

Agreed Modifications in Track Changes

11-13 Lord Street, Botany

SCHEDULE OF CONSENT CONDITIONS

GENERAL CONDITIONS

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

Plans	Author	Dated / Received by Council
DA010- Site Plan- Issue D	Nettleton Tribe	Received 30 October 2018 Dated 28 <u>26</u> October 2018
DA012- Ground Floor Plan Issue D		Received 30 October 2018 Dated 28 <u>6</u> October 2018
DA013- Mezzanine/Level 1 Plan Issue D		Received 30 October 2018 Dated 28 <u>26</u> October 2018
DA014- Roof/Level 2 Plan- Issue D		Received 30 October 2018 Dated 28 <u>26</u> October 2018
DA020 Street Elevation Issue B		Received 30 October 2018 Dated 28 <u>22</u> October 2018
DA023- Block C Elevations Sheet 1 Issue C		Received 30 October 2018 Dated 28 <u>22</u> October 2018
DA024- Block C Elevations Sheet 2 Issue C		Received 30 October 2018 Dated 28 <u>22</u> October 2018
DA031- Sections Sheet 1 Issue D	Nettleton Tribe	Received 30 October 2018 Dated 28 <u>26</u> October 2018
DA032- Sections Sheet 2 Issue D		Received 30 October 2018 Dated 26 <u>8</u> October 2018
DA050- Shadow Diagrams Issue C		Received 30 October 2018 Dated 28 <u>26</u> October 2018
DA070 Area Plans – Issue C		Received 30 October 2018 Dated 28 <u>26</u> October 2018

DA131- Building C Ground Floor Plans Issue C		Received 30 October 2018 Dated 28-22 October 2018
DA 132 Building C Mezzanine Level Plan Issue D		Received 30 October 2018 Dated 28-26 October 2018
DA 134 – Building C – Roof Plan Issue D		Received 30 October 2018 Dated 28-26 October 2018
DA 111 – Building A Ground Floor Plan Issue A		Dated 22 March 2018, Received 28 March 2018
DA 112 – Building A First Floor Plan Issue A		Dated 22 March 2018, Received 28 March 2018
DA113 Building Roof Plan Issue A		Dated 22 March 2018, Received 28 March 2018
DA 121 Building B Ground Floor Plan Issue A		Dated 22 March 2018, Received 28 March 2018
DA 122 Building B Level 1 Plan		Dated 22 March 2018, Received 28 March 2018
DA 123 Building B Level 2 Plan		Dated 22 March 2018, Received 28 March 2018
DA 124 Building B Roof Level Issue A		Dated 22 March 2018, Received 28 March 2018
Co9759.02 - da10 drawing list and general notes issue eD	Costin Roe Consulting	Dated 23-02 March November 2018, Received 28-03 March December 2018
Co9759.02 - da20 erosion & sediment control plan Issue eE		Dated 23-29 March November 2018, Received 28-03 March 2018 December 2018
Co9759.02 - da25 erosion & sediment control details Issue bC		Dated 23-02 March November 2018, Received 28-03 March December 2018
Co9759.02 - da40 stormwater drainage plan a b-c-e <u>Issue E</u>		Dated 23-29 March NO November 2018, Received 28-03 March December 2018

Co9759.02 - da45 stormwater drainage details - sheet 1 Issue <u>bC</u>		Dated <u>23-02 March</u> <u>November</u> 2018, Received <u>28-03 March-December</u> 2018
Co9759.02 - da46 stormwater drainage details - sheet 2 Issue <u>bC</u>		Dated <u>23-02 March</u> <u>November</u> 2018, Received <u>28-03 March-December</u> 2018
Co9759.02 - da46 detention basin plan Issue a		Dated 23 March 2018, Received 28 March 2018
Co9759.02 - da50 finished levels plan Issue c		Dated 23 March 2018, Received 28 March 2018

Reference Document(s)	Author	Dated / Received by Council
Response To Additional Information	Ethos Urban	Received 30 October 2018 Dated 30 October 2018
Overshadowing Analysis	Steve King	Received 30 October 2018 Dated 13 October 2018
Traffic and Parking Assessment Report	Traffix	Received 30 October 2018 Dated October 2018
BCA Report Rev 6 and Rev 5	Mckenzie Group	Received 30 October 2018 Dated 24 October 2018
Landscape Package – titled Lakes Business Park 11-13 Lord Street, Botany, Development Application	Urbis	Received 30 October 2018 Dated 24 October 2018
Infrastructure Services Report	Floth Sustainable Building Consultants	Received 28 March 2018 Dated 22 March 2018
Geotechnical Report	Pells Sullivan Meynink	Received 28 March 2018 Dated 8 February 2018
Food and Beverage Report	Urbis	Received 28 March 2018 Dated February 2018
ESD Report	Floth Sustainable Building Consultants	Received 28 March 2018 Dated 7 March 2018

Arborist Report	Naturally Trees	Dated 20 March 2018, Received 28 March 2018
Acoustic Report – Rev B	Floth Sustainable Building Consultants	Dated 20 March 2018, Received 28 March 2018
Acid Sulfate Soil Management Plan	KPMG	Dated 20 March 2018, Received 28 March 2018
Detailed Site Investigation	KPMG	Dated 20 March 2018, Received 28 March 2018
Waste Management Plan – Operational	Waste Audit and Consulting	Dated March 2018, Received 28 March 2018
Demolition and Construction Waste Management Plan	Waste Audit and Consulting	Dated March 2018, Received 28 March 2018
Wind Shear Report	Windtech	10 October 2018 Received 30 October 2018

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

- 2 This Consent relates to land in Lots 2 DP 717692 and, as such, building works must not encroach on to adjoining lands or the adjoining public place.
- 3 The consent given does not imply that works can commence until such time that:
 - a) Detailed plans and specifications of the building have been endorsed with a Construction Certificate by:
 - (i) The consent authority; or,
 - (ii) An accredited certifier; and,
 - b) The person having the benefit of the development consent:
 - (i) Has appointed a principal certifying authority; and
 - (ii) Has notified the consent authority and the Council (if the Council is not the consent authority) of the appointment; and,
 - (iii) The person having the benefit of the development consent has given at least 2 days notice to the council of the persons intention to commence the erection of the building.
- 4 All building work must be carried out in accordance with the provisions of the Building Code of Australia.
- 5 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-the~~ relevant Construction Certificate and Occupation Certificate the Certifying Authority and Principal Certifying Authority must:

- a) 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
- b) 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.

CONDITIONS IMPOSED BY AN EXTERNAL AUTHORITY

Where relevant, the following external authority conditions apply:

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

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

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

- 7 A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water prior to ~~development commencement~~the issue of the relevant Construction Certificate (refer to Condition 43). It is recommended that the Council includes this term as a Condition of the DA approval.

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

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

- 8 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.

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>

- 9 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 the permit before any business activities can commence. The permit application should be emailed to Sydney Waters 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.

- 10 Before installing a backflow prevention device – get a hydraulic consultant or plumber to check whether the available water pressure versus the property's required pressure and flow requirements.
- 11 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/>

Advice

Water is our most precious resource and every customer can play a role in its conservation. By working together with Sydney Water, business customers are able to reduce their water consumption. This will help your business save money, improve productivity and protect the environment.

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

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

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

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

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

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

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

For further information please visit the Sydney Water website at:

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

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

- 12 This location lies within an area defined in schedules of the Civil Aviation (Buildings Control) Regulations which limit the height of structures to 7.62 metres above existing ground height (AEGH) without prior approval of the Civil Aviation Safety Authority.

The application sought approval for the PROPERTY DEVELOPMENT to a height of 26.7 metres Australian Height Datum (AHD).

In the capacity as Airfield Design Manager and an authorised person of the Civil Aviation Safety Authority (CASA) under Instrument Number: CASA 229/11, in this instance, the Airfield Manager has no objection to the erection of this development to a maximum height of 26.7 metres AHD.

The approved height is inclusive of all lift over-runs, vents, chimneys, aerials, TV antennae, construction cranes etc.

Should you wish to exceed this height a new application must be submitted.

Should the height of any temporary structure and/or equipment be greater than 15.24 metres AEGH, a new approval must be sought in accordance with the Civil Aviation (Buildings Control) Regulations Statutory Rules 1988 No. 161.

Construction cranes may be required to operate at a height significantly higher than that of the proposed development and consequently, may not be approved under the Airports (Protection of Airspace) Regulations.

Sydney Airport advises that approval to operate construction equipment (ie cranes) should be obtained prior to any commitment to construct.

"Prescribed airspace" includes "the airspace above any part of either an Obstacle Limitation Surface (OLS) or Procedures for Air Navigation Services – Aircraft Operations (PANS-OPS) surface for the airport (Regulation 6(1)).

The height of the prescribed airspace at this location is 51 metres above AHD.

Planning for Aircraft Noise and Public Safety Zones

- 13 Current planning provisions (s.117 Direction 3.5 NSW Environmental Planning and Assessment Act 1979) for the assessment of aircraft noise for certain land uses are based on the Australian Noise Exposure Forecast (ANEF). The current ANEF for which Council may use as the land use planning tool for Sydney Airport was endorsed by Airservices in December 2012 (Sydney Airport 2033 ANEF).

- 14 Whilst there are currently no national aviation standards relating to defining public safety areas beyond the airport boundary, it is recommended that proposed land uses which have high population densities should be avoided.

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

- 15 The following conditions relate to Crime Prevention Through Environmental Design
- a) As the proposed development may be exposed to Break and Enter Steals, Stealing, Steal from persons, Malicious Damage and Steal from Motor Vehicle offences, a closed circuit surveillance system (CCTV) which complies with the Australian Standard - Closed Circuit Television System (CCTV) AS:4806:2006 shall to be implemented to receive, hold or process data for the identification of people involved in anti-social behaviour prior to the issue of the relevant Occupation Certificate. The system is obliged to conform with Federal, State or Territory Privacy and Surveillance Legislation;

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

- 16 A Hazardous Building Material Assessment (HBMA) shall be carried out and a report provided to council to ensure that any hazardous materials that may have been used within the structural components of buildings and infrastructure are adequately addressed to protect site personnel and the public from the risk of exposure. This shall be undertaken by an appropriately qualified consultant and shall be submitted to the Principal Certifying Authority (and the Council if the Council is not the Principal Certifying Authority) prior to the demolition of any building or structure.

Should any hazardous materials be identified a Work Management Plan completed in accordance with AS2601 – Demolition of Buildings shall be submitted to the Principal Certifying Authority prior to the demolition of any building or structure. The report shall contain details regarding the type of hazardous material and the proposed methods of containment and disposal.

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- a) The following trees, as numbered in the arborist report prepared by Naturally Trees are able to be removed - Tree no's 6, 7, 8, 9, 10, 11, 12, 79, 80, 81, 88, 89, 96, 97, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112.
- b) All other trees/shrubs; prior to demolition and tree removal works these tree/s are to be placed within a Tree Protection Zone with protective fencing and maintained and retained until the completion of all building works. Protective fencing is to be installed as shown in Tree Protection Plan.

The Protective fencing where required may delineate the Tree Protection Zone (TPZ) and should be situated as determined by the project arborist in accordance with AS4970 Protection of trees on development sites, Section 4, 4.3.

"Fencing should be erected before any machinery or materials are brought onto the site and before the commencement of works including demolition. Once erected, protective fencing must not be removed or altered without approval by the project arborist. The TPZ must be secured to restrict access. AS 4687 Temporary fencing and hoardings specifies applicable fencing

requirements. Shade cloth or similar should be attached to reduce the transport of dust, other particulate matter and liquids into the protected area. Fence posts and supports should have a diameter greater than 20 mm and be located clear of roots. Existing perimeter fencing and other structures may be suitable as part of the protective fencing” or similar.

Tree Protection signage is to be attached to each TPZ and displayed from within the development site in accordance with AS 4970 2009 Protection of trees on development sites.

The area of the Tree Protection Zone to be mulched to a depth of 100 mm with organic material being 75% leaf litter and 25% wood, and this being composted material preferably from the same genus and species of tree as that to where the mulch is to be applied, i.e. species-specific mulch. The depth of mulch and type as indicated, to be maintained for the duration of the project. Where deep excavation will expose the soil profile to drying out the root plate is to be protected by pegging jute matting across the ground surface 2 m back from the edge of the profile and 2 m down the face of the profile and is to be in one continuous sheet or layers up to 5 mm thick and overlapped 300 mm and pegged. Pegs are to be a minimum length of 200 mm and spaced at 500 mm increments in a grid pattern. Once installed mulch is to be placed on top of the jute matting previously described.

There is to be no storage of materials, rubbish, soil, equipment, structures or goods of any type to be kept or placed within 5 metres from the trunk or within the dripline of any tree for the duration of the development. This will ensure protection of the tree/s to be retained on or adjacent to site.

Project/Site arborist is to inspect/assess all retained specimens prior to demolition to inspect tree protection measures to monitor that they have been carried out as per the approved D/A conditions for the site. Documentation is to be submitted to the consenting authority after each inspection.

- c) Prior to the Commencement of Demolition/Issue of the relevant Construction Certificate, the applicant is to submit payment for a Tree Preservation Bond of \$20,000.00 to ensure protection of the three (3) Fig trees (*Ficus rubiginosa*) Trees 99,100,101 from damage during construction. The duration of the Bond shall be limited to a period of 24 months after issue of the Occupation Certificate. It is noted that trees 93,94, and 95 are on Council Land.
- d) Where Tree Protection Zone fences are to be moved or relocated this must be undertaken in consultation with the Consultant Arboriculturist for the project to ensure that tree protection is maintained. If the fences are relocated areas are to be mulched to a depth of 100mm to reduce compaction to the root system of the retained specimens.
- e) To minimise damage to retained crowns, all Tree Protection Zones are to be adhered to. This must be undertaken in consultation with the Consultant Arboriculturist for the project to ensure that tree protection is maintained. Minor pruning may be required if damage occurs, work to undertaken.
- f) Project/Site arborist is to inspect/assess all retained specimens prior to Demolition and Tree Removal, Post Demolition, Prior to Construction during Construction and on completion in relation to trees protected and the protection measures have been carried out as per the approved D/A

conditions for the site. Documentation is to be submitted to the consenting authority after each inspection.

- g) Any work to be undertaken within Tree Protection Zones is to be undertaken in accordance to AS 4970. 2009 protection of trees on development sites
- h) There is to be no storage of materials, rubbish, soil, equipment, structures or goods of any type to be kept or placed within 5 metres from the trunk or within the dripline of any tree for the duration of the development. This will ensure protection of the tree/s to be retained on or adjacent to site.

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

- 18 The Project/Site arborist is to inspect/assess all retained specimens prior to construction in relation to tree protection measures to monitor that they have been carried out as per the approved D/A conditions for the site. Documentation is to be submitted to the consenting authority after each inspection.

Any utility services to be situated underground within the TPZ are to be undertaken utilising excavation techniques that prevent or minimise damage to structural roots (roots greater than >20 mm diameter). To prevent soil compaction and root damage these works should be conducted with non-motorised hand tools, air knife or directional drilling. Placement of relocatable buildings; consideration should be given to tree sensitivity such as the buildings being placed on pier and beam or skids construction as they are to be positioned now on the eastern side of their driplines within the Tree Protection Zone (TPZ). The area of the Tree Protection Zone under the buildings is to be mulched to a depth of 200 mm (if installed on skids) with organic material to further reduce compaction. The mulch is to be composted material, i.e. species-specific mulch. Alternatively, if installed on a pier & beam construction, piers are to be undertaken manually by using non-motorised hand tools to determine the location of first order and lower order structural roots with a diameter of 20 mm (structural woody roots) or greater, without damaging them.

- 19 The proposed development shall comply with the following:
- (a) A sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being carried out:
 - (i) Stating that unauthorised entry to the work site is prohibited;
 - (ii) Showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours;
 - (iii) The Development Approval number; and
 - (iv) The name of the Principal Certifying Authority including an afterhours contact telephone number.
 - (b) Any such sign is to be removed when the work has been completed.
- 20 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.

- 21 Prior to the commencement of any demolition, excavation or remediation works, the applicant must inform Council, in writing, of:
- (a) The name of the contractor, and licence number of the licensee who has contracted to do, or intends to do, the work: or
 - (b) The name and permit number of the owner-builder who intends to do the work;
 - (c) The Council also must be informed if: -
 - (i) A contract is entered into for the work to be done by a different licensee; or
 - (ii) Arrangements for the doing of the work are otherwise changed.
- 22 Prior to commencement of any works, application(s) shall be made to Council's Customer Services Counter and obtained the following approvals and permits on Council's property/road reserve under Road Act 1993 and Local Government Act 1993: - (It should be noted that any works shown within Council's road reserve or other Council Lands on the development approval plans are indicative only and no approval for these works is given until this condition is satisfied.)
- a) Permit to erect hoarding on or over a public place, including Council's property/road reserve,
 - b) Permit to construction works, place and/or storage building materials on footpaths, nature strips,
 - c) Permit to install temporary ground anchors in public land,
 - d) Permit to discharge ground water to Council's stormwater drainage system,
 - e) Permit for roads and footways occupancy (long term/ short term),
 - f) Permit to construct vehicular crossings, footpaths, kerbs and gutters over road reserve,
 - g) Permit to open road reserve area, including roads, footpaths, nature strip, vehicular crossing or for any purpose whatsoever, such as relocation / re-adjustments of utility services,
 - h) Permit to place skip/waste bin on footpath and/or nature strip, and
 - i) Permit to use any part of Council's road reserve or other Council lands.
- 23 If an excavation associated with the proposal extends below the level of the base of the footings of a building on an adjoining allotment of land or the common boundary fence the person causing the excavation to be made:
- a) Must preserve and protect the building/ fence from damage; and,
 - b) If necessary, underpin and support such building in an approved manner;

- c) Must at least be 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of the intention to do so to the owner of the adjoining allotment of land and, furnish particulars of the excavation to the owner of the building being erected or demolished;
- d) Existing structures and or services on this and adjoining properties are not endangered during any demolition excavation or construction work associated with the above project. The applicant is to provide details of any shoring, piercing, or underpinning prior to the commencement of any work. The construction shall not undermine, endanger or destabilise any adjacent structures.
- e) If the soil conditions required it:
 - i. Retaining walls associated with the erection of a building or other approved methods of preventing movement or other approved methods of preventing movement of the soil must be provided and:-
 - ii. Adequate provision must be made for drainage.

- 24 Soil and sedimentation controls are to be put in place prior to commencement of any work on site. The controls are to be maintained in effective working order during construction.

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

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

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

- a) Enclosing and making the site safe, any temporary protective structures must comply with the “Guidelines for Temporary Protective Structures (April 2001)”;
- b) Induction training for on-site personnel;
- c) Inspection and removal of asbestos, contamination and other hazardous materials (by appropriately licensed contractors);
- d) Dust control – Dust emission must be minimised for the full height of the building. A minimum requirement is that perimeter scaffolding, combined with chain wire and shade cloth must be used, together with continuous water spray during the demolition process. Compressed air must not be used to blow dust from the building site;
- e) Disconnection of Gas and Electrical Supply;
- f) Fire Fighting – Fire fighting services on site are to be maintained at all times during demolition work. Access to fire services in the street must not be obstructed;

- g) Access and Egress – No demolition activity shall cause damage to or adversely affect the safe access and egress of this building;
 - h) Waterproofing of any exposed surfaces of adjoining buildings;
 - i) Control of water pollution and leachate and cleaning of vehicles tyres – Proposals shall be in accordance with the “Protection of the Environmental Operations Act 1997”;
 - j) Working hours, in accordance with this Development Consent;
 - k) Confinement of demolished materials in transit;
 - l) Proposed truck routes, in accordance with this Development Consent;
 - m) Location and method of waste disposal and recycling in accordance with the “Waste Minimisation and Management Act 1995”.
 - n) Sewer – common sewerage system ad08.
- 26 A sufficient area shall be provided onsite to enable separate stockpiling of excavated materials for sampling and analysis prior to removal or re-use on site. Details of this area shall be provided in the Soil and Water Management Plan (SWMP). This plan shall incorporate and reference the construction environmental management plan and address site limitations.
- 27 Toilet facilities are to be provided at or in the vicinity of the work site on which work involves:
- a) demolition and construction of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site;
 - b) Each toilet provided:
 - (i) must be standard flushing toilet; and,
 - (ii) must be connected:
 - to a public sewer; or
 - if connection to a public sewer is not practicable to an accredited sewerage management facility approved by the Council; or,
 - if connection to a public sewer or an accredited sewerage management facility is not practicable to some other sewerage management facility approved by the Council.
 - c) The provisions of toilet facilities in accordance with this condition must be in place before work commences.
- 28 This Consent shall not preclude the demolisher from giving notice to other statutory authorities, such as Sydney Water Corporation, WorkCover, etc.
- 29 Prior to the commencement of any works, the site to which this approval relates must be adequately fenced or other suitable measures employed that are acceptable to the Principal Certifying Authority to restrict public access to the site and building works. Such fencing or other measures must be in place before the approved activity commences.

- 30 An Erosion and Sediment Control Plan (ESCP) shall be prepared in accordance with the Landcom Managing Urban Stormwater – Soils and Construction 4th Edition (2004). All management measures recommended and contained within the Erosion and Sediment Control Plan (ESCP) shall be implemented in accordance with the Landcom Managing Urban Stormwater – Soils and Construction 4th Edition (2004). This plan shall be implemented prior to commencement of any site works or activities. All controls in the plan shall be maintained at all times. A copy of the ESCP shall be kept on-site at all times and made available to Council Officers on request.
- 31 For any water from site dewatering to be permitted to go to the stormwater, the water must meet ANZECC 2000 Water Quality Guidelines for Fresh and Marine Water for the 95% protection trigger values for marine water. The results of all testing must be completed by a NATA accredited laboratory.
- All laboratory results must be accompanied by a report prepared by a suitably qualified person indicating the water meets these guidelines and is acceptable to be released into council's stormwater system. If it is not acceptable, details of treatment measures to ensure that the water is suitable for discharge to council's stormwater shall be provided in this report.
- Reports shall be provided to council prior to discharge of any groundwater to the stormwater system.
- 32 Council's warning sign for soil and water management must be displayed on the most prominent point on the building site, visible to both the street and site workers. The sign shall be erected prior to commencement of works and shall be displayed throughout construction.
- 33 Prior to the commencement of any building works, the required Long Service Levy payable under Section 34 of the Building and Construction Industry Long Service Payments Act 1986 has to be paid. The Long Service Levy is payable at 0.35% of the total cost of the development, however this is a State Government Fee and can change without notice.
- 34 Where any shoring is to be located on or is supporting Council's property, or any adjoining private property, engineering drawings certified as being adequate for their intended purpose by an appropriately qualified and practicing engineer, showing all details, including the extent of encroachment and the method of removal (or any other method) and de-stressing of shoring elements, shall be submitted with the relevant Construction Certificate to the Principal Certifying Authority along with Council's (or other) consent if the works intrude on Council's (or other) property.
- 35 Prior to commencement of any works, the Applicant must indemnify Council against all loss of or damage to the property of others and injury or death to any persons which may arise out of or in consequence of the carrying out of the work and against all claims, demands, proceedings, costs, charges and expenses whatsoever in respect thereof or in relation thereto. In this regard, the Applicant shall take out a public liability policy during the currency of the works in the sum of not less than \$20,000,000 and to be endorsed with City of Botany Bay Council as principal, and keep such policy in force at the Applicant's own expense. A certificate from the Applicant's insurers to this effect is to be LODGED WITH COUNCIL BEFORE ANY WORK IS COMMENCED. The amount of Common Law liability shall be unlimited.

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

36 The applicant must prior to the issue of any Construction Certificate, pay the following fees:

- | | | |
|-----|---|--------------------------|
| (a) | Development Control | \$3,081.00 |
| (b) | Footpath Crossing Deposit | \$98,022.12 (See below) |
| (c) | Section 94A Contributions | \$397,030.00 (See below) |
| (d) | Tree preservation bond (refer Condition 27) | \$20,000.00 |

37 Prior to the issue of any Construction Certificate, the applicant shall lodge a Footpath Crossing Deposit of **\$98,022.12** (GST Exempt) by way of cash deposit or unconditional bank guarantee to Council against possible damage to Council's asset during the course of the building works. The deposit will be refunded subject to inspection by Council 12 months after the completion of all works relating to the proposed development and Final Occupational Certificate has been issued.

Note: If a bank Guarantee is used rather than a cash deposit, a \$256.00 bank guarantee fee is also required.

38 Bayside Council being satisfied that the proposed development will increase the demand for public amenities within the area, and in accordance with Council's Section 94A Contributions Plans, a contribution of **\$397,030.00** is payable as calculated below:

The total Section 94A Contribution of **\$397,030.00** is to be paid to Council prior to the issue of any Construction Certificate.

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

39 Prior to the issue of the ~~construction Occupation certificate~~ Certificate, a workplace travel management plan is required. Through the plan the Development is to encourage a higher public transport (including walking and cycling) use and include strategies to encourage and promote car sharing and car pooling strategies.

40 Fire Safety Upgrade

Under clause 94 of the Environmental Planning & Assessment Regulation 2000, the existing buildings (identified as Buildings A & B) are to be brought into conformity with Sections C, D & E the Building Code of Australia/National Construction Code – Volume 1.

Details demonstrating compliance are to be submitted to the certifying authority for approval prior to the issue of any the relevant Construction Certificate.

41 Prior to the issue of the relevant construction certificate, the applicant shall demonstrate on amended plans to the satisfaction of Council's Director, City Futures, that end of trip facilities are provided for the staff who will occupy the site.

42 Prior to the issue of the relevant Construction Certificate, a dilapidation survey shall be undertaken of all adjacent properties and/or Council infrastructure, including but not limited to all footpaths, kerb and gutter, stormwater inlet pits, and road carriageway pavements, in the vicinity which could be potentially affected by the construction of this

development. Any damage caused to other properties during construction shall be rectified. A copy of the dilapidation survey and an insurance policy that covers the cost of any rectification works shall be submitted to the Principal Certifying Authority prior to issue of the Construction Certificate. The insurance cover shall be a minimum of \$10 million.

- 43 A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained. Application must be made through an authorised Water Servicing Coordinator. Please refer to “Your Business” section of Sydney Water’s web site at www.sydneywater.com.au then the “e-developer” icon or telephone 13 20 92.

i) Following application a “Notice of Requirements” will detail water and sewer extensions to be built and charges to be paid. Please make early contact with the Co-ordinator, since building of water/sewer extensions can be timed consuming and may impact on other services and building, driveway or landscape design. The Section 73 Notice of Requirements must be submitted to the Principal Certifying Authority prior to the issue of any-the relevant Construction Certificate.

- 44 Prior to the issue of any-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.

- 45 Prior to the release of the relevant Construction Certificate, the plans and relevant information demonstrating compliance with the requirements below are to be submitted to and approved by the Principal Certifying Authority:

- a) All driveways/access ramps/vehicular crossings/aisles shall conform with Australian Standards AS 2890.1, AS2890.2 and Council requirements,
- b) All service vehicles shall enter the property front in front out,
- c) Demonstrate a safe headroom clearance of 4.5m is achieved along the along the travel path, parking and manoeuvringmaneuvering areas of for a Medium Rigid Vehicle (MRV),
- d) Swept path analysis shall be provided for manoeuvringmaneuvering of MRV commercial vehicles along the travel path, depicting a forward entry and forward exit manoeuvre from the site,
- e) A longitudinal section plotting headroom clearance is to be provided for assessment, and
- f) At least nine (9) accessible car parking spaces shall be provided and designed as specified in Australian Standard 2890.6.
- g) Commercial vehicle facilities shall be designed strictly in accordance with AS2890.2:2002.

- 46 The site is affected by AAANEF 25-30 and the building shall be constructed in accordance with *AS2021- 2000: Acoustics, Aircraft Noise Intrusion, Building Siting and Construction*, the details of which must be prepared by a practicing professional acoustical consultant. The report shall be submitted to the certifying authority prior to the issue of the relevant Construction Certificate and the building plans endorsed with the required acoustical measures.
- 47 A Construction Management Program shall be submitted to, and approved by the Private Certifying Authority prior to the issue of any Construction Certificate. The program shall detail:
- a) The proposed method of access to and egress from the site for construction vehicles, including access routes through the Council area and the location and type of temporary vehicular crossing for the purpose of minimising traffic congestion and noise in the area, with no access across public parks or public reserves being allowed,
 - b) The proposed phases of construction works on the site and the expected duration of each construction phase,
 - c) The proposed order in which works on the site will be undertaken, and the method statements on how various stages of construction will be undertaken,
 - d) The proposed manner in which adjoining property owners will be kept advised of the timeframes for completion of each phase of development/construction process,
 - e) The proposed method of loading and unloading excavation and construction machinery, excavation and building materials, formwork and the erection of any part of the structure within the site. Wherever possible mobile cranes should be located wholly within the site,
 - f) The proposed areas within the site to be used for the storage of excavated materials, construction materials and waste containers during the construction period,
 - g) The proposed method/device to remove loose material from all vehicles and/or machinery before entering the road reserve, any run-off from the washing down of vehicles shall be directed to the sediment control system within the site,
 - h) The proposed method of support to any excavation adjacent to adjoining properties, or the road reserve. The proposed method of support is to be designed and certified by an Accredited Certifier (Structural Engineering), or equivalent,
 - i) Proposed protection for Council and adjoining properties, and
 - j) The location and operation of any on site crane. Please note that a crane may require prior approval from Sydney Airports Corporation.
 - k) The location of any Construction Zone (if required) approved by Council's Traffic Committee, including a copy of that approval.
 - l) Obtain Permits required under this consent.

- 48 Prior to the issue of any Construction Certificate, a detailed Traffic Management Plan for the pedestrian and traffic management of the site during construction shall be prepared and submitted to the relevant road authority (Council or Roads and Maritime Services) for approval. The plan shall:
- a) be prepared by a RMS accredited consultant,
 - b) nominate a contact person who is to have authority without reference to other persons to comply with instructions issued by Council's Traffic Engineer or the Police,
 - c) during construction, if access from **Lord Street** is required, the applicant is to submit documentary evidence to the Principal Certifying Authority that the required Section 138 Consent under the Roads Act, 1993 has been issued by the New South Wales Roads and Maritime Services, and
 - d) if required, implement a public information campaign to inform any road changes well in advance of each change. The campaign may be required to be approved by the Traffic Committee.

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

- 49 Prior to the issue of the relevant Construction Certificate, The landscape areas shown on the Landscape Plan prepared by Urbis, dated 24th October 2018 shall be the subject of detailed landscape construction documentation (plans and specifications) that are to be submitted to and approved by Bayside Council's Landscape Architect. The landscape documentation is to be prepared by a suitably qualified Landscape Architect, in accordance with Council's Landscape DCP. The detailed (construction level) plan shall include the following information and amendments:
- a) Considering the proximity of this site to Biodiversity Corridor and supporting area and habitat the selection of species for the site is being assessed considering environmental aspects. Some species included in plant schedule on page 23 of landscape package may be invasive in surrounding areas and shall be removed or replaced by a more adequate species. These species are: *Corymbia citriodora* (Lemon scented gum), *Metrosideros collina* (NZ Christmas Bush), *Rhaphiolepis umbellata* (Indian Hawthorn), *Trachelospermum jasminoides* (Chinese Star Jasmine shall be replaced with *Hardenbergia violacea* or *Hibbertia scandens*). *Lagerstroemia indica* (Crepe Myrtle) shall not be proposed close to any natural area, if a deciduous tree is required replace with *Brachychiton acerifolius*.
 - b) *Harepulia pendula* proposed between parking spaces will grow maximum 7 meters tall in this location and shall be replaced or complemented by a native tree with open canopy and capable of reaching a minimum mature height of 12 meters in local conditions to provide appropriate canopy cover and screening to scale of the proposed built form from the Park. Recommended species are: *Angophora costata*, *Eucalyptus robusta*, *Corymbia gummifera*, *Cupaniopsis anacardioides*.

- c) Residential buffer planting along southern boundary shall be landscaped with a three tier planting addressing sun access to adjacent courtyards where required.
- d) The existing bio-retention tank located along western portion of northern boundary, adjacent Lord Street, shall be subject of detailed landscape improvements including but not limited to the following: weeding, add native vegetation for bio retention tanks to improve filtration of nutrients and pollutants, signage to highlight the Stormwater Treatment Measures.
- e) Border of parking area shall be treated with canopy trees and low shrubs and groundcovers, considering CPTED principles. Seating can be provided on the Southern area, close to the circulation link, and playground area.
- f) All exiting trees to be retained or removed shall be shown in landscape plans. Trees to be retained shall show TPZ and natural ground level in the TPZ.
- g) All landscape areas, including planters on slab shall be automatic irrigated and linked to the stormwater drainage system as a WSUD principle.
- h) The landscape proposal shall maximise the use of native indigenous plant species, and deciduous species shall be included where sun access is required. (Control 8 Part4B.2.8). Landscape proposal shall include between 70 to 80% of local indigenous or native species as per BBDCP. (DCP 5.5)
- i) Landscape proposed shall balance this loss by providing a generous quantity of advanced native trees in the proposal. Trees proposed along pedestrian – vehicular shared zone and interface with Public Park shall be supplied and installed at a minimum pot size of 200Litres. All other tree supplied shall be minimum 100 litres, unless approved differently by Bayside Council landscape architect.
- j) Specifications detailing soil and mulch finishes, root barriers, irrigation, edging and other landscape handworks such as retaining walls, steps, planter walls, feature walls, skateboard restrictions, tree pits, tree grates, tree guards, tree pit treatment.
- k) Details of all hardscape landscape elements such as pergolas, street furniture, pedestrian amenity lighting, bins, and bollards. Location to be clearly identified on plan. Provide sectional construction details and elevations if necessary to demonstrate functionality.
- l) Maintenance schedule for a minimum of 12 months should be provided as part of the landscape documentation to comply with Cond 6, Part 3L .1.2 of BBDCP. This Schedule must include frequency of each task: weeding, watering, fertilising, replacement of dead or stolen plants, irrigation system maintenance works, mulch replacement, pruning, maintenance of furniture, adjustment of stakes, and any particular works related to the site. Maintenance schedule shall also include maintenance of bio-retention system, which shall include inspection of inlet points, removal of litter, build up and blockages around pit, removal of sediment if required, re-profiling and re-vegetating, removal of invasive weeds, litter and dead plants and brunches.
- m) Areas with interface with public Spaces shall be designed and demonstrate functionality. Spaces of public use shall include outdoor furniture, bicycle racks, safety bollards, and pavement treatments. Share zone of car access area shall be differentiated with pavement treatments and the inclusion of soft landscape treatment shall be considered in all occasions where possible.
- n) Car Park Landscape Treatment. Landscape treatment shall provide generous size planter beds with canopy trees and under planting integrated to car park to provide shade for vehicles, to reduce the heat island effect of large paved surfaces, to improve the amenity and screen car park from the public domain. Allow a canopy tree for every 5 carpark spaces to comply with Part 3L.6 Landscaping in Car parks, Control 1 of BBDCP 2013. The intention is that 50%

of carpark area shall be covered with canopy trees. The present proposal provides some canopy tree planting, extra canopy shall be provided for shade in parking areas and for amenity to mitigate built form.

- o) Bio-retention swales along car park zone adjacent to Booralee Park can be included as a WSUD approach.
- p) Interface with Booralee Park. The proposal is not complying with the minimum setback with public parks. The footpath between eastern boundary and driveway shall be removed, and only deep soil with soft landscape treatment shall be supplied along this interface maximising the use of canopy trees.
- q) Lighting and signage shall be detailed and integrated in the design. Lighting must be provided to the external entry path, driveway and staff area to building using vandal resistant, high mounted light fixtures.
- r) A Landscape Maintenance Schedule shall be submitted that covers a 12 month period to provide a guide to the landowner or occupier on how to best maintain the constructed landscaped areas; and include the following information: shrub pruning/trimming (frequency, plant requirements); Fertilising and pest control (soil testing, types, rate, frequency); Mulching, weeding and soil improvement (frequency, materials); Irrigation (checks, adjustments); tree maintenance (fertilising, mulching, tree stakes adjustments, special tree requirements); Maintenance of hard landscape elements (paving, edges, walls, pergolas, seats, and planter box walls); and planter boxes/roof gardens/green wall (specialised maintenance requirements).
- s) Northern Area removal of some trees and shrubs along northern area will improve passive surveillance. New plant species to be included in northern area and all areas adjacent or within public use shall comply with CPTED principles, therefore only trees with canopy and small shrubs and groundcovers below 900mm high shall be present in the landscape proposal.
- t) Three (3) existing *Ficus macrocarpa* var. *Hillii* to be retained (trees No. 93, 94 and 95) located within Booralee park Oval border with shared zone on East of the site shall be retained and protected. Levels within TPZ shall be retained to ensure survival and health of trees.
- u) Three (3) existing *Ficus rubiginosa* (Port Jackson Fig) trees with reference nomenclature in Arborist Report 99, 100, and 101 , categorised as AA1, shall be retained and protected. A tree preservation bond will be impose to these significant fig trees located in public ownership land. (Contact Carl Briscoe for this condition)
- v) Lighting and signage shall be detailed and integrated in the design. Lighting must be provided to the external entry path, driveway and staff area to building using vandal resistant, high mounted light fixtures.
- ~~w) Provide a staff recreation area with seats and shade in summer months. Ensure minimum size is 16sqm, with a minimum dimension of 3 meters to comply with Cond. 13 of Part 6.3.2 BBDCP 2013. Furniture, table and seats shall be integrated in the landscape design.~~

5450 Prior to the issue of the final Construction certificate, the applicant shall submit a Frontage Works Application. Public domain landscape improvements plan shall be submitted for approval by Council. The Plan shall be undertaken by a suitably experienced Landscape Architect and shall include but not be limited to new street tree planting, footpath paving (segmental/other), street tree pit treatments and tree guards, street furniture, in ground landscaping, irrigation, lighting. The Plan shall be in accordance with Council's City Identity Program, Landscape DCP and any other Council specification or requirement. Civil drawings shall be included detailing levels and detailed footpath construction sections in accordance with Council's Engineering Services requirements. Contact Council's Landscape Architect for further details of specific requirements in preparation of the plan.

The application for Frontage Works (Public Domain Frontage Works Construction Application) shall be made to Council's Customer Service Centre. A civil design plan must be prepared by a suitably qualified engineer for all frontage works that are required to be constructed within the public domain and be submitted as part of the frontage works application. All boundary frontage works, egress paths, driveways and fences shall comply with the approval. A fee is payable to Council. If payment is made after the end of the financial year, the amount shall be adjusted in accordance with Council's adopted fees and charges.

5251 Prior to the issue of any relevant Construction Certificate, detail drainage design and construction plans in relation to stormwater management and disposal system for the development shall be submitted to the Principal Accredited Certifier for assessment and approval. Design certification and drainage design calculations are to be submitted with the plans. Botany DCP Part 10 Stormwater Management Technical guidelines sets out the minimum documentation requirements for detailed design plans. Stormwater management requirements for the site, including the final discharge/end connection point, must comply with Botany DCP Part 10 Stormwater Management Technical Guidelines and AS3500.3. The detailed plans shall incorporate the provisions made in the Civil Engineering Report and Civil Engineering drawings prepared by Costin Roe Consulting, Project No. Co9759.02, Revision B, dated 22 March 2018 with the following revisions:

- a) Revisions to be made to ensure the civil engineering drawings are updated to correspond to the approved architectural design.
- b) In order to contribute to environmental sustainability and apply Water Sensitive Urban Design principles, a rainwater tank(s) system shall be provided with a minimum capacity of 10000L. The rainwater tank(s) shall have a catchment of at least 50% appropriate to the tank size calculated on the water balance assessment of the roof area of the new building. The rainwater tank(s) shall service the toilets, clothes washers, external taps and any landscape irrigation for the development. First flush device shall also be incorporated into the tank systems. Overflow from the rainwater tank shall connect to the proposed site drainage system.
- c) A WSUD Strategy and MUSIC model must be prepared and submitted for the development. The MUSIC model must be prepared in line with the Draft NSW MUSIC Modelling Guidelines (Sydney Metro CMA). Sydney's Water's requirements are that the water quality improvement should meet or exceed the target as described in the "Botany Bay & Catchment Water Quality Improvement Plan" which was prepared by the Sydney Metropolitan Catchment Management Authority in April 2011.

5352 Prior to the issue of the relevant Construction Certificate, a Flood Risk Management Plan, prepared by a qualified practicing Civil Engineer, shall be provided for the development at 11-13 Lord Street. The flood impacts on the site shall be assessed for the 100 year ARI and Probable Maximum Flood (PMF) storm events. The flood management plan must make provision for the following:

- a) An assessment of the proposed sprinkler tank and pump rooms which may require protection from flood inundation,
- b) Recommendations on all precautions to minimise risk to personal safety of employees, visitors and the risk of property damage for the total development,

- c) Flood warning signs/depth indicators for areas that will be inundated,
- d) A flood evacuation strategy (Note: there is no vehicular access via Daniel Street proposed and Lord Street is subject to high hazard flooding),
- e) A flood awareness strategy.

5453 Prior to the issue of the construction certificate, a suitably qualified engineer is to certify that the proposed sprinkler tank and pump room structures adjacent to the existing stormwater basin can withstand the forces of floodwater, scour, debris and buoyancy in a 1% AEP flood event. All building materials shall be flood resistant, or flood compatible to a height of 500mm above the 1% AEP flood, or flow level. All internal electrical switches, power points or similar utilities liable to flood damage shall be set at a minimum of 500mm above the 1% AEP flood, or flow level. Details shall be provided and approved prior to the issue of the construction certificate.

5554 Prior to the issue of any relevant Construction Certificate, to ensure that utility authorities and Council are advised of any effects to their infrastructure by the development, the applicant shall:

- a) Carry out a survey of all utility and Council services within the site including relevant information from utility authorities and excavation if necessary to determine the position and level of services,
- b) Negotiate with the utility authorities (eg AusGrid, Sydney Water, Telecommunications Carriers and Council in connection with:
 - (i) The additional load on the system, and
 - (ii) The relocation and/or adjustment of the services affected by the construction.
- c) The Ausgrid lighting poles ~~along on Lord Street~~along the frontage of the site affected by the development will need to be decommissioned and new lighting poles shall be constructed satisfying V2 lighting requirements any other requirements as specified by Council, RMS and any other service provider, this requirement must indicate the new locations must be demonstrated to Council; and
- d) All above ground utilities ~~on Lord Street~~along the frontage of the site affected by the development shall be indicated as relocated underground in accordance with Ausgrid and any other affected and relevant service provider on the plan to be submitted to Council,
- e) All affected underground and above ground infrastructure shall be constructed as specified by Ausgrid, RMS, Council and any other affected service provider. The location of the new electrical pillars, new lighting poles, any new pits and trenches for utilities shall be confirmed on a plan and indicate compliance with the relevant requirements 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.

~~56 All low voltage street mains in that section of the street/s adjacent to the development shall be placed underground. This shall include any associated services and the installation of underground supplied street lighting columns where necessary. The applicant shall confer with Ausgrid to determine Ausgrid requirements. Written confirmation of Ausgrid's requirements shall be obtained prior to issue Construction Certificate.~~

DURING WORKS

~~57~~55 Project/Site arborist is to inspect/assess all retained specimens during construction in relation to tree protection measures to monitor that they have been carried out as per the approved D/A conditions for the site. Documentation is to be submitted to the consenting authority after each inspection.

Where any structural roots (roots with a diameter of greater than >20 mm) encountered by excavation are to be pruned and it is to be undertaken with clean sharp pruning tools, with a final cut to undamaged wood to prevent infestation by pathogens and assist continued root growth and undertaken in consultation with the Consulting Arboriculturist. Tree Protection Zone fences are to be maintained during these works. Ground protection in accordance with AS 4970 section 4, 4.5.3 may require steel plates to protect the ground surface from compaction to protect roots between the stages of demolition and construction of the new pavement.

~~58~~56 All Tree Protection Zones of retained trees are to be monitored for the duration of the construction phase of the development. The three main areas requiring monitoring are; mulching - mulch must be maintained to a depth of 50–100 mm using material that complies with AS 4454.

~~59~~57 Where the existing landscape within the TPZ is to remain unaltered (e.g. garden beds or turf) mulch may not be required, watering - soil moisture levels should be regularly monitored by the project arborist. Temporary irrigation or watering may be required within the TPZ. An above-ground irrigation system could be installed and maintained by a competent individual and weeding - weeds should be removed by hand without disturbing soil or should be controlled with a suitable herbicide.

~~60~~58 Trees to be removed are to be replaced with advanced specimens being mindful of the space limitations of the new use of the site. The advanced trees should be situated in areas along the boundaries of the site. The planting in these locations will provide the maximum benefit to the surrounding properties by screening views to and from the site and the plantings included in the proposed landscape plan. The replacement trees will be situated in positions where they may grow to maturity unhindered and will not conflict with built structures or utility services and in greater numbers than the trees removed should provide a net increase in the local amenity.

~~61~~59 All contractors shall comply with the following during all stages of demolition and construction:

- a) A Waste Container on Public Road Reserve Permit must be obtained prior to the placement of any waste container or skip bin in the road reserve (i.e. road or footpath or nature strip). Where a waste container or skip bin is placed in the road reserve without first obtaining a permit, the Council's fees and

penalties will be deducted from the Footpath Reserve Restoration Deposit. Permits can be obtained from Council's Customer Service Centre.

- b) A Road Opening Permit must be obtained prior to any excavation in the road reserve (i.e. road or footpath or nature strip). Where excavation is carried out on the road reserve without first obtaining a permit, the Council's fees and penalties will be deducted from the Footpath Reserve Restoration Deposit. Permits can be obtained from Council's Customer Service Centre.
- c) A Hoarding Permit must be obtained prior to the erection of any hoarding (Class A or Class B) in the road reserve (i.e. road or footpath or nature strip). Where a hoarding is erected in the road reserve without first obtaining a permit, the Council's fees and penalties will be deducted from the Footpath Reserve Restoration Deposit. Permits can be obtained from Council's Customer Service Centre.
- d) A Crane Permit must be obtained from Council prior to the operation of any activity involving the swinging or hoisting of goods across or over any part of a public road by means of a lift, hoist or tackle projecting over the footway. Permits can be obtained from Council's Customer Service Centre.
- e) A Permit to Dewater or Pump Out a site must be obtained prior to the discharge of pumped water into the road reserve, which includes Council stormwater pits and the kerb and gutter. Permits can be obtained from Council's Customer Service Centre.

6260

- a) Stockpiles are not permitted to be stored on Council property (including nature strip) unless prior approval has been granted. In addition stockpiles of topsoil, sand, aggregate, soil or other material shall be stored clear of any drainage line or easement, natural watercourse, kerb or road surface.
- b) 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.
- c) Building and demolition operations such as brickcutting, washing tools or paint brushes, and mixing mortar shall not be performed on the roadway or public footway or any other locations which could lead to the discharge of materials into the stormwater drainage system.
- d) All disturbed areas shall be stabilised against erosion within 14 days of completion, and prior to removal of sediment controls.
- e) Builders and demolishers are required to confine access to building and demolition sites to no more than two 3m driveways, and provide a footpath protection pad over Council's footpath at these points (see attached detail). Within the site, provision of a minimum of 100mm coarse crushed rock is to be provided for a minimum length of 2 metres to remove mud from the tyres of construction vehicles.

A vehicle wheel wash, cattle grid, wheel shaker or other appropriate device, shall be installed prior to commencement of any site works or activities, to prevent mud and dirt leaving the site and being deposited on the street. Vehicular access is to be controlled so as to prevent tracking of sediment onto adjoining roadways, particularly during wet weather or when the site is muddy.

Where any sediment is deposited on roadways it is to be removed by means other than washing and disposed of appropriately.

In addition builders / demolishers are required to erect a 1.5m high fence along the whole of the street alignment other than at the two openings. Such protection work, including fences, is to be constructed, positioned and maintained in a safe condition to the satisfaction of the Principal Certifying Authority, prior to the demolition of the existing structures and commencement of building operations.

- f) Building, demolition and construction works not to cause stormwater pollution and being carried out in accordance with Section 2.8 of Council's Stormwater Pollution Control Code 1993. Pollutants such as concrete slurry, clay and soil shall not be washed from vehicles onto roadways, footways or into the stormwater system. Drains, gutters, roadways and access ways shall be maintained free of sediment. Where required, gutters and roadways shall be swept regularly to maintain them free from sediment.

Note: The Applicant may be liable to prosecution under the Environmental Planning and Assessment Act 1979 for a breach of an approval condition, or under the Protection of the Environment Operations Act 1997, if its employees, agents or sub-contractors allow sediment, including soil, excavated material, building materials, or other materials to be pumped, drained or allowed to flow to the street, stormwater pipes or waterways. The Applicant shall ensure that its employees, agents or sub-contractors understand and maintain sediment control measures.

- g) Construction related activities must not take place on the roadway without Council approval. Short-term activities (including operating plant, materials delivery) that reduce parking spaces, affect access to a particular route or prevent or restrict the passage of vehicles along the road must not occur without a valid Temporary Roadside Closure Permit. Activities involving occupation of the parking lane for durations longer than allowed under a Temporary Roadside Closure Permit require a Construction Zone Permit and must not occur prior to the erection of Construction Zone signs by the RTA. Permit application forms should be lodged at Council's Customer Service Centre allowing sufficient time for evaluation. An information package is available on request.

6361 There shall be no encroachment of paths, fencing or other improvements onto the drainage easements without Council approval.

6462 All footpath, or road and drainage modification and/or improvement works to be undertaken in the road reserve shall be undertaken by Council, or by a Private Licensed Contractor subject to the submission and approval of a Private Contractor Permit, together with payment of all inspection fees. An estimate of the cost to have these works constructed by Council may be obtained by contacting Council on 9562 1670. The cost of conducting these works will be deducted from the Footpath Reserve Restoration Deposit, or if this is insufficient the balance of the cost will be due for payment to Council upon completion of the work.

6563 All driveway, footpath, or road and drainage modification and/or improvement works to be undertaken in the road reserve shall be undertaken in accordance with Council's Subdivision and Civil Works Construction Specification (AUS-SPEC 1). Amendment to the works specification shall only apply where approved by Council. Where a conflict exists between design documentation or design notes and AUS-SPEC 1, the provisions of AUS-SPEC 1 shall apply unless otherwise approved by Council.

- ~~6664~~ Stormwater management requirements for the development site, including the final discharge / end connection point, must comply with Botany DCP Part 10 – Stormwater Management.
- ~~6765~~ Fire booster assemblies and electrical kiosks and the like are to be housed within the building structure or screened by a built screen enclosure and/or landscaping so as not to reduce the visual amenity of the development or the streetscape and public domain.
- ~~6866~~ During excavation and construction work the Council nature strip shall be maintained in a clean and tidy state at all times. The nature strip shall be suitably replaced where damaged due to construction work in accordance with Council Specification at the completion of construction, and at the Applicant's expense.
- ~~6967~~ During excavation and construction works, the applicant / builder is required to ensure the protection and preservation of all boundary fencing or boundary walls between the subject site and adjoining properties. Any damage caused as a result of such works will be at the full cost of the applicant/builder.
- ~~7068~~ An experienced Landscape Contractor shall be engaged to undertake all landscaping (site and public domain) work and shall be provided with a copy of both the approved landscape drawing and the conditions of approval to satisfactorily construct the landscape to Council requirements. The contractor shall be engaged weekly for a minimum period of 52 weeks from final completion of landscaping for maintenance and defects liability, replacing plants in the event of death, damage, theft or poor performance. After that time regular and ongoing maintenance is required.
- ~~7169~~ 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.
- ~~7270~~ All possible and practicable steps shall be taken to prevent nuisance to the inhabitants of the surrounding neighbourhood from wind-blown dust, debris, noise and the like.
- ~~7371~~ Vibration levels induced by the demolition activities shall not exceed 1mm/sec peak particle velocity (ppv) when measured at the footing of any occupied building.
- ~~7472~~ The following shall be complied with during construction and demolition:
- (a) Construction Noise
 - (i) Noise from construction activities associated with the development shall comply with the NSW Environment Protection Authority's Environmental Noise Manual – Chapter 171 and the Protection of the Environment Operations Act 1997.
 - (b) Level Restrictions
 - (i) Construction period of 4 weeks and under:
 - (1) The L10 sound pressure level measured over a period of not less than 15 minutes when the construction site is in operating must not exceed the background level by more than 20dB(A).

- (ii) Construction period greater than 4 weeks and not exceeding 26 weeks:

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

(c) Time Restrictions

- (i) Monday to Friday 07:00am to 06:00pm
- (ii) Saturday 08:00am to 04:00pm
- (iii) No demolition or construction to take place on Sundays or Public Holidays.

(d) Silencing

- (i) All possible steps should be taken to silence construction site equipment.

~~7573~~ All materials excavated from the site (fill or natural) shall be classified in accordance with the NSW Environment Protection Authority (EPA) Waste Classification Guidelines (2014) prior to being disposed of to a NSW approved landfill or to a recipient site.

~~7674~~ To prevent contaminated soil being used onsite and to ensure that it is suitable for the proposed land use, all imported fill shall be appropriately certified material and shall be validated in accordance with the:

- a) Office of Environment and Heritage (OEH) approved guidelines; and
- b) Protection of the Environment Operations Act 1997; and
- c) Protection of the Environment Operations (Waste) Regulation 2014.

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

~~7775~~ The principal contractor or owner builder must install and maintain water pollution, erosion and sedimentation controls in accordance with:

- a) The Soil and Water Management Plan;
- b) "Managing Urban Stormwater - Soils and Construction" (2004) Landcom ('The Blue Book'); and
- c) Protection of the Environment Operations Act 1997.

~~7876~~ Any new information that comes to light during demolition or construction which has the potential to alter previous conclusions about site contamination and remediation must be notified to Council and the accredited certifier immediately. All work on site shall cease until the council is notified and appropriate measures to assess and manage the contamination in accordance with any relevant NSW EPA adopted guidelines is completed by an appropriately qualified and experienced environmental consultant.

~~7977~~ The management of potential and actual acid sulfate soils shall be conducted in accordance with all recommendations within the 'Acid Sulfate Soil Management Plan – 11-13 Lord Street, Botany, NSW' dated 20 March 2018 by KPMG.

~~8078~~ Any material containing asbestos found on site during the demolition process shall be removed and disposed of in accordance with:

- a) SafeWork NSW requirements. An appropriately licensed asbestos removalist must complete all asbestos works if they consist of the removal of more than 10m² of bonded asbestos and/or any friable asbestos.
- b) Protection of the Environment Operations Act 1997.
- c) Protection of the Environment Operations (Waste) Regulation 2014.
- d) NSW Environment Protection Authority Waste Classification Guidelines 2014.

~~8179~~ During Demolition, Excavation and Construction, care must be taken to protect Council's infrastructure, including street signs, footpath, kerb, gutter and drainage pits etc. Protecting measures shall be maintained in a state of good and safe condition throughout the course of demolition, excavation and construction. The area fronting the site and in the vicinity of the development shall also be made safe for pedestrian and vehicular traffic at all times. Any damage to Council's infrastructure and surrounding development (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub-contractors, concrete delivery vehicles) shall be fully repaired in accordance with Council's specification and AUS-SPEC at no cost to Council.

~~8280~~ During Demolition, Excavation, Construction and Deliveries, access to the site shall be available in all weather conditions. The area shall be stabilised and protected from erosion to prevent any vehicles (including deliveries) tracking soil materials onto street drainage system/watercourse, Council's lands, public roads and road-related areas. Hosing down of vehicle tyres shall only be conducted in a suitable off-street area where wash waters do not enter the stormwater system or Council's land.

~~8381~~ During construction, the applicant shall ensure that all works and measures have been implemented in accordance with approved Traffic Management Plan and Construction Management Plan at all times.

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

~~8482~~ Prior to the issue of ~~any~~ the relevant occupation certificate and any additional occupation certificate a plan of management is required to be prepared and submitted to Council. The plan of management must provide all details relevant to the operation of the premises.

As a minimum the following must be included:

- a) Title;
- b) Objectives;
- c) Operational details;
- d) Hours of operation;

- e) Staffing and organisation overview;
- f) Any Liquor Licences and/or entertainment approvals;
- g) Identification of the likely common pedestrian routes;
- h) Deliveries and loading/unloading;
- i) Managing customers or patrons;
- j) Security details;
- k) Noise and Vibration Impact Assessment;
- l) Shadow Analysis;
- m) A schedule of proposed entertainment times (ie live bands) for each day of the week;
- n) The traffic movements, hours of deliveries, use of parking areas and garbage collection must be managed through the POM where industrial and/or business park sites are close to residential premises
- o) Where loading and unloading movements are likely to affect residential areas or residentially zoned land, schedules of vehicle movements and their routes must be provided in the POM
- p) Site lighting for building security and staff safety must be directed so as to not cause annoyance to neighbours or glare to passing motorists.
- q) Complaint recording and handling process; and
- r) The review process to continuously improve the POM.
- s) Car parking register – Allocations for the uses are to occur as per the traffic report referred to in Condition 1 of this consent. The register must be updated for each new use and/or change of use within the site.

8583

- a) This consent grants approval for the following uses of the buildings:
 - (i) Warehouse and distribution
 - (ii) Light industry (as defined by BBLEP 2013)
 - (iii) Ancillary office (associated with i and ii above)
 - (iv) Food and drink premises (excluding small bar /pub)
 - (v) Indoor recreation facilities
 - (vi) Office premises
 - (vii) Neighbourhood shops
- b) Prior to the issue of the relevant occupation certificate to each specific use, relevant documentation specific to the following uses is required to be submitted to the Principal Certifying Authority.

Warehouse and Distribution – Light industry including ancillary office

- (i) Updated plan of management to reflect the use (see Condition 83)
- (ii) Detail on car parking allocation

- (iii) Number of staff
- (iv) Maximum size of trucks to ensure appropriate manoeuvrability and appropriate loading and unloading facilities.

Food and drink premises

- (v) Updated plan of management to reflect the use (see Condition 83)
- (vi) Number of staff and maximum number of patrons
- (vii) Adequate provision must be made for the treatment of waste water from the premises to include provision for a Sydney Water approved grease trap.
- (viii) The grease trap installation must service all commercial sections of the development and be designed, constructed and operated in accordance with: Australian Standard AS 3500 and National Plumbing & Drainage Code. Details demonstrating compliance with the requirements of this condition are to be submitted to the Principal Certifier prior to the issue of any relevant Occupation Certificate.
- (ix) Details of the construction and fit out of food premises must be submitted to the Principal Certifier prior to issue of the any relevant Construction Certificate. The plans and specifications must demonstrate compliance with:
 - a. *Food Act 2003*
 - b. *NSW Standards for Construction and Hygienic Operation of Retail Meat Premises (as amended) – [Delete if not relevant].*
 - c. *Food Regulation 2015*
 - d. *Australia and New Zealand Food Standards Code*
 - e. *Australian Standard AS 4674-2004: Construction and fit out of food premises*
 - f. *Standard 3.2.3 – Food Premises and Equipment*
 - g. *Ventilation in accordance with AS1628*
- (x) The premises must operate in accordance of the above at all times.
- (xi) For the Commercial portion of the building appropriate waste and recycling containers and facilities will need to be provided for all specific end use businesses in accordance with the following waste generation rates:
 - a. *Retail Trading – shops, to 100 square metres - 0.1-0.2 cubic metres per 100 square metres of floor area per day;*
 - b. *Restaurants and Food Shops – 0.3-0.6 square metres per 100 meals, plus up to 0.15 cubic metres of beverage containers per 100 meals; and,*
 - c. *Office – 0.01-0.03 cubic metres per 100 square metres of floor area per day.*
- (xii) Prior to issue of an Occupation Certificate for the use, the food and drink premises must be registered with Council's Environmental Health Section in accordance with the following relevant legislation:

a. Food Shop - *Food Act 2003*

Indoor Recreation Facilities

- (i) Updated plan of management to reflect the use (see Condition 83)
- (ii) The number of staff
- (iii) Maximum number of patrons
- (iv) Cleaning and maintenance schedule.
- (v) Handling of peak times and car parking allocation/use.
- (vi) Handling of waste to appropriate locations

Neighbourhood shops

- (vii) Updated plan of management to reflect the use (see Condition 83)
- (viii) Maximum floor area of any one shop is limited to 100sqm;
- (ix) Maximum number of staff
- (x) For the Commercial portion of the building appropriate waste and recycling containers and facilities will need to be provided for all specific end use businesses in accordance with the following waste generation rates:
 - a. Retail Trading – shops, to 100 square metres - 0.1-0.2 cubic metres per 100 square metres of floor area per day;

Industrial Retail Outlet

- (xi) Updated plan of management to reflect the use (see Condition 83)
- (xii) Maximum number of staff
- (xiii) For the Commercial portion of the building appropriate waste and recycling containers and facilities will need to be provided for all specific end use businesses in accordance with the following waste generation rates:
 - b. Retail Trading – shops, to 100 square metres - 0.1-0.2 cubic metres per 100 square metres of floor area per day;

8684 At completion of all construction work the Site/Project Arborist should carry out an assessment of all trees retained &/or affected by works. This assessment is to document any required on-going remedial care needed to ensure viable retention of trees affected. Documentation is to be submitted to the consenting authority.

8785 All works within the road reserve, which are subject to approval pursuant to Section 138 of the Roads Act 1993, shall be completed and accepted by council.

8886 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.

- ~~8987~~ Evidence of a Sydney Water permit or consent for discharge of wastewater to the sewer shall be submitted to the Principal Certifying Authority prior to any use or occupation of the premises. Where a permit or consent may not be required from Sydney Water, certification shall be provided verifying that any discharges to the sewer will meet specific standards imposed by Sydney Water.
- ~~9088~~ Prior to release of the ~~any-relevant~~ Occupation Certificate the developer must submit to the Principal Certifying Authority an acoustic report to verify that the measures stated in the acoustic report have been carried out and certify that the construction meets the above requirements. The report must be prepared by a qualified practicing acoustic engineer (who is a member of either the Australian Acoustical Society or the Association of Australian Acoustical Consultants).
- ~~9189~~ Prior to the issue of any relevant Occupation Certificate, street numbers shall be clearly displayed with such numbers being of contrasting colour and adequate size and location for viewing from the footway and roadway. Additional addresses or unit numbers may require an address application to Council. Any additional numbers shall be in accordance with the NSW Addressing Policy.
- ~~9290~~ At the completion of landscaping on the site, the Applicant is required to obtain a Certificate of Compliance from the Landscape Consultant to certify that the landscaping has been installed in accordance with the Council approved landscape plan. The Certificate is to be submitted to the Bayside Council prior to the issue of the relevant Occupation Certificate.
- ~~9391~~ Vehicles shall enter and exit the site in a forward direction at all times. A plaque with minimum dimensions 300mm x 200mm shall be permanently fixed to the inside skin of the front fence, or where there is no front fence a prominent place approved by the Principal Certifying Authority, stating the following: "Vehicle shall enter and exit the site in a forward direction at all times".
- ~~9492~~ Prior to the issue of the relevant Occupation Certificate, a total of 268 off-street car spaces shall be provided in accordance with the submitted plans. Such spaces shall be paved, linemarked and made freely available at all times during business hours of the site for staff and visitors.
- ~~9593~~ Any damage not shown in the photographic survey submitted to Council before site works have commenced will be assumed to have been caused by the site works (unless evidence to prove otherwise). All damages as a result from site works shall be rectified at the applicant's expense to Council's satisfaction, prior to occupancy of the development and release of damage deposit.
- ~~9694~~ Prior to the issue of the Occupation Certificate for the final building, ~~the-any~~ underground placement of ~~all~~ low voltage street electrical mains in that section of the street/s adjacent to the development, and associated services and the installation of underground supplied street lighting columns, shall be carried out at the applicant's expense, to the satisfaction of the asset owner. The works shall be completed in accordance with Ausgrid's requirements and approved electrical design.
- ~~9795~~ Prior to the issue of ~~the-any~~ relevant Occupation Certificate, a Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water. It is recommended that applicants apply early for the certificate, as there may be water and sewer pipes to be built and this can take some time. This can also impact on other services and building, driveway or landscape design. Application 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.

~~9896~~ Prior to the issue of ~~an~~ the relevant Occupation Certificate, the Principal Certifier must ensure that the vehicle access and off street parking facilities have been constructed in accordance with the approved construction plans, AS/NZS 2890.1, AS2890.2 and AS/NZS 2890.6, line marked and all signage relating to car parking erected. Certification must be provided by a suitably qualified engineer certifying the design of the completed works. The car parking area is to be clearly and appropriately line marked and signposted indicating all vehicular movements on the site. The internal road network, pedestrian facilities and parking facilities (including parking for persons with disabilities) shall be clearly designated, sign posted and line marked prior to the issuing of ~~an~~ the relevant Occupation Certificate. Signage and line marking shall comply with Australian Standards AS1742 series and NSW Road Transport (Safety and Traffic Management) Regulations 1999.

~~9997~~ The new eastern vehicular entry adjacent to Booralee Park is to be clearly marked and signposted ("entry") from the street and ("no-exit") internally.

~~40098~~ Prior to the issue of any relevant Occupation Certificate(s), a Chartered Professional Engineer shall certify that the stormwater system has been constructed in accordance with the approved construction stormwater plans, the requirements of Botany Bay DCP Part 10 – Stormwater Management Technical Guidelines and AS 3500.3. A works-as-executed drainage plan shall be prepared by a registered surveyor based on a survey of the completed works. A copy of the certificate and works-as-executed plan(s) shall be supplied to the Principal Certifying Authority. A copy shall be provided to Council if Council is not the Principal Certifying Authority.

~~40499~~ The location of the stormwater basin system shall be marked by the permanent fixing of a marker plate of minimum size 200 mm by 150 mm to the nearest permanent surface. The plate shall be non-corrosive metal, or 4 mm thick laminated plastic that contains the following wording:

"This onsite stormwater basin will pond after heavy rain. The outlets must be cleared of debris regularly."

~~402100~~ Prior to occupation or use of the premises, a qualified mechanical engineer shall certify that the mechanical ventilation/air conditioning system has been installed, inspected, commissioned, tested and performs in accordance with Australian Standard 1668, Parts 1 & 2.

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

~~403101~~ The operation of the development and movements of vehicles shall comply with the following requirements:

- a) All vehicles (including deliveries and garbage collection) shall enter and exit the site in a forward direction;
- b) Loading and unloading activities associated with the delivery shall take place wholly within the dedicated loading areas;
- c) All garbage collection activities shall take place and be wholly undertaken within the site in the dedicated garbage collection area;
- d) All manoeuvring of vehicles shall be carried out wholly within the site and vehicle manoeuvring areas shall be kept clear at all times;
- e) The maximum size of vehicle accessing the loading docks shall be limited to 8.8m long Medium Rigid Vehicle (MRV) (as denoted in AS2890.2).

- f) No garbage collection associated with the uses on site are permitted between 10pm and 7am the following day.

~~404~~102 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. The water from the rainwater tank should not be used for drinking, Sydney Water shall be advised of the installation of the rainwater tank. The rainwater tank shall be routinely de-sludged and all contents from the de-sludging process disposed – solids to the waste disposal and de-sludged liquid to the sewer.

~~405~~103 Ongoing maintenance of the road verges and footpaths and nature strips in Lord Street shall be undertaken by the owner/body corporate/Strata Corporation. Maintenance includes mowing, watering and maintaining the landscaping in these areas at all times. Maintenance does not include pruning, trimming, shaping or any work to street trees at any time.

~~406~~104 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.

~~407~~105 All parking bays shown on the approved architectural plans shall be set aside for parking purpose only and shall not be used for other purposes, e.g. storage of goods. Vehicle turning areas shall be kept clear at all times and no vehicles are permitted to park in these areas.

~~408~~106 New street trees as detailed in the required public domain landscape plan, shall be maintained by the Applicant/Owner/Strata Corporation for a 12 month defects period after final Council approval of planting. Maintenance includes twice weekly watering to sustain adequate growth, bi-annual fertilising, mulch replenishment every 3 months

minimum and weekly weed removal around the base but does not include trimming or pruning the trees under any circumstances.

~~409~~107 Should the external fabric of the building(s), walls to landscaped areas and like constructions be subject to graffiti or like vandalism, then within seven (7) days of this occurrence, the graffiti must be removed and the affected surface(s) returned to a condition it was in before defilement.

~~440~~108 The hours of operation of the uses shall be as follows:

Tenancy/Component	Hours		
	Monday-Friday	Saturday	Sunday
Industrial retail Outlets	7am-6pm	7am-6pm	9am-4pm
Commercial office	7am-6pm	7am-6pm	9am-4pm
Neighbourhood shops	7am-6pm	7am-6pm	9am-4pm
Food and Drink premises	7am-10pm	7am-10pm	8am-3pm
Indoor Recreation Facilities	7am-10pm	7am-10pm	8am-6pm
Warehouse/distribution/light industry	7am-6pm	7am-6pm	9am-4pm
All Loading	7am-6pm	7am-6pm	7am-6pm

~~444~~109 No signage has been approved, any proposed signage will be subject to a future development application unless permitted by exempt or complying development/

~~442~~110 No childcare centre use is approved as part of this development application. Any use of the space will require a future development application.

~~443~~111 There shall be no sale of liquor at the site.

~~444~~112 The maximum floor area of each of the uses in each building is as follows:

Type	Number/area
Block A	
General Industry	2185.1sqm
Ancillary Office	1,257.3sqm
Office premises	4302.5 <u>1370.3</u> sqm

Industrial retail outlet	2049.8sqm
Indoor recreation	823.8sqm
<u>Common area</u>	<u>433.3sqm</u>
<u>Common area (level 1)</u>	<u>488.4sqm</u>
Block B	
General Industry	2387.1sqm
Ancillary Office	828sqm
Office premises	988.6sqm
Restaurants and cafe	723.3sqm
	29 employees
Neighbourhood Shops	350.6sqm
<u>Common area</u>	<u>319sqm</u>
<u>Common area (level 1)</u>	<u>433.4sqm</u>
<u>Level 2</u>	
<u>office</u>	<u>882sqm</u>
Block C	
Warehouse	<u>4,403.84,466sqm</u>
Ancillary office	800.2sqm

415113 No Strata Subdivision is approved

416114 Car parking is to be allocated as per the approved traffic report and as detailed in Condition 83