

## COUNCIL ASSESSMENT REPORT

<b>Panel Reference</b>	<b>PPS-2019ECI021</b>
<b>DA Number</b>	<b>DA-2019/79</b>
<b>LGA</b>	<b>Bayside Council</b>
<b>Proposed Development</b>	Demolition of existing structures, tree removal and construction of a two (2) storey plus mezzanine level warehouse and self-storage development operating 24 hours, seven (7) days a week, associated signage and strata subdivision.
<b>Street Address</b>	<b>132 Wentworth Avenue Pagewood</b>
<b>Applicant/Owner</b>	Leda Holdings Pty Ltd
<b>Date of DA lodgement</b>	6 March 2019
<b>Number of Submissions</b>	Nil
<b>Recommendation</b>	<b>Approval, subject to conditions of consent in the attached Schedule</b>
<b>Regional Development Criteria (Schedule 7 of the SEPP (State and Regional Development) 2011</b>	Development with a CIV of \$35,775,989.00
<b>List of all relevant s4.15(1)(a) matters</b>	<ul style="list-style-type: none"> <li>• Environmental Planning &amp; Assessment Act 1979, Part 4 – Development Assessment &amp; Schedule 7 of the SEPP- State and Regional Development 2011 which regional panels may be authorised to exercise consent authority functions of councils</li> <li>• Environmental Planning &amp; Assessment Regulation 2000, Part 6 – Procedures relating to Development Applications</li> <li>• State Environmental Planning Policy (Infrastructure) 2007</li> <li>• State Environmental Planning Policy No. 55 – Remediation of Land</li> <li>• State Environmental Planning Policy No. 64- Advertising and Signage</li> <li>• State Environmental Planning Policy (Vegetation in non-rural areas) 2017</li> <li>• Botany Bay Local Environmental Plan 2013</li> <li>• Botany Development Control Plan 2013</li> </ul>
<b>List all documents submitted with this report for the Panel's consideration</b>	<ul style="list-style-type: none"> <li>• Architectural Plans- prepared by WMK Architecture</li> <li>• Landscape Plans- Site Image</li> <li>• Risk Report- Sherpa Consulting Pty Ltd</li> <li>• Arborist Report- Abel Consulting</li> <li>• Waste Management Plan- Leda Design and Construction P/L</li> </ul>
<b>Clause 4.6 requests</b>	<ul style="list-style-type: none"> <li>• N/A</li> </ul>
<b>Summary of key submissions</b>	<ul style="list-style-type: none"> <li>• Car parking and traffic generation</li> <li>• Risk</li> </ul>
<b>Report prepared by</b>	<b>Angela Lazaridis- Senior Development Assessment Planner</b>
<b>Report date</b>	<b>2 July 2020</b>

### Summary of s4.15 matters

Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report?

**Yes**

**Legislative clauses requiring consent authority satisfaction**

Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report?

**Yes**

*e.g. Clause 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the relevant LEP*

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**Clause 4.6 Exceptions to development standards**

If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report?

**Yes**

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**Special Infrastructure Contributions**

Does the DA require Special Infrastructure Contributions conditions (S7.24)?

**Not Applicable**

*Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions*

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**Conditions**

Have draft conditions been provided to the applicant for comment?

**Yes**

*Note: in order to reduce delays in determinations, the Panel prefer that draft conditions, notwithstanding Council's recommendation, be provided to the applicant to enable any comments to be considered as part of the assessment report*

## SYDNEY EASTERN CITY PLANNING PANEL PANEL DETERMINATION MEETING

SECPP No	PPS-2019ECI021
DA Number	DA-2019/79
Local Government Area	Bayside Council
Proposed Development	Demolition of existing structures, tree removal and construction of a two (2) storey plus mezzanine level warehouse and self-storage development operating 24 hours, seven (7) days a week, associated signage and strata subdivision.
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Owner	Leda Holdings Pty Ltd
Number of Submissions	Nil
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List of All Relevant s4.15(1)(a) Matters	<ul style="list-style-type: none"> <li>○ Environmental Planning &amp; Assessment Act 1979, Part 4 – Development Assessment &amp; Schedule 7 of the SEPP- State and Regional Development 2011 which regional panels may be authorised to exercise consent authority functions of councils</li> <li>○ Environmental Planning &amp; Assessment Regulation 2000, Part 6 – Procedures relating to Development Applications</li> <li>○ State Environmental Planning Policy (Infrastructure) 2007</li> <li>○ State Environmental Planning Policy No. 55 – Remediation of Land</li> <li>○ State Environmental Planning Policy No. 64- Advertising and Signage</li> <li>○ State Environmental Planning Policy (Vegetation in non-rural areas) 2017</li> <li>○ Botany Bay Local Environmental Plan 2013</li> <li>○ Botany Development Control Plan 2013</li> </ul>
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	<ul style="list-style-type: none"> <li>Waste Management Plan- Leda Design and Construction P/L</li> </ul>
Report by	Angela Lazaridis – Senior Development Assessment Planner

## RECOMMENDATION

In view of the below comments, it is **RECOMMENDED** that the Sydney Eastern City Planning Panel (SECPP), as the Consent Authority, resolve to:

- a) Grant approval of Development Application No. 2019/79 for the demolition of existing structures, tree removal and construction of a two (2) storey plus mezzanine level warehouse and self-storage development operating 24 hours, seven (7) days a week, associated signage and strata subdivision at 132 Wentworth Avenue Pagewood, subject to the conditions of consent in the attached Schedule.

The reasons for the recommendation is as follows:

- a) The proposal provides a considered built form response that will deliver a positive urban design outcome within the industrial area;
- b) The proposal is consistent and conforms to the objectives of the IN2 Light Industrial zone and conforms with the desired future character of the precinct;
- c) The proposal is considered an acceptable traffic generating development and is not considered to create in significant adverse impacts to the road network;
- d) The proposal has been assessed against risk impacts from the Botany Industrial Park and is considered suitable development.

## EXECUTIVE SUMMARY

Council received Development Application No. 2019/79 on 6 March 2019 for the demolition of existing structures, tree removal and construction of a two (2) storey plus mezzanine level warehouse and self-storage development operating 24 hours, seven (7) days a week, associated signage and strata subdivision at 132 Wentworth Avenue Pagewood.

The Development Application is required to be referred to the Sydney Eastern City Planning Panel (SECPP) pursuant to Schedule 7 of the State Environmental Planning Policy (State and Regional Development) 2011 as the Capital Investment Value of the proposal is greater than \$30,000,000.00.

The development application was publically notified for a fourteen (14) day period between 20 March to 3 April 2019. No submissions were received.

The key issues that were raised in the assessment of the application included risk due to its proximity to the Botany Industrial Park and gas pipes as well as car parking and traffic generation.

With regard to traffic generation, the key issue is the development and its proposed impact onto the Baker Street and Wentworth Avenue intersection which is the main point of access

into the industrial precinct. Currently, the intersection is close to failing with queueing prevalent in the area. The proposal originally sought to include 242 car parking spaces which would be compliant with the car parking required for a warehouse and distribution centre that would be strata subdivided as well as for the self-storage premise. The applicant has provided traffic reports to demonstrate the compliance. However, Council requested that the applicant reduce the amount of car parking on the site to address the traffic generation issue. The car parking has been reduced to 179 spaces which is a 26% departure. Further discussion relating to the non-compliance is provided in the report below.

The site is in close proximity to the Botany Industrial Park which is located to the south of the site. The applicant was required to provide a risk report for Councils and the Department of Plannings Hazard Branch for assessment. The risk report required an analysis of individual fatality and cumulative societal risk on the development. The applicant was required to provide multiple amendments to the risk report with the latest reiteration supported by the Department on the basis that the population on the site does not surpass 130.5 people/ha. This has been appropriately conditioned.

In summary, the proposed development application has been assessed against the relevant controls and on balance, Council is generally supportive of the proposal and recommends approval, subject to the conditions of consent in the attached Schedule.

## **SITE DESCRIPTION**

The site is legally described as Lot 12 in DP 701187 and is identified as 132 Wentworth Avenue Pagewood. The site has a double frontage and is located on the south-eastern side of Wentworth Avenue and on the north-western side of Wight Street with Corish Circle to the east and Baker Street to the west. The site is irregular in shape and has an area of 18,525.73sqm. The site has a frontage to Wentworth Avenue of 187.46 metres, a south-western frontage of 73.07 metres to Moore/Wight Street, a south-eastern boundary length of 174.715 metres and a north-western boundary length of 124.88 metres. The site is located within an IN2 zone.



**Figure 1. Locality Plan**



**Figure 2. Aerial Map of Subject Site**

The site is generally flat in the centre with a slight slope towards the south western boundary. Its highest point is along its northern, western and southern boundaries where there is a landscaped mound built. There is a 4 metre slope from the eastern boundary to the western boundary over a width of 174 metres.

The site comprises an existing two storey warehouse building, an expanse of hard paving which is used for car parking, driveways, storage and manoeuvring. The site also contains two water tanks and a pump room, an existing substation and a large number of trees (332 trees) primarily along the outer edge of the boundaries and some scattered within the site. Additionally, there is an existing electrical substation with a right of way carriageway and easements for electrical purposes over parts of the site. These restrictions are no longer required and will be extinguished as part of the application. Vehicle access is off Wight Street with access to the site from the Baker Street/Wentworth Avenue intersection.





**Figure 3. Subject Site viewed from Wentworth Avenue**



**Figure 4. Subject Site viewed from Moore/Wight Street**

## **SURROUNDING LOCALITY**

Immediately north of the site on the opposite side of Wentworth Avenue is Bonnie Doon Golf Club. To the north-east of the site, Westfield Eastgardens is found which is directly adjoining the former BATA site. To the immediate south, west and south west of the site, there is a mix of industrial and commercial areas that extends to Port Botany. The site is in very close proximity to the Botany Industrial Park which comprises of four companies including Orica,

Ixom, Qenos and Huntsman. East of the site on the opposite side of Corish Circle is a Hensley Athletics field.

## **BACKGROUND/SITE HISTORY**

### Site History

There is no previous planning history on this site. The site is currently occupied by Taylorgraphic Pty Ltd which is a wholesale distribution of stationery and office supplies.

### Development Application History

- 6 March 2019 – Development Application was lodged with Council
- 20 March to 3 April 2019 – Application was publically notified to the general public. No submissions received
- 29 July 2019 – Department of Planning's Hazard Risk requested additional information relating to preliminary risk screening in accordance with SEPP No. 33 and evaluation and assessment of the risks posed by the BIP
- 7 August 2019 – Application was presented to the Bayside Traffic Advisory Committee. Recommendations were provided in minutes
- 29 August 2019 – Amended stormwater and drain modelling plans were provided for Council assessment
- 15 October 2019 – Council issued an RFI requesting the applicant to address issues including risk, traffic generation, car parking and GFA, signage, waste management, design of the building and articulation, operation of the self-storage premises, landscaping and levels
- 11 December 2019 – The applicant submitted the additional information from the RFI letter
- 8 January 2020 – Further correspondence with Council regarding to risk and traffic generation was sent to the applicant requiring an amended risk report and consideration of a monetary contribution to the upgrading of the intersection through a Voluntary Planning Agreement (VPA)
- 4 February 2020 – Additional information received including a response from the applicants planners, revised risk report and VPA letter of offer
- 27 February 2020 – The application was presented to a briefing with the Panel
- 3 March 2020 – Council received correspondence from the Department of Plannings Hazard Branch that they were not satisfied with the amended risk report and requested further changes. This was passed onto the applicant on 17 March 2020
- 17 March 2020 – Further discussions with the applicant regarding reduction in car parking, further articulation of the façade and risk was carried out.



- 6 May 2020 – Additional information was received by the applicant to address recent amendments to plans and risk report
- 15 May 2020 – Council received comments from the Department of Plannings Hazard Branch with support of the risk report and development
- 22 June 2020 – Meeting was held with the applicant to discuss the VPA offer and the car parking/traffic generation issue. The basis of the meeting was that Council would not support the monetary contribution amount proposed by the applicant and required the plans to be amended to reduce the amount of car parking on the site
- 2 July 2020 – Amended plans were received demonstrating a reduction in car parking
- 7 July 2020 – Amended architectural plans and landscape plans were provided.

## **DESCRIPTION OF PROPOSED DEVELOPMENT**

The proposed development, in its amended form, is for the demolition of existing structures, tree removal and construction of a two (2) storey plus mezzanine level warehouse and self-storage development operating 24 hours, seven (7) days a week, associated signage and strata subdivision.

The proposal is further broken down as follows:

- Demolition of all existing structures and hardstand areas on the site. This includes the decommissioning and removal of the substation located on the eastern side of the site;
- Removal of 209 trees along the perimeter and central to the site;
- Cut and fill of the site of approximately 214sqm and includes a maximum depth of cut estimated at 4.657 metres and is proposed at the most northern point of the site;
- 234 self-storage units with a total of 21 car parking spaces, associated loading areas and service areas at ground level;
- 6 warehouses with associated loading docks and mezzanine level offices as well as 19 car parking spaces located at ground level;
- 46 warehouses with associated loading docks and mezzanine level offices as well as 139 car parking spaces located at Level 1;
- Total number of car parking spaces on the site is 179 spaces and total number of warehouses is 52 units;
- Strata subdivision of the 52 warehouses and associated parking;
- Installation of one (1) building identification signage at the Wight Street entry. There are indicative locations for signage over the roller doors of each warehouse however assessment of this signage is not subject to this application;

- Operation of the self-storage premise:

There will be no staff located on the site in association with the self-storage unit component, with the proposed development comprising units that will be used for the storage of personal items.

Internal circulation of the self-storage units is indicated by the arrows shown on drawing no. DA101.

CCTV will be provided within the proposed development to ensure the safety and security of the self-storage units and their occupants at all times. Details of the location, number and type of cameras to be provided within the development will be included in the Construction Certificate documentation. Unit occupants will be responsible for their own waste.





**Figure 6. Perspective of the site from Wight Street**



**Figure 7. Perspective of the site from Wentworth Avenue facing south**



**Figure 8. Perspective of the site along Wentworth Avenue facing north**



**Figure 9. Perspective of the eastern boundary from Wentworth Avenue facing north**

## **SECTION 4.15 CONSIDERATIONS**

In considering the Development Application, the matters listed in Section 4.15 of the *Environmental Planning and Assessment Act 1979* have been taken into consideration in the preparation of this report and are as follows:

### **S.4.15(1)(a)(i) - Provisions of Environmental Planning Instruments**

The following Environmental Planning Instruments are relevant to this application:



## **State Environmental Planning Policy (Infrastructure) 2007**

*State Environmental Planning Policy (Infrastructure) 2007* (ISEPP 2007) was gazetted on 21 December 2007. The aim of the SEPP is to facilitate the effective delivery of infrastructure across the State by identifying matters to be considered in the assessment of development adjacent to particular types of infrastructure development, such as classified roads, and providing for consultation with relevant public authorities about certain development during the assessment process or prior to development commencing. An assessment against the relevant clauses of the Infrastructure SEPP has been carried out below:

### **Clause 45 – Development likely to impact electricity transmission and distribution**

Clause 45 which relates to development likely to affect an electricity transmission or distribution applies to the development application. The site currently contains a substation located on its eastern side fronting Wentworth Avenue. It has been indicated by the applicant that the existing substation will be decommissioned and removed and replaced by one located on the eastern side. The application was referred to Ausgrid who provided appropriate conditions. Additionally, in conjunction with the Botany DCP, the site would require all aboveground powerlines and services to be underground. Appropriate conditions imposed by Council's Engineers have been included in the attached Schedule.

### **Clause 101 – Development with a Frontage to Classified Road**

The site fronts to Wentworth Avenue which is a classified road as well as is accessed from Baker/Moore Streets which are connected to Wentworth Avenue. There is no vehicle access to Wentworth Avenue and will all be through secondary streets. The development has been designed to address the controls within this clause and is considered satisfactory with regard to the built form and the amount of car parking provided on site. Vehicle access is also considered satisfactory.

### **Clause 104 – Traffic Generating Development**

The proposal is identified as a traffic generating development under Schedule 3 - Traffic generating development as the site area and GFA is greater than 8,000sqm for a warehouse and distribution centre therefore a referral to Transport for NSW (TfNSW) was issued. TfNSW have carried out an assessment and have provided the following conditions:

1. *All buildings and structures, together with any improvements integral to the future use of the site are to be wholly within the freehold property (unlimited in height or depth), along the Wentworth Avenue boundary.*
2. *Detailed design plans and hydraulic calculations of any changes to the stormwater drainage system that impact upon Wentworth Avenue are to be submitted to Roads and Maritime for approval, prior to the commencement of any works. Please send all documentation to [development.sydney@rms.nsw.gov.au](mailto:development.sydney@rms.nsw.gov.au).*
3. *A plan checking fee will be payable and a performance bond may be required before Roads and Maritime approval is issued.*
4. *All demolition and construction vehicles are to be contained wholly within the site and vehicles must enter the site before stopping. A construction zone will not be permitted on Wentworth Avenue.*

The above conditions will be imposed in the attached Schedule. Further discussion relating to car parking is provided below.

### **State Environmental Planning Policy No. 55- Remediation of Land**

The provisions of SEPP No. 55 have been considered in the assessment of the development application. Clause 7 of State Environmental Planning Policy 55 requires Council to be satisfied that the site is or can be made suitable for its intended use at the time of determination of an application.

A Stage 1 Environmental Site Assessment has been prepared by Environmental Investigation Services (EIS) for assessment. The report refers to soil samples taken from various locations within the site and from these soil samples, asbestos, total recoverable hydrocarbons, copper and zinc were all found. The levels of these elements found are considered above the site acceptance criteria as demonstrated using the National Environmental Protection Measures.

The application was referred to Council's Environmental Scientist for comment. The following comments have been provided:

*"Some cut and fill works have been proposed to achieve the designed levels. Maximum cut is understood to be up to 4.7m depth. Groundwater table was not reported at this depth. Four boreholes were drilled to depths of 7m to 7.5m below ground level. Groundwater was not encountered in any of the boreholes. Therefore groundwater table is not expected to be disturbed by the proposed development.*

*The Stage 1 Environmental Site Assessment identified presence of fill material, underground storage tanks, hazardous building material and historical chemical manufacturing at the site. Limited soil testing identified heavy metals and total recoverable hydrocarbons (TRH) exceeding the respective ecological criteria (EIL-D and ESL-D) [relevant to landscaping areas]. Asbestos fragments were also identified.*

*EIS identified the following data gaps:*

- 1. The location and orientation of the USTs and any residual contamination associated with them has not been adequately assessed;*
- 2. Asbestos within fill has not been appropriately assessed;*
- 3. The occurrence of PFAS has not been assessed;*
- 4. The minimum sampling density for a Stage 2 Environmental Site Assessment (ESA) has not been met, and specifically, areas beneath the existing structures/buildings have not been investigated;*
- 5. Groundwater at the site has not been assessed.*

*EIS concluded that the site can be made suitable for the proposed development subject to:*

- 1. A ground penetrating radar (GPR) survey to identify the location and orientation of the USTs. Further sampling and analysis should be undertaken around the UST to assess for any residual contamination during the Stage 2 ESA;*

2. A hazardous materials assessment (Hazmat) for the site structures prior to the commencement of demolition work – a Hazmat report has since been completed by ADE Consulting Group;
3. A Stage 2 ESA including groundwater analysis to address the data gaps.

*Given there is no change of land use and the proposed development does not include excavation of basement, the site can be made suitable for the proposed development. However, there remains data gaps that will need to be addressed. A Stage 2 ESA is to be undertaken to further characterise the site and to address data gaps. In addition, given the presence of USTs, a Remedial Action Plan (RAP) will need to be prepared to address the USTs and potentially other contamination issues, if identified during the Stage 2 ESA. The Stage 2 ESA and the RAP will need to be provided to Council for review prior to commencement of construction works.”*

On this basis, as Council's Environmental Scientist has no objection to the proposal and appropriate conditions have been imposed in the attached Schedule, the site could be made suitable for the proposed industrial development. Therefore the objectives and relevant clauses of SEPP No. 55 has been satisfied.

#### **State Environmental Planning Policy No. 64- Advertising and Signage**

State Environmental Planning Policy No. 64 – Advertising and Signage (SEPP 64) aims to ensure advertising is compatible with the desired amenity and visual character of an area, provides effective communication in suitable locations and is of high quality design and finish. Clause 8 and Clause 13 of SEPP 64 prevents development consent from being granted to signage unless the consent authority is satisfied that it is consistent with the objectives of the SEPP and has satisfied the assessment criteria specified in Schedule 1.

The proposal involves the installation of one building identification sign within the front setback at the Wight Street frontage. The sign has a height of 2.4 metres and a width of 3.5 metres. The plans have also demonstrated an indicate zone for future signage that is associated with individual warehouses. These signs are 0.9 metres in height and 3.7 metres in width and are fixed wall signage. These signs are visible from within the development and not from the public domain. An assessment of the proposed signage against the SEPP 64 assessment criteria has been undertaken and summarised in the table below. This assessment by the applicant and supported by Council demonstrates that the proposed signage satisfies the relevant provisions of SEPP 64, including achieving the aims and objectives of the policy.

<b>Assessment Criteria</b>	<b>Comment</b>	<b>Complies</b>
<b><u>Character of the Area</u></b> Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located? Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	The proposed development is compatible with the existing and desired future character of the Banksmeadow Industrial Area and consistent with the other outdoor advertising in the locality in that it involves a mix of free-standing building identification signage and business identification signage above the entrance to each warehouse.	Yes
<b><u>Special Areas</u></b> Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other	No special areas such as environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes are located in the vicinity of the site that would	Yes

conservation areas, open space areas, waterways, rural landscapes or residential areas?	have their amenity or visual quality impacted by the proposed signage.	
<u>Views and Vistas</u> Does the proposal obscure or compromise important views? Does the proposal dominate the skyline and reduce the quality of vistas? Does the proposal respect the viewing rights of other advertisers?	No important views are available across the site of the proposed development, noting that the site is located in an existing industrial area with Wentworth Avenue adjoining the northern boundary of the site. The proposed building identification sign adjacent the site's Wight Street frontage is of a low scale with a height of only 2.4 metres and therefore does not dominate the skyline or reduce vista quality. The height of the proposed building identification sign and the length of the site's Wight Street frontage at 73.07 metres means that the viewing rights of other advertisers in the area are unaffected. All other signage associated with the proposed development is internal and is not visible from Wentworth Avenue or Moore/Wight Street.	Yes
<u>Streetscape, setting and landscape</u> Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape? Does the proposal contribute to the visual interest of the streetscape, setting or landscape? Does the proposal reduce clutter by rationalising and simplifying existing advertising? Does the proposal screen unsightliness? Does the proposal protrude above buildings, structures or tree canopies in the area or locality?	<p>The proposed signage is a maximum height of 3.5 metres and has been integrated into the overall design of the proposed development such that it does not protrude above buildings, structures or tree canopies.</p> <p>The business identification signage zones are located on the wall of the building above the roller shutter door of each of the warehouses and as such will not be adversely impacted by any vegetation. The building identification sign at the main entrance off Wight Street is to be surrounded by mixed grass planting with a maximum mature height of 0.6 metres as shown on the accompanying Landscape Plans.</p>	Yes
<u>Site and building</u> Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located? Does the proposal respect important features of the site or building, or both? Does the proposal show innovation and imagination in its relationship to the site or building, or both?	<p>The proposed signage has been integrated into the landscape areas and overall design of the proposed development to ensure that important features of the site and the building are appropriately respected. This ensures the signage is viewed as subservient to the building, particularly noting that the business identification signage will not be visible from the public domain or surrounding development.</p> <p>The building identification sign along Wight Street has an area of 8.4m<sup>2</sup>, while the business identification signage zones are to be 3.33m<sup>2</sup>. These figures are proportionate to the expansive building walls.</p>	Yes



<u>Associated devices and logos with advertisements and advertising structures</u> Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?	No associated devices or logos are proposed.	N/A
<u>Illumination</u> Would illumination result in unacceptable glare? Would illumination affect safety for pedestrians, vehicles or aircraft? Would illumination detract from the amenity of any residence or other form of accommodation? Can the intensity of the illumination be adjusted, if necessary? Is the illumination subject to a curfew?	No illumination is proposed.	N/A
<u>Safety</u> Would the proposal reduce the safety for any public road? Would the proposal reduce the safety for pedestrians or bicyclists? Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?	The proposed signage is well setback from Wight Street and therefore will not reduce the safety of vehicles, pedestrians or bicyclists.  The building identification sign located on Wight Street is only 2.4 metres by 3.5 metres and does not obscure sightlines from the street.  The signage zones for the warehouse units are located on the walls of the proposed development above each warehouse's roller shutter door.	Yes

The proposal satisfies the assessment criteria under SEPP No. 64 therefore the signage proposed is acceptable.

### **State Environmental Planning Policy (Vegetation in Non- Rural Areas) 2017**

The State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 (Vegetation SEPP) regulates the clearing of native vegetation on urban land and land zoned for environmental conservation/management that does not require development consent and applies to the Sydney and Newcastle metropolitan areas. The aims of the policy are (a) to protect the biodiversity values of trees and other vegetation in non-rural areas of the State, and (b) to preserve the amenity of non-rural areas of the State through the preservation of trees and other vegetation.

The Vegetation SEPP repeals clause 5.9 and 5.9AA of the Standard Instrument - Principal Local Environmental Plan and substantially reproduces the effect of these clauses in the Vegetation SEPP. Council will continue to regulate the clearing of vegetation (including native vegetation below the BOS thresholds through the DCP.

The applicant has submitted an Arborist Impact Assessment prepared by Abel Ecology and dated 15 January 2019. The applicant seeks to remove a total of 209 trees and retain a total of 123 trees. There are currently 332 trees identified on the site. The applicant has provided the following justification for the removal of the trees:

*“Abel Ecology's report notes that most trees identified on the site were apparently planted in the 1970s. There are no naturally occurring remnant trees on the site consistent with 1943 imagery from SIX Maps, which shows in 1943 the site comprised of vacant land and did not contain any trees or vegetation*

*All trees assessed were assigned a retention value by Abel Ecology using the Tree AZ scale method. Using this method trees were assessed as being either potentially important ('A') or less important ('Z'). Of the trees proposed to be removed 153 were identified as potentially important while 56 were less important. Nonetheless, Abel Ecology recommends that all 209 trees identified for removal be removed from the site.*

*The justification for the proposed removal of these trees is varied and can be summarised as per the following:*

- The tree is located within the building footprint as demonstrated in Figure 1 of Abel Ecology's report;*
- The tree is impacted by the location of the proposed egress/ingress driveway and pedestrian pathways;*
- The tree is identified as being located within the construction zone for the proposed development; or*
- Any of the above results in encroachments of the tree protection zone (TPZ) or structural root zone (SRZ).*

*The retention of many of the existing trees on the site and their incorporation into the overall landscape design will ensure that the heavily vegetated nature of the site when viewed from the public domain is maintained.”*

Councils Tree Management Officer has reviewed the arborist report and generally agrees with the tree removal and retention. However, there are nine trees which the applicant seeks to remove in which Council has requested that they be retained. A breakdown of the trees that Council has given consent to remove and retain is provided below:

*Consent is granted for the removal of trees numbered 301-313, 318, 322-324, 334-350, 353, 355-357, 359, 361-363, 365, 367, 368, 370-373, 377, 382-386, 403, 406-410, 412, 413, 418, 420, 424-433, 436-442, 444, 445, 447, 449, 450, 452-454, 458, 460-467, 469, 470, 475, 482, 485, 491-494, 496, 500-506, 508, 509, 513, 517, 520-522, 524-529, 531-533, 535, 536, 540, 541, 543, 544, 547-550, 552, 556-564, 575, 586, 588-595, 598-635. (as referenced in the arborist report)- Removal of 200 trees*

*The following trees are to be retained and protected by a Tree Protection Zone (TPZ):*

*314-317, 319-321, 325-333, 351, 352, 354, 358, 360, 364, 366, 369, 374-376, 378-381, 387, 404, 405, 411, 414-417, 419, 421-423, 435, 435, 463, 446, 448, 451, 455, 457, 459, 468, 471-474, 476-481, 483, 484, 486-490, 495, 497-499, 507, 510-512, 514, 515, 516, 518, 519, 522, 530, 534, 537-539, 541, 545, 546, 551, 553-555, 565-574, 576-585, 587, 596, 597 (as referenced in the arborist report) – Retention of 132 trees.*

Appropriate conditions relating to TPZs and proper tree inspections and fencing have been included within the draft conditions of consent in the attached schedule. Subject to compliance

with the conditions of consent, the proposal is satisfactory in relation to SEPP (Vegetation in Non-Rural Areas) 2017.

### **Botany Bay Local Environmental Plan 2013 (BBLEP)**

The provisions of the Botany Bay Local Environmental Plan (BBLEP) 2013 have been considered in the assessment of the Development Application and the following information is provided:

<b>Relevant Clauses Principal Provisions of Botany Bay Local Environmental Plan 2013</b>	<b>Compliance Yes/No</b>	<b>Comment</b>
2.7 Demolition of a building or work may be carried only with development consent	Yes	The proposal seeks to demolish all structures, tree removal and decommission the substation. Demolition is supported.
Land use Zone	Yes	The site is zoned IN2 Light Industrial zone under the Botany Bay Local Environmental Plan 2013.
Is the proposed use/works permitted with development consent?	Yes	The proposal is defined as a 'warehouse and distribution centre' and 'self-storage units' under the BBLEP 2013 which are permissible within the zone.
Does the proposed use/works meet the objectives of the zone?	Yes	<p>The proposed development is consistent with the objectives of the IN2 Light Industrial Zone which are as follows:</p> <ul style="list-style-type: none"> <li>• To provide a wide range of light industrial, warehouse and related land uses.</li> <li>• To encourage employment opportunities and to support the viability of centres.</li> <li>• To minimise any adverse effect of industry on other land uses.</li> <li>• To enable other land uses that provide facilities or services to meet the day to day needs of workers in the area.</li> <li>• To support and protect industrial land for industrial uses.</li> </ul>
What is the proposed height? Does the height of the building comply the maximum height?	Yes	<p>The maximum height allowed on the site is 25 metres.</p> <p>The proposed height is 14.8 metres (RL 32.1) metres.</p> <p>The proposal height is compliant with Clause 4.3 of the Botany Bay Local Environmental Plan 2013.</p>
What is the proposed FSR?	Yes	The maximum FSR allowed on the site is 1:1.

Relevant Clauses Principal Provisions of Botany Bay Local Environmental Plan 2013	Compliance Yes/No	Comment
Does the FSR of the building comply the maximum FSR?		<p>The proposed GFA of the development is 14,425.64sqm which equates to 0.78:1.</p> <p>The proposed FSR is compliant with the Botany Local Environmental Plan 2013 when considering the FSR bonus under the SEPP.</p>
Is the land affected by road widening?	N/A	The site is not impacted by road widening.
Is the site listed in Schedule 5 as a heritage item or within a Heritage Conservation Area?	N/A	The site is not a heritage item, is not located within a heritage conservation area or is within the vicinity of a heritage item.
<p>The following provisions in Part 6 of Botany Bay Local Environmental Plan apply–</p> <ul style="list-style-type: none"> <li>6.1 – Acid Sulfate Soils</li> <li>6.2 – Earthworks</li> <li>6.3 – Stormwater Management</li> <li>6.8 – Airspace Operations</li> </ul>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>	<p>The site is located within a Class 5 ASS zone. The proposal does not include excavation greater than 5 metres nor is the site located within 500 metres of an adjacent Class 1, 2, 3 or 4 land. Therefore an acid sulfate soils management plan is not warranted.</p> <p>The proposal includes a small amount of cut and fill of the site due to the existing topography. The reason for the changes to the site levels is to create a level building area for the development which will minimise any bulk from being prevalent. The majority of the cut will occur on the northern side of the site however generally will not surpass the depth of the current existing ground level on the southern side of the site.</p> <p>The proposal contains an on-site detention system in addition to a 10m<sup>3</sup> rainwater tank which will allow for the retention of water on-site for use. The application was referred to Council's Engineer who had no objections subject to appropriate conditions of consent.</p> <p>The proposal does not surpass the maximum OLS of RL51.</p>

The objectives and provisions of BBLEP 2013 have been considered in relation to the subject development application. The proposal is considered satisfactory in terms of the BBLEP 2013.

#### **S.4.15(1)(a)(ii) - Provisions of any Draft EPI's**



The following draft EPIs are of relevance:

#### Draft Bayside Local Environmental Plan 2020

The Bayside draft LEP 2020 was on public exhibition from 8 April to 1 June 2020 and applies to the subject site.

The draft LEP reviews the current planning controls under three existing LEPs into one consolidated LEP.

The draft LEP generally harmonises and updates planning controls for the Bayside Local Government Area. The proposal is generally consistent with the objectives and requirements of the draft LEP.

The draft LEP does not impact the site.

#### **S4.15(1)(a)(iii) - Provisions of any Development Control Plan**

##### Botany Bay Development Control Plan (BBDCP) 2013

The development proposal has been assessed against the controls contained in the Botany Bay Development Control Plan 2013 as follows:

##### *Part 3A – Parking and Access*

Table 1 of Part 3A of the DCP provides the following car parking rates for the proposed development:

- Self-storage units = 2 spaces plus 1 space per 80sqm GFA;
- Warehouse and Distribution Centre = 2 spaces; or 1 space per 300sqm GFA, whichever is greater
- Ancillary Office = 1 space per 40sqm GFA

The proposed development seeks to strata subdivide the warehouses, therefore the car parking rate of two (2) spaces per warehouse unit is the 'greater' rate in this instance. Based on the above car parking rate, the development would generate a total of 235 car spaces (76 spaces for the self-storage premises, 104 spaces for the warehouses and 55 spaces for the office premises). Originally, the applicant had proposed a total of 242 car spaces on the site and resulted in 7 additional spaces.

Whilst the applicant provided a compliant scheme, the amount of car parking and traffic generation into the area was not initially supported by Council particularly as the additional traffic would put a strain on the existing intersection of Baker Street and Wentworth Avenue which is currently unsignalised and is close to failing levels. The application was presented to a Traffic Advisory Committee meeting on 7 August 2020 which is generally held between Council, RMS and NSW Police and recommendations are provided for development applications. The recommendations that were provided from the meeting included the applicant providing turning paths for vehicles within the site, location of the driveway within the development, that the intersection at Baker Street and Wentworth Avenue is currently operating at unsatisfactory level of service and proposed development will contribute significantly in terms of car and heavy vehicles traffic putting further stress on its operation. A

further recommendation was provided which made comment that contributions must be made by the developer towards the implementation of intersection improvement of Baker Street and Wentworth Avenue. The applicant provided the turning circles and additional details regarding the location of the driveway which were supported by Councils Development Engineer.

Intersection improvement works has been estimated to be approximately over \$17 million. To address the issue of traffic generation raised by the Traffic Advisory Committee, the applicant had submitted a letter of offer through a VPA for a \$50,000 monetary contribution to new traffic light installation, which would alleviate queuing and traffic concerns. This VPA offer was assessed by Councils Strategic Planning Department who did not accept the terms. The administrative and legal costs of executing such an agreement would effectively diminish the amount contributing to the actual upgrade works to be negligible. Therefore the offer was rejected.

A meeting was held between Council and the applicant on 22 June 2020 where it was discussed that Council would consider a departure to the car parking controls. The applicant submitted amended plans which demonstrated a 26% reduction in the amount of car parking on the site. The car parking proposed by the applicant is 179 spaces overall with 21 spaces for the self-storage units and 158 spaces for the warehouse/offices. The key departure in car parking is associated with the self-storage units where there is a reduction in 55 spaces. The spaces were removed off the plans and replaced by loading bays and aisles. The applicant has provided the following justification for the change:

*“The provision of 179 car parking spaces on the site is considered to be sufficient for the proposed development, given that the proposed warehouse units are to be strata subdivided as part of this application and noting that the nature of the self-storage units and their proposed operation hours (i.e. 24/7) is such that visitors to these units will be spread out sporadically over the course of any given day.”*

A review of the study carried out by Aurecon Australia Pty Ltd has been provided. Aurecon undertook a study of self-storage facilities in cities and towns within NSW and recommended car parking for self-storage facilities related to maximum leasable area as set out below.

MLA	Office Parking	Storage Area Parking*	Staff Parking	Trailer/Ute Parking	Total Parking Spaces
0-3,000 m <sup>2</sup>	1	2	2	1	6
3,000 m <sup>2</sup> -6,000 m <sup>2</sup>	2	5	2	1	10
6,000 m <sup>2</sup> – 9,500 m <sup>2</sup>	3	5	2	1	11

*Ref: Study Results and Findings, Self-Storage Facility Traffic and Parking Study*

This requirement is borne out by parking assessed and provided at numerous self-storage facilities in Sydney. The proposal provides a total of 5,744.02sqm of self-storage space therefore the development would fall in the 3,000-6,000sqm bracket. A rate of 10 spaces, in accordance with the study, would be efficient to accommodate the use.

It is acknowledged that the period a user of the self-storage facility stays on the site is very short. As the operation of the self-storage is unrestricted with hours, it is not considered that this component of the development would generate significant traffic generation. Councils' controls for self-storage premises is excessive in this instance and a variation to this number is acceptable.

In addition to the above justification for the car parking departure, there are other factors which lend support to the development. Firstly, as noted in the report below, the site is located in close proximity to the Botany Industrial Precinct and is impacted by risk. A condition of consent has been imposed with a population cap on the site therefore the amount of individuals on the site at any one time is 242 people. Secondly, one of the uses proposed is self-storage premise which does not generate staff, and the frequency and timing of visits to the premise is sporadic. It is highly unlikely that the self-storage will ever be at full capacity. Lastly, the car parking provided on Level 1 is resultant of the warehouses being strata subdivided therefore the car parking allocation is reflective of the number and GFA of individual units. Again, it is not anticipated that all spaces would be occupied. Whilst the operation of the warehouses is subject to unrestricted hours, it is not considered that all warehouses will be operating with unlimited hours and likely to be at its peak during the day.

It is noted, Council received information earlier in the month that this intersection was a State Government targeted project where allocation of funding for intersection improvements. This would significantly increase the functionality and operation of the intersection, where the works would have been delayed considerably due to the lack of funding. This intersection was identified as a major bottleneck in the area and with the increase in approved developments, including the neighbouring large scale residential development at Eastgardens will increase the number of vehicles in the street. The funding will assist in fast tracking and covering the majority of the costs for these works.

Based on the above assessment, it is considered that the revised car parking numbers and proposed traffic generation is appropriate and supported.

### *Part 3C – Access and Mobility*

The applicant did not provide an access report however addressed access and mobility within their SEE. From both the plans and the SEE, the applicant has indicated that all areas are accessible including the warehouses and the self-storage. The mezzanine levels which are office spaces associated with the warehouses are not accessible however the ground level of the principal warehouse unit is. The applicant has also included lifts which will allow access to Level 1. All access points along Wight Street is accessible into the development.

Table 1 of Part 3C- Access, Mobility and Adaptability of the BBDCP 2013 states that for industrial developments, one disabled car parking space has to be provided within the development in accordance with AS2890.06 and is to provide accessible facilities within the premises associated with an office. The development has provided 3 accessible spaces with two of the spaces for the warehouse component and one space for the self-storage component. Therefore access and mobility has been addressed in the development.

### *Part 3D – Signage*

An assessment against signage has been carried out above under SEPP No. 64. This part of the DCP does not require any further assessment as all relevant controls have been addressed already. Within the premise, there are further signage which are wayfinding signs however they are not excessive in size and not visible from the public domain.

### *Part 3E – Subdivision and Amalgamation*

The applicant seeks to strata subdivide the warehouse units which would require individual car spaces and loading zones to be dedicated to each unit. The proposal will provide for 52 warehouses on the site. The applicant had provided a strata subdivision plan demonstrating the proposed arrangement however this plan has not been updated therefore a condition of consent has been imposed so that an amended strata plan is provided to Council prior to the

issue of the Construction Certificate. Appropriate conditions relating to subdivision have also been imposed in the consent.

#### *Part 3G – Stormwater Management*

The proposal seeks to comprise a stormwater detention system which will connect with the existing stormwater infrastructure on the site which would drain to Wight Street. In addition to the detention system, the applicant also proposes 10m<sup>3</sup> rainwater tank on the site for re-use. The applicant provided civil plans prepared by C & M Consulting Engineers which were reviewed by Council's Development Engineer. After an assessment of the plans, no issues or objections were received, subject to the imposition of conditions of consent.

#### *Part 3H – Sustainable Design*

The applicant has submitted an energy efficiency report prepared by Floth Sustainable Building Consultants who has carried out an assessment of the development against the ESD Initiatives including building elements, energy efficiency, water conservation, waste management, photovoltaic solar panels and materials proposed.

The site is orientated to the north and will receive ample of natural sunlight and ventilation due to its setbacks proposed. While the plans do not demonstrate a concrete location of photovoltaic panels, the applicant has indicated that the further investigation at the detail design stage would consider their installation.

#### *Part 3I – Crime Prevention, Safety and Security*

The applicant has indicated that the development will provide natural surveillance, access control, territorial reinforcement and space management and this is evident in the site and building layout. Lighting is provided throughout the site in particular in the car parking areas and self-storage areas and there are no deep recesses within the development. It is noted that whilst the subject site has a frontage along Wentworth Avenue, the main entry point is off Wight Street which is generally the main access points to the immediate neighbouring industrial sites. Due to the existing industrial character of the area, there is no active street frontages or pedestrian traffic along Wentworth Avenue.

#### *Part 3K – Contamination*

Refer to SEPP No. 55 – Remediation of Land above in the report for discussion.

#### *Part 3L – Landscaping and Tree Management*

The applicant has provided landscaped plans and a tree impact assessment. An assessment by Councils' Tree Management Officer has been carried out in the Vegetation SEPP section of the report above. Basically, trees are proposed to be removed with Council agreement and conditions relating to retention and protection of the existing trees to remain have been imposed.

The application was also assessed by Council's Landscape Architect. The proposal seeks to provide 3,120sqm of landscaping on the site which equate to 16.8%. The landscaped area is provided within the setback fronting Wentworth Avenue and Wight Street with a smaller amount provided within the side setbacks. The amount of trees that will be impacted by the development are located along the Wentworth Avenue and Wight Street frontages. There is currently landscape mounds on the site which assists in providing landscape buffer along Wentworth Avenue and the other street frontage. Additionally, on level 1 of the development, the applicant has provided an outdoor break out/communal area which includes landscaping



in planter bed form. Council's Landscape Architect has no objection to the development subject to the imposition of conditions of consent relating to planting, planter beds and species.

### *Part 3N – Waste Minimisation and Management*

The applicant has submitted an amended waste management plan with the amended plans. The plans demonstrate that each warehouse has an area within the unit to accommodate a 240L bin. A private contractor will be responsible in obtaining waste and for managing the waste system in the area. This applies to both the ground and first level warehouses. The self-storage units are not considered to be a waste generating use. The waste management plan will be appropriately conditioned in the draft schedule of conditions.

### *Part 6 – Employment Zones*

The site is located within the Banksmeadow Industrial Precinct which is bound by Wentworth Avenue, Baker Street, Moore Street, Wight Street and Corish Circle. Relevant controls relating to the precinct and general employment zone are assessed below.

<b>Part 6 – Employment Zone</b>		
<b>Control</b>	<b>Proposed</b>	<b>Complies</b>
<b>6.2.8 Banksmeadow Industrial Precinct</b>		
<b>C3</b> The transport of hazardous substances should be directed away from residential areas and a Traffic Route Study showing the proposed traffic route of such transport is required.	The proposal does not propose to include or store any hazardous substances on the site. Appropriate conditions are imposed in the consent.	Yes
<b>C5</b> Development is not to adversely impact on the surrounding established residential areas through noise, traffic, pollution and risk.	The proposal is located within the main core of the industrial area and is significantly distant from any residential development. The proposal is for warehousing and self-storage which is not an intensive use. It is considered other uses in the immediate surroundings would have more impact onto the neighbouring site. An assessment against traffic has been provided in Part 3A above.	Yes
<b>C6</b> A survey is required to identify any pipelines, easements etc affecting the development site. If the pipeline enters Council land an appropriate deed of agreement is to be executed.	A survey has been provided with the assessment. There are no pipelines on the site. There is an easement relating to the existing substation on the eastern side of the site which is proposed to be decommissioned and removed. Council's records show that the site is near a high pressure gas pipeline. The relevant authorities have been referred to the application and have no objection to the proposal.	Yes

Part 6 – Employment Zone		
Control	Proposed	Complies
<b>C10</b> Restricted Access Vehicles (RAV) classified by Roads and Maritime Services (RMS) (including BDoubles) are not permitted to access: (i) Holloway Street; (ii) Green Street; (iii) Ocean Street; (iv) Swinbourne Street; (v) Stephen Road; (vi) Smith Street; and (vii) Rhodes Street.	Appropriate conditions have been imposed with truck movements within the surrounding streets.	Yes
<b>C12</b> In order to address the recommendations, a Risk Assessment Evaluation is required to accompany all applications for sites: (i) Within the study area of the Botany/Randwick Industrial Area Land Use Safety Study - 2001; and/or (ii) Affected by the recommendations of the Port Botany Land Use Safety Study Overview Report - 1996.	A risk report has been prepared by Sherpa Consulting Pty Ltd and has been assessed by the Department of Plannings Hazard Branch. Greater detail is provided in the report below.	Yes
<b>C13</b> The Risk Assessment Evaluation to Council is to be completed by a qualified risk management professional and take into account the nature of the proposed business and the proximity of the site to surrounding hazardous facilities. The report is to recommend safety procedures to be followed. The report needs to conclude whether or not the activities proposed for the premises constitute an escalation of existing hazards, and that the risk posed by neighbouring uses in the exposure of hazards to the site is acceptable.	As discussed above.	Yes
<b>6.3.2 Building and Site Layout</b>		
<b>C1</b> A site analysis plan is to be lodged with the Development Application in accordance	A site analysis plan has been provided with the development application.	Yes

Part 6 – Employment Zone		
Control	Proposed	Complies
<p>with the Council's <b>Development Application Guide</b>.</p> <p><b>C2</b> Through careful site arrangements new building works must :</p> <p>(i) Address the street and highlight any non-industrial aspects (ie office section) of the development;</p> <p>(ii) Avoid long blank walls of warehouse units facing the street and long continuous roof lines; and</p> <p>(iii) Provide regular modulation to the façade or division of massing.</p> <p><b>C3</b> Floor space is to be distributed on the site to ensure the scale of the building reinforces the role of the street and buildings are arranged and aligned to create a pleasant working environment.</p> <p><b>C4</b> Setbacks are to be deep soil zones (refer to <b>Part 3L - Landscaping</b> for Definition). No part of the building or structure (including basement car parks, driveways, or OSD/infiltration system are to encroach into the setbacks.</p> <p><b>C5</b> Setbacks are to maximise the retention of existing trees and their root systems and may need to be variable to achieve this (includes trees on adjoining properties).</p> <p><b>C6</b> Internal spaces are to be designed to satisfy the operational requirements of the particular land use whilst proving a safe and convenient work environment.</p>	<p>The development addresses both Wight Street and Wentworth Avenue however the principal frontage is along Wight Street. The applicant have amended their plans so that the Wentworth Street frontage and Wight Street frontage are broken up by different colours and materials. Long blank walls are avoided including the southern elevation which has been amended so that there is a break in the centre of the development.</p> <p>The FSR has been distributed within the site. The majority of the FSR is attributed to the warehouses and the associated office premise. Appropriate mass is provided along Wight Street.</p> <p>All setback zones surrounding the development are deep soil zones. Appropriate conditions have been included in the consent.</p> <p>The north-eastern setback is greater than the requirement in the DCP to allow for tree retention. However as discussed above, the applicant is seeking to remove 209 trees from the site.</p> <p>The internal spaces have been designed appropriately.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>

Part 6 – Employment Zone		
Control	Proposed	Complies
<p><b>C7</b> Each industrial building must provide for basic amenities including a designated staff room or area that is:</p> <p>(i) Of a reasonable area depending on the size, nature and staffing level of the proposed industry;</p> <p>(ii) Adequately furnished for staff; and</p> <p>(iii) Provided with attached kitchen/kitchenette with a fridge, microwave, sink and tea/coffee making facilities.</p>	<p>The self-storage premises does not include staff therefore a staff room is not required. The warehouses will be strata subdivided therefore each unit will not be providing their own staff room unless it is subject to future Das.</p>	Yes
<p><b>C10</b> For new development (excluding multi unit industrial development) all loading and unloading facilities and the majority of car parking required for the development is to be provided at the rear or at the side of any buildings. It is not to be provided at the front of buildings.</p>	<p>All loading and unloading for the self-storage will be carried out in the dedicated loading zones at ground level and each industrial warehouse has their own loading dock within the unit. No loading will be carried out within the front setbacks.</p>	Yes
<p><b>C9</b> Adequate waste removal handling and minimisation facilities are to be provided on site for all development to ensure these facilities are not utilising car parking areas.</p>	<p>Each unit has a dedicated area demonstrated on the plan for waste storage. The applicant has indicated that waste will be collected by a private contractor from the units.</p>	Yes
<p><b>C11</b> For Multi Unit Industrial Development car parking and loading/unloading facilities is not to be provided within the front setback to the street. Car parking and loading/unloading facilities can be provided from a central courtyard within the site.</p>	<p>No loading and unloading will be carried out within the front setback.</p>	Yes
<p><b>C13</b> For sites in excess of 1,000m<sup>2</sup>, an outdoor staff recreation area is to be provided.</p>	<p>An outdoor recreation area is provided on Level 1 for the warehouse and distribution centre component of the development.</p>	Yes
		Yes

Part 6 – Employment Zone		
Control	Proposed	Complies
<p><b>C14</b> Where an industrial unit complex consists of more than 10 units: (i) The building layout must allow for visual connections through and beyond the site to assist in breaking down the visual scale of the development and provide more legible site access for visitors; and (ii) Consideration should be given to the use of varying architectural resolutions to further assist in breaking down visual scale and improving legibility for visitors.</p> <p><b>C15</b> Building entrances are to be clearly defined and located so that visitors can readily distinguish the public entrance to each building. Access to each entrance is to be provided by a safe direct route, avoiding potential conflict with vehicles manoeuvring on site.</p> <p><b>C16</b> Site planning is to allow for the retention of significant trees and vegetation, particularly near the street frontage.</p> <p><b>C17</b> Industrial buildings must have an adequate number of openings at each level to allow natural light and ventilation.</p> <p><b>C18</b> Each industrial unit within an industrial complex must have a reasonable size window at each level to allow natural light and ventilation.</p>	<p>The development has been designed within one built form which has been broken up into two levels with mezzanines included for offices. The site provides way finding signage so that circulation and access is provided and legible.</p> <p>The building entry off Wight Street is clearly defined and distinguishable from the street.</p> <p>Discussion relating to tree removal is provided above. The trees which are to be removed are either located within the building footprint of the new development or are not significant trees to be retained.</p> <p>Each level has openings to both uses.</p> <p>Each industrial unit has windows to allow for light and ventilation.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
<b>6.3.4 Building Design and Appearance</b>		
<p><b>C7</b> All development applications involving external building works must be accompanied by a schedule of finishes and a detailed</p>	<p>Material and colour finishes demonstrated on elevation plans.</p>	<p>Yes</p>

Part 6 – Employment Zone																				
Control	Proposed	Complies																		
<p>colour scheme for all external walls.</p> <p><b>C8</b> External finishes must be robust and graffiti resistant. An anti-graffiti coating may be required where buildings adjoins a public place or accessible from an open area that is not secured by fences.</p> <p><b>C10</b> Walls of new development must make use of non reflective colours and materials to avoid glare. The maximum reflectivity of any glazing is not to exceed 20% to avoid nuisance in the form of glare to occupants of nearby buildings, pedestrians and motorists.</p> <p><b>C14</b> Building height, mass, and scale should complement and be in keeping with the character of surrounding and adjacent development.</p>	<p>Conditioned</p> <p>Materials used are not reflective.</p> <p>The built form is consistent with the height and FSR controls, setback controls and is similar in bulk and scale to other surrounding developments.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>																		
<b>6.3.5 Setbacks</b>																				
<p><b>C1</b> Setbacks are to be in accordance with the following <b>Table 1</b>.</p> <p style="text-align: center;">Table 1 - Setbacks</p> <table border="1"> <thead> <tr> <th>Boundary</th><th>Landscaping Setback (Refer to Note 4)</th><th>Building Setback (Refer to Note 1)</th></tr> </thead> <tbody> <tr> <td>Front - to a non-classified road (Refer to Note 2)</td><td>3 metres</td><td>9 metres (Refer to Note 5) (Refer to Note 6 for corner sites)</td></tr> <tr> <td>Front - to a classified road (Refer to Note 2)</td><td>4 metres</td><td>9 metres (Refer to Note 5) (Refer to Note 6 for corner sites)</td></tr> <tr> <td>Side - adjoining a non-residential use/zone including lanes</td><td>2 metres</td><td>2 metres (Refer to Note 6 for corner sites)</td></tr> <tr> <td>Side - adjoining a residential use/zone or in the Council's opinion the building impacts on the streetscape</td><td>3 metres</td><td>3 metres (Refer to Note 6 for corner sites)</td></tr> <tr> <td>Rear (Refer to Note 3)</td><td>Nil to 3 metres</td><td>Nil to 3 metres</td></tr> </tbody> </table>	Boundary	Landscaping Setback (Refer to Note 4)	Building Setback (Refer to Note 1)	Front - to a non-classified road (Refer to Note 2)	3 metres	9 metres (Refer to Note 5) (Refer to Note 6 for corner sites)	Front - to a classified road (Refer to Note 2)	4 metres	9 metres (Refer to Note 5) (Refer to Note 6 for corner sites)	Side - adjoining a non-residential use/zone including lanes	2 metres	2 metres (Refer to Note 6 for corner sites)	Side - adjoining a residential use/zone or in the Council's opinion the building impacts on the streetscape	3 metres	3 metres (Refer to Note 6 for corner sites)	Rear (Refer to Note 3)	Nil to 3 metres	Nil to 3 metres	<p>The following setbacks apply:</p> <ul style="list-style-type: none"> <li>• 9 metres to Wight Street</li> <li>• 9 metres to Wentworth Avenue</li> <li>• 2 metres to northern side boundary</li> <li>• 2 metres to southern side boundary</li> </ul>	<p>Yes</p>
Boundary	Landscaping Setback (Refer to Note 4)	Building Setback (Refer to Note 1)																		
Front - to a non-classified road (Refer to Note 2)	3 metres	9 metres (Refer to Note 5) (Refer to Note 6 for corner sites)																		
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Rear (Refer to Note 3)	Nil to 3 metres	Nil to 3 metres																		
<b>6.3.6 Parking and Vehicular Access</b>																				
<p><b>C5</b> All internal circulation roads, turning areas, parking aisles, parking bays, service areas and service bays are required to be sealed with hard standing all weather materials. Any alternative materials require Council approval.</p>	<p>Turning paths have been provided with the application and reviewed by Council's Development Engineer who had no objections.</p>	<p>Yes</p>																		

Part 6 – Employment Zone		
Control	Proposed	Complies
<b>C6</b> Separation of service areas (loading/unloading) and parking areas is required.	This has been provided on both ground and level 1.	Yes
<b>C7</b> All loading and unloading operations shall only be carried out wholly within the dedicated service bays at all times and shall not be made direct from public places, public streets or any road related areas.	This has been provided and has been demonstrated through dedicated loading zones and docks for both the self-storage and warehouses.	Yes
<b>6.3.7 Signage</b>		
<b>C1</b> Signage shall comply with Part 3D - Signage.	Refer to SEPP No. 64 and Part 3D above	Yes
<b>6.3.8 Site Facilities</b>		
<b>C1</b> New site facilities such as mail boxes and electricity sub-stations shall be designed and/or sited so that they enhance the development.	No mailboxes is demonstrated on plans.  The existing substation located on the eastern side of the site will be will be decommissioned and removed as part of this application.	Acceptable
<b>C3</b> The existing above ground electricity and telecommunication cables within the road reserve and within the site shall be replaced, at the applicant's expense, by underground cable and appropriate street light standards, in accordance with the Energy Providers guidelines. The applicant shall bear the cost of the new installation and the first 12 months of additional street light charges.	This has been conditioned within the consent.	Yes
<b>6.3.9 Landscape</b>		
<b>C9</b> Not less than 10% of the development site shall be landscaped. On sites over 2000m <sup>2</sup> the front landscaped setbacks are additional to the 10% requirement. The majority of landscaping shall front the street/s to which the development has frontage	The development will provide at least 16.8% or 3,120sqm of landscaped area (including landscape buffer) for a total site area of 18,525.73sqm.	Yes



Part 6 – Employment Zone		
Control	Proposed	Complies
and include side and rear landscaped areas.		
<b>6.3.10 Fences</b>		
<b>C1</b> Fences are to be located behind the street frontage landscaped area or incorporated within the landscapes setback. All fencing along the street frontage is required to be permeable metal palisade or picket powdercoated in a suitable colour, dark colours are preferable. Maximum height is 1.8 metres on street frontages.	A condition has been imposed that all the fencing is to have a maximum height of 1.8 metres	Condition
<b>6.3.12 Noise and Hours of Operation</b>		
<b>C4</b> All applications for noise generating uses are to be accompanied by documentation from a qualified acoustic engineer certifying that the acoustic standards can be met.	An acoustic report was not submitted with the development application. However considering the industrial nature of the development not being noise intrusive, an acoustic report is not required in this instance.	Yes
<b>C9</b> Hours of operation for the use of a site are to be restricted by Council if it is at all likely that the use will cause an impact on any adjoining or adjacent residential development. Uses that operate outside of normal hours of operation (ie Monday to Friday 8am to 5pm and Saturdays 8am to 4pm) are required to submit a Plan of Management (POM).	The development proposes unrestricted hours. The site is not in close proximity to residential development.	Yes

### *Part 8 – Character Precinct*

While the development is technically located on the outskirts of the Pagewood area, the characteristics of the site and surrounding sites allows for an assessment against the Banksmeadow precinct. The development is located on Wentworth Avenue however its principal entry point is located off Wight Street which comprises of predominantly industrial development, including warehouses.

The site is located within the IN2 Light Industrial section of the area, with the developments on the opposite side of the street to the south located within the Three Port SEPP with an IN1 zone. Therefore the proposal is not considered as noise intensive as these developments. The hours of operation and the type of use is similar to other recent developments that have been approved or are existing in the area, specifically at 13 Baker Street which is owned by the subject developer and is under construction for a similar use as to the one that is being proposed.

As discussed above, the site is accessed from the Baker Street/Wentworth Avenue intersection which is currently at a failing level. The reduction in car parking, as supported by Council, may not assist in the intersection however is an acceptable amount of traffic generated by the development until time that works to the intersection to install traffic signalization occurs.

The site is in close proximity to the Botany Industrial Park which is located to the south of the site. The BIP includes companies such as Orica, Ixom, Qenos and Huntsman. Due to its location to the site, a risk assessment was required to be carried out and referral to the Department of Plannings Hazard Branch was issued. The applicant had provided Council a SEPP 33 assessment and risk report which addressed individual fatality risk on the site however did not address cumulative societal risk, as documented by the DOP. After initial review from the Department, the following correspondence was provided to Council:

*It should be noted that the Department requested the Applicant to evaluate and assess the risks based on latest information, which is BIP QRA 2018, and demonstrate that the development would not result in any increase of the overall societal risk in the area.*

*We acknowledge that the revised SEPP 33 document sufficiently incorporated findings from BIP QRA 2018 only on individual risk. However, in relation to societal risk, the Department does not agree with the comment written on the last page of the revised SEPP 33 document. This statement is identical with the previous version. As such the Department is unclear whether Leda/Pinnacle has sufficiently evaluated the overall risks for societal risks based on BIP QRA 2018 results. It stated that "given the low risk potential from the proposed site, i.e. local fires are the main event of interest, and that the risk contours from the BIP do not extend to this location then the facility does not result in any increase of the overall societal risk in the area." Societal risks of BIP can be increased through introducing significant population in the areas surrounding BIP. This is clearly stated in the Section 10.2 of BIP QRA 2018. In addition, based on the amended architectural drawing (Issue B, 05/12/2019), it is also understood that the proposal will have a building with minimum setback to the boundary sharing with the adjacent warehouses (DP 328894 and DP 317214) and introducing significant population (up to 242 car parking spaces). As such, the Department considers it is necessary to confirm the proposal will not increase the overall societal risk of BIP as shown in Figure 1.1 of BIP QRA 2018.*

*According to the discussion between BIP's consultant and the Department when reviewing the BIP QRA 2018, it is understood that the latest QRA assumed approximate 41 people/ha in the area of the proposed location. This number was established based on travel zone data analysis. The proposed development is estimated with a population density of approximately 130people /ha (based on 242 people / 1.85 ha). Such population density is triple of what has been estimated in BIP QRA 2018 and considered as significant.*

The applicant provided an amended risk report prepared by Sherpa Consulting Pty Ltd which modelled the individual and societal risk from the site. The DOPs final comments are as follows with regard to the recent risk report:

*“Following review of the attached risk report prepared by Sherpa, 29 April 2020, it is noted that a cumulative societal risk based on BIP QRA 2018 was carried out based on the population density of 130.5 people/ha, as per the original scope of the proposal. The cumulative societal risk, as shown on Figure 3.1 of the Sherpa’s report, indicated that the proposal would not result in a significant increase of the overall societal risk of the area. However, further increase of the population density, such as doubling the site population density to 260 people/ha, could result in a slight increase of overall societal risks. It is advised that the proposal should remain with a population density of 130.5 people/ha.*

*Based on above, the Department does not preclude the proposal on hazard and risk ground, subject to the scope of the development remain at a population density of 130.5 people/ha.”*

A condition of consent has been imposed relating to the population on the site being limited to 242 people as the site has an approximate area of 1.85ha.

#### **S.4.15(1)(a)(iv) - Provisions of regulations**

The proposed development is inconsistent with the relevant provisions of the *Environmental Planning and Assessment Regulation 2000*.

#### **S.4.15(1)(b) - Likely Impacts of Development**

As outlined in the assessment above, the proposed development will not have any adverse environmental, social or economic impacts in the locality.

#### **S.4.15(1)(c) - Suitability of the site**

The site is also within the zone of influence of the High Pressure Gas Pipeline that leads to the Qenos site within the BIP. The application was referred to the APA Group who had no objections to the proposal as it was not increasing the residential density in the area and was not a sensitive use.

Traffic generation and the intersection of Baker Street and Wentworth Avenue has been discussed in the report above.

The site is located in close proximity to the Botany Industrial Park therefore an assessment has been carried out by the applicant and has been addressed above in the report. The development has been designed with an appropriate capacity and population which will not significantly the individual fatality and cumulative societal risk from the BIP.

Adequate information has been submitted to demonstrate that the site can be made suitable for the proposed development. Further discussion relating to this issue has been carried out within SEPP No. 55 section of the report above. Appropriate conditions have been recommended in the attached Schedule.

The proposed use as a ‘warehouse and distribution centre and self-storage premises’ is permissible within the IN2 Light Industrial zone as identified within the BBLEP 2013 and

achieves the objectives and controls of both the BBLEP and BBDCP 2013. It is considered that the development is suitable for the site.

#### **S.4.15(1)(d) - Public Submissions**

In accordance with Part 2 of the Botany Bay DCP 2013 – Notification and Advertising, the application was publically notified for a period of fourteen (14) days between 20 March to 3 April 2019. No submissions were received.

#### **S.4.15(1)(e) - Public interest**

It is considered that granting approval to the proposed development will not have significant adverse impact on the public interest.

### **OTHER MATTERS**

#### **Section 7.12 Contributions**

It is considered that the proposed development will increase the demand for public amenities within the area, and in accordance with Council's Section 7.12 Contribution Plan, the development generates a contribution rate of \$357,759.89, to be paid prior to the issue of any construction certificate. Should the overall figure change due to construction costs or costs that were not factored in during the DA stage, the figure that is required to be paid is 1% of the overall cost.

#### **Referrals**

The Development Application was referred to Council's internal and external departments for comment. Appropriate conditions have been recommended to address the relevant issues raised. The following table is a brief summary of the comments raised by each referral department.

<b>Referral Agency</b>	<b>Response Date</b>	<b>Comments</b>
<b>External Referrals</b>		
Department of Planning Hazard Branch	15/05/2020	Correspondence received that the development is acceptable with regard to risk and population on the site.
Sydney Water	21/03/2019	No objections. The conditions have been included in the Schedule of Consent Conditions.
NSW Police	8/05/2019	No objections. Advisory Conditions have been provided.
Transport for NSW	3/06/2019	No objections. The conditions have been included in the Schedule of Consent Conditions.
Ausgrid	17/05/2019	No objections. The conditions have been included in the Schedule of Consent Conditions.
APA Group	3/05/2019	No objections.

Referral Agency	Response Date	Comments
<b>Internal Referrals</b>		
Landscape Architect	18/03/2019	No objections. Conditions have been incorporated into the Schedule of Consent Conditions.
Development Engineer	20/03/2020	No objections. Conditions have been incorporated into the Schedule of Consent Conditions.
Environmental Scientist	7/06/2019	No objections to the proposal. Conditions have been incorporated into the Schedule of Consent Conditions.
Tree Management Officer	6/08/2019	No objections. Conditions have been incorporated into the Schedule of Consent Conditions.
Waste Officer	10/01/2020	No objections. Conditions have been incorporated into the Schedule of Consent Conditions.
Traffic Advisory Committee	7/08/2019	Recommendations have been provided from the Panel which were considered in the report above under Part 3A.

## CONCLUSION

In accordance with Schedule 7 of the State Environmental Planning Policy (State and Regional Development) 2011, the Application is referred to the Sydney Eastern City Planning Panel (SECPP) for determination.

The non-compliances relating to the car parking has been appropriately addressed in the report and has adequately been justified regarding comparisons with other self-storage premises which are not traffic generating development, considerations relating to funding for intersection improvements and the restrictions imposed by placing a population cap on the site. The issue relating to risk and population on the site has been addressed and conditions of consent have been imposed to regulate the number of people on the site.

The proposal has been assessed in accordance with Section 4.15 of the *Environmental Planning and Assessment Act 1979*. The proposal is permissible within the IN2 – Light Industrial zone and is considered to result in a development which is suitable in the context. This is further emphasized as the proposal did not receive any objections during the public notification period. Therefore, the proposal is recommended for approval subject to the conditions of consent in the attached Schedule.

## Attachment

### Schedule 1 – Conditions of Consent

Premises: 132 Wentworth Avenue Pagewood

DA No.: DA-2019/79

## 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.

<b>Drawing No.</b>	<b>Author</b>	<b>Date Received</b>
DA-001- Site Plan- Rev C	WMK Architecture	Dated 7 July 2020; Received 7 July 2020
DA-002- Site Analysis Plan- Rev C		Dated 7 July 2020; Received 7 July 2020
DA-020- Demolition Plan- Rev B		Dated 5 December 2019; Received 7 July 2020
DA-101- General Arrangement Plan- Ground Floor- Rev C		Dated 5 December 2019; Received 7 July 2020
DA-102- General Arrangement- Ground Floor Mezzanine Floor- Rev C		Dated 7 July 2020; Received 7 July 2020
DA-103- General Arrangement Plan- Level 01- Rev C		Dated 7 July 2020; Received 7 July 2020
DA-104- General Arrangement Plan- Level 1 Mezzanine Office Floor- Rev C		Dated 7 July 2020; Received 7 July 2020
DA-105- General Arrangement Plan- Roof- Rev C		Dated 7 July 2020; Received 7 July 2020
DA-500- Elevations- External (excluding Southern Elevation)- Rev B		Dated 5 December 2019; Received 7 July 2020
DA-501- Elevations- Internal- Rev B		Dated 5 December 2019; Received 7 July 2020
DA-502- Elevations- Internal- Rev B		Dated 5 December 2019; Received 7 July 2020
DA-503- Elevations- South- Rev B		Dated 7 July 2020; Received 7 July 2020
DA-600- Sections- Rev B		Dated 5 December 2019; Received 7 July 2020
DA-900- External Finishes- Rev B		Dated 5 December 2019; Received 7 July 2020
000 – Landscape Coversheet- Rev E	Site Image	Dated 2 December 2019; Received 7 July 2020
101 – Ground/L1 Composite Landscape Plan- Rev E		Dated 7 July 2020; Received 7 July 2020
501 –Typical Details- Rev A		Dated 14 December 2018; Received 7 July 2020

<b>Reference Document(s)</b>	<b>Author</b>	<b>Date Received</b>
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Impact on Societal Risk-21441- RP-001- Rev A	Sherpa Consulting Pty Ltd	Dated 29 April 2020; Received 6 May 2020
Addendum to Risk report	Pinnacle Risk Management Pty Limited	Dated 31 January 2020; Received 4 February 2020
Response to Councils' RFI- Traffic Report	Transport and Traffic Planning Associates	Dated 2 December 2019; Received 11 December 2019
Tree Impact Assessment and removal schedule	Abel Ecology	Dated 8 November 2019; Received 11 December 2019
Waste Management Plan	Leda Design and Construction P/L	Dated December 2019; Received 11 December 2019
Draft Strata Plans	Royston Lowe	Received 11 December 2019
Hazardous Materials Pre-Demolition Survey Report	ADE Consulting	Dated 14 February 2019; Received 6 March 2019
Stage 1 Environmental Site Assessment	EIS	Dated 26 February 2019; Received 6 March 2019
Ecologically Sustainable Development Report	Floth	Dated 26 February 2019; Received 6 March 2019
Construction Management Plan	Leda Design and Construction P/L	Received 6 March 2019
Demolition Management Plan	Leda Design and Construction P/L	Received 6 March 2019

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

2.

- a) This Consent relates to land in Lot 12 in DP 701187, and as such, building works must not encroach on to adjoining lands or other public places, except as otherwise permitted by this consent.
- b) A separate Development Application is to be submitted to Bayside Council for the use of each individual industrial unit.

**Note:** For future noise generating industries, an acoustic report is to be submitted with any future Development Application, together with a Risk Assessment Report.

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. All costs associated with these development conditions shall be borne by the applicant. If, when actioning these conditions Council's solicitor is required to act on behalf of Council, then Council's solicitor's fees and charges shall also be borne by the Applicant.
- 6. No further signage, other than signage permitted as exempt or complying development, shall be installed or displayed at the premises without a development application being lodged with Council and consent thereto being given by Council in accordance with Councils guidelines and *State Environmental Planning Policy No. 64 – Advertising and Signage*.

#### **CONDITIONS IMPOSED BY AN EXTERNAL AUTHORITY**

Where relevant, the following external authority conditions apply:

- 7. The following advisory conditions are imposed by **NSW Police**:
  - a) CCTV should be installed at entry / exit points, car park / surrounding building and isolated areas.
  - b) Adequate lighting should be used throughout carpark and surrounding areas of building to create visibility at night and to reduce opportunity for hidden areas.
  - c) Clear signage throughout car park and external premise, covering the following subjects. 'CCTV surveillance in use at all times', 'Lock your vehicle and take valuables' and 'Trespassers will be prosecuted'.
  - d) All shrubs to be no higher then 1 metre, so visibility and clear sight lines can be maintained into the carpark and premise
- 8. The following conditions are imposed by **Sydney Water**:
  - a) The approved plans must be submitted to the Sydney Water [Tap in™](#) online service to determine whether the development will affect any Sydney Water sewer or water main, stormwater drains and/or easement, and if further requirements need to be met. *The Sydney Water [Tap in™](#) online self-service replaces our Quick Check Agents as of 30 November 2015.* The [Tap in™](#) service provides 24/7 access to a range of services, including:
    - (i) building plan approvals
    - (ii) connection and disconnection approvals
    - (iii) diagrams
    - (iv) trade waste approvals

- (v) pressure information
- (vi) water meter installations
- (vii) pressure boosting and pump approvals
- (viii) changes to an existing service or asset, e.g. relocating or moving an asset.

Sydney Water's [Tap in™](https://www.sydneywater.com.au/SW/plumbing-building-developing/building/sydney-water-tap-in/index.htm) online service is available at:  
<https://www.sydneywater.com.au/SW/plumbing-building-developing/building/sydney-water-tap-in/index.htm>

- b) 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 can be made through an authorised Water Servicing Coordinator. For help either visit [www.sydneywater.com.au](http://www.sydneywater.com.au) > Plumbing, building and developing > Developing > Section 73 Compliance Certificates or telephone 13 20 92.

9. The following conditions are imposed by **Ausgrid**:

- a) There are existing underground electricity network assets in Wentworth Avenue. Special care should also be taken to ensure that driveways and any other construction activities within the footpath area do not interfere with the existing cables in the footpath. Ausgrid cannot guarantee the depth of cables due to possible changes in ground levels from previous activities after the cables were installed. Hence it is recommended that the developer locate and record the depth of all known underground services prior to any excavation in the area. Should ground anchors be required in the vicinity of the underground cables, the anchors must not be installed within 300mm of any cable, and the anchors must not pass over the top of any cable. Safework Australia – Excavation Code of Practice, and Ausgrids Network Standard NS156 outlines the minimum requirements for working around Ausgrids underground cables.
- b) There are existing electricity substation assets within the Development Site. The substation ventilation openings, including substation duct openings and louvered panels, must be separated from building air intake and exhaust openings, natural ventilation openings and boundaries of adjacent allotments, by separation distances which meet the requirements of all relevant authorities, building regulations, BCA and Australian Standards including AS 1668.2: The use of ventilation and air conditioning in buildings- Mechanical ventilation in buildings.

In addition to above, Ausgrid requires the substation ventilation openings, including duct openings and louvered panels to be separated from building ventilation system air intake and exhaust openings, including those on buildings on adjacent allotments, by not less than 6 metres.

Any portion of a building other than a BCA class 10A structure constructed from non-combustible materials, which is not sheltered by a non-ignitable blast- resisting barrier and is within 3 metres in any direction from the housing

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

The development must comply with both the Reference Levels and the precautionary requirements of the ICNIRP Guidelines for Limiting Exposure to Time Varying Electric and Magnetic Fields (1 HZ – 100kHz\_ (ICNIRP 2010).

For further details on the fire segregation requirements refer to Ausgrids Network Standard 141

Existing Ausgrid easements, leases and/or right of ways must be maintained at all times to ensure 24 hour access. No temporary or permanent alterations to this property tenure can occur without written approval from Ausgrid. For further details refer to Ausgrids Network Standard 143.

10. The following conditions are imposed by **Transport for NSW (TfNSW)**:

- a) All buildings and structures, together with any improvements integral to the future use of the site are to be wholly within the freehold property (unlimited in height or depth), along the Wentworth Avenue boundary.
- b) Detailed design plans and hydraulic calculations of any changes to the stormwater drainage system that impact upon Wentworth Avenue are to be submitted to Roads and Maritime for approval, prior to the commencement of any works. Please send all documentation to [development.sydney@rms.nsw.gov.au](mailto:development.sydney@rms.nsw.gov.au)

A plan checking fee will be payable and a performance bond may be required before Roads and Maritime approval is issued.

- c) All demolition and construction vehicles are to be contained wholly within the site and vehicles must enter the site before stopping. A construction zone will not be permitted on Wentworth Avenue

**PRIOR TO COMMENCEMENT OF DEMOLITION WORKS OR ANY DEVELOPMENT OR WORK**

11. Before commencement of demolition works, the applicant must undertake the following notifications:-

- a) Notify adjoining residents two (2) working days prior to demolition. Such notification is to be a clearly written note giving the date demolition will commence, contact details of the developer/builder, licensed asbestos demolisher and the appropriate regulatory authority.
- b) Five (5) working days prior to demolition, the developer/builder is to provide written notification to Council advising of the demolition date, details of the Safe Work NSW licensed asbestos demolisher and the list of residents advised of the demolition;
- c) Five (5) working days prior to licensed asbestos removal work is commenced to Safe Work NSW;

- d) Notice to Public Authorities - the demolisher shall give notice to other statutory authorities, such as Sydney Water Corporation and Safe Work NSW, in relation to service disconnection.
12. Prior to the commencement of any work, at the proposed point of construction site entry, photographic survey showing the existing conditions of Council's and RMS infrastructure shall be submitted to Council and Principal Certifying Authority. The survey shall detail the physical conditions and identify any existing damages to the roads, kerbs, gutters, footpaths, driveways, street trees, street signs and any other Council assets fronting the property and extending to a distance of 50m from the development. Failure to do so may result in the applicant/developer being liable for any construction related damages to these assets. Any damage to Council's infrastructure during the course of this development shall be restored at the applicant's cost.
13. A professional engineer specialising in structural engineering shall prepare a Pre-Construction Dilapidation Report detailing the current structural condition of adjoining premises, a photographic survey, and including buildings, foundations and structures likely to be affected by the site works as determined by the consulting engineer. This shall include, but not limited to:
- a) 130 Wentworth Avenue Pagewood
  - b) 71 Corish Circle Banksmeadow
  - c) 75 Corish Circle Banksmeadow
  - d) Wentworth Avenue
  - e) Wight Street

The report shall be prepared at the expense of the applicant and 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 commencement of any works. The insurance cover shall be a minimum of \$10 million.

A copy of the pre-construction dilapidation report is to be provided to the adjoining properties (subject of the dilapidation report), a minimum of 5 working days prior to the commencement of work. Evidence confirming that a copy of the dilapidation report was delivered to the adjoining properties must be provided to the PCA.

Should the owners of properties (or their agents) refuse access to carry out inspections, after being given reasonable written notice, this shall be reported to Council to obtain Council's agreement to complete the report without access. Reasonable notice is a request for access in no sooner than 14 days between 8.00am-6.00pm.

14. Prior to commencement of any works, a Safe Work Method Statement shall be prepared by a licensed demolisher who is registered with the Safe Work NSW to the satisfaction of the Principal Certifying Authority and a copy sent to Council (if it is not the PCA) and Safe Work NSW. The statement must be in compliance with AS 2601-1991 *Demolition of Structures*, the requirements of Safe Work NSW and conditions of this approval. This Plan must include provisions for:
- a) Enclosing and making the site safe, any temporary protective structures must comply with the "Guidelines for Temporary Protective Structures (April 2001)";
  - b) Induction training for on-site personnel;

- c) Inspection and removal of asbestos, contamination and other hazardous materials (by appropriately licensed contractors under Work Health & Safety Act 2011(NSW) and the Work Health & Safety Regulation 2011 (NSW) unless specified in the Act and/or Regulation that a license is not required). Any asbestos removal work shall be undertaken in accordance with the How to Safely Remove Asbestos: Code of Practice published by Safe Work Australia;
  - d) Dust control – dust emission must be minimised for the full height of the building;
  - e) Disconnection of relevant utility services, including 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 (where applicable);
  - m) Location and method of waste disposal and recycling in accordance with the Waste Minimisation and Management Act 1995;
  - n) Sewer – common sewerage system;
  - o) On site monitoring both during asbestos removal and the remainder of demolition activities.
  - p) Identification of any hazardous materials including surfaces coated with lead paint, method of demolition, and the disposal methods for hazardous materials.
  - q) Erosion and Sedimentation Controls are in place and in accordance with the approved plan.
15. A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
- a) Showing the name, address and telephone number of the principal certifying authority for the work, and
  - b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
  - c) stating that unauthorised entry to the work site is prohibited.
  - d) Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

16. If a Construction Certificate is required, a copy of the Construction Certificate and the approved plans and specifications must be kept on the site at all times and be available to Council officers upon request.
17. A Soil and Water Management Plan shall be prepared in accordance with Soil and Water Management for Urban Development Guidelines produced by the Southern Sydney Region Organization of Councils. A copy of the plan must be submitted to Council. The Plan must include details of the proposed erosion and sediment controls to be installed on the building site. A copy of the Soil and Water Management Plan must be kept on-site at all times and made available on request.
18. 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 must be displayed throughout construction. A copy of the sign is available from Council.
19. 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 any works for the building or structure. The report shall contain details regarding the type of hazardous material and the proposed methods of containment and disposal.
20. Prior to the commencement of any works, 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.
21. 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.

- j) Permit to stand mobile cranes and/or other major plant on public roads and all road reserve area. It should be noted that the issue of such permits may involve approval from RMS and NSW Police. In some cases, the above Permits may be refused and temporary road closures required instead which may lead to longer delays due to statutory advertisement requirements.
22. Erosion and sediment control devices shall be installed and in function prior to the commencement of any demolition, excavation or construction works upon the site in order to prevent sediment and silt from site works (including demolition and/or excavation) being conveyed by stormwater into public stormwater drainage system, natural watercourses, bushland, trees and neighbouring properties. In this regard, all stormwater discharge from the site shall meet the legislative requirements and guidelines. These devices shall be maintained in a serviceable condition AT ALL TIMES throughout the entire demolition, excavation and construction phases of the development and for a minimum one (1) month period after the completion of the development, where necessary.
  23. 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.
  24. If an excavation associated with the proposal extends below the level of the base of the footings of a building and/or structure and/or road 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, piling, or underpinning prior to the commencement of any work. The construction shall not undermine, endanger or destabilise any adjacent structures.
    - e) If the soil conditions required it:
      - (i) Retaining walls associated with the erection of a building or other approved methods of preventing building movement or other approved methods of preventing movement of the soil must be provided and:-
      - (ii) Adequate provision must be made for drainage.
  25. Prior to the commencement of any work the applicant is to submit payment for a Tree Preservation Bond of \$6,000.00 to ensure protection of the retained trees. The duration of the Bond shall be limited to a period of 12 months after the occupation



certificate is issued. At completion of the bond period of twelve months (12 months) the Bond shall be refunded pending an inspection of the tree by council. If a tree is found to be dead, pruned or dying and will not recover the applicant will forfeit all or part of the bond to replace or maintain the tree/s.

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

26. The applicant must prior to the commencement of any works, pay the following fees:
- a) Environmental Enforcement Fee  
0.26% of the cost of works (with estimated cost of works capped at \$10 million)
  - b) Footpath Crossing Deposit                      \$425,224.78
  - c) Section 7.12 Contributions                      See condition below
27. 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.
- 28.
- a) Pursuant to Section 7.12 of the Environmental Planning and Assessment Act 1979 and City of Botany Bay Section 94A (Section 7.12) Development Contributions Plan 2016, a report is to be submitted to Council, prior to approval of the first Part 4A certificate required for the development, identifying the proposed cost of carrying out the development, as follows:
    - (i) Where the proposed cost of carrying out the development is less than \$1,000,000, a cost summary report prepared and certified by a building industry professional, or
    - (ii) Where the proposed cost of carrying out the development is \$1,000,000 or more, a detailed cost report prepared and certified by a quantity surveyor registered with the Australian Institute of Quantity Surveyors or a person who can demonstrate equivalent qualifications. This report is to be prepared in the form specified in City of Botany Bay Section 94A Development Contributions Plan 2016 and the costs must be determined in accordance with clause 25J of the Environmental Planning and Assessment Regulation 2000.

**Note:**

1. Council may review the costs contained in the report and may seek the services of an independent person to verify them. In such a case, all costs associated with obtaining this advice will be at the expense of the applicant and no Part 6 certificate is to be issued until such time as these costs have been paid.

2. The proposed cost of carrying out the development excludes any part of the proposed development that is exempt from the Section 7.12 levy by reason of a Ministerial direction or an exemption specified in City of Botany Bay Council Section 94A (Section 7.12) Development Contributions Plan 2016. Where the applicant considers that the proposed development, or any

part of it, is or should be exempt from the levy they may submit to Council, prior to approval of the required certificate, an application for exemption giving reasons and providing any necessary evidence for the exemption.

b. Where the proposed cost of carrying out the development, as specified in the cost summary report, the registered surveyor's detailed cost report or the independent review of costs obtained by Council (as the case may be), is more than \$100,000 a Section 7.12 levy is to be paid to Council for the following amount:

1. Where the proposed cost of carrying out the development is greater than \$100,000 but not more than \$200,000 – 0.5% of that cost, or
2. Where the proposed cost of carrying out the development is greater than \$200,000 – 1% of that cost.

This levy is to be paid prior to the issue of the first Part 4A certificate required for the development.

If the levy is not paid within the same financial year as the date on which Council accepted the cost summary report, the registered surveyor's detailed cost report or the independent review of costs (as the case may be), the amount of the levy is to be adjusted at the time of actual payment to reflect changes in construction costs, in accordance with the provisions of City of Botany Bay Section 94A (Section 7.12) Development Contributions Plan 2016.

Note: This requirement to pay the Section 7.12 levy does not apply if the proposed cost of carrying out the development is \$100,000 or less or Council has confirmed in writing that the proposed development is exempt from the levy.

29. Prior to the issue of any Construction Certificate, the applicant shall lodge a Builder's Damage Deposit and Performance Bond of **\$425,224.78** (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.
30. Prior to the issue of any Construction Certificate, amended draft subdivision plans demonstrating the approved amended architectural plans are to be submitted to Council for approval.
31. Prior to the issue of any Construction Certificate, at the proposed point of construction site entry, photographic survey showing the existing conditions of Council's and RMS infrastructure shall be submitted to Council and Principal Certifying Authority. The survey shall detail the physical conditions and identify any existing damages to the roads, kerbs, gutters, footpaths, driveways, street trees, street signs and any other Council assets fronting the property and extending to a distance of 50m from the development. Failure to do so may result in the applicant/developer being liable for any construction related damages to these assets. Any damage to Council's infrastructure during the course of this development shall be restored at the applicant's cost.
32. Prior to the issue of any Construction Certificate, detailed drainage design plans for the management of stormwater are to be submitted to the Principal Accredited Certifier

for assessment and approval. Design certification and drainage design calculations must be submitted with the plans. Botany Bay DCP Part 10— Stormwater Management Technical Guidelines (SMTG) 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 Bay DCP Part 10 — Stormwater Management Technical Guidelines. All drawings shall correspond with the approved architectural plans. The detailed design plans must incorporate, but not be limited to, the following:

- a) The stormwater management provisions generally made in the stormwater management report prepared by C & M Consulting Engineers PTY LTD, REPORT NO. R02072-SWMP, Revision A, dated December 2018 and the Civil Engineering Drawings prepared by C & M Consulting Engineers PTY LTD in the following plans;

Drawing No.	Drawing Title	Revision	Dated
02072_100	COVER SHEET, DRAWING INDEX, GENERAL NOTES AND LOCALITY PLAN	01	18/12/18
02072_110	SITE LAYOUT PLAN AND LEGEND	03	22/01/19
02072_201	GENERAL ARRANGEMENT PLAN GROUND FLOOR - SHEET 1	03	22/01/19
02072_202	GENERAL ARRANGEMENT PLAN GROUND FLOOR - SHEET 2	03	22/01/19
02072_203	GENERAL ARRANGEMENT PLAN GROUND FLOOR - SHEET 3	03	22/01/19
02072_204	GENERAL ARRANGEMENT PLAN - FIRST FLOOR	03	22/01/19
02072_205	ROOF CATCHMENT PLAN	03	22/01/19
02072_231	BULK EARTHWORKS CUT/FILL PLAN	02	10/01/19
02072_301	ACCESS DRIVEWAY PLAN AND PROFILES	01	18/12/18
02072_302	ACCESS RAMP PLAN AND PROFILES	01	18/12/18
02072_621	OSD TANK - PLAN, SECTIONS AND DETAILS	02	10/01/19
02072_701	SEDIMENT & EROSION CONTROL PLAN	02	10/01/19
02072_702	SEDIMENT & EROSION CONTROL DETAILS	01	18/12/18

and the provisions/documentation/revisions detailed below:

- b) The OSD system shall discharge underground into a new 1.8m kerb inlet pit in Wight Street, with a new stormwater pipe connecting to the existing kerb inlet pit opposite the site, as per Bayside Council infrastructure specifications,
- c) Heavy duty drainage grates shall be provided on the driveway at the property boundary,
- d) The On-Site Detention System (OSD) shall be designed according to Part 6 of the SMTG. It should be noted that OSD systems shall be designed to detain the stormwater runoff from the site for all storm events up to and including 1 in 100 year ARI storm and permissible site discharge (PSD) shall be based on 1 in 5 year ARI peak flow generated from the site under the “State of Nature” condition (i.e. the site is totally grassed/turfed), rather than pre-development condition,

- e) In accordance with Botany Bay DCP SMTG section 4, a minimum capacity 10000L of Rainwater Tank(s) shall be provided for the site. In order to reduce pollutants entering the tank, a first flush device to divert minimum 1mm initial runoff from the roof area bypassing the tank shall be provided. Only roof water shall be directed to the rainwater tank. Overflow from the rainwater tank shall be directed to the site drainage system. The rainwater tank(s) must service all toilets and any external taps/ outdoor irrigation for landscaping within the development,
  - f) Incorporate a Stormwater Quality Improvement system to ensure compliance with Section 16 of Botany Bay's SMTG,
  - g) The water quality improvement system and WSUD strategy proposal shall be designed to capture and treat at least 85% flows generated from the site,
  - h) 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,
  - i) No stormwater run-off is to be concentrated onto any adjoining private property, and
  - j) Detailed calculations including computer modelling and design certification must be provided supporting the proposal.
33. To ensure that utility authorities and Council are advised of any effects to their infrastructure by the development, the applicant shall:
- a) Carry out a survey of all utility and Council services within the site including relevant information from utility authorities and excavation if necessary to determine the position and level of services,
  - b) Negotiate with the utility authorities (e.g. AusGrid, Sydney Water, Telecommunications Carriers) and Council in connection with:
    - (i) The additional load on the system, and
    - (ii) The relocation and/or adjustment of the services affected by the construction.
  - c) The Ausgrid lighting poles along Wentworth Avenue and Wight Street, adjacent to 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,
  - d) All above ground utilities along Wentworth Avenue and Wight Street, adjacent to development, shall be relocated underground in accordance with Ausgrid specifications and any other affected and relevant service provider, and
  - e) All underground and above ground infrastructure shall be constructed as specified by Ausgrid, RMS, Council and any other affected service provider. The location of the new electrical pillars, new lighting poles, any new pits and

trenches for utilities shall be confirmed with Council prior to the issue of the Construction Certificate.

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 the issue of the Construction Certificate.

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

34. A Public Domain Frontage Design must be prepared by suitably qualified professionals for assessment and approval by Council's Public Domain Team for all frontage works that are required to be constructed within the public domain and which are subject to approval pursuant to Section 138 of the Roads Act 1993. All frontage works shall be in accordance with Council technical manuals, master plans, town centre plans, Australian standards and standard design drawings and specifications. Public domain frontage works shall include, but not be limited to, civil, drainage, landscaping, undergrounding of services, lighting, traffic signage, line marking, parking and traffic devices.

A 'public domain frontage works application' shall be submitted to Bayside Council's Customer Service Centre for assessment of all required works within the road reserve, upon payment of the relevant fee, prior to the issue of any Construction Certificate.

Note: Preliminary consultation with Council's public domain team is recommended.

35. Prior to the issue of any Construction Certificate, a Construction Management Program shall be submitted to, assessed and approved by the Principal Accredited Certifier. 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 Work Zone (if required) approved by Council's Traffic Committee, including a copy of that approval.
  - l) Obtain Permits required under this consent.
36. 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 Principal Accredited Certifier for assessment and approval. The plan shall:
- a) be prepared by a RMS accredited consultant, and
  - b) address, but not be limited to, the following matters:
    - (i) ingress and egress of vehicles to the site;
    - (ii) loading and unloading, including construction zones;
    - (iii) predicted traffic volumes, types and routes;
    - (iv) pedestrian and traffic management methods; and
  - c) no access to the site during construction is permitted from Wentworth Avenue, and
  - d) all demolition and construction vehicles are to be contained wholly within the site and vehicles must enter the site before stopping. A construction zone will not be permitted on Wentworth Avenue, and
  - e) 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, and
  - f) 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.*

37. Prior to the release of the Construction Certificate, the following required section(s) are to be submitted to, assessed and approved by the Principal Accredited Certifier:
- a) All driveways/access ramps/vehicular crossings shall conform with Australian Standards AS 2890.1 and Council requirements,
  - b) The applicant shall provide longitudinal sections along the extremities and the centre line of each internal driveway/access ramp at a scale of 1:25. These long sections shall extend from the horizontal parking area within the property to the centre line of the roadway. The sections shall also show the clear height from the ramp to any overhead structure, and
  - c) At least 26 bicycle parking spaces are to be provided for the development and designed in accordance with AS2890.3:2015. Adequate end of trip facilities must be provided on the ground floor (toilets, showers, change room, lockers), and
  - d) The design of the car parking facility is to be certified by a suitably qualified engineer as being in accordance with Australian Standard 2890 parking series.
38. Prior to the release of the Construction Certificate, the following required section(s) are to be submitted to, assessed and approved by the Principal Accredited Certifier:
- a) All driveways/access ramps/vehicular crossings/aisles shall conform with Australian Standards AS 2890.2:2018 and Council requirements along the travel paths of the Medium Rigid Vehicle (MRV as denoted by AS2890.2.:2018) service vehicle, and
  - b) All service vehicles shall enter the property front in front out, and
  - c) Demonstrate safe headroom clearance of 4.5m is achieved in the driveway entrance and along the along the travel path, parking and manoeuvring areas of all Medium Rigid Vehicle (MRV), and
  - d) Swept path analysis shall be provided for manoeuvring of MRV commercial vehicles, depicting a forward entry and forward exit manoeuvre from all loading bays on the site, depicting the ability for two MRV vehicles to pass one another on the ground floor travelling between the driveway access to the internal first floor access ramp, and
  - e) A longitudinal section plotting headroom clearance above driveway access and along the travel path of the MRV vehicle is to be provided for assessment, and
  - f) Provide low speed signage and traffic management devices between the driveway entrance of the parking facility and the first floor access ramp, and
  - g) The design of the car parking facility is to be certified by a suitably qualified traffic engineer as being in accordance with Australian Standard 2890.2:2018.
39. Prior to the release of the Construction Certificate, the following required section(s) are to be submitted to, assessed and approved by the Principal Accredited Certifier:
- a) All driveways/access ramps/vehicular crossings/aisles shall conform with Australian Standards AS 2890.2:2018 and Council requirements along the

- travel paths of the Medium Rigid Vehicle (MRV as denoted by AS2890.2.:2018) service vehicle, and
  - b) All service vehicles shall enter the property front in front out, and
  - c) Demonstrate safe headroom clearance of 4.5m is achieved in the driveway entrance and along the along the travel path, parking and manoeuvring areas of all Medium Rigid Vehicle (MRV), and
  - d) Swept path analysis shall be provided for manoeuvring of MRV commercial vehicles, depicting a forward entry and forward exit manoeuvre from all loading bays on the site, depicting the ability for two MRV vehicles to pass one another on the ground floor travelling between the driveway access to the internal first floor access ramp, and
  - e) A longitudinal section plotting headroom clearance above driveway access and along the travel path of the MRV vehicle is to be provided for assessment, and
  - f) Provide low speed signage and traffic management devices between the driveway entrance of the parking facility and the first floor access ramp, and
  - g) The design of the car parking facility is to be certified by a suitably qualified traffic engineer as being in accordance with Australian Standard 2890.2:2018.
40. Prior to the release of the Construction Certificate, the following required section(s) are to be submitted to, assessed and approved by the Principal Accredited Certifier:
- a) At least three (3) accessible car parking spaces shall be provided and designed as specified in Australian Standard 2890.6, and
  - b) All off street accessible parking shall have access to the adjacent road(s) and to the communal open space as per Australian Standards AS 2890.6 and Council requirements, and
  - c) All Accessible parking spaces shall be located within close proximity and easy access to the lift systems proposed for the building as per AS2890.6 and AS4299.
41. Prior to the issue of any Construction Certificate, as excavation is proposed closer to existing built structures on neighbouring properties, which may be in the zone of influence of the proposed works and excavations on this site, a qualified practicing chartered professional geotechnical engineer must:
- a) Conduct an investigation of the site in line with geotechnical engineering practice and industry standards,
  - b) Provide a certificate that the construction certificate plans are satisfactory from a geotechnical perspective,
  - c) Prepare a Construction Methodology report demonstrating that the proposed construction methods (including any excavation, and the configuration of the built structures) will have no adverse impact on any surrounding property and infrastructure. The report must be submitted with the application for a Construction Certificate for the relevant stage of works,
  - d) Inspect the works as they progress. The Inspections are to occur at frequencies determined by the geotechnical engineer, and
  - e) Retaining walls over 600mm in height shall be designed and specified by a suitably qualified structural engineer.

Where a Private Certifier issues the Construction Certificate a copy of the above documentation must be provided to Council, once the Construction Certificate is issued for the relevant stage of works. Note: A failure by contractors to adequately assess and seek professional engineering (geotechnical) advice to ensure that appropriate

underpinning and support to adjoining land is maintained prior to commencement may result in damage to adjoining land and buildings. Such contractors are likely to be held responsible for any damages arising from the removal of any support to supported land as defined by section 177 of the Conveyancing Act 1919.

42. Prior to the issue of any Construction Certificate, a qualified practitioner shall undertake a closed circuit television (CCTV) inspection and then report on the existing condition of the adjacent Council drainage pipelines on Wentworth Avenue and Wight Street. The camera and its operation shall comply with the following:
- a) The internal surface of the drainage pipe shall be viewed and recorded in a clear and concise manner, and
  - b) The CCTV camera used shall be capable to pan, tilt and turning at right angles to the pipe axis over an entire vertical circle to view the conduit joints, and
  - c) (c) Distance from the drainage pit shall be accurately measured, and
  - d) (d) The inspection survey shall be conducted from manhole to manhole.

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

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

43. Prior to the issue of any Construction Certificate, the approved plans must be submitted to 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>
44. The external walls of the building including attachments must comply with the relevant requirements of the National Construction Code (NCC). Prior to the issue of a Construction Certificate, the Principal 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.
45. The applicant shall confer with Ausgrid to determine if an electricity distribution substation is required. Written confirmation of Ausgrid's requirements shall be obtained prior to issue Construction Certificate.
46. The Final Landscape Plan shall be generally in accordance with the approved Landscape Plan prepared by Site Image, Issue D, dated 2<sup>nd</sup> December 2019 (Refer to Condition 1) and comprise detailed landscape construction documentation (plans and specifications) to be submitted to, and approved by Bayside Council's Landscape

Architect prior to the issue of the Construction Certificate. The landscape documentation shall include, but not be limited to:

- a) A planting plan at 1:100 showing all plant locations/groupings and plant centres/species. There is to be a dense layered planting scheme consisting of trees, shrubs and groundcovers in all of these areas. Include all existing trees with the reference number as detailed in Arborist Report by Abel Ecology, dated 15th January 2019.
  - b) Planting scheme shall provide a larger variety of species, and include large canopy trees to be able to reach a minimum mature size of 15 meters. Increase the quantity of mediumlarge canopy tree planting within the setbacks to ameliorate the development and add amenity and screening to the site and adjoining southern boundary. Include also large canopy trees in the landscape proposal: *Corymbia citriodora*, *Eucalyptus saligna*, *Eucalyptus robusta*, *Melaleuca quinquenervia*, *Angophora floribunda*, *Angophora costata*.
  - c) New trees planted along frontage setback to Wentworth Avenue shall be planted at minimum 75 Litres pot size. All other trees shall be planted at minimum 45 litres pot size.
  - d) 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 treat, areas of paving, schedule of materials, edge treatments, tactile and sectional construction details. Details of all fencing, gates impacting or visible to public domain areas. Details of all other hardscape landscape elements that might be required such as street furniture, pedestrian amenity lighting. Location to be clearly identified on plan.
  - e) A minimum of 80% of a planting scheme is to consist of native plants. Locally indigenous species, as specified in Part 10 – Technical Guidelines for Landscaping on Development Sites, are to be incorporated where practical and suit the microclimate conditions. (Control 2 Part3 L.3 of BBDCP 2013).
  - f) All areas to be used at night shall be well lit (including pedestrian pathways, laneways, access routes and entrances).
  - g) 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).
47. Prior to the issue of a Construction certificate, the applicant shall submit a Frontage Works Application. Public domain landscape improvements plan shall be submitted for approval by Council as part of public domain frontage works. All landscape specifications shall be in accordance with Council Landscape brief.

48. New landscape treatment shall be maintained for a period of 12 months after final inspection by Council. Maintenance includes twice weekly watering within the first 6 months then weekly thereafter to sustain adequate growth and health, biannual feeding, weed removal round the base, mulch replenishment at 3 monthly intervals (to 75mm depth) and adjusting of stakes and ties.
49. A Stage 2 Detailed Site Investigation must be completed by a suitably qualified and experienced environmental consultant in accordance with:
- a) NSW Office of Environment and Heritage (OEH) 'Contaminated Sites – Guidelines for Consultants Reporting on Contaminated Sites';
  - b) NSW Environment Protection Authority (NSW EPA) approved guidelines under the Contaminated Land Management Act 1997; and
  - c) State Environmental Planning Policy 55 (SEPP55) – Remediation of Land.

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

The Stage 2 Detailed Site Investigation must address all data gaps identified in the 'Stage 1 Environmental Site Assessment – Lot 12 in DP701187 – Moore Street, Banksmeadow, NSW', (Report E31795KTrptRev1) by EIS dated 26 February 2019.

Following completion of the Stage 2 Detailed Site Investigation, a Stage 3 Remedial Action Plan must be prepared and remediation of the site must be carried out to address the identified underground storage tanks and any other contamination issues identified in the Stage 2 Detailed Site Investigation. Approvals from appropriate government departments where required must be obtained and full details of the investigation and site remediation are to be submitted to Bayside Council for written concurrence in accordance with the Environmental Planning and Assessment Act 1979 prior to any Construction Certificate being issued for the proposed development.

50. To ensure that the soil and groundwater investigations and any remedial action plan (RAP) proposed for the site are sufficient to enable the land to be made suitable for the proposed use, an Interim Site Audit Advice must be completed by the accredited site auditor under the Contaminated Land Management Act 1997 and must be submitted to Council clearly demonstrating that the land can be made suitable for the proposed use. All measures to be undertaken to enable this must be outlined. This must be provided prior to the issue of any construction certificate.

## **DURING WORKS**

- 51.
- a) The applicant shall conduct all construction works and any related deliveries/activities wholly within the site. If any use of Council's road reserve is required, approval and permits shall be obtained from Council.
  - b) Construction operations such as brick cutting, washing tools or brushes and mixing mortar shall not be carried out on park/road reserve or in any other locations which could lead to the discharge of materials into the stormwater drainage system or onto Council's lands.
  - c) Hosing down or hosing/washing out of any truck (concrete truck), plant (e.g. concrete pumps) or equipment (e.g. wheelbarrows) on Council's road reserve or other property is strictly prohibited. Fines and cleaning costs will apply to any breach of this condition.

- d) Pavement surfaces adjacent to the ingress and egress points are to be swept and kept clear of earth, mud and other materials at all times and in particular at the end of each working day or as directed by Council's Engineer.
52. 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 (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.
53. 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.
54. 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.
55. Dewatering is not permitted on this site without NSW-EPA approval.
56. Demolition is to be carried out in the accordance with the following:-
- a) The approved Safe Work Method Statement required by this consent:
  - b) Demolition is to be carried out in accordance with Australian Standard 2601:2001: Demolition of structures, Work Health & Safety Act 2011 (NSW), Work Health & Safety Regulation 2011 (NSW) and the requirements of the Safe Work NSW.
  - c) The hours of demolition work are limited to between 7:00am and 6:00pm on weekdays. No demolition work is to be carried out on Saturdays, Sundays and public holidays.
  - d) Hazardous or intractable wastes arising from the demolition process must be removed and disposed of in accordance with the requirements of Safe Work NSW and the Environmental Protection Authority.
  - e) Demolition procedures must maximise the reuse and recycling of demolished materials in order to reduce the environmental impacts of waste disposal.
  - f) During demolition, public property (footpaths, roads, reserves etc) must be clear at all times and must not be obstructed by any demolished material or vehicles. The footpaths and roads must be swept (not hosed) clean of any material, including clay, soil and sand. On the spot fines may be levied by Council against the demolisher and/or owner for failure to comply with this condition.

- g) All vehicles leaving the site with demolition materials must have their loads covered and vehicles must not track soil and other materials onto public property (footpaths, roads, reserves etc) and the footpaths must be suitably protected against damage when plant and vehicles access the site.
- h) The burning of any demolished material on site is not permitted and offenders will be prosecuted. The demolition by induced collapse and the use of explosives is not permitted.
- i) Care must be taken during demolition to ensure that existing services on the site (ie, sewer, electricity, gas, phone) are not damaged. Any damage caused to existing services must be repaired by the relevant authority at the applicant's expense. Dial before you dig [www.1100.com.au](http://www.1100.com.au) should be contacted prior to works commencing.
- j) Suitable erosion and sediment control measures in accordance with the Soil and Water Management Plan must be erected prior to the commencement of demolition works and must be maintained at all times.
- k) Any material containing asbestos found on site during the demolition process shall be removed and disposed of in accordance with Safe Work NSW requirements. Protection of the Environment Operations Act 1997, Protection of the Environment Operation (Waste) Regulation and 'Waste Classification Guidelines 2008' prepared by the NSW Office of Environment and Heritage. Following completion, an Asbestos Clearance Certificate is to be provided to Council following the final asbestos clearance inspection.

57. The following conditions are necessary to ensure minimal impacts during construction:

- a) Building, demolition and construction works not to cause stormwater pollution and being carried out in accordance with Council's stormwater pollution control requirements. 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.
- b) Stormwater from roof areas shall be linked via a temporary downpipe to an approved stormwater disposal system immediately after completion of the roof area.
- c) All disturbed areas shall be stabilised against erosion within 14 days of completion, and prior to removal of sediment controls.
- d) Building and demolition operations such as brick cutting, 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.
- e) 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.

- f) Wind blown dust from stockpile and construction activities shall be minimised by one or more of the following methods:
    - i. spraying water in dry windy weather
    - ii. cover stockpiles
    - iii. fabric fences
  - g) All vehicles transporting soil, sand or similar materials and demolition material to or from the site shall cover their loads at all times.
  - h) The applicant shall conduct all construction works and any related deliveries/activities wholly within the site.
  - i) During the construction works, the Council nature strip shall be maintained in a clean and tidy state at all times and shall be suitably repaired and/or replaced in accordance with Council Specifications at the completion of construction works.
  - j) An all weather drive system or 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.
58. Vibration monitoring equipment must be installed and maintained, under the supervision of a professional engineer with expertise and experience in geotechnical engineering, between any potential source of vibration and any building identified by the professional engineer as being potentially at risk of movement or damage from settlement and/or vibration during the excavation and during the removal of any excavated material from the land being developed. If vibration monitoring equipment detects any vibration at the level of the footings of any adjacent building exceeding the peak particle velocity adopted by the professional engineer as the maximum acceptable peak particle velocity an audible alarm must activate such that the principal contractor and any sub-contractor are easily alerted to the event. Where any such alarm triggers all excavation works must cease immediately. Prior to the vibration monitoring equipment being reset by the professional engineer and any further work recommencing the event must be recorded and the cause of the event identified and documented by the professional engineer.
- Where the event requires, in the opinion of the professional engineer, any change in work practices to ensure that vibration at the level of the footings of any adjacent building does not exceed the peak particle velocity adopted by the professional engineer as the maximum acceptable peak particle velocity these changes in work practices must be documented and a written direction given by the professional engineer to the principal contractor and any sub-contractor clearly setting out required work practice. A copy of any written direction required by this condition must be provided to the Principal Certifier within 24 hours of any event.
- Where there is any movement in foundations such that damaged is occasioned to any adjoining building or such that there is any removal of support to supported land the professional engineer, principal contractor and any sub-contractor responsible for such work must immediately cease all work, inform the owner of that supported land and take immediate action under the direction of the professional engineer to prevent any further damage and restore support to the supported land.



Note: Professional engineer has the same mean as in Clause A1.1 of the BCA.

Note: Building has the same meaning as in section 4 of the Act i.e. “building includes part of a building and any structure or part of a structure”.

Note: Supported land has the same meaning as in section 88K of the Conveyancing Act 1919.

59. Consent is granted for the removal of trees numbered 301-313, 318, 322-324, 334-350, 353, 355-357, 359, 361-363, 365, 367, 368, 370-373, 377, 382-386, 403, 406-410, 412, 413, 418, 420, 424-433, 436-442, 444, 445, 447, 449, 450, 452-454, 458, 460-467, 469, 470, 475, 482, 485, 491-494, 496, 500-506, 508, 509, 513, 517, 520-522, 524-529, 531-533, 535, 536, 540, 541, 543, 544, 547-550, 552, 556-564, 575, 586, 588-595, 598-635 (as referenced in the arborist report prepared by Abel Ecology Pty Ltd dated 15 January 2019)
60. The following trees are to be retained and protected by a Tree Protection Zone (TPZ):
- 314-317, 319-321, 325-333, 351, 352, 354, 358, 360, 364, 366, 369, 374-376, 378-381, 387, 404, 405, 411, 414-417, 419, 421-423, 435, 435, 463, 446, 448, 451, 455, 457, 459, 468, 471-474, 476-481, 483, 484, 486-490, 495, 497-499, 507, 510-512, 514, 515, 516, 518, 519, 522, 530, 534, 537-539, 541, 545, 546, 551, 553-555, 565-574, 576-585, 587, 596, 597 (as referenced in the arborist report prepared by Abel Ecology Pty Ltd dated 15 January 2019)
- 61.
- a) A Qualified Arborist, minimum level 2 (AQF 2) with their own public liability insurance must be engaged and undertaken all tree removal works as per ***Australian Standard 4373- Pruning of amenity trees***.
  - b) Development Impacts: **AS4970 (2009) section 3** requires a **Tree Protection Zone (TPZ)** setback of 2.5 metres (m) from centre of trunk (COT).
  - c) In most cases, stump grinding cannot be satisfactorily undertaken due to the roots of the adjoining trees being impacted upon. These tree stumps SHALL be retained and poisoned.
  - d) In accordance with **AS4970-2009** protective fences consisting of chain wire mesh temporary fence panels with a height 1.8m shall be erected outside the drip line. The fence panels must be securely mounted and braced to prevent movement. The area within the fenced area is to be mulched with leaf mulch to a depth of 100mm and a weekly deep watering program undertaken.
  - e) The protective fence shall consist of para-webbing or chain wire mesh mounted on star pickets or similar metal posts, shall be placed prior to the commencement of any work on site and shall remain until the completion of all building and hard landscape construction.
  - f) Along the Wight Street frontage, tree protection fencing shall be erected to ensure that the public footway is not unobstructed. If there is insufficient space to erect fencing, then the trees are to be physically protected by wrapping the trunk with hessian or carpet underlay to a height of 2.5 meters or to the tree's first lateral branch, whichever is greater, and affix timber palings around the tree with strapping or wire (not nails).

62. If the work involved in the construction of a building:
- a) likely to cause pedestrians or vehicular traffic in a public place to be obstructed or rendered inconvenient; or,
  - b) involves the enclosure of a public place:
    - (i) a hoarding or fence must be erected between the work site and the public place.
    - (ii) If necessary an awning is to be erected sufficient to prevent any substance from or in connection with the work falling into the public place.
    - (iii) The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to person(s) in the public place.
    - (iv) Any such hoarding, fence or awning is to be removed when the work has been completed.
  - c) Suitable consent shall be obtained from Council prior to the erection of any hoarding at the property.
63. 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.
64. 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, the appointed Site Auditor (Contaminated Land) and the accredited certifier immediately. All work on site must 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 and reviewed and approved by the Site Auditor (Contaminated Land).
65. Noise from construction activities associated with the development shall comply with the NSW Environment Protection Authority's Environmental Noise Manual – Chapter 171 and the *Protection of the Environment Operations Act 1997*.

**a) Level Restrictions**

Construction period of 4 weeks and under:

the L<sub>10</sub> sound pressure level measured over a period of not less than 15 minutes when the construction site is in operating must not exceed the background level by more than 20 dB(A).

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

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

**b) Time Restrictions**

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

Monday to Friday: 07:00 am to 05:00 pm

Saturday: 08:00 am to 01:00 pm

No Construction to take place on Sundays or Public Holidays.

**c) Silencing**

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

66. Toilet facilities are to be provided at or in the vicinity of the work site on which work involves:

- a) demolition and construction of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site;
- b) Each toilet provided:
  - i) must be standard flushing toilet; and,
  - ii) must be connected:
    - 1 to a public sewer; or
    - 2 if connection to a public sewer is not practicable to an accredited sewerage management facility approved by the Council; or,
    - 3 if connection to a public sewer or an accredited sewerage management facility is not practicable to some other sewerage management facility approved by the Council.
- c) The provisions of toilet facilities in accordance with this condition must be in place before work commences.

67. 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 Services NSW.

Permit application forms should be lodged at Council's Customer Service Centre allowing sufficient time for evaluation. An information package is available on request.

68. All remediation work must be carried out in accordance with:

- a) NSW Office of Environment and Heritage (OEH) 'Contaminated Sites – Guidelines for Consultants Reporting on Contaminated Sites';
- b) NSW Environment Protection Authority (NSW EPA) guidelines under the Contaminated Land Management Act 1997;
- c) State Environmental Planning Policy 55 (SEPP55) – Remediation of Land; and
- d) The Remedial Action Plan (RAP) required to be submitted prior to the issue of the Construction Certificate.

69. 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 10m<sup>2</sup> 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.
70. All materials excavated from the site (fill or natural) must 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. Appropriate records must be retained to support this.
71. To prevent contaminated soil being used onsite and to ensure that it is suitable for the proposed land use, all imported fill must 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 must be accompanied by documentation from the supplier which certifies that the material has been analysed and is suitable for the proposed land use.
72. Results of the monitoring of any field parameters such as soil, groundwater, surface water, dust or noise measurements must be made available to Council Officers on request throughout the remediation and construction works.

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

73. 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.
74. An Occupation Certificate shall be obtained in relation to the approved works prior to any use or occupation of the building.
75. All applications associated with works on Council's land must be made at least 7-10 days prior to the programmed completion of works and all construction must be completed and approved by Council.
76. Prior to the issue of an Occupation Certificate, the underground placement of all low and/or high voltage street electrical mains in the street/s adjacent to the development (Wight Street and Wentworth Avenue), 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.

77. 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.
78. Street and unit numbers shall be clearly displayed with such numbers being of contrasting colour and adequate size and location for viewing from the footway and roadway. Details of street numbering shall be submitted to Council for approval.
79. Prior to the issue of any Occupation Certificate, the applicant shall carry out the following works, at no cost or expense to Council:
- a) On Wight Street, adjacent to development, remove redundant driveway crossovers and provide required tree planting and public domain improvements as specified by Council in accordance with Council's Infrastructure Specifications, and
  - b) On Wight Street and Wentworth Avenue, adjacent to development, demolish existing concrete footpath and construct new footpath as per Council's Infrastructure and Landscape Architect specifications, and
  - c) On Wight Street, adjacent to development, reconstruct existing kerb and gutter for the full length of the property in accordance with Council's Infrastructure Specifications, and
  - d) On Wight Street, construct new kerb inlet pit(s) and stormwater pipe(s), connecting to existing stormwater infrastructure located within Wight Street to Council infrastructure specifications, and
  - e) On Wight Street, adjacent to development, reconstruct the road asphalt full width in accordance with Council's Infrastructure and Pavement Engineer's specifications.

All works within the road reserve, which are subject to approval pursuant to Section 138 of the Roads Act 1993, shall be constructed to the satisfaction of Bayside Council.

80. The public footpaths shall be constructed in accordance with the approved Public Domain Plan and Council specifications. The footpath dimensions, location, paver type and construction methods shall be in accordance with these specifications. Hold points and Council inspections are required after formwork setback and to prior pouring the concrete blinding slab, at the commencement of paving works and at final completion as a minimum. Pavers shall be ordered allowing for adequate lead time for manufacture (10-12 weeks).
81. Prior to completion of the building works, a full width vehicular entry is to be constructed to service the property. The driveway crossing is to have a minimum width of 11 metres at the boundary. All obsolete vehicular entries are to be removed and replaced with kerb & gutter.
82. Prior to the issue of any Occupation Certificate(s), inspection reports for the works on the road reserve shall be obtained from Council's engineer and submitted to the Principal Certifying Authority attesting that this condition has been appropriately satisfied.

83. Prior to the issue of any Occupation Certificate, documentation from suitably qualified engineer shall be submitted to the Principal Accredited Certifier certifying that the vehicle access and off street parking facilities have been constructed in accordance with the approved construction plans, AS/NZS 2890.1:2004, AS2890.2:2018 and AS/NZS 2890.6, line marked, all signage relating to car parking erected and that the car parking area is clearly and appropriately marked/signposted indicating all the vehicular movements on the site. The internal road network, pedestrian facilities and parking facilities (including visitor parking and parking for persons with disabilities) shall be clearly designated, sign posted and line marked prior to the issuing of an Occupation Certificate. Signage and line marking shall comply with Australian Standards, AS1742, Manual of Uniform Traffic Control Devices and NSW Road Transport (Safety and Traffic Management) Regulations 1999. Concrete wheel stops shall be installed in all car spaces adjoining high obstructions in accordance with AS/NZS 2890.1:2004.
84. All 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 a prominent place near the primary vehicular entrance to the site, approved by the principal certifier, stating the following: "All vehicles shall enter and exit the site in a forward direction at all times".
85. Prior to the issue of any Occupation Certificate, a Chartered Professional Engineer shall certify that the stormwater system has been constructed in accordance with the approved plans and as required by Botany Bay DCP Part 10 Stormwater Management Technical Guidelines. The certificate shall include an evaluation of the completed drainage works. 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.
86. The owner of the premises is required to comply with the following requirements when installing a rainwater tank:
- a) The overflow from the rainwater tank shall be directed to the storm water system.
  - b) A first flush device shall be installed to reduce the amount of dust, bird faeces, leaves and other matter entering the rainwater tank.
  - c) The rainwater tank shall be connected up for internal re-use within the building which includes the following:
    - (i) All toilet flushing,
    - (ii) All external taps (labelled as non-potable water),
    - (iii) All vehicular wash down areas,
    - (iv) All landscape irrigation (including watering of gardens);
87. Prior to the issue of any Occupation Certificate, a qualified practitioner shall undertake a closed circuit television (CCTV) inspection, and then report on the post construction condition of Council drainage infrastructure, adjacent to the site on Wentworth Avenue and Wight Street. The camera and its operation shall comply with the following:
- a) The internal surface of the drainage pipe shall be viewed and recorded in a clear and concise manner, and
  - b) The CCTV camera used shall be capable to pan, tilt and turning at right angles to the pipe axis over an entire vertical circle, to view the conduit joints, and

- c) Distance from the manholes shall be accurately measured, and
- d) The inspection survey shall be conducted from manhole to manhole.

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

- 88. Prior to the issue of the Occupation Certificate, a Certificate of Survey from a Registered Surveyor shall be submitted to the Principal Certifying Authority showing all the building structures are wholly located within the property boundary.
- 89. Prior to the issue of the Occupation Certificate, each unit within the development shall be provided with a standardised fascia sign of uniform design throughout the site just below the parapet of each unit and, shall not project more than 500mm from the wall to which it is attached and must have a minimum clearance of 2100mm from the finished ground level.
- 90. Prior to issue of any Occupation Certificate, the following must be complied with:
  - a) All landscape works are to be carried out in accordance with the approved Construction Certificate landscape plans for the approved development. The landscaping is to be maintained to the approved standard at all times.
  - b) A Landscape Architect shall provide a report to the certifying authority (with a copy provided to Council, if Council is not the principal certifier) stating that the landscape works have been carried out in accordance with the approved plans and documentation.
- 91. A Stage 4 – Site Validation Report (SVR) must be prepared by a suitably qualified contaminated land consultant and must be in accordance with:
  - a) NSW Office of Environment and Heritage (OEH) ‘Contaminated Sites – Guidelines for Consultants Reporting on Contaminated Sites’;
  - b) NSW Environment Protection Authority (NSW EPA) approved guidelines under the Contaminated Land Management Act 1997; and
  - c) State Environmental Planning Policy 55 (SEPP55) – Remediation of Land.

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

- 92. To ensure that the site is suitable for the proposed use, a Site Audit Statement (SAS) completed by an accredited site auditor under the *Contaminated Land Management Act 1997* must be submitted to Council clearly demonstrating that the site is suitable for the proposed development. This must be provided prior to the release of any Occupation Certificate.

Any conditions imposed on the SAS must form part of this consent. The accredited site auditor must provide Council with a copy of the Site Audit Report (SAR) and Site Audit Statement (SAS) prior to the issuing of any Occupation Certificate. In circumstances where the SAS conditions (if applicable) are not consistent with the

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

93. Prior to issue of the Occupation Certificate a final fire safety certificate must be prepared and issued to Council. This certificate must state that each essential fire safety measures specified in the current fire safety schedule for the building to which the certificate relates:

- a) Has been assessed by a properly qualified person;
- b) Was found when assessed to be capable of performing to a standard not less than that required by the current fire safety schedule for the building for which the certificate is issued; and
- c) The date of assessment which must be within the period of 3 months prior to the date on which the final fire safety certificate is issued.

Note:

- (i) The choice of person to carry out the assessment is up to the owner of the building;
- (ii) The person who carries out the assessment:
  - (1) must inspect and verify the performance of each fire safety measure being assessed; and,
  - (2) must test the operation of each new item of equipment installed in the building premises that is included in the current fire safety schedule for the building;
- (iii) As soon as is practicable after a final fire safety certificate is issued the owner of the building to which it relates:
  - (1) must cause a copy of the certificate (together with a copy of the current fire safety schedule to be given to the Commissioner of the New South Wales Fire and Rescue; and,
  - (2) must cause a further copy of the certificate (together with a copy of the current fire safety schedule) to be prominently displayed in the building.

#### **PRIOR TO ISSUE OF THE SUBDIVISION CERTIFICATE**

94. A separate application must be made for a Subdivision Certificate. The application is to be accompanied by documentary evidence demonstrating compliance with all conditions of consent.
95. Prior to the issue of the subdivision certificate the strata plans must be updated to reflect the approved plans with any amendments as a result of compliance with any of the conditions of consent.
96. Prior to the issue of the subdivision certificate, appropriate documentation and regulation shall be provided to council to ensure that no business may be operated within any of the self-storage facilities and no vehicle (excluding privately owned vehicles limited to cars, vans, boats, caravans, motorbikes and other private vehicles, for example, scooter or jet ski) or hazardous or dangerous goods are stored in the self-storage units. No vehicle in connection with a business, industry, shop or passenger



or freight transport shall be serviced, stored or parked in the self-storage units at any time, including trucks, earthmoving machinery and the alike.

97. Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained prior to the issue of the Subdivision Certificate. 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](http://www.sydneywater.com.au) then the "e-developer" icon or telephone 132092. 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 Coordinator, since building of water / sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.
98. Prior to the issue of the Subdivision Certificate, a restriction on Use of Land and Positive Covenant(s) shall be imposed on the development. The following covenants shall be imposed under Section 88(E) of the Conveyancing Act 1919 and lodged with the NSW Land and Property Information:
- a) Positive Covenant and Restriction on Use of Land for On-Site Detention System. Refer to Appendix B of the SMTG for suggested wording, and
  - b) Positive Covenant and Restriction on Use of Land for Stormwater Quality Improvement Device. Refer to Appendix E of the SMTG for suggested wording.

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

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

99. The population of the entire development should not increase greater than a population density of 130.5 people/ha. This equates to 242 total population on site at any one time.
100. All signs are not to be flashing or create any adverse impacts onto the neighbouring residential developments.
101. Total of **One Hundred and seventy nine (179)** off-street car parking bays shall be made available at all times during business hours for staff and visitors in accordance to the following:
- a) Warehouse/office - 158 car parking spaces;
  - b) Self-Storage - 21 car parking spaces;
  - c) Any excess parking is to be allocated to self-storage.
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, the rainwater tank shall be routinely de-sludged and all contents from the de-sludging process disposed: Solids shall be disposed to the waste disposal and de-sludged liquid shall be disposed to the sewer.

103. No shipping containers are to be stored on the premises.
104. There are no hours of operation approved or the warehouse /office component as these will be subject to separate approval from Council. The self-storage facility shall be 24 hours access, with appropriate access control and security.
105. All loading, unloading and transfer of goods to and from the loading bay and premises shall take place wholly within the property.
106. 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) The maximum size of vehicle accessing the loading bay shall be limited to 8.8m long Medium Rigid Vehicle (MRV) (as denoted in AS2890.2);
  - c) For all commercial vehicles accessing the site, the following shall be complied with:
    - (i) not allowed to travel along Ocean Street;
    - (ii) not allowed to queue, wait and stop within 50m of the vehicle access points of the site;
    - (iii) restricted to travel along the following designated route:
    - (iv) Wentworth Avenue - Baker Street — Moore Street – Wight Street
  - d) Loading and unloading activities associated with the delivery shall take place wholly within the dedicated loading areas;
  - e) All manoeuvring movements of vehicles shall be carried out wholly within the site and vehicle manoeuvring area shall be kept clear at all times;
  - f) All vehicles shall be parked in the marked parking bays and all parking bays on-site shall be set aside for parking purpose only and shall not be used for storage of goods or machinery;
  - g) Under no circumstance shall vehicles to queue on public places, public streets or any road related area (e.g. footpath, nature strip, road shoulder, road reserve etc.) prior to entering the site;
  - h) The occupier shall ensure that any person employed on the premises shall park their vehicles, if any, in the employee parking area provided. No employee shall be permitted to park on a common driveway, public streets or any road related areas (e.g. footpath, nature strip, road shoulder, road reserve, public carpark etc.).
107. Ongoing maintenance of the road verges and footpaths on Wentworth Avenue and Wight Street shall be undertaken by the owner/operator of the development. 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.
108. The operation of the premises shall be conducted in such a manner as not to interfere with or materially affect the amenity of the neighbourhood by reason of noise, vibration,

odour, fumes, vapour, steam, soot, ash, dust, waste water, waste products, grit, oil, or otherwise.

109. 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 L<sub>Aeq</sub> 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.