

Our Ref: OYana/cm/DA-2016/140

Ian Ugarte
ARKIBOAT Pty Ltd ATF The SKM Trust
44 Bahdilli Crescent
Diddillibah QLD 4559

NOTICE OF DETERMINATION OF DEVELOPMENT APPLICATION
ISSUED UNDER THE ENVIRONMENTAL PLANNING AND
ASSESSMENT ACT 1979 - SECTION 81(1)(a)
NOTICE OF APPROVAL

DEVELOPMENT APPLICATION NO. 2016/140

Applicant Name: Ian Ugarte
ARKIBOAT Pty Ltd ATF The SKM Trust

Date of Application: 16 August 2016

Land to be Developed - Address: 117 Maloney Street, Mascot
Lot 2 in DP 507446

Development: Demolition of the existing shop and residential building, construction of a three storey building comprising of a commercial shop fronting Maloney Street and a boarding house comprising 18 rooms including a managers unit, communal room and at grade car parking for 7 spaces

DETERMINATION

Determination: Consent granted subject to conditions contained within the attached schedule.

Determination Made on: 15 March 2018

Consent to Operate From: 15 March 2018

Consent to lapse on 5 years from the date of consent

RIGHT OF APPEAL:

If you are dissatisfied with this decision, Section 97 of the Environmental Planning and Assessment Act 1979 gives you the right to appeal to the Land and Environment Court within six (6) months after the date on which you receive this Notice.

Eastgardens Customer Service Centre
Westfield Eastgardens
152 Bunnerong Road
Eastgardens NSW 2036, Australia
ABN 80 690 785 443 Branch 004

Rockdale Customer Service Centre
444-446 Princes Highway
Rockdale NSW 2216, Australia
ABN 80 690 785 443 Branch 003
DX 25308 Rockdale

Phone 1300 581 299
T (02) 9562 1666 F 9562 1777
E council@bayside.nsw.gov.au
W www.bayside.nsw.gov.au

Postal address: PO Box 21, Rockdale NSW 2216



Telephone Interpreter Services - 131 450

Τηλεφωνικές Υπηρεσίες Διερμηνέων

بخدمة الترجمة الهاتفية

電話傳譯服務處

Служба за преводање по телефон

REVIEW OF DETERMINATION

Section 82A of the Environmental Planning and Assessment Act 1979 provides that the applicant may request the Council to review its determination. The request must be made in writing (or on the review application form) together with payment of the appropriate fee.


The review must be lodged and determined within six (6) months of the date in which you received this notice.

To enable the section 82A review to be considered within the six (6) month time frame prescribed under the Environmental Planning and Assessment Act 1979, it is advisable to lodge the application for review under Section 82A as soon as possible (within 3 months of the determination date) to facilitate the statutory timeframes.

Section 82A does not apply to complying development, designated development, integrated development or determination by the Joint Regional Planning Panel or a determination made by Council under Division 4 in respect of Crown applications.

SIGNED

Yours faithfully

A handwritten signature in black ink, appearing to read 'Chris Mackey', with a long horizontal stroke extending to the right.

**CHRISTOPHER MACKEY
COORDINATOR DEVELOPMENT ASSESSMENT**

On behalf of the Consent Authority

SCHEDULE OF CONSENT CONDITIONS**GENERAL CONDITIONS**

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

Drawing No.	Author	Date Received
Survey Plan, Drawing No. 4022/0.1, Issue W, dated 17/11/2017	The George Group Pty Ltd	17 November 2017
Demolition Plan, Drawing No. 4022/0.1, Issue W, dated 17/11/17	The George Group Pty Ltd	17 November 2017
Site Analysis, Drawing No. 4022/0.21, Issue W, dated 17/11/17	The George Group Pty Ltd	17 November 2017
Site Plan, Drawing No. 4022/0.22, Issue W, dated 17/11/17	The George Group Pty Ltd	17 November 2017
Proposed Stormwater Plan, Drawing No. 4022/0.31, Issue W, dated 17/11/17	The George Group Pty Ltd	17 November 2017
Proposed Ground Floor Plan, Drawing No. 4022/0.41, Issue W, dated 17/11/17	The George Group Pty Ltd	17 November 2017
Proposed First Floor Plan, Drawing No. 4022/0.42, Issue W, dated 17/11/17	The George Group Pty Ltd	17 November 2017
Proposed Second Floor plan, Drawing No. 4022/0.43, Issue W, dated 17/11/17	The George Group Pty Ltd	17 November 2017
Proposed Shadow Plan 1, Drawing No. 4022/0.51, Issue W, dated 17/11/17	The George Group Pty Ltd	17 November 2017
Proposed Shadow On Adjacent Building 1, Drawing No. 4022/0.52, Issue W, dated 17/11/17	The George Group Pty Ltd	17 November 2017
Proposed Shadow On Adjacent Building 1, Drawing No. 4022/0.53, Issue W, dated 17/11/17	The George Group Pty Ltd	17 November 2017
Proposed East Elevation, Drawing No. 4022/1.1, Issue W, dated 17/11/17	The George Group Pty Ltd	17 November 2017
Proposed West Elevation, Drawing No. 4022/1.2, Issue W, dated 17/11/17	The George Group Pty Ltd	17 November 2017
Proposed North Elevation, Drawing No. 4022/1.3, Issue W, dated 17/11/17	The George Group Pty Ltd	17 November 2017
Proposed South Elevation, Drawing No. 4022/1.4, Issue W, dated 17/11/17	The George Group Pty Ltd	17 November 2017
Proposed Section A-A, Drawing No. 4022/1.5, Issue W, dated 17/11/17	The George Group Pty Ltd	17 November 2017
Proposed Section C-C, Drawing No. 4022/1.6, Issue W, dated 17/11/17	The George Group Pty Ltd	17 November 2017
Proposed Street Elevation 1, Drawing No. 4022/2.1, Issue W, dated 17/11/17	The George Group Pty Ltd	17 November 2017
Proposed Street Elevation 2, Drawing No. 4022/2.2, Issue W, dated 17/11/17	The George Group Pty Ltd	17 November 2017
Proposed Street View 1, Drawing No. 4022/2.3, Issue W, dated 17/11/17	The George Group Pty Ltd	17 November 2017

Proposed Rear Yard View, Drawing No. 4022/2.4, Issue W, dated 17/11/17	The George Group Pty Ltd	17 November 2017
Proposed First Floor View, Drawing No. 4022/2.5, Issue W, dated 17/11/17	The George Group Pty Ltd	17 November 2017
Proposed Second Floor View, Drawing No. 4022/2.6, Issue, W, dated 17/11/17	The George Group Pty Ltd	17 November 2017
Schedule of Colours & Materials, Drawing No. 4022/4.1, Issue R	The George Group Pty Ltd	16 August 2016

Reference Document(s)	Author	Date Received
Statement of Environmental Effects, dated 2 August 2016	Shanahan Planning	16 August 2016
Plan of Management, dated 2 August 2016	Shanahan Planning	16 August 2016
Acoustic Report (Ref 2015-552, dated 26 June 2017)	Acoustic Noise & Vibration Solutions P/L	28 June 2017
Landscape Plan, Sheet 2, Revision C dated 9 June 2017	Landscape Architects International	28 June 2017
Preliminary Site Investigation, dated 26 June 2017	Environmental Earth Sciences	28 June 2017
BCA 2016 Compliance Report, dated 13 July 2016	Fire & Building Solutions	16 August 2016
Assessment Report for Section J, dated 2 May 2016	Fire & Building Solutions	16 August 2016
Social Impact Statement, dated September 2016	IC4 Developments	11 January 2017
Waste Management Plan	Ian Ugarte	16 August 2016
Engineers Letter dated 13 September 2016	Dinzel & Associates Consulting Engineers	11 January 2017
Deed of Agreement For Access and Works	-	4 April 2017

2. This Consent relates to land in Lot 2 DP 507446, and as such, building works must not encroach on to adjoining lands or other public places, except as otherwise permitted by this consent.
3.
 - a) All building work must be carried out in accordance with the provisions of the Building Code of Australia;
 - b) The provision of disabled access throughout the development is required and shall be in compliance with the Building Code of Australia Part D3 "Access for People with Disabilities" and Australian Standard AS1428.1 (2001) – Design for Access and Mobility – Part 1 General Requirements for Access – Buildings. This requirement shall be reflected on the Construction Certificate plans.
4. The consent given does not imply that works can commence until such time that:
 - a) Detailed plans and specifications of the building have been endorsed with a Construction Certificate by:
 - i) The consent authority; or
 - ii) An accredited certifier; and

- b) The person having the benefit of the development consent:
 - i) Has appointed a principal certifying authority; and
 - ii) Has notified the consent authority and the Council (if the Council is not the consent authority) of the appointment; and
 - iii) The person having the benefit of the development consent has given at least 2 days notice to the Council of the person's intention to commence the erection of the building.

CONDITIONS IMPOSED BY EXTERNAL AUTHORITIES

5. The following conditions imposed by **Ausgrid** are as follows:

- a) Any work undertaken near overhead power lines needs to be done in accordance with
 - i) Workcover Document ISSC23"Working Near Overhead Power Lines"
 - ii) Ausgrid Network Standards;
 - iii) Ausgrid Electrical Safety Rules;
- b) The location of underground cable by using Dial Before You Dig and comply with the requirements of Ausgrid's Network Standard 156: *Working Near or Around Underground Cables* before any excavation works are undertaken.
- c) Existing Ausgrid easements, leases and/or rights of ways must be maintained at all times to ensure 24 hour access. No temporary or permanent alterations to this property tenure can occur without written approval from Ausgrid. For further details refer to Ausgrid's Network Standard 143.

6. The following conditions imposed by **Sydney Water** are as follows:

- a) The approved plans must be submitted to Sydney Water's Tap in online service (<https://www.sydneywater.com.au/SW/plumbing-building-developing/building/sydney-water-tap-in/index.htm>) 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. This must be provided prior to the issue of the Construction Certificate.
- b) A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water prior to the issue of the Occupation Certificate. Make an early application for the certificate, as there may be water and sewer pipes to be built and this can take some time. This can also impact on other services and building, driveway or landscape design. Application must be made through an authorised Water Servicing Coordinator. For help either visit www.sydneywater.com.au > Plumbing, building and developing > Developing > Land development or telephone 13 20 92.

CONDITIONS WHICH MUST BE SATISFIED PRIOR TO THE DEMOLITION OF ANY BUILDING

- 7. Prior to the commencement of demolition work a licensed demolisher who is registered with WorkCover NSW must prepared a Work Method Statement to the satisfaction of the Principal Certifying Authority (Council or an accredited certifier) and a copy shall be

sent to Council (if it is not the PCA). A copy of the Statement shall also be submitted to WorkCover NSW.

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

- a) Enclosing and making the site safe, any temporary protective structures must comply with the "Guidelines for Temporary Protective Structures (April 2001)";
 - b) Induction training for on-site personnel;
 - c) Inspection and removal of asbestos, contamination and other hazardous materials (by appropriately licensed contractors);
 - d) Dust control – Dust emission must be minimised for the full height of the building. A minimum requirement is that perimeter scaffolding, combined with chain wire and shade cloth must be used, together with continuous water spray during the demolition process. Compressed air must not be used to blow dust from the building site;
 - e) Disconnection of Gas and Electrical Supply;
 - f) Fire Fighting – Firefighting 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) Water proofing 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 Environment Operations Act 1997;
 - j) Working hours, in accordance with this Development Consent;
 - k) Confinement of demolished materials in transit;
 - l) Proposed truck routes, in accordance with this Development Consent;
 - m) Location and method of waste disposal and recycling in accordance with the "Waste Minimisation and Management Act 1995".
 - n) Sewer – common sewerage system.
8. Vibration levels induced by the demolition activities shall not exceed levels listed in Standard DIN 4150-3 (1999-02), Structural vibration Part 3 – Effects of vibration on structures Table 12-7. The operation of plant and equipment must not give rise to the transmission of vibration nuisance or damage to other premises. Prior to commencement a specific vibration monitor shall be set up to monitor and record the vibration levels affecting surrounding buildings.
9. Should the demolition process require a building waste container(s) (builders' skip), then such container must not be placed or left upon the public road, footpath, reserve or the like without the prior approval of the Council. The use of any part of Councils road reserve must also have prior approval of Council.

10. The following shall be provided to Council at least forty-eight (48) hours prior to the commencement of demolition:
 - a) Written notice, indicating the date when demolition of the building is to commence.
 - b) This persons full name and address.
 - c) Details of Public Liability Insurance.
11. Any material containing asbestos found on site during the demolition process shall be removed and disposed of in accordance with:
 - a) SafeWork NSW requirements. An appropriately licensed asbestos removalist must complete all asbestos works if they consist of the removal of more than 10m² of bonded asbestos and/or any friable asbestos.
 - b) *Protection of the Environment Operations Act 1997.*
 - c) *Protection of the Environment Operations (Waste) Regulation 2014.*
 - d) NSW Environment Protection Authority Waste Classification Guidelines 2014.

12. The applicant must prior to the release of the Construction Certificate, pay the following fees:
 - a) Development Control Fee \$2,940.00;
 - b) Damage Deposit \$24,485 (refer below);
 - c) Civil Works performance Bond \$20,000 (refer below);
 - d) Section 94 Contributions \$92,984.45. (refer below).
13. Council being satisfied that the proposed development will increase the demand for public amenities within the area, and in accordance with the *City of Botany Bay Section 94 Contributions Plan 2016*, a contribution of **\$92,984.43** is to be paid to Council prior to the issue of the first Construction Certificate.
 - a) Community Facilities = \$15,993.32 (17.2%)
 - b) Recreation = \$69,273.41 (74.5%)
 - c) Transport = \$6,508.91 (7%)
 - d) Administration = \$1,208.79 (1.3%)

14. Prior to the issue of any Construction Certificate, the applicant shall lodge a Damage Deposit and Performance bond of **\$24,485** (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.

15. The Applicant shall lodge with the Council a performance/defects liability bond of \$25,000 against defective public civil works undertaken by the main contractor for a period of twelve (12) months from the date of the completion as agreed by Council.

The bond shall be lodged in the form of a cash deposit, cheque or unconditional bank guarantee, which will be refundable (with no interest) subject to the approval of Council at the end of the maintenance period. In this period, the Applicant is liable for any part of the work, which fails to achieve the design specifications. Council shall be given full authority to make use of the bond for such restoration works within the maintenance period as deemed necessary.

16. Prior to the issue of any Construction Certificate, the Level 1 balconies over the footpath along the Maloney Street frontage located outside of the site boundaries must be deleted from the plans. The Level 1 communal room is to become the balcony for the Managers Room.

- a) The approved rear balconies are to be fitted with 1700mm high fixed louvre screens. Louvres are to be fixed at a 45 degree angle upward angle facing outwards. Details are to be provided on the Construction Certificate drawings.

17. Prior to the issue of any Construction Certificate, a dilapidation report, including a photographic survey prepared by a Practising Structural Engineer, shall be undertaken of all properties including 115A Maloney Street and/or Council infrastructure, including but not limited to all footpaths, kerb and gutter, stormwater inlet pits, and road carriageway pavements, in the vicinity which could be potentially affected by the construction of this development. Any damage caused to other properties during construction shall be rectified. A copy of the dilapidation survey and an insurance policy that covers the cost of any rectification works shall be submitted to the Accredited Certifier (AC) or Council prior to Commencement of Works. The insurance cover shall be a minimum of \$10 million.

18. 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.

19. Prior to the issue of any Construction Certificate, the applicant shall contact "Dial Before You Dig" to obtain a utility service diagram for, and adjacent to the property. The sequence number obtained from "Dial Before You Dig" shall be forwarded to Principal Certifying Authority. All utilities within the work zone shall be protected during construction. Any adjustments or damage to public utilities/services as a consequence of the development and associated construction works shall be restored or repaired at the applicant's expense.

20. A Construction Management Program shall be submitted to, and approved by the Private Certifying Authority prior to the issue of a Construction Certificate. The program shall detail:

- a) The proposed method of access to and egress from the site for construction vehicles, including access routes through the Council area and the location and type of temporary vehicular crossing for the purpose of minimising traffic congestion and noise in the area, with no access across public parks or public reserves being allowed;

- b) The proposed phases of construction works on the site and the expected duration of each construction phase;
- c) The proposed order in which works on the site will be undertaken, and the method statements on how various stages of construction will be undertaken;
- d) The proposed manner in which adjoining property owners will be kept advised of the timeframes for completion of each phase of development/construction process;
- e) The proposed method of loading and unloading excavation and construction machinery, excavation and building materials, formwork and the erection of any part of the structure within the site. Wherever possible mobile cranes should be located wholly within the site;
- f) The proposed areas within the site to be used for the storage of excavated materials, construction materials and waste containers during the construction period;
- g) The proposed method/device to remove loose material from all vehicles and/or machinery before entering the road reserve, any run-off from the washing down of vehicles shall be directed to the sediment control system within the site;
- h) The proposed method of support to any excavation adjacent to adjoining properties, or the road reserve. The proposed method of support is to be designed and certified by an Accredited Certifier (Structural Engineering), or equivalent;
- i) Proposed protection for Council and adjoining properties;
- j) The location and operation of any on site crane. Please note that a crane may require prior approval from Sydney Airports Corporation; and
- k) The location of any Construction Zone (if required) approved by Council's Traffic Committee, including a copy of that approval.

21. A detailed Traffic Management Plan for the pedestrian and traffic management of the site and Botany Road and Bay Street during construction shall be prepared and submitted to the relevant road authority (Council or Roads and Maritime Services) for approval. The plan shall:

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

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

22. Prior to the release of the Construction Certificate, the following required section(s) are to be submitted to and approved by the Principal Certifying Authority:
- a) All driveways/access ramps/vehicular crossings shall conform to Australian Standards AS 2890.1 and Council requirements;
 - b) For multi-unit developments, the applicant shall provide longitudinal sections along the extremities and the centre line of each internal driveway/access ramp at a scale of 1:25. These long sections shall extend from the horizontal parking area within the property to the centre line of the roadway. The sections shall also show the clear height from the ramp to any overhead structure;
 - c) The applicant shall provide 7 car parking spaces that must be clearly line marked and signposted.
23. Prior to the release of the Construction Certificate, the following required section(s) are to be submitted to and approved by the Principal Certifying Authority:
- a) A minimum of 1 disabled car parking space shall be provided and clearly marked as per Australian Standards AS 2890.6 and Council requirements, and
 - b) All off street disabled parking shall have access to the adjacent road(s) and to the communal open space as per Australian Standards AS 2890.6 and Council requirements.
24. Seven (7) bicycle spaces are to be provided on the ground level car parking area. Details are to be provided prior to the issue of a Construction Certificate.
25. Design certification, prepared by a suitably qualified engineer shall be submitted to the Principal Certifying Authority certifying the car parking area shown on the construction plans has been designed in accordance with AS 2890.1, AS2890.2, and AS2890.6. In particular, the aisle width for the car parking area must be consistent with these relevant Australian Standards. If any changes are needed to the design of the car park, a modification application may be required
26. To ensure that utility authorities and Council are advised of any effects to their infrastructure by the development, the applicant shall:
- a) Carry out a survey of all utility and Council services within the site including relevant information from utility authorities and excavation if necessary to determine the position and level of services,
 - b) Negotiate with the utility authorities (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) All above ground utilities shall be relocated underground in accordance with Ausgrid and any other affected and relevant service provider, and
 - d) 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.

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

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

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

The plans shall incorporate measures such as:

- a) the provision for an On-site Stormwater Detention (OSD) system designed to retain all 1 in 100 year storm events and satisfying all relevant Council and Australian Standards,

Note: a Rainwater Tank may be used as an alternative, for which up to half of the capacity may contribute towards the on-site detention system / infiltration trench

- b) The submission of detailed calculations including computer modelling where required supporting the proposal.

28. Landscaping shall be installed in accordance with the approved Landscape Plan Sheet 2, Revision C, prepared by Landscape Architect International. The landscaped areas on the site shall be installed and maintained in accordance with the approved landscape documentation, the conditions of consent and Council's Landscape DCP at all times.

Final Landscape Plans and documentation, consistent with this approved Landscape Plan shall include, but not be limited to the following, with details to be provided prior to the issue of the Construction Certificate:

- a) A raised concrete/masonry edge shall be installed around landscape area perimeters to contain soil and mulch finishes from spilling out onto adjoining surfaces where required. The edge shall be raised a minimum of 150mm above the adjoining pavement. Timber retaining edges not permissible;
- b) The rainwater tank and the required sub-surface OSD tanks or infiltration trenches shall not be located in the landscape areas, but should be located under the hardstand areas of the building;
- c) Planter boxes constructed over a concrete slab shall be built in accordance with the following requirements:
- i) Ensure soil depths and dimensions in accordance with Council's DCP allowing a minimum soil depth of 1 metre to support trees. The base of the planter must be screeded to ensure drainage to a piped internal drainage outlet of minimum diameter 90mm, with no low points elsewhere in the planter. There are to be no external weep holes.
 - ii) A concrete hob or haunch shall be constructed at the internal join between the sides and base of the planter to contain drainage to within the planter.
 - iii) Planters are to be fully waterproofed and sealed internally with a proprietary sealing agent and applied by a qualified and experienced tradesman to eliminate water seepage and staining of the external face

of the planter. All internal sealed finishes are to be sound and installed to manufacturer's directions prior to backfilling with soil. An inspection of the waterproofing and sealing of edges is required by the Certifier prior to backfilling with soil.

- iv) Drainage cell must be supplied to the base and sides of the planter to minimize damage to the waterproof seal during backfilling and facilitate drainage. Apply a proprietary brand filter fabric and backfill with an imported lightweight soil suitable for planter boxes compliant with AS 4419 and AS 3743. Install drip irrigation including to lawns.
 - v) Finish externally with a suitable paint, render or tile to co-ordinate with the colour schemes and finishes of the building.
29. 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. The location of, and screening treatment surrounding these utilities is to be approved by Council's Landscape Architect prior to their installation.
30. The building shall be designed in accordance with the *Office of Environment and Heritage (Department of Environment, Climate Change and Water) 'NSW Road Noise Policy'*, and approved Acoustic Assessment report. The building shall also meet the criteria recommended as "Satisfactory" in Table 1 of Australian Standard AS 2107-2000. Details shall be submitted to Principal certifying authority prior to the release of the Construction Certificate.
31. Evidence of a Sydney Water permit or consent for discharge of wastewater to the sewer shall be submitted to the Principal Certifying Authority prior to the issue of the Construction Certificate. Where a permit or consent may not be required from Sydney Water certification shall be provided verifying that any discharges to the sewer will meet specific standards imposed by Sydney Water.
32. Any lighting on the site shall be designed so as not to cause nuisance to other residences in the area or to motorists on nearby roads, and to ensure no adverse impact on the amenity of the surrounding area by light overspill. All lighting shall comply with *AS4282-1997 Control of the Obtrusive Effects of Outdoor Lighting*. Details are to be submitted to the Principal Certifying Authority prior to the release to the Construction Certificate.

PRIOR TO COMMENCEMENT OF ANY DEVELOPMENT OR WORK

33. A sign must be erected in a prominent position on any work site on which work involved in the erection of a building is being carried out;
- a) stating that unauthorised entry to the work site is prohibited;
 - b) showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours;
 - c) the Development Approval number;
 - d) the name of the Principal Certifying Authority including an after-hours contact telephone number; and

Any such sign is to be removed when the work has been completed.

34. 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.
 - 4 The provisions of toilet facilities in accordance with this condition must be in place before work commences.
35. Prior to the commencement of works, the applicant must inform Council, in writing, of:
- a) The name of the contractor, and licence number of the licensee who has contracted to do, or intends to do, the work: or
 - b) The name and permit number of the owner-builder who intends to do the work;
 - c) The Council also must be informed if:
 - i) A contract is entered into for the work to be done by a different licensee; or
 - ii) Arrangements for the doing of the work are otherwise changed.
36. Prior to the commencement of works, the Principal Certifying Authority must be satisfied that:
- a) In the case of work to be done by a licensee under the *Home Building Act 1989*:
 - i) Has been informed in writing of the licensee name and contractor licence number, and
 - ii) Is satisfied that the licensee has complied with the requirements of Part 6 of the *Home Building Act 1989*; or
 - b) In the case of work to be done by any other person:
 - i) Has been informed in writing of the person's name and owner-builder permit number, or
 - ii) Has been given a declaration signed by the owner of the land that states that the reasonable market cost of the labour and materials involved in the work is less than the amount prescribed for the purposes of the definition of *owner builder work* in Section 29 of the *Home Building Act 1989*.
37. The land to which this Consent relates must be fenced and enclosed to protect the entry or access to the land and site by lawful persons. The fencing must be in place before demolition works commence.
38. This Consent shall not preclude the demolisher from giving notice to other statutory authorities, such as Sydney Water Corporation, WorkCover, etc.

39. 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, kerb 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.
40. An Erosion and Sediment Control Plan (ESCP) shall be prepared in accordance with the *Landcom Managing Urban Stormwater – Soils and Construction* 4th Edition (2004). All management measures recommended and contained within the Erosion and Sediment Control Plan (ESCP) shall be implemented in accordance with the *Landcom Managing Urban Stormwater – Soils and Construction* 4th Edition (2004). This plan shall be implemented prior to commencement of any site works or activities. All controls in the plan shall be maintained at all times. A copy of the ESCP shall be kept on-site at all times and made available to Council Officers on request.
41. 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.
42. Where any shoring is to be located on or is supporting Council's property, or any adjoining private property, engineering drawings certified as being adequate for their intended purpose by an appropriately qualified and practising engineer, showing all details, including the extent of encroachment and the method of removal (or any other method) and de-stressing of shoring elements, shall be submitted with the Construction Certificate to the Principle Certifying Authority along with Council's (or other) consent if the works intrude on Council's (or other) property.

43. All works carried out on the public roads shall be inspected and approved by Council's engineer. Documentary evidence of compliance with Council's requirements shall be obtained prior to proceeding to the subsequent stages of construction, encompassing not less than the following key stages:
- a) Initial pre-construction on-site meeting with Council's engineers to discuss concept and confirm construction details, traffic controls and site conditions/constraints prior to commencement of the construction of the civil works associated with the road widening;
 - b) Prior to placement of concrete (kerb and gutter and footpath);
 - c) Prior to construction and placement of road pavement materials; and
 - d) Final inspection.

Note: Council's standard inspection fee will apply to each of the above set inspection key stages. Additional inspection fees may apply for additional inspections required to be undertaken by Council.

CONDITIONS TO BE SATISFIED DURING WORKS

44. Inspections must be conducted by Council's Engineer at the following occasions:
- a) Formwork inspection of driveway layback and adjacent kerb and gutter prior to laying of concrete;
 - b) Formwork inspection of Council's kerb and gutter prior to laying of concrete;
 - c) Formwork inspection of Council's footpath prior to laying of concrete;
 - d) Final inspection of driveway layback and adjacent kerb and gutter;
 - e) Final inspection of Council's kerb and gutter; and
 - f) Final inspection of Council's footpath.
45. Precautions to be taken shall include compliance with the requirements of the WorkCover Authority of New South Wales, including but not limited to:
- a) Protection of site workers and the general public;
 - b) Erection of hoardings where appropriate;
 - c) Asbestos handling and disposal where applicable;
 - d) Any disused service connections shall be capped off;

The disposal of refuse is to be to an approved waste disposal depot.

46. Throughout the demolition and construction period, Council's warning sign for soil and water management shall be displayed on the most prominent point of the building site, visible to both the street and site workers. A copy of the sign is available from Council's Customer Service Counter.

47. During demolition and construction works, the applicant/builder is required to ensure the protection and preservation of all boundary fencing or boundary walls between the subject site and adjoining properties. Any damage caused as a result of such works will be at the full cost of the applicant/builder.
48. The Applicant shall conduct all demolition, construction and related deliveries wholly on site. If any use of Council's road reserve is required then separate applications are to be made at Council's Customer Services Department.
49. The approved Waste Management Plan shall be complied with at all times during demolition, construction and on-going use of the site, except where amended by this consent.
50. All vehicles transporting soil, sand or similar materials to or from the site shall cover their loads at all times.
51. Demolition work shall be carried out in accordance with Australian Standards *AS 2601-1991 Demolition of Structures* and the requirements of the SafeWork NSW.
52. This approval does not permit any dewatering of the site. If groundwater is encountered during works, all work shall stop and a modification application may be required.
53. If the land to which the application relates is served by a common sewerage system that is also used by others, then measures must be placed in effect and prior to the commencement of work to ensure the operation of the sewerage system is without disruption to other joint users.
54. An experienced Landscape Contractor shall be engaged to undertake all landscaping (site and public domain) work and shall be provided with a copy of both the approved landscape drawing and the conditions of approval to satisfactorily construct the landscape to Council requirements. The contractor shall be engaged weekly for a minimum period of 13 weeks from final completion of landscaping for maintenance and defects liability, replacing plants in the event of death, damage, theft or poor performance. After that time regular and ongoing maintenance is required.
55. To ensure satisfactory growth and maintenance of the landscaping, a fully automatic drip irrigation system is required in all landscaped areas, inclusive of the street tree. The system shall be installed by a qualified landscape contractor and provide full coverage of planted areas with no more than 300mm between drippers, automatic controllers and backflow prevention devices, and should be connected to a recycled water source. Irrigation shall comply with both Sydney Water and Council requirements as well as Australian Standards, and be maintained in effective working order at all times.
56. The Maloney Street public footpath shall be constructed in accordance with the approved landscape plans and Council specifications. The footpath dimensions, location, paver type and construction methods shall be in accordance with this specification only. Pavers shall be ordered accounting for adequate lead time for supply and delivery.
57. Construction hold points and Council inspection is required at the following times:
 - a) after formwork installation and prior to pouring the concrete base course;
 - b) approval of paver prior to commencement of paving works;
 - c) at the commencement of paving works; and

- d) at final completion of paving.

Council approval of public domain works is required prior issue of the Occupation Certificate.

58. New street trees at the pot size specified shall be installed in the accordance with the approved Final Landscape Plan. The trees shall be sourced from a reputable supplier that grows stock to the NATSPEC specifications. A Dial-Before-You-Dig enquiry is required prior to all planting - Council is not liable for any damage to subsurface infrastructure during public domain works. Two hold point inspections are required: prior planting trees to ensure plant stock is suitable and post-planting.
59. Noise from construction activities associated with the development shall comply with the NSW Environment Protection Authority's Interim Construction Noise Guideline and the *Protection of the Environment Operations Act 1997*.

a) Level Restrictions

Construction period of 4 weeks and under:

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

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

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

b) Time Restrictions

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

Monday to Friday: 07:00 am to 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.

60. The vehicular entry/exits to the site must be protected from erosion and laid with a surface material which will not wash into the street drainage system or watercourse.
61. Construction operations shall be carried out as follows:
- 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.
62. 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.
63. 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.
64. 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.
65. During construction work the Council nature strip shall be maintained in a clean and tidy state at all times. The nature strip shall be suitably replaced where damaged due to construction work in accordance with Council Specification at the completion of construction, and at the Applicant's expense.
66. All possible and practicable steps shall be taken to prevent nuisance to the inhabitants of the surrounding neighbourhood from wind-blown dust, debris, noise and the like.
67. The principal contractor must install and maintain water pollution, erosion and sedimentation controls in accordance with:
- a) The Erosion and Sediment Control Plan;
 - b) *"Managing Urban Stormwater - Soils and Construction"* (2004) Landcom ('The Blue Book'); and
 - c) *Protection of the Environment Operations Act 1997*.
68. Any new information that comes to light during demolition or construction which has the potential to alter previous conclusions about site contamination and remediation must be notified to Council and the accredited certifier immediately.
69. Results of the monitoring of any field parameters such as soil, groundwater, surface water, and dust or noise measurements shall be made available to Council Officers on request throughout the remediation and construction works.
70. 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 '*Remediation Action Plan – 1094-1098 Botany Road, Botany*' prepared by Benviron Group (Ref: E1334-2) dated September 2017.
71. All materials excavated from the site (fill or natural) shall be classified in accordance with the NSW Environment Protection Authority (EPA) Waste Classification Guidelines (2014) prior to being disposed of to a NSW approved landfill or to a recipient site.
72. To prevent contaminated soil being used onsite and to ensure that it is suitable for the proposed land use, all imported fill shall be appropriately certified material and shall be validated in accordance with the:
- a) Office of Environment and Heritage (OEH) approved guidelines; and
 - b) *Protection of the Environment Operations Act 1997*; and
 - c) *Protection of the Environment Operations (Waste) Regulation 2014*.

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

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

73. Prior to use and occupation of the building an Occupation Certificate must be obtained under Section 109C (1) (c) and 109M of the *Environmental Planning and Assessment Act 1979*.
74. 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.
75. Landscaping on the property and in the public domain shall be installed in accordance with the approved landscape plan as stamped by Council's Landscape Architect prior to the issue of an Occupation Certificate. This amended plan supersedes the original landscape plan prior to the issue of an Occupation Certificate. The landscaped areas on the property shall be maintained in accordance with the Council stamped and approved landscape documentation, the conditions of development consent and Council's DCP all times.
76. At the completion of landscaping on the site, the Applicant is required to obtain a Certificate of Compliance from the Landscape Consultant to certify that the landscaping has been installed in accordance with the Council approved landscape plan. The Certificate is to be submitted to the Council prior to the Issue of an Occupation Certificate.
77. Evidence of a Sydney Water permit or consent for discharge of wastewater to the sewer shall be submitted to the Principal Certifying Authority prior to use or occupation of the premises. Where a permit or consent may not be required from Sydney Water certification shall be provided verifying that any discharges to the sewer will meet specific standards imposed by Sydney Water.
78. 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.

79. Prior to the issue of the Occupation Certificate, documentation from a practising civil engineer shall be submitted to the Principal Certifying Authority certifying that the stormwater drainage system has been constructed generally in accordance with the approved stormwater management construction plan(s) and all relevant standards.
80. Prior to the issue of Final Occupation Certificate, the applicant shall carry out the following works:
 - a) On Maloney Street, adjacent to development (except where already undertaken by Council), reconstruct existing paved footpath for the full length of the property in accordance with Council's Specifications;
 - b) On Maloney Street, adjacent to development (except where already undertaken by Council), reconstruct existing kerb and gutter for the full length of the property in accordance with Council's specifications.
81. Prior to the issue of the Occupation Certificate, inspection reports (formwork and final) for the works on the road reserve shall be obtained from Council's engineer and submitted to the Principal Certifying Authority attesting that this condition has been appropriately satisfied.
82. Prior to the issue of the Occupation Certificate, documentation from a practising acoustic engineer shall be submitted to the Principal Certifying Authority certifying that the recommendations of the approved acoustic report have been constructed generally in accordance with all relevant standards.
83. Prior to the issue of the Occupation 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) Restriction on Use of Land for On-Site Detention System. Refer to Appendix B of the SMTG for suggested wording, and
 - b) Restriction on Use of Land for Stormwater Quality Improvement Device. Refer to Appendix E of the SMTG for suggested wording.

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 occupation.

84. The 7 car parking spaces shall be made available to permanent occupants, visitors and retail parking at all times, with such spaces being clearly marked and signposted prior to issue of any Occupation Certificate.

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

85. The boarding house shall be operated in accordance with the *Plan of Management – Boarding House*, prepared by Shanahan Planning dated 2 August 2016.
86. The landscaped areas on the property shall be maintained in accordance with the approved landscape documentation, the conditions of development approval and the

Council DCP at all times. The Landscape Contractor shall be engaged weekly for a minimum period of 13 weeks from completion of the landscape installation to maintain the landscaping. After that time regular and ongoing maintenance is required maintaining the area in a clean and tidy state and with a dense, even coverage of plants. The automatic drip irrigation system shall be maintained in working order and in accordance with the approved landscape plan at all times.

87. 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.
88. Council's footway (area between property boundary and street kerb) is to be kept clean, tidy, washed and maintained at the applicant's expense.
89. 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.
90. Waste collection shall be from the kerb side in Bay Street only and the bins must be placed on the kerb the night before collection and immediately removed following collection by the Building Manager.
91. All intruder alarms shall be fitted with a timing device in accordance with the requirements of *Protection of the Environment Operations (Noise Control) Regulation 208* and *AS2201, Parts 1 and 2 – 1978 Intruder Alarm Systems*.
92. A person must not cause or permit an air conditioner to be used on residential premises in such a manner that it emits noise that can be heard within a habitable room in any other residential premises (regardless of whether any door or window to that room is open):
 - a) Before 8 am or after 10 pm on any Saturday, Sunday or public holiday, or
 - b) Before 7 am or after 10 pm on any other day.
93. 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).

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.

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.

For assessment purposes, the above LAeq sound levels shall be assessed over a period of 10-15 minutes and adjusted in accordance with EPA guidelines for tonality, frequency weighting, impulsive characteristics, fluctuations and temporal content where necessary.