29 August 2018, the landowner is to enter into a Planning Agreement under Section 7.4 of the Environmental Planning and Assessment Act 1979 with Council to undertake the following:
- (i) Provision of a public car park, providing approximately 90 car parking spaces to be publicly accessible for vehicles via Coward Street and for pedestrians via John Street. The car park is to be dedicated to Council as a stratum lot.
 - (ii) Construction and embellishment of a public through site-link of approximately 1600m² in land, with registration of an easement in gross over the through site link allowing public access.
- No Final Occupation Certificate can be issued until the corresponding obligations to deliver the public carpark and public access link as specified in the Voluntary Planning Agreement have been fulfilled.
- 86 The Council car park stratum lot is to be dedicated to the Council prior to the earlier of the following:
- (i) the issuing of any Occupation Certificate for the final building for the Development,
 - (ii) the date that is 24 months after the date Development Consent is granted to the Development,
- or as agreed in writing between the Parties.
- 87 A vehicular access easement is to be registered on title at the same time the Council car park is dedicated.
- 88 The Public Access Link is to be completed and the Public Access Easement is to be registered on title prior to the earlier of the following:
- (i) the issuing of any Occupation Certificate for the final building in the Development,
 - (ii) the date that is 24 months after the date Development Consent is granted to the Development.
- 89 A Site Audit Statement will be required for this site prior to the issue of any Occupation Certificate. To ensure the necessary assessment and remediation is completed a NSW Environment Authority (EPA) Accredited Site Auditor shall be appointed to the site prior to the commencement of any remediation works, excavation or commencement of works at the site. The Site Auditor shall review and endorse any additional investigation and remediation proposed prior to the commencement of any works.
Evidence of this appointment shall be provided to council prior to the issue of the relevant construction certificate.
- 90 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 the Council if the Council is not the Principal Certifying Authority). The report is to be submitted after completion of remediation works and prior to the issue of any occupation certificate.

- 91 To ensure that the site is suitable for the proposed use, a Site Audit Statement (SAS) completed by an accredited site auditor under the *Contaminated Land Management Act 1997* shall be submitted to Council for clearly demonstrating that the site is suitable for the proposed development. A separate SAS shall be provided for any land dedication to council, such as parks or roadways and the site audit statement shall not be subject to any ongoing management measures. This shall be provided Any conditions imposed on the SAS shall form part of this consent. The accredited site auditor shall provide Council with a copy any Site Audit Report (SAR) and Site Audit Statement (SAS) prior to the release of any applicable Occupation Certificate or applicable dedication of land to Council. In circumstances where the SAS conditions (if applicable) are not consistent with the consent, a Section 96 application pursuant to the *Environmental Planning & Assessment Act 1979* shall be submitted to ensure that they form part of the consent conditions.
- 92 Prior to issue of the relevant Occupation Certificate, Landscaping within the property and within the public domain shall be installed in accordance with the approved landscape plans as amended and as approved by Council's Landscape Architect. The landscaped areas on the property shall be maintained in accordance with the Council stamped and approved landscape documentation, the conditions of development consent and Council's DCP all times.
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 Bayside Council prior to the Issue of an Occupation Certificate.
- 93 New street trees shall be maintained by the Applicant/Owner/Strata Corporation for a period of 24 months after final inspection by Council. Maintenance includes twice weekly watering within the first 6 months then weekly thereafter to sustain adequate growth and health, biannual feeding, weed removal round the base, mulch replenishment at 3 monthly intervals (to 75mm depth) and adjusting of stakes and ties. Maintenance but does not include trimming or pruning of the trees under any circumstances.
- 94
- a) Prior to the issue of the Occupation Certificate, the development is to be constructed to meet the requirements detailed in the Development Application Acoustic Report prepared by Acoustic Logic dated 3 April 2019 (with the exception of the child care centre); and
 - b) All acoustic work including that acoustic work required at Condition No. 39 shall be completed prior to the issue of the Occupation Certificate and validated by a person with appropriate qualifications and experience.
- 95 Plans submitted with the Occupation Certificate shall demonstrate compliance with the following:
- a) The 350 car parking spaces shall be made available to residents and visitors at all times, with such spaces being clearly marked and signposted prior to issue of the Occupation Certificate;
 - b) Allocation of the car parking shall be as follows:
 - i) Each studio/one (1) bedroom unit shall be allocated a total of 68 spaces;
 - ii) Each two (2) bedroom unit shall be allocated a total of 133 spaces;
 - iii) Each three (3) bedroom unit shall be allocated a total of 63 spaces;
 - iv) Forty four (44) visitor car parking spaces (of which 4 are to be dual uses as car wash bays) shall be provided. Such spaces must be located nearby the entrance to the development;
 - v) Twenty-five (25) spaces for the proposed child care centre; and
 - vi) Fifteen (15) spaces for retail uses.

- 96 All services (Utility, Council, etc) within the road reserve (including the footpath) shall be relocated/adjusted to match the proposed/existing levels as required by the development.
- 97 Prior to the issue of the Occupation Certificates, documentation from a practising civil engineer shall be submitted to the Principal Certifying Authority certifying that the stormwater drainage system has been constructed generally in accordance with the approved stormwater management construction plan(s) and all relevant standards.
- 98 Prior to the issue of the Occupation Certificate, inspection reports (formwork and final) for the works on the road reserve shall be obtained from Council's engineer and submitted to the Principal Certifying Authority attesting that this condition has been appropriately satisfied.
- 99 Prior to the issue of the relevant Occupation Certificate, the following is to be complied with:
- a) Dedicate to Council and at no expense to the Council and generally in accordance with the Ground Floor Plan, Drawing Number DA-10-1000 Rev A by PTW Architects, dated 29 March 2019 the following:
 - i) Embellish and dedicate the portion of land to Council for the purpose of a through site link connecting Coward Street to the new John Street to provide public pedestrian access. The Plan of Dedication shall be lodged with Council and registered with Land & Property Information prior to the issue of any Occupation Certificate. A copy of the registered document shall be submitted to Council for record purposes, and
 - ii) Dedicate and provide a public car park to Council accommodating approximately 90 cars.
- 100 Prior to the issue of the Occupation Certificate, documentation from a practising civil engineer shall be submitted to the Principal Certifying Authority certifying that the car parking area has been constructed generally in accordance with the approved construction plan(s) and comply with AS2890.1, AS2890.2 and AS2890.6 requirements. The internal parking facilities shall be clearly designated, sign posted and line marked. Signage and line marking shall comply with the current Australian Standards.
- 101 The following shall be complied with prior to the issue of the Occupation Certificate:
- a) A new vehicular crossing including layback and/or gutter and any associated road restoration shall be constructed in accordance with Council's requirements. The applicant shall make a separate application to Council's Customer Service Counter for the construction/ reconstruction of vehicular crossing (either by Council or own forces) to the vehicular entry point of the site as shown on the submitted approved plan.
 - b) The crossing shall be able to accommodate the turning movement of Medium Rigid Vehicle (MRV) entering and leaving the site and at 90° to the kerb and gutter in plain concrete. All adjustments to the nature strip, footpath and/or public utilities' mains and services as a consequence of the development and any associated construction works shall be carried out at the full cost to the Applicant.
 - c) The redundant vehicular crossing, together with any necessary works shall be removed and the footpath, nature strip and kerb and gutter shall be reinstated in accordance with Council's specification.
 - d) Written confirmation / completion certificate obtained from Council.
 - e) Inspection report (formwork and/or final) for the works on road reserve obtained from Council's engineer.

- f) A copy of the approved public domain civil works plans showing Work-as-Executed details (together with an electronic copy) prepared by a registered surveyor.
- g) Driveways and vehicular access paths shall be designed and constructed to comply with the minimum requirements (including changes of grade) of AS/NZS 2890.1.
- 102 Prior to the issue of the Occupation Certificate, a Certificate of Survey from a Registered Surveyor shall be submitted to the Principal Certifying Authority to the effect that all reduced levels shown upon the approved plans, with relation to drainage, boundary and road reserve levels, have been strictly adhered to.
- 103 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.
- 104
- a) In order to ensure that the required on-site detention, infiltration and rainwater reuse systems will be adequately maintained, Positive Covenant and Restriction on the Use of Land on the Title under Section 88B/88E(3) of the Conveyancing Act 1919 shall be created in favour of Council as the benefiting authority for the as-built on-site detention, infiltration and rainwater reuse systems. The standard wording of the terms of the Positive Covenant and Restriction on the Use of Land are available in Council. The relative location of the on-site detention, infiltration and rainwater reuse systems, in relation to the building footprint, shall be shown on a scale sketch, attached as an annexure to the plans/ forms. Proof of registration shall be submitted to the Principal Certifying Authority prior to occupation of the premises.
- b) In order to ensure that the required pump-out system will be adequately maintained, Positive Covenant and Restriction on the Use of Land on the Title under Section 88B/88E(3) of the Conveyancing Act 1919 shall be created in favour of Council as the benefiting authority for the as-built pump-out system. The standard wording of the terms of the Positive Covenant and Restriction on the Use of Land are available in Council. Proof of registration shall be submitted to the Principal Certifying Authority prior to occupation of the premises.
- 105 Prior to the issue of the Occupation Certificate:
- a) the construction of the stormwater drainage system of the proposed development shall be generally in accordance with the approved stormwater management construction plan(s), Council's 'Guidelines for the Design of Stormwater Drainage Systems within City of Botany Bay', AS/NSZ 3500 – Plumbing and Drainage Code and the BCA. All downpipes shall be located within the property boundaries; and
- b) documentation from a practising civil engineer shall be submitted to the Principal Certifying Authority certifying that the stormwater drainage system has been constructed generally in accordance with the approved stormwater management construction plan(s) and accepted practice.
- 106 Any damage not shown in the dilapidation report submitted to Council before site works have commenced, will be assumed to have been caused as a result of the site works undertaken and must be rectified at the applicant's expense, prior to the issue of the Occupation Certificate.
- 107 Prior to the issue of the Occupation Certificate; the footpath at the commercial tenancy frontages must for reasons of public safety and presence be illuminated between sunset one day and sunrise the day following - 7 days a week and in

accordance with the following standard:

- a) Lighting is to comply with the requirement for pedestrian areas in the current AS/NZS 1158;
- b) All associated wiring and conduits are to be completely concealed; and
- c) Light fittings should be readily accessible to support their regular maintenance.

108 Prior to the issue of the Occupation Certificate:

- a) Certification shall be provided to the PCA that Lighting (lux) levels for this development must include the installation of low glare/high uniformity lighting levels in line with Australian Standard AS:1158. Lighting sources should be compatible with requirements of any surveillance system installed within the development. (Poor positioning choices in relation to light can cause glare on the surveillance screens). The luminaries (light covers) should be designed to reduce opportunities for malicious damage. Lighting within the development needs to be checked and maintained on a regular basis. A limited amount of internal lighting should be left on at night to enable patrolling police, security guards and passing people to monitor activities within the premises;
- b) Any lighting on the site shall be designed so as not to cause nuisance to other residences in the area or to motorists on nearby roads, and to ensure no adverse impact on the amenity of the surrounding area by light overspill; and,
- c) All lighting shall comply with AS4282-1997 Control of the obtrusive effects.

109 Prior to the issue of any Occupation Certificate, a Loading Dock Plan of Management and Operation shall be submitted and approved by the Director of City Future, Bayside Council. The Loading Dock Plan of Management and Operation shall reflect the shared use of the loading dock to ensure that all uses within the development and relevant waste collection services have access to onsite loading and unloading facilities. The Management Plan shall specify delivery management, frequency of use, hours of operation, access, maintenance of the turntable and complaints handling procedures. A complaints register shall be maintained on site at all times. The Loading Dock Operation Management Plan shall be reviewed with lodgement of future applications.

Note: The loading / unloading bay on site is to be made available for use by all retail, commercial and residential uses on site (including removalist vans). All loading and unloading is to occur within the loading / unloading bay on site. The loading / unloading bay shall operate in accordance with the Plan of Management as required by this consent. The hours of operation of the loading dock shall not exceed 7am 9pm.

110 Convex mirrors and give-way signs shall be installed at secure sides of the boom-gates to provide increased sight distance for vehicles and giving priority for incoming vehicles.

111 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.

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

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

- 113 To ensure satisfactory growth and maintenance of the landscaping, a fully automatic drip irrigation system is required in all landscape areas, installed by a qualified landscape contractor. The system shall provide full coverage of all planted areas with no more than 300mm between drippers, automatic controller and backflow prevention device and shall be connected to a recycled water source, where provided. Irrigation shall comply with both Sydney Water and Council requirements as well as Australian Standards, and be maintained in effective working order at all times.
- 114 Planter boxes constructed over a concrete slab shall be built in accordance with the following requirements:
- a) Ensure soil depths in accordance with Council's DCP Part 3L. The base of the planter must be screened to ensure drainage to a piped internal drainage outlet of minimum diameter 90mm, with no low points elsewhere in the planter. There are to be no external weep holes;
 - b) A concrete hob or haunch shall be constructed at the internal joint between the sides and base of the planter to contain drainage to within the planter;
 - c) Planters are to be fully waterproofed and sealed internally with a proprietary sealing agent and applied by a qualified and experienced tradesman to eliminate water seepage and staining of the external face of the planter. All internal sealed finishes are to be sound and installed to manufacturer's directions prior to backfilling with soil. An inspection of the waterproofing and sealing of edges is required by the Certifier prior to backfilling with soil;
 - d) Drainage cell must be supplied to the base and sides of the planter to minimize damage to the waterproof seal during backfilling and facilitate drainage. Apply a proprietary brand filter fabric and backfill with an imported lightweight soil suitable for planter boxes compliant with AS 4419 and AS 3743. Install drip irrigation including to lawns;
 - e) Finish externally with a suitable paint, render or tile to co-ordinate with the colour schemes and finishes of the building.
- 115 Vehicles making deliveries (including goods, merchandise and the like) and accessing the site shall comply with the following requirements:
- a) The maximum size of vehicles making deliveries and accessing to the site shall be limited to Medium Rigid Vehicle MRV only as per AS/NZS 2890.2-2002 only.
 - b) All loading and unloading of vehicles shall be carried out wholly within the site. No deliveries to the premises shall be made direct from a public places, public streets or any road related areas (eg. footpath, nature strip, road shoulder, road reserve, public car park, service station etc).
 - c) Should the external fabric of the building(s), walls to landscaped areas and like constructions be subject to graffiti or similar vandalism, then within seven (7) days of this occurrence, the graffiti must be removed and the affected surface(s) returned to a condition it was in before defilement.
- 116 The landscape 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 monthly maintenance is required.
- 117 No roller shutters are to be installed to any of the shopfronts that front Coward Street or the north/south pedestrian link.
- 118 The hours of operation of any future commercial use must be restricted to the hours of 7:00am to 10:00pm Monday to Thursday and 7:00am to 11:00pm Friday, Saturday, Sunday and public holidays.
- 119 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.
- e) Noise controls specific to the amenity of the residential neighbourhood
 - iii) The La10 noise level emitted from the premises shall not exceed the background noise level in any Octave Band Centre Frequency (31.5Hz – 8kHz inclusive) by more than 5 dB between 9:00pm one day and 7:00am the day following Monday to Sunday when measured at the boundary of any residential property; and,
 - iv) The noise from the premises shall not be audible within any habitable room in any residential premises between the hours of 9:00pm one day and 7:00am the day following Monday to Sunday.

120 Any air conditioning units shall comply with the following requirements:

- a) Air conditioning units are not to be visible from the street or public place and are not to obscure windows/window frames or architectural features of the dwelling.
- b) A person must not cause or permit an air conditioner to be used on residential premises in such a manner that it emits noise that can be heard within a habitable room in any other residential premises (regardless of whether any door or window to that room is open):
 - v) Before 8 am or after 10 pm on any Saturday, Sunday or public holiday, or
 - vi) Before 7 am or after 10 pm on any other day.
- c) The transmission of vibration to any place of different occupancy above the requirements of AS2670, Australian Standard AS2021- 2000: Acoustics, Aircraft Noise Intrusion, Building Siting and Construction. Australian Standard AS2107 2000: Recommended Design Sound levels and Reverberation levels for Building Interiors.
- d) Any air-conditioning unit shall comply with the City of Botany Bay’s General Noise Criteria.

121 The storage areas located within the basement shall be allocated to the relevant residential dwelling in any future subdivision of the site. In addition, any isolated storage areas and other spaces identified by the NSW Police in Note 5. shall be monitored by CCTV cameras at all times.

122 The landscaped areas on the property shall be maintained in accordance with the approved landscape documentation and to Council’s satisfaction at all times. The automatic drip irrigation system shall be maintained in working order at all times.

ADVISORY CONDITIONS

1 The following advisory conditions are imposed by the **NSW Police**:

- (a) Digital technology should be used to receive, store and process data. Recording equipment should be secured away from public access areas to restrict tampering with the equipment and data. All access areas to the building be covered by such equipment including mail delivery ports. This equipment needs to be checked and maintained on a regular basis.
- (b) Any proposed landscaping and vegetation should adhere to the following principles:
- Shrubs, bushes, plants should remain under 900mm in height.
 - Branches of large trees should start at a height of two (2) metres and higher.
- This will assist with natural surveillance and reduce hiding spots and dark areas for potential offenders.
- (c) By angling fire egress inlet walls 45 degrees or more, opportunities for entrapment, loitering and vandalism can be reduced.
- (d) Any proposed seating area or grass area should be positioned somewhere which can be viewed easily by the community. Consider whether the area will be used enough to warrant its development. Areas which are isolated, unused and maintained poorly become a breeding ground for anti social behaviour.
- (e) Care should be taken when using glazing in entry foyers. At night the vision of departing occupants can be affected by reflections on the interior of the glass (can't see outside). Mirroring can be reduced by using appropriate external lighting.
- (f) The configuration of car parking spaces can impact the risk to car thieves. Grid rows increase natural surveillance. Avoid dark spots, corners and isolated car spaces.
- (g) Public laundries, garbage disposal areas and other communal spaces should not be located in buildings 'leftover space'. Poor supervision of communal facilities can greatly increase the risk of predatory crime, theft and vandalism. Areas that are unused or sporadically used after hours and unsupervised should not be accessible to the public.
- (h) Uneven building alignments, inset doorways and hidden entrances should be avoided. They can facilitate predatory crimes, thefts, malicious damage and other offences.
- (i) Lighting sources should be compatible with requirements of any surveillance system installed within the development. (Poor positioning choices in relation to light can cause glare on the surveillance screens).
- (j) The luminaries (light covers) should be designed to reduce opportunities for malicious damage. Lighting within the development needs to be checked and maintained on a regular basis.
- (k) Improved lighting needs to extend from the development towards adjacent streets. Consideration must be given to pedestrians walking from the development to surrounding streets for the purpose of catching public transport etc. Areas adjoining pathways should be illuminated to avoid opportunities for concealment and entrapment.
- (l) Clear street number signs should be displayed and appropriately positioned at the front of the buildings to comply with Local Government Act, 1993 Section 124 (8). Failure to comply with any such order is an offence under Section 628 of the Act. Offences committed under Section 628 of the Act attract a maximum penalty of 50 penalty units (currently \$5500) for an individual and 100 penalty units (currently \$11000) for the corporation. The numbers should be in contrasting colours to the building materials and be larger than 120mm.
- (m) Warning signs should be strategically posted around the buildings to warn intruders of what security treatments have been implemented to reduce opportunities for crime.
- Warning, trespassers will be prosecuted
 - Warning, these premises are under electronic surveillance
- (n) CCTV cameras must cover any storage areas in the basement if they are constructed. Solid steel housing and quality key locks should be used to

prevent access. All cages to be at least 2.5m in height with adequate roofing, cages below this allow people access over the top.

- (o) Any sliding doors MUST be fitted with lockable bolts in the bottom and top of the door frame.
- (p) The main access to the underground car park should have restricted access with a security pass. The opening/closing mechanism should be protected from vandalism and tampering. All exit doors from the car park should have striker plates installed to minimise chance of tampering.
- (q) The main entry/egress doors to the development should have an electronically operated lock which require security swipe pass for entry. The lifts operating in the building should have the same security swipe pass technology. When an occupant buzzes in a visitor the lift should recognise the floor the occupant resides and only allow the visitor access to that floor in the lift.
- (r) It is strongly recommended that all letter box and mail delivery ports be built internal of the secure building. No letter box openings to be accessible to street public.