

Our Contact: Ben Latta
Direct Phone: 9330 9484
Our Reference: DA No 380/08

17 April 2009

CMT Properties Pty Ltd
1/32-36 Premier Street
KOGARAH NSW 2217

Dear Sir,

Development Application No: 380/2008
Property: LOT: 44 SEC: C DP: 1560, LOT: B
DP: 411703, AL: A DP: 411703
8-12 Kensington Street KOGARAH

Description of Development: Construction of a seven (7) storey
mixed commercial & residential
development including basement car
parking

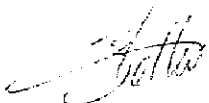
I refer to the amended Architectural plans (prepared by CMT Architects, DA-00 to DA-06 'B', DA-08 to DA-12 'A', DA 14, DA-16 to DA-17 'B', DA 15 'D', DA-18 'A', DA-19, DA-20, DA 21, dated April 2009), Landscape plan prepared by Paul Scrivener, 08/1353/DA1, Issue 'B', Rev 'A', dated 06/03/09) and Stormwater Plan (prepared by John Romanous & Associated, Dwg No.974-S1/11, Rev 'A') that you have submitted to Council in response to Condition 1 of the 'Deferred Commencement' Consent dated 30 March 2009.

You are advised that the submitted information and plans satisfies the requirements of Condition 1 of Determination Notice issued for Development Application No 380/08.

Your Development Consent has now become effective and will lapse on 30 March 2011, unless the development is commenced under the terms of the Environmental Planning and Assessment Act, 1979.

If you have any further questions, please contact Ben Latta on 9330-9484 during business hours.

Yours sincerely,



Ben Latta
Senior Development Assessment Officer



**COUNCIL AND
COMMITTEE MEETINGS**

Civic Centre,
2 Belgrave Street
Kogarah NSW 2217

**CUSTOMER
SERVICE CENTRE**

84 Railway Parade,
Kogarah NSW 2217

POSTAL ADDRESS

Locked Bag 8,
Kogarah NSW 2217
DX 11118 Kogarah

TEL 02 9330 9400

FAX 02 9330 9560

WEB SITE

www.kogarah.nsw.gov.au

Specific Development Conditions

Deferred Commencement

1. Pursuant to Section 80(3) of the Environmental Planning and Assessment Act, 1979, this consent will not operate until such time as the following requirements of Council are fulfilled. These requirements are:

- (i) That the roof of the corner element be lowered to a maximum of RL 43.0 over the living and dining areas of unit RT.05 and the clerestory element over units RT.02, RT.03 and RT.04.
- (ii) That the basement car park be amended to incorporate the following amendments:
 - The column located at the entrance to the Loading Dock area shall be removed and the entry door widened to 4.5m to improve the vehicle turning path when accessing the loading facility.
 - Convex safety mirrors shall be installed at both ends of the driveway ramps accessing the different levels of the development.
 - Define parking spaces allocated for residential and commercial space within the development. A minimum of 12 spaces shall be allocated for commercial tenancies and a minimum of one space per residential unit shall be allocated. A minimum of 8 visitor spaces must be allocated.

This Development Consent does not become operative until the above requirements have been satisfactorily addressed but is legally effective and therefore will expire two (2) years from the date of this notice.

Prior to Issue of Construction Certificate

2. The development must be implemented in accordance with the approved plans, specifications and details listed below and any supporting information submitted with the Development Application except as amended by any conditions attached to the Development Consent:
- (i) Architectural plans DA-00 to 19, Rev. 'A', dated 14 Feb 2009, prepared by CMT Architects.
 - (ii) Stormwater Plans Dwg No. 974-S1/11 Rev 'A' dated 04/11/2008 prepared by John Romanous & Associates.
 - (iii) Landscape Plan Job Ref 08/1353/ DA1, Issue 'B' dated 06/03/09 prepared by Paul Scrivener Landscape Architect.

3. Payment of the following amounts as detailed below:

- Restoration Deposit of \$50,000.00
- *Builders Long Service Levy of \$31,500.00
- Self Design Driveway and Restoration Works
Inspection Fee of \$ 200.00
- Asset Inspection Fee of \$ 220.00

*Note: The Builders Long Service Levy quoted is based on the market value of the proposed building works and the Levy Rate applicable at the time of assessing the Development Application and may be subject to change prior to payment.

4. Section 94 Contributions are to be paid as detailed below in the following condition, and until paid all contributions will be indexed four (4) times a year (on the following dates) to allow for the cost increases: 31 January, 30 April, 31 July and 31 October.

5. As at the date of Development Consent the following contributions have been levied on the subject development under Section 94 of the Environmental Planning and Assessment Act, 1979 and the nominated Section 94 Contributions Plans:

No.8 – Streetscape Public Domain, Open Space	\$554,028.17
No.8 – Traffic Facilities	\$ 32,262.20
No.8 – Community Facilities	\$ 9,235.03
No.8 – Kogarah Libraries – Buildings	\$ 8,545.90
No.8 – Kogarah Libraries – Books	\$ 6,093.32
TOTAL	\$610,164.62

Any of the above Section 94 Contributions Plans may be inspected at the Kogarah Council Customer Service Centre, 84 Railway Parade, Kogarah.

6. Excavation of the site is to extend only to that area required for building works depicted upon the approved plans. All excess excavated material shall be removed from the site. In this regard, all excavated waste materials shall be disposed of at an approved Waste Depot. No rock breaking or other machinery for the excavation, drilling, cutting or removal of rock shall be used on the site prior to the acceptance by the principal certifying authority of the following documentation:

- (i) A report by a geotechnical engineer detailing the measures recommended in undertaking the works so as to prevent damage to any adjoining or nearby buildings.
- (ii) The type and size of machinery proposed.
- (iii) The routes of all trucks to convey material to and from the site.

7. A deposit of \$50,000.00 shall be lodged with Council to ensure the completion of the following works to be completed at the applicant's expense
- * Construction of new 150mm high kerb and gutter across the full street frontage in Moorefield Lane
 - * Construction of new footpath across the full street frontage in Moorefield Lane
 - * Construction of a new pram ramp on the northern corner of the intersection of Kensington Street and Moorefield Lane adjacent to the development.
 - * Full reconstruction of the road pavement in Moorefield Lane shall be carried out at the applicants expense to cater for the design wheel loading and turn movements. The pavement shall be designed by a suitably qualified and experienced Engineer practicing in the field of road pavement design and be submitted to Council for approval prior to the occupation certificate being issued.

These works are to be designed and certified by a suitably qualified engineer, surveyor or draftsman. The design and construction is to be in accordance with Council's 'Specification for Construction by Private Contractors'."

8. The submitted stormwater plan has been assessed as a concept plan only and no detailed assessment of the design has been undertaken.

The stormwater plan prepared by John Romanous & Associates (Dwg No.974 – S1/11, Rev. 'A' dated 04/11/2008) shall be amended to reflect the approved architectural plans.

9. A Stormwater Detailed Plan and supporting information of the proposed on-site stormwater management system including any measures to control quality and quantity of the stormwater runoff discharged from the site are to be submitted with the Construction Certificate application. The required details in this Plan and the relevant checklist are presented in Council's Water Management Policy.

The design parameters and the general concept of the proposed on-site stormwater management system are to be the same as documented in the approved Stormwater Concept Plan for the proposed development. Any variation to the approved concept design is required to be justified and supported by appropriate details, calculations and information to allow proper assessment of the revised concept design.

10. The detailed stormwater plan is to be certified by a Chartered Professional Engineer. A statement, that the stormwater system has been designed in accordance with Council's Water Management Policy and satisfies the provisions and objectives of that policy, must be included in the Stormwater Detailed Plan.

11. Details of the proposed method of stormwater discharge from the property shall be prepared by a suitably qualified hydraulic engineer in accordance with Council's Water Management Policy, and submitted to and approved by the Council or an accredited certifier prior to the release of the Construction Certificate.
12. A 5m³ rainwater tank for rainwater storage and reuse is to be provided in accordance with the Stormwater Concept Plan and associated Design Assessment Report. The overflow from the tank is to be directed to the site drainage system. The mains top-up system is to be installed according to Sydney Water's guidelines entitled Guidelines for rainwater tank on residential properties: Plumbing Requirements April 2003 and its amendment November 2003.
13. A 39m³ detention/retention storage for flood control/water quality control is to be provided in accordance with the Stormwater Concept Plan and associated Design Assessment Report. The overflow is to be directed to the site drainage system.
14. A dilapidation report is to be prepared on the condition of the footpath and roadway within the immediate vicinity of the site and submitted to Council.
15. Prior to issue of any construction certificate or commencement of any demolition or earth works on site, the applicant shall submit, for acceptance by the Principal Certifying Authority (PCA), with a copy forwarded to Council where Council is not the PCA, a full dilapidation report on the visible and structural condition of the following properties;
 - (i) All neighbouring buildings likely to be affected by the excavation as determined by the consulting engineer.

The report must be completed by a suitably qualified consulting structural/ geotechnical engineer as determined necessary by that professional based on the excavations for the proposal, the subsoil conditions and any recommendations of a geotechnical report for the site. The report shall have regard to protecting the applicant from spurious claims for structural damage and shall be verified by all stakeholders as far as practicable."

Reports relating to properties that refuse access to carry out inspections to complete the dilapidation report, after being given reasonable written notice to request access (at least 14 days) at a reasonable time (8.00am-6.00pm), are not to hold up the release of the Construction Certificate.

16. A copy of Energy Australia's written requirements are to be forwarded to Council with regard to the laying of underground low voltage electricity conduits within the footpath area across the development site. Energy Australia will supply the conduits at no charge, subject to the applicant restoring the footpath after the installation. These provisions are to be put into affect prior to the release of the Occupation Certificate.

17. The applicant is to confer with Energy Australia to determine if an electricity distribution substation is required. If so, it will be necessary for the final film survey plan to be endorsed with an area having dimensions 5m x 4m over the location of the proposed electricity distribution substation to be dedicated to Council as public roadway, or as otherwise agreed with Energy Australia. Energy Australia's requirements are to be met prior to release of the occupation certificate.

Site Specific Conditions

18. Compliance with all applicable requirements of Council's Standard Development Conditions.
19. The following lists of inspections are the MANDATORY CRITICAL STAGE INSPECTIONS that MUST be carried out by the Principal Certifying Authority (PCA).
- (a) at the commencement of building works
 - (b) prior to covering waterproofing in any wet areas, for a minimum of 10% of rooms with wet areas within a building, and
 - (c) prior to covering any stormwater drainage connections, and
 - (d) after the building work has been completed and prior to any occupation certificate being issued in relation to the building.

Certificates from your engineer or subcontractor are NOT acceptable in the first instance for the above inspections. Failure to have your PCA carry out these inspections could result in a delay or refusal to issue an Occupation Certificate.

In addition to the above, it is recommended that the following inspections be carried out for the subject development;

- ☐ Erosion Control
- ☐ Earthworks/Excavation
- ☐ Building setout
- ☐ Concrete reinforcement
- ☐ Timber and/or steel framework
- ☐ Mechanical/Hydraulic work
- ☐ Driveways
- ☐ Landscaping
- ☐ External Finishes.

20. The building finishes are to be constructed in accordance with the colour board and perspective submitted with the Development Application Architectural Finishes Board, dated 11/11/08, prepared by CMT Architects.

21. The applicant is responsible for the design and construction of suitably graded and drained vehicular access into the property. This includes the internal section of the driveway(s). Vehicular access shall comply with the provisions of AS/NZS 2890.1:2004 Parking facilities. Part 1: Off-street car parking. This will include ensuring that a B85 vehicle as defined within the standard will not encounter scraping due to insufficient ground clearance when accessing the property.

Vehicular access is to be designed within the parameters of Council document 'Specification for Construction by Private Contractors' and is to be prepared and certified by a suitably qualified professional engineer, surveyor or draftsman. These certified design plans must be made available to Council's Inspector on site.

22. Prior to the commencement of any works an authorised representative of the applicant is to organise and attend a meeting on site with Council's Infrastructure Compliance Co-ordinator to discuss protection of Council's infrastructure. To organise this meeting contact Council's Customer Service Centre on 9330 9400.
23. All nominated contractors / applicants carrying out driveway and/or restoration works on Council property must carry public liability insurance with a minimum cover of ten million dollars (\$10,000,000.00). In this regard, prior to commencement of works, the principal contractor is to lodge an "Application for the Construction of Work by Private Contractor" to Council, which includes submitting evidence of their current insurance. The principal contractor must ensure that sub-contractors are also adequately insured.
24. All existing vehicular crossings adjacent to the subject premises that have become redundant shall be removed and the footway and kerb and gutter reinstated at the developer/applicants expense.
25. A minimum of sixty (60) off street car parking spaces shall be constructed, drained, marked and maintained at all times in accordance with the approved plans. 8 of the total number of car parking spaces required are to be designated as visitors/customer car parking spaces and marked or signposted accordingly.

26. The proposed garbage rooms being provided with the following:

- A smooth concrete floor graded and drained to a floor waste connected to the sewer of the Water Board.
- The walls being cement rendered with the intersection of the walls and floor being covered to a radius of not less than 25 mm.
- The door being close fitting to prevent the access of rats and mice.
- A cold water hose cock being provided for the cleaning of containers and the room itself.
- Ventilation being provided by means of direct connection to the outside air to the satisfaction of Council.
- A sign minimum size 600mmX600mm, directing residents not to place recyclables in garbage bins and encouraging residents to recycle. Details of acceptable wording for the sign are available from Council.
- The garbage bin rooms being separated by a roller shutter and allocated with the smaller to the commercial and larger to the residential components.

27. A mechanical exhaust ventilation system being provided to the basement car park.

28. Every rainwater tank outlet must be labelled 'RAINWATER' on a permanent sign according to AS1319.

29. Construction of building works given Development Consent must be carried out in accordance with a valid and current BASIX certificate and all required commitments must be satisfied.

30. The proposed Landscape Plan indicates the removal of three (3) Callistomens (Street trees) along Kensington Street in front of the proposed development. The trees may be removed subject to the planting of Four (4) new street trees in accordance with Council's Street Tree Management Policy: Locality 19- Kogarah Town Centre/5.5 Street Tree Installation Type 3.

The placement and assessment of the new street trees is to be approved by Council's Tree Management Section before planting commences.

31. Prior to demolition works commencing, a revised construction/traffic management plan, prepared in consultation with Council's Traffic Engineer, shall be submitted to Council for approval showing the route to be taken by heavy vehicles during demolition and construction phases. Consideration should be given to options which minimise the movement of heavy vehicles through the lanes.

32. Lighting shall be installed at the rear of the development so as to illuminate access points, walkway, fire exits and the garbage room. This lighting shall be positioned to allow light spillage into Moorefield Lane.

33. Convex mirrors shall be installed in a position that allows for improved vehicle and pedestrian visibility when exiting the driveway to No. 13 – 19 Hogben Street. The location of these mirrors shall be in consultation with the Body Corporate of SP73411 (No.'s 13-19 Hogben Street).
34. Should the height of any temporary structure and/or equipment be greater than 50 feet (15.24m) above existing ground level, a new consent must be sought from Sydney Airports Corporation in accordance with the Civil Aviation (Buildings Control) Regulations Statutory Rules 1988 No.161.

Note: Construction cranes may be required to operate at a height higher significantly higher than that of the proposed control activity and consequently, may not be approved under the Airports (Protection of Airspace) Regulations. Consideration shall be given to the recommendations of the NSW Police in their letter dated 18 February 2009 with respect to Crime Prevention and Safety.

35. Consideration shall be given to the recommendations of the NSW Police in their letter dated 18 February 2009 with respect to Crime Prevention and Safety.

General Conditions

36. The proposed development is to comply with the aims and objectives of the Building Code of Australia with respect to the adequate provision of fire safety.

In this regard details of the "fire safety measures" to be installed within the building are to be specified and nominated prior to the issue of a CC. Further, the specified "fire safety measures" are also to be outlined in the attached Fire Safety Schedule prior to the issue of a CC.

On completion and prior to occupation of the building, each of the required "fire safety measures" is to be certified by an appropriately competent person. This certificate is to state that each "fire safety measure" has been inspected and was found to be designed, installed and capable of operating to a standard not less than that required by the relevant regulations.

Note: it is the responsibility of the owner of the building that each fire safety measure is inspected and certified as to its condition every twelve (12) months following the date of submission to Council of the original certification.

37. Council is committed to worksite safety and requiring that all scaffolding is installed by competent and qualified professionals with the relative appropriate standards. The applicable Australian Standards for the scaffolding is AS/NZS1576 in respect of the design of the scaffolding and AS/NZS4576 with respect to the erection of the scaffolding. Also, you should ensure that those erecting scaffolding are appropriately qualified and have the appropriate qualifications to erect scaffolding. For further information regarding this please see www.workcover.nsw.gov.au.

38. The proposed building is not to be erected at a height greater than that indicated on the approved plan. This is to be verified by means of a certificate from a Registered Surveyor at ground floor level and at roof frame before the roof covering is installed.
39. Engineer's details prepared by a practising Structural Engineer being used to construct all reinforced concrete work. The details are to be submitted to the Principal Certifying Authority for approval prior to construction of the specified works.
40. Any stormwater connections to the kerb and gutter are to be in accordance with Council's 'Specification for Construction by Private Contractors'.
41. Prior to commencement of any site works, erosion and sediment controls are to be installed in accordance with Council's guidelines and any approved Soil & Water Management Plan and shall incorporate:
 - Measures to prevent sediment and other debris escaping from the cleared or disturbed areas into drainage systems or waterways;
 - Controls to prevent tracking of sand, soil, aggregates, etc, by vehicles onto adjoining roadways.
42. Provision of a suitable drainage system to prevent the penetration of surface and sub-surface waters to the inner parts of the building.
43. Car parking spaces, manoeuvring areas and access aisles shall be provided, paved, drained and suitably marked strictly in accordance with the approved plan.
44. The areas designated as parking areas, loading/unloading areas, and the access to such areas are not to be used at any time for the purposes of storage, or for other commercial uses, or leased to any person, company or organisation not directly associated with the subject site.
45. A directional sign shall be provided at the front of the site indicating the availability of visitor and/or customer parking on site. Those visitor and/or customer spaces shall be marked or signposted.
46. All Landscaping and/or Tree Preservation work is to be in accordance with Council's Landscaping & Tree Preservation guidelines.

47. Prior to the issue of any Occupation Certificate, a certification report from a qualified and suitably experienced Mechanical Engineer shall be submitted to Council certifying all natural and mechanical ventilation systems within the development comply with:

- (a) The Building Code of Australia;
- (b) Australian Standard 1668.1 – Part 1 Fire and Smoke Control (the use of mechanical ventilation and air conditioning in building);
- (c) Australian Standard 1668.2 – Part 2 Mechanical Ventilation for acceptable indoor air quality (the use of mechanical ventilation and air conditioning in buildings).

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

Application must be made through an authorised Water Servicing Coordinator. Please refer to the Building Developing and Plumbing section of the web site www.sydneywater.com.au then refer to "Water Servicing Coordinator" under "Developing Your Land" or telephone 13 20 92 for assistance.

Following application a "Notice of Requirements" will advise of water and sewer infrastructure to be built and charges to be paid. Please make early contact with the Coordinator, since building of water / sewer infrastructure can be time consuming and may impact on other services and building, driveway or landscape design.

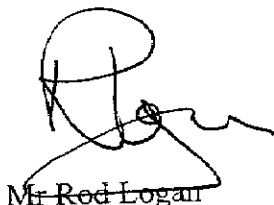
The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to occupation of the development/release of the plan of subdivision.

49. The lots covered by this development approval shall be consolidated into one lot prior to occupation. Proof of registration of the consolidation shall be submitted prior to occupation.
50. A Subdivision Certificate shall be obtained in accordance with the EPA Act 1979.
51. Separate Development Consents shall be obtained for the usage of each commercial tenancy prior to occupation, where the use was not nominated as part of this Development Application.
52. No advertisement or sign shall be erected or displayed without development consent from Council, unless exempted under Development Control Plan No.26 – Exempt and Complying Development. Any advertising matter relating to the previous use of the premises shall be removed.

53. Any lighting of the premises shall be installed so as to avoid annoyance to the occupants of adjoining premises or glare to motorists on nearby roads. Flashing, moving or intermittent lights or signs are prohibited. The intensity, colour or hours of illumination of the lights shall be varied at Council's discretion if Council considers there to be adverse affects on the amenity of the area.
54. The implementation of this development shall not adversely affect the amenity of the neighbourhood or interfere unreasonably with the comfort or repose of a person who is outside the premises by reason of the emission or discharge of noise, fumes, vapour, odour, steam, soot, ash, dust, waste water, waste products, grit, oil or other harmful products.
55. To minimise the noise impact of the surrounding environment, the use of the premises, building services, equipment, machinery and ancillary fittings shall not give rise to an "offensive noise" as defined under the provisions of the Protection of the Environment Operations Act 1997.
56. All external lighting shall be operated and maintained in accordance with Australian Standard AS 4284 – Control of the Obtrusive Effects of Outdoor Lighting so as not to cause a nuisance or adverse impact on the amenity of residents or vehicular traffic in the surrounding area.

For any further information regarding this matter, please contact Mr B J Latta on 9330 9484 during business hours.

Yours sincerely



Mr Rod Logan
Director of Development & Health