

Recommended amendments to draft conditions

The following table includes recommended changes to the draft conditions of consent that were submitted to the Panel.

The amendments have been made in response to Land and Housing Corporation's (LAHC) review of draft conditions. The amendments primarily relate to minor errors and/or amendments to reflect specific requirements for Crown applications.

Council and LAHC agree on all recommended changes detailed within the '*Recommended Amendments to Draft Conditions*' column of the table with the exception of the following condition:

- Condition 12(a);

LAHC's recommended changes to Conditions 12(a) have been provided in the final column of the table below titled "*LAHC Requested Amendments to Recommended Conditions*" for the Panel's consideration.

Council recommends that the application be approved subject to amended conditions as detailed in the '*Recommended Amendments to Draft Conditions*' column of the table below.

Cond No.	Recommended Amendments to Draft Conditions	LAHC Requested Amendments to Recommended Conditions																																
1	No change to proposed condition.																																	
2	<div>The development must be implemented substantially in accordance with the plans listed below, the application form and on any supporting information received with the application, except as may be amended in red on the attached plans and by the following conditions.</div> <table><thead><tr><th>Plan/Dwg No.</th><th>Issue</th><th>Dated</th><th>Received by</th></tr></thead><tbody><tr><td colspan="4">Architectural Plans – prepared by Family and Community Services: Land & Housing Corporation</td></tr><tr><td>Block Analysis Plan</td><td>C</td><td>12 December 2018</td><td>21 December 2018</td></tr><tr><td>Site Analysis Plan</td><td>C</td><td>12 December 2018</td><td>21 December 2018</td></tr><tr><td>Site & Ground Floor Plan — Sheet 4 of 14</td><td>C</td><td>12 December 2018</td><td>21 December 2018</td></tr><tr><td>Basement Parking Plan — Sheet 5 of 14</td><td>C</td><td>12 December 2018</td><td>21 December 2018</td></tr><tr><td>First Floor Plan — Sheet 6 of 14</td><td>C</td><td>12 December 2018</td><td>21 December 2018</td></tr><tr><td>Second Floor Plan — Sheet 7 of 14</td><td>C</td><td>12 December 2018</td><td>21 December 2018</td></tr></tbody></table>	Plan/Dwg No.	Issue	Dated	Received by	Architectural Plans – prepared by Family and Community Services: Land & Housing Corporation				Block Analysis Plan	C	12 December 2018	21 December 2018	Site Analysis Plan	C	12 December 2018	21 December 2018	Site & Ground Floor Plan — Sheet 4 of 14	C	12 December 2018	21 December 2018	Basement Parking Plan — Sheet 5 of 14	C	12 December 2018	21 December 2018	First Floor Plan — Sheet 6 of 14	C	12 December 2018	21 December 2018	Second Floor Plan — Sheet 7 of 14	C	12 December 2018	21 December 2018	
Plan/Dwg No.	Issue	Dated	Received by																															
Architectural Plans – prepared by Family and Community Services: Land & Housing Corporation																																		
Block Analysis Plan	C	12 December 2018	21 December 2018																															
Site Analysis Plan	C	12 December 2018	21 December 2018																															
Site & Ground Floor Plan — Sheet 4 of 14	C	12 December 2018	21 December 2018																															
Basement Parking Plan — Sheet 5 of 14	C	12 December 2018	21 December 2018																															
First Floor Plan — Sheet 6 of 14	C	12 December 2018	21 December 2018																															
Second Floor Plan — Sheet 7 of 14	C	12 December 2018	21 December 2018																															

Cond No.	Recommended Amendments to Draft Conditions				LAHC Requested Amendments to Recommended Conditions													
	Third Floor Plan — Sheet 8 of 14	C	12 December 2018	21 December 2018														
	Roof Plan — Sheet 9 of 14	C	12 December 2018	21 December 2018														
	Elevations—Sheet 44 10 of 14	C	12 December 2018	21 December 2018														
	Sections — Sheet 42 11 of 14	C	12 December 2018	21 December 2018														
	Driveway Section	A	10 March 2017	9 June 2017														
	LANDSCAPE PLANS—Precinct																	
	Landscape Plan — L-01 4	1	11 December 2018	21 December 2018														
	Landscape Plan — L-02 4	1	11 December 2018	21 December 2018														
	DRAINAGE PLANS — Jones Nicholson Consulting Engineers																	
	Cover Sheet—COI	4	4 May 2018	4 July 2018														
	Civil Design Details 1 — 0 C02	4	4 May 2018	4 July 2018														
	Civil Design Details 2— CO3	4	4 May 2018	4 July 2018														
	Civil Design Details 3— C04	4	4 May 2018	4 July 2018														
	OSD Calculations Sheet — CO5	4	4 May 2018	4 July 2018														
	Stormwater Drainage Basement Plan — C10	4 6	4 May 2018	4 July 2018														
	Stormwater Drainage Ground Floor Plan Building A — C20	4 6	4 May 2018	4 July 2018														
	Stormwater Drainage Ground Floor Plan Building A — C21	4 6	4 May 2018	4 July 2018														
	BASIX CERTIFICATE — prepared by Building Sustainability																	
	660081M_03	-	21 19 February 2019	21 February 2019														
	<table><tr><th>Document No.</th><th>Prepared By</th><th>Dated</th><th>Received by Council</th></tr><tr><td>Flood Study S17283-REP- F-0001</td><td>BG&E</td><td>6 December 2018</td><td>21 December 2018</td></tr><tr><td>Access Design Assessment Report P215_273-5 (Access) NH</td><td>Design Confidence</td><td>29 May 2018</td><td>4 July 2018</td></tr></table>					Document No.	Prepared By	Dated	Received by Council	Flood Study S17283-REP- F-0001	BG&E	6 December 2018	21 December 2018	Access Design Assessment Report P215_273-5 (Access) NH	Design Confidence	29 May 2018	4 July 2018	
	Document No.	Prepared By	Dated	Received by Council														
	Flood Study S17283-REP- F-0001	BG&E	6 December 2018	21 December 2018														
Access Design Assessment Report P215_273-5 (Access) NH	Design Confidence	29 May 2018	4 July 2018															

Cond No.	Recommended Amendments to Draft Conditions				LAHC Requested Amendments to Recommended Conditions
	BCA Design Assessment Report P215_273-5 (BCA) NH	Design Confidence	29 May 2018	4 July 2018	
	Traffic and Parking Assessment Report Ref. 17832	Varga Traffic Planning	1 May 2018	4 July 2018	
	Arboricultural Impact Assessment Report	Earthscape Horticultural Services	March 2017	9 June 2017	
	Acoustic Report 20151303.1/1603A/R2/JD	Acoustic Logic	16 March 2017	9 June 2017	
	Geotechnical Investigation 17/2504A	SMEC Testing Services	June 2017	9 June 2017	
3	No change to proposed condition.				
4	No change to proposed condition.				
5	No change to proposed condition.				
6	<p>The development must be implemented and all BASIX commitments thereafter maintained in accordance with BASIX Certificate Number (660081MRefer to Condition 2) other than superseded by any further amended consent and BASIX certificate.</p> <p>Note: Clause 145(1)(al) of the Environmental Planning & Assessment Regulation 2000 provides: A certifying authority must not issue a construction certificate for a building work must not commence unless it is satisfied of the following matters are satisfied: -</p> <ul style="list-style-type: none"> (al) that the plans and specifications for the building include such matters as each relevant BASIX certificate requires. <p>Note: Clause 154B(2) of the Environmental Planning & Assessment Regulation 2000 provides: "A certifying authority must not issue a final occupation certificate for a BASIX affected building to which this clause applies must not be occupied unless it is satisfied that each of the commitments whose fulfilment it is required to monitor has been fulfilled." Note: For further information please see http://www.basix.nsw.gov.au.</p>				
7	No change to proposed condition.				
8	No change to proposed condition.				
9	Excavation, filling of the site (with the exception of the area immediately under the building envelope), or construction of retaining walls are not permitted unless shown on the approved plans and authorised by a subsequent construction certificate.				
10	<p>RMS Concurrence The development must be undertaken in accordance with the conditions of concurrence provided by RMS in their letter dated 18 May 2018, as follows:</p> <p>(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 Bexley Road boundary.</p> <p>(b) The design and construction of the gutter crossing on Bexley Road shall be in accordance with Roads and Maritime requirements. Details of these requirements should be obtained from Roads and Maritime Services, Manager Developer Works, Statewide Delivery, Parramatta (telephone 9598 7798).</p>				

Cond No.	Recommended Amendments to Draft Conditions	LAHC Requested Amendments to Recommended Conditions
	<p>Detailed design plans of the proposed gutter crossing are to be submitted to Roads and Maritime for approval prior to issue of a Construction Certificate and commencement of any road works.</p> <p>A plan checking fee (amount to be advised) and lodgement of a performance bond may be required from the applicant prior to the release of the approved road design plans by Roads and Maritime.</p> <p>(c) Detailed design plans and hydraulic calculations of any changes to the stormwater drainage system are to be submitted to Roads and Maritime for approval, prior to the commencement of any works.</p> <p>Details should be forwarded to:</p> <p>The Sydney Asset Management Roads and Maritime Services PO Box 973 Parramatta CBD 2124.</p> <p>A plan checking fee will be payable and a performance bond may be required before Roads and Maritime approval is issued. With regard to the Civil Works requirement please contact the Roads and Maritime Project Engineer, External Works Ph: 8849 2114 or Fax: 8849 2766.</p> <p>(d) The developer is to submit design drawings and documents relating to the excavation of the site and support structures to Roads and Maritime for assessment, in accordance with Technical Direction GTD2012/001.</p> <p>The developer is to submit all documentation at least six (6) weeks prior to commencement of construction and is to meet the full cost of the assessment by Roads and Maritime.</p> <p>The report and any enquiries should be forwarded to:</p> <p>Project Engineer, External Works Sydney Asset Management Roads and Maritime Services PO Box 973 Parramatta CBD 2124. Telephone 8849 2114 Fax 8849 2766</p> <p>If it is necessary to excavate below the level of the base of the footings of the adjoining roadways, the person acting on the consent shall ensure that the owner/s of the roadway is/are given at least seven (7) days notice of the intention to excavate below the base of the footings. The notice is to include complete details of the work.</p> <p>(e) A Construction Traffic Management Plan detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control should be submitted to Council for approval prior to the issue of a C construction Certificate.</p> <p>(f) A Road Occupancy Licence (ROL) should be obtained from Transport Management Centre for any works that may impact on traffic flows on Bexley Road during construction activities. A ROL can be obtained through https://myrta.com/Op1inc2/pages/security/oplincLogin.jsf</p>	

Cond No.	Recommended Amendments to Draft Conditions	LAHC Requested Amendments to Recommended Conditions
	<p>(g) 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 Bexley Road.</p> <p>(h) All vehicles are to enter and leave the site in a forward direction.</p> <p>(i) All vehicles to be contained on site before being required to stop.</p> <p>(j) The developer is to install regulatory signposting to enforce/increase awareness of the left in/left out treatment for all movements e.g. No Right Turn, Left Only.</p> <p>(k) The designated Bus Stops/Zone along both Bexley Road and New Illawarra Road are to be retained. Roads and Maritime reserves the right to alter regulatory signposting along the frontages of this development to maintain safety and improve traffic flow efficiency.</p>	
11	No change to proposed condition.	
12	<p><u>Amended /Additional Information and/or Plans</u> Amended plan shall be submitted-The construction plans to Council and approved by Council's Manager of Development Assessment prior to the commencement of works, containing shall be amended in accordance with the following requirements: design amendments:</p> <p>(a) To reduce the number of storeys within Block A, the third (top) floor to Block A is to be deleted from the proposal. Plans to be submitted to, and approved by, Council's Director of City Futures. If required by Council, or desired by the proponent, changes may be made to the roof design so as to accommodate the deleted level, and to the façade design, so as to emphasise the second floor as the approved top level.</p> <p>(b) To improve the relationship to Bexley Road, individual entries from Bexley Road are to be provided to Unit 2 and Unit 3 of Block A. These entries are to be perpendicular to Bexley Road and located towards the centre of the building. Some minimal changes to the landscape scheme are permitted to accommodate this change.</p> <p>(c) A detailed colours and finishes schedule is to be submitted to, and approved by, Council prior to commencement of works. To improve the façade design and to permit natural light into the parking area of Block A, the schedule shall detail the external finishes of the basement/parking level of Block A, which are to be compatible with the remainder of the building. Windows to the southern, western and northern façade are to be included at this level (these windows may be inoperable).</p> <p>(d) To ensure the façade design is appropriate, details of the horizontal louvres to the first floor of the street façade of Block B are to be provided. These louvres must be designed so as to maintain passive surveillance to New Illawarra Road, to provide a suitable balance of fenestration, and to enable natural light and ventilation into the associated apartments.</p> <p>(e) To reduce overshadowing to neighbouring properties, the maximum height of Block B (i.e. the highest point of the lift overrun) is to be reduced by 0.6m to be a maximum height of 34.02 AHD.</p>	<p><u>Amended /Additional Information and/or Plans</u> Amended plan shall be submitted-The construction plans to Council and approved by Council's Manager of Development Assessment prior to the commencement of works, containing shall be amended in accordance with the following requirements: design amendments:</p> <p>(a) <u>(a)</u> To reduce the number of storeys within Block A, the third (top) floor to Block A is to be deleted from the proposal. If required by Council, or desired by the proponent, changes may be made to the roof design so as to accommodate the deleted level, and to the façade design, so as to emphasise the second floor as the approved top level.</p> <p>(b) <u>(a)</u> To improve the relationship to Bexley Road, individual entries from Bexley Road are to be provided to Unit 2 and Unit 3 of Block A. These entries are to be perpendicular to Bexley Road and located towards the centre of the building. Some minimal changes to the landscape scheme are permitted to accommodate this change.</p> <p>(c) <u>(b)</u> A detailed colours and finishes schedule is to be submitted to, and approved by, Council prior to commencement of works. To improve the façade design and to permit natural light into the parking area of Block A, the schedule shall detail the external finishes of the basement/parking level of Block A, which are to be compatible with the remainder of the building. Windows to the southern, western and northern façade are to be included at this level (these windows may be inoperable).</p> <p>(d) <u>(c)</u> To ensure the façade design is appropriate, details of the horizontal louvres to the first floor of the street façade of Block B are to be provided. These louvres must be designed so as to maintain passive surveillance to New Illawarra Road, to provide a suitable balance of fenestration, and to enable natural light and ventilation into the associated apartments.</p> <p>(e) <u>(d)</u> To reduce overshadowing to neighbouring properties, the maximum height of Block B (i.e. the highest point of the lift overrun) is to be reduced by 0.6m to be a maximum height of 34.02 AHD.</p>
13	No change to proposed condition.	
14	Condition recommended to be deleted.	
15	<u>Service Location</u>	

Cond No.	Recommended Amendments to Draft Conditions	LAHC Requested Amendments to Recommended Conditions
	<p>Details demonstrating compliance with this requirement shall be included in the construction documentation / plans and shall be submitted to the Principal-Certifier prior to the Commencement of Works:</p> <p>(a) Fire Boosters - The fire hydrant booster valves shall not be located on a corner. They should be located in a discreet location, and shall be enclosed by a door, such as located within the driveways, away from and perpendicular to the frontage, or in another similarly discreet location. If enclosed by The a door, it shall be provided with appropriate locks and signage in accordance with AS2419.1. The details of the location and structure shall be provided to Council for approval their records prior to the issue of the construction certificate.</p> <p>(b) Substation - If a substation is required by Ausgrid, a s4.55 modification application will be required.</p> <p>(c) Antenna / Satellite Dishes - The proposal may include the installation of a single master antenna for the development each building in accordance with Controls C1 and C2, Part 4.7 of RDCP 2011. No further antennas or satellite dishes may be installed without obtaining further approval (unless permitted as exempt development).</p> <p>(d) All vertical plumbing shall be concealed within the brickwork of the building, with the exception of downpipes.</p>	
16	<p>A total of minimum 11 residential (including 1 car wash bay available for common use), 2 motorcycle parking spaces and 3 bicycle parking spaces must be provided within the car park for each building (total of 22 residential spaces for the entire development). This parking must be reflected in any subsequent strata subdivision of the development with parking in any strata plan allocated, as much as possible, in accordance with the Apartment Design Guide requirements (including visitors parking allocation).</p> <p>Notes:</p> <ul style="list-style-type: none"> All residential visitor spaces and car wash bays shall be labelled as common property on any future strata plan for the site. The car wash bays must be connected to the Sydney Water sewer system in accordance with Sydney Water requirements. This parking allocation condition applies to any Strata Certificate issued with respect to a Consent issued in accordance with Section 81 (1)(A) of the Environmental Planning and Assessment Act 1979 or a Complying Development Certificate issued in accordance with Part 6 of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008. 	
17	<p><u>Car Parking Design & Construction</u></p> <p>The design and construction of the off-street parking facilities shall comply with Australian Standards and other requirements, as follows:</p> <p>(a) Comply with Council's Vehicular Entrance Policy in relation to the design of the access driveways, in particular the layout of the access driveways shall be provided in the form of a layback in the kerb and gutter <u>to the satisfaction of RMS (for Bexley Road) and Bayside Council (for New Illawarra Road).</u></p> <p>(b) Bicycle parking facilities shall be designed in accordance with AS2890.3:1993.</p> <p>(c) The off-street parking areas associated with the subject development shall be designed strictly in accordance with AS2890.1 and AS2890.6.</p> <p>(d) Internal height clearance shall be designed throughout the car park and access driveway in accordance with AS2890.1 and AS2890.6.</p> <p>(e) The car parking spaces shall not be enclosed at any time.</p> <p>(f) For parking with people with disabilities, the clearance above the parking bay shall be 2.5 minimum.</p> <p>(g) Allocate all off-street visitor parking and car wash bay as 'common property' on any future strata plan of subdivision under the Strata (Freehold) Schemes Act.</p>	

Cond No.	Recommended Amendments to Draft Conditions	LAHC Requested Amendments to Recommended Conditions
	<p>(h) The access ramp to Building A shall be amended to comply with AS 2890.1 for Two-way circulation ramp — 5.5m minimum between kerbs (2 large B99 vehicles will be able to pass each other at curved ramp, top and bottom of the ramp). <u>A suitably qualified engineer registered with the NER shall be engaged to assess the design of the access ramp to Building A fronting Bexley Road to determine the ability for it to be amended to comply with AS 2890.1 for Two-way circulation (i.e. minimum 5.5m width between kerbs so that 2 large B99 vehicles will be able to pass each other along all parts of the ramp) without the access ramp protruding within the overland flow path (Note: stormwater design may also require modifications to accommodate the amended ramp design). If amendments can be made, the construction plans shall be amended to include the two-way ramp. However if the revisions to provide two way access are not deemed to be feasible and/or possible for implementation into the design of the parking facility then an alternative method shall be implemented to resolve / reduce traffic conflicts that may occur on the access ramp (e.g. through the use of convex mirrors increasing sight distances). The amended solution must be designed by the suitably qualified engineer registered with the NER.</u></p> <p>(i) To install left in left out treatment for all movements to and from Bexley Road.</p> <p>(j) Sight distances from the proposed vehicular crossings to vehicles on Bexley Road are to be in accordance with the Austroads Guide to Road Design: Part 4A: Unsignalised and Signalised Intersections (Section 3 — Sight Distance) and AS 2890. Vegetation and proposed landscaping/fencing must not hinder sight lines to and from the vehicular crossings to motorists, pedestrians and cyclists.</p> <p>(k) The layout of the proposed car parking areas associated with the subject development (including, driveways, grades, turn paths, sight distance requirements in relation to landscaping and/or fencing, aisle widths, aisle lengths, and parking bay dimensions) should be in accordance with AS 2890.1- 2004, and A52890.6-2009. Parking Restrictions may be required to maintain the required sight distances at the driveway.</p>	
18	<p><u>Safer by Design</u> To maximise security in and around the development the following shall be incorporated into the development. Details for the following are to be approved by the Principal Certifier prior to the commencement of works, implemented prior to occupation issue of any Occupation / Compliance Certificate and maintained for the lifetime of the development:</p> <p>a) Monitored CCTV facilities shall be implemented throughout the development. Areas of focus include the basement car park (including entry and exits), main entry areas to the development and garbage/ storage areas.</p> <p>a) A lighting maintenance policy shall be established for the development. Lighting shall be designed to the Australian and New Zealand Lighting Standards. Australia and New Zealand Lighting Standard 1158.1 - Pedestrian, requires lighting engineers and designers to consider crime risk and fear when selecting lamps and lighting levels.</p> <p>b) Security mirrors shall be installed within corridors and on blind corners to enable users to see around blind corners.</p> <p>c) Graffiti resistant materials shall be used to ground level external surfaces.</p> <p>d) Intercom facilities shall be installed at all vehicular and pedestrian entry/exit points to enable residents to communicate and identify with people prior to admitting them to the development.</p>	
19	No change to proposed condition.	
20	No change to proposed condition.	
21	No change to proposed condition.	

Cond No.	Recommended Amendments to Draft Conditions	LAHC Requested Amendments to Recommended Conditions
22	No change to proposed condition.	
23	No change to proposed condition.	
24	<u>Temporary dewatering of the site to construct the subsurface structures is not permitted without a permit.</u>	
25	The visible light reflectivity from building materials used on the façade of the building shall not exceed 20% and shall be designed so as not to result in glare that causes any nuisance or interference to any person or place. A statement demonstrating compliance with these requirements shall be submitted to the satisfaction of the Certifying Authority prior to construction <u>of the issue of a Construction Certificate</u> for the relevant stage of works.	
26	No change to proposed condition.	
27	All hot water systems/units which are located on the balcony of a dwelling/unit must be encased in a recessed -box on the balcony with the lid/cover of the box designed to blend in with the building. All associated pipe work is to be concealed.	
28	<p>(a) The approved Landscape Concept Plans prepared by Precinct landscape Architects, Drawing numbers LO1 and LO2, Revision 1, dated 11th December 2018 shall comprise detailed landscape documentation to be submitted to, and approved by, Bayside Council Landscape Architect prior to the issue of a Construction Certificate <u>construction</u>. The landscape documentation is to be prepared by a suitably qualified Landscape Architect, in accordance with Council's Landscape DCP and include the following amendments:</p> <p>(i) Overflow area</p> <p>(A) Rough stone edging proposed in the northwest corner between building and boundary of 311A Bexley Road shall not protrude natural ground level more than 100mm to avoid blockage of water flow in flooding events.</p> <p>(B) All shrubs proposed in these area shall be replaced with rushes and sedges, as follow: all Callistemon spp varieties and Doryanthes excelsa shall be removed from overflow area and if provided shall be only in the borders outside the overflow area. Instead of these shrubs rushes and sedges shall be provided.</p> <p>(C) Banksia robur can only be planted in the overflow border, not the central flow channel, isolated or in maximum 3 plants grouping with minimum distance 1.5 meters centre.</p> <p>(D) Two (2) proposed Casuarina glauca shall be replaced with Melaleuca quinquenervia, as Casuarinas evergreen leaves and branchlets tend to block drainage pits.</p> <p>(ii) Tree planting: The landscape proposal shall include a minimum of five (5) native canopy trees to reach a minimum mature height of ten (10) meters in local conditions, location shall be as follow:</p> <p>(A) One (1) canopy tree shall be located in the frontage setback of New Illawarra Road, between front fence and footpath with a tree guard as per Bayside Council Specifications. Minimum pot size to be supplied shall be 100 litres.</p> <p>(B) One (1) canopy tree shall be located in the frontage setback of Bexley Road, adjacent to Whitebread Park. Minimum pot size to be supplied shall be 100 litres.</p> <p>(C) Three (3) canopy trees shall be planted between proposed block A and proposed block B. Minimum pot size to be supplied shall be 45 Litres.</p> <p>(iii) The area above the OSD tank located to the north of Block B, and to the east of the Block B driveway, is to be provided with additional facilities to enable it to function as the principal communal open space area to the development. This space shall provide recreation facilities for users such as a barbecue, shaded areas with trees and pergolas, seating and tables. This</p>	

Cond No.	Recommended Amendments to Draft Conditions	LAHC Requested Amendments to Recommended Conditions
	<p>space shall be well connected with each building and with other landscape elements. Any pergola proposed shall include climbers to provide shade in summer months.</p> <p>(iv) To address privacy Northern Boundary shall replace Syzgium austral var "Resilience" (Dwarf Lilly Pilly) with a larger screen shrub, Syzgium "Cascada" to address privacy <u>(except for the front setback area to New Illawarra Road adjacent to the driveway entrance).</u></p> <p>(v) A Landscape Maintenance Schedule is required: Cover a 12 month period and provides a guide to the landowner or occupier on how to best maintain the constructed landscaped areas; and include the following information:</p> <ul style="list-style-type: none"> (A) Screen Shrub pruning/trimming (frequency, plant requirements); (B) Fertilising and pest control (soil testing, types, rate, frequency); (C) Mulching, weeding and soil improvement (frequency, materials); (D) Irrigation (checks, adjustments); (E) Adjustment of tree stakes and ties; (F) Tree maintenance (fertilising, mulching, special tree requirements); (G) Maintenance of hard landscape elements (paving, edges, walls, pergolas, seats, planter box walls etc); <p>(b) Any irrigation and garden tap shall be connected to rainwater tank as an environmentally sustainable approach.</p> <p>(c) Tree retention in private domain:</p> <p>(i) The following tree shall be retained and protected at all times: T13 and T15 Callistemon viminalis (Weeping Bottlebrush), T14 Omalanthus populifolius (Bleeding Heart), T16 Camphor laurel;</p> <p>(ii) Tree retention in public domain: The Water Gum (T26) and Magenta Lilly Pilly (T27) located on the nature strip fronting 84 New Illawarra Road are to be retained and protected. The Magenta Lilly Pilly (Syzgium paniculatum) (T27) is listed as an Endangered Species under the Threatened Species Conservation Act 1995 and must be retained and protected under all circumstances.</p> <p>(iii) Tree No 5 Callistemon viminalis (Weeping Bottlebrush) fronting 313 Bexley Road shall be retained and protected.</p> <p>(iv) T1, T2 and T3: three (3) Eucalyptus microcorys (Tallowwood) located in the public reserve are to be retained and protected.</p> <p>(d) Public Domain Landscape Works/<u>Street Tree Planting</u>. A Public Domain Frontage Works application shall be submitted separately to Council, with Civil and Landscape works plans prior to construction. Tree planting specifications as per Council specifications. Public Domain Landscape Works shall also include the following tree planting in public domain:</p> <ul style="list-style-type: none"> (i) Bexley Road, (State Road, RMS managed road) Verge strip shall be planted with three (3) Tristaniopsis laurina, (Water Gum) instead of Callistemon viminalis as per Rockdale Street Tree Master Plan. <u>Pot size supplied shall not be less than 200 Litre.</u> (ii) New Illawarra Road, (LGA managed road) Verge strip shall be planted with one (1) Corymbia maculata (Spotted Gum) min. height 1.6 metres and pot size 75-100 litre, shall be installed in the New Illawarra Road nature strip as per Rockdale Street Tree Master Plan. (ii) All new trees planted in public domain shall will be planted as specified by Council landscape architect in frontage works specifications. 	
29	<p><u>Tree Protection / Removal</u></p> <p>(a) All recommendations in the Earthscape Horticultural Services Impact Assessment Report dated March 2017 shall be implemented and complied with (with the exception of any amendments required by (b) below).</p>	

Cond No.	Recommended Amendments to Draft Conditions	LAHC Requested Amendments to Recommended Conditions
	<p>(b) Prior to the commencement of works, an amended/new Arboricultural Impact Assessment Report (arborist report) is to be submitted to consider the changes made to the basement since the approved arborist report (listed within Condition 2) was prepared. The amended/new arborist report is to be prepared by an experienced Arborist with minimum AQF Level 2 qualifications in Arboriculture. Any recommendations made within the amended/new arborist report are to be followed throughout construction.</p> <p>(c) The existing Water Gum, Magenta Lilly Pilly and Callistemon street trees along New Illawarra Road and Bexley Road frontages shall be retained and protected during construction.</p> <p>(d) The existing street trees located at the front of the property (New Illawarra Road and Bexley Road frontage) are not to be removed or pruned, including root pruning, without the written consent of Council.</p> <p>(e) Existing site trees numbered 4, 6, 7, 11, 14, 17, 18, 19, 22, 23, 24 and 25 as per <i>Earthscape Horticultural Services Impact Assessment Report</i> dated March 2017 may be removed.</p> <p>(f) No other trees located within the site, adjoining properties or Council's nature strip shall be removed or pruned without the prior written consent of Council in the form of a Permit issued under Council's Development Control Plan 2011.</p> <p>(g) Prior to the commencement of any work on site, a sign shall be placed in a prominent position on each protective fence identifying the area as a Tree Protection Zone and prohibiting vehicle access, waste bins, storage of materials and equipment, site residue and excavations within the fenced off area.</p> <p>(h) Prior to the commencement of work, Tree Protection Zones shall be established in accordance with A54970-2009 (Protection of trees on Development Sites) with protective fences at least 1.8 metres high erected outside the drip lines from the trunks around each tree or group of trees which are required to be retained. The protective fences shall consist of chain wire mesh temporary fence panels securely mounted and braced to prevent movement, shall be in place prior to the commencement of any work on site and shall remain until the completion of all building and hard landscape construction. Excavations for services, waste bins, storage of materials and equipment, site residue, site sheds, vehicle access or cleaning of tools and equipment are not permitted within the Tree Protection Zones at any time.</p> <p>(i) Any pruning of branches or roots of trees growing from within adjoining properties requires the prior written consent of the tree's owners and the prior written consent of Council in the form of a Permit issued under Council's Development Control Plan 2011. The work must be carried out in accordance with AS4373:2007 by an experienced Arborist with minimum AQF Level 2 qualifications in Arboriculture.</p> <p>(j) Where drainage or paving works are proposed to be constructed in the area below the dripline of trees, the proposed works and construction methods must not damage the tree. Where either the trees or works were not shown in detail on the approved plans, then Council approval must be <u>obtained-consulted prior to the commencement of works</u> by contacting Council's Tree Management Officer.</p> <p>(k) Underground Services such as pipelines or cables to be located close to trees, must be installed by boring or by such other method that will not damage the tree rather than open trench excavation. The construction method must be approved by Council's Tree Management Officer.</p> <p>(l) Existing soil levels within the drip line of trees to be retained shall not be altered without reference to Council's Tree Management Officer.</p> <p>(m) Building materials, site residue, machinery and building equipment shall not be placed or stored under the dripline of trees required to be retained.</p>	
30	No change to proposed condition.	

Cond No.	Recommended Amendments to Draft Conditions	LAHC Requested Amendments to Recommended Conditions
31	<p>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 construction and Occupation Certificate occupation the Certifying Authority and Principal Certifying Authority must:</p> <ol style="list-style-type: none"> Be satisfied that suitable evidence is provided to demonstrate that the products and systems (including installation) proposed for use or used in the construction of external walls, including finishes and claddings such as synthetic or aluminium composite panels, comply with the relevant requirements of the NCC; and Ensure that the documentation relied upon in the approval processes include an appropriate level of detail to demonstrate compliance with the NCC as proposed and as built. 	
32	<p><u>Waste Management</u></p> <ol style="list-style-type: none"> Waste bin storage areas must be provided in the location shown in the approved plans and in accordance with the submitted Waste Management Plan; The waste bins storage rooms must be fitted with a cold and hot water tap for cleaning; Space must be made available and marked within each basement for the purposes of the storage of bulky waste items. (d)(c) Waste/recycling bins must be taken out for collection no sooner than the day prior to collection. The bins must be returned to the basement no later than the day following collection. 	
33	No change to proposed condition.	
34	No change to proposed condition.	
35	<p>A Construction Management Plan (CMP) shall be prepared in accordance with the requirements of all relevant regulatory approval bodies. Prior to the commencement of works the Certifying Authority shall be satisfied that the Construction Management Plan has obtained all relevant regulatory approvals. The Construction Management Plan shall be implemented during demolition, excavation and construction.</p> <p>Prior to construction the issue of the relevant Construction Certificate, a Construction Traffic Management Plan (TMP) prepared by a suitably qualified person shall be submitted to and approved by the Certifying Authority. The Plan shall address, but not be limited to, the following matters:</p> <ol style="list-style-type: none"> ingress and egress of vehicles to the site; loading and unloading, including construction zones; predicted traffic volumes, types and routes; and pedestrian and traffic management methods. <p>Note: The swept path of the longest vehicle entering and existing the subject site, as well as manoeuvrability through the site, shall be in accordance with Austroads. A swept path plan shall be submitted to Certifying Authority for approval illustrating compliance with this requirement, prior to release of the Construction Certificate construction.</p> <p>Any proposed landscaping, fencing or signage is not to impede the desired sight lines of all road users including pedestrians and cyclists.</p> <p>All road works / regulatory signposting associated with the proposed development shall be at no cost to the Council or RMS.</p> <p>COPIES OF THE CMP AND TMP SHALL BE SUBMITTED TO COUNCIL.</p>	
36	No change to proposed condition.	

Cond No.	Recommended Amendments to Draft Conditions	LAHC Requested Amendments to Recommended Conditions										
37	No change to proposed condition.											
38	No change to proposed condition.											
39	<p>The following fees shall be paid to Council prior to commencement of works. If payment is made after the end of the financial year, the amount shall be adjusted in accordance with Council's adopted fees and charges.</p> <p>i. A Footpath Reserve Restoration Deposit of \$33,391.40. This is to cover repair of any damages, or other works to be done by Council. This includes construction, removal, or repair as required to: kerb and guttering, existing or new driveways; paved areas and concrete footpaths. The deposit may be lodged with Council in the form of a Bank Guarantee (Any proposed Bank Guarantee must not have an expiry date). The deposit will not be returned by Council until works are completed and all damage is restored and all specified works are completed by Council.</p> <p>ii. An additional \$1,084.00 shall be paid <u>by the applicant</u> for public notification carried out on 13 February 2019.</p> <p>iii. An environmental enforcement fee of 0.25% of the cost of the works.</p> <p>iv. A Soil and Water Management Sign of \$18.00.</p>											
40	No change to proposed condition.											
41	<p>A Section 94 contribution of \$50,276.30 shall be paid <u>by the applicant</u> to Council. Such contributions are only used towards the provision or improvement of the amenities and services identified below. The amount to be paid is adjusted at the time of payment, in accordance with the contribution rates contained in Council's current Adopted Fees and Charges. The contribution is to be paid prior to the issue of any compliance certificate for works above the floor level of the ground floor. (Payment of the contribution is not required prior to any separate compliance certificate issued only for demolition, site preparation works and the construction of basement levels). The contribution is calculated from Council's adopted Section 94 contributions plan in the following manner:</p> <table><tr><td>Open Space</td><td>\$32,866.60</td></tr><tr><td>Community Services & Facilities</td><td>\$5,384.38</td></tr><tr><td>Town Centre & Streetscape Improvements</td><td>\$3,736.62</td></tr><tr><td>Pollution Control</td><td>\$7,985.04</td></tr><tr><td>Plan Administration & Management</td><td>\$303.66</td></tr></table> <p>Copies of Council's Section 94 Contribution Plans may be inspected at Council's Customer Service Centre, Administration Building, 444446 Princes Highway, Rockdale.</p>	Open Space	\$32,866.60	Community Services & Facilities	\$5,384.38	Town Centre & Streetscape Improvements	\$3,736.62	Pollution Control	\$7,985.04	Plan Administration & Management	\$303.66	
Open Space	\$32,866.60											
Community Services & Facilities	\$5,384.38											
Town Centre & Streetscape Improvements	\$3,736.62											
Pollution Control	\$7,985.04											
Plan Administration & Management	\$303.66											
42	No change to proposed condition.											
43	No change to proposed condition.											
44	No change to proposed condition.											
45	No change to proposed condition.											
46	No change to proposed condition.											
47	No change to proposed condition.											
48	No change to proposed condition.											
49	No change to proposed condition.											

Cond No.	Recommended Amendments to Draft Conditions	LAHC Requested Amendments to Recommended Conditions
50	No change to proposed condition.	
51	No change to proposed condition.	
52	<p>Traffic and Parking Compliance</p> <p>(a) Prior to the commencement of construction / building works, the Certifying Authority shall ensure that a letter from a qualified practicing Traffic Engineer registered on the National Engineering Register (NER), or a Compliance Certificate (issued in accordance with Section 109C of the Environmental Planning and Assessment Act 1979), has been issued to the Certifying Authority stating that the design of the off-street parking facilities including access comply with all relevant conditions of consent (refer to 52(b) & (c) below, Condition 11, Condition 17, Condition 18 and other relevant conditions).</p> <p>(b) The design of parking areas shall be in accordance with DCP Part 4 Sec 4.6 and Rockdale Technical Specification — Traffic, Parking and Access. Where additional design criteria are required the design shall be in accordance with AS/NZ52890.1:2004.</p> <p>A traffic signs are to be designed and installed to manage vehicular movement in all basement car parks that provides safe vehicle access to the basements. The arrangement shall control traffic to ensure safe movement of vehicles within basement car park at all times.</p> <p>A suitably qualified and experienced engineer shall design traffic management facilities within the site to the requirements of AS2890.1:2004 and relevant Austroads Guidelines. The facilities designed by the engineer shall include signs (including vehicular guide signs, regulatory signs and warning signs), line marking and pavement markers, and other controls such as passing bays, traffic islands, median or separator and convex mirror to ensure safe movement of vehicles within the site at all times.</p> <p>A visitor car space shall also operate as a car was bay in each building. A tap shall be provided. A sign shall be fixed saying 'Car Wash Bay'. The runoff shall be directed and treated as per Rockdale Technical Specification Stormwater Management. Details shall be provided with the plans accompanying the Construction Certificate.</p>	
53	No change to proposed condition.	
54	<p>Adjoining buildings founded on loose foundation materials</p> <p>As the basement floor are being 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 geotechnical engineer must:</p> <p>(a) All recommendations contained in the report prepared by SMEC Testing Services Pty Ltd, Report No: 17/2504A, Project No: 10530/2504A, dated June 2017 and Site Investigation report, project No: 10530/2504, dated 2 November 2010 shall be implemented.</p> <p>(b) Provide a certificate <u>stating</u> that the construction certificate plans are satisfactory from a geotechnical perspective and</p> <p>(c) Confirm that the proposed construction methodology To pPrepare 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 prior to construction.</p>	

Cond No.	Recommended Amendments to Draft Conditions	LAHC Requested Amendments to Recommended Conditions
	<p>(d) Inspect the works as they progress. The Inspections are to occur at frequencies determined by the geotechnical engineer.</p> <p>(e) The geotechnical engineer to comment on proposed stormwater drainage design for the basement area, mainly on AGG line connections / permanent dewatering and a tanked basement structure.</p> <p>NB: (i) If the proposed construction of the basement carpark impedes the water table, thus requiring dewatering of the site, the application is Integrated Development.</p> <p>(ii) From the proposed basement pumped discharge drainage systems are permitted subject to complying with the design criteria listed in DCP.</p> <p>(iii) The design of the basement structure will require consideration of the effects of the water table, both during and after construction (Tanking / waterproofing).</p> <p>(f) Where a Private Certifier issues the Construction Certificate a copy of the above documentation and certification must be provided to Council, once the Construction Certificate is issued for the relevant stage of works.</p> <p>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.</p>	
55	<p>(a) Relocated to Condition 96A as a requirement to be satisfied 'prior to occupation'</p> <p>(b) No change proposed to condition.</p>	(c)
56	No change to proposed condition.	
57	No change to proposed condition.	
58	No change to proposed condition.	
59	No change to proposed condition.	
60	Condition to be deleted.	
61	No change to proposed condition.	
62	No change to proposed condition.	
63	No change to proposed condition.	
64	No change to proposed condition.	
65	<p>The following conditions are necessary to ensure minimal impacts during construction:</p> <ol style="list-style-type: none"> Building, demolition and construction works not to cause stormwater pollution and being carried out in accordance with Section 2.8 of Council's Stormwater Pollution Control Code 1993. Pollutants such as concrete slurry, clay and soil shall not be washed from vehicles onto roadways, footways or into the stormwater system. Drains, gutters, roadways and access ways shall be maintained free of sediment. Where required, gutters and roadways shall be swept regularly to maintain them free from sediment. Stormwater from roof areas shall be linked via a temporary downpipe to an approved stormwater disposal system immediately after completion of the roof area. All disturbed areas shall be stabilised against erosion within 14 days of completion, and prior to removal of sediment controls. Building and demolition operations such as brickcutting, washing tools or paint brushes, and mixing mortar shall not be performed on the roadway or public footway or any other 	

Cond No.	Recommended Amendments to Draft Conditions	LAHC Requested Amendments to Recommended Conditions
	<p>locations which could lead to the discharge of materials into the stormwater drainage system.</p> <p>v. 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.</p> <p>vi. Wind blown dust from stockpile and construction activities shall be minimised by one or more of the following methods:</p> <ol style="list-style-type: none"> spraying water in dry windy weather cover stockpiles fabric fences <p>vii. Access to the site shall be restricted to no more than two 3m driveways. Council's footpath shall be protected at all times. Within the site, provision of a minimum of 100mm coarse crushed rock is to be provided for a minimum length of 2 metres to remove mud from the tyres of construction vehicles.</p> <p>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.</p> <p>In addition builders / demolishers are required to erect a 1.5m high fence along the whole of the street alignment other than at the two openings. Such protection work, including fences, is to be constructed, positioned and maintained in a safe condition to the satisfaction of the Principal Certifying Authority certifier, prior to the demolition of the existing structures and commencement of building operations.</p> <p>viii. Any noise generated during construction of the development shall not exceed limits specified in any relevant noise management policy prepared pursuant to the Protection of the Environment Operations Act, 1997 or exceed approved noise limits for the site.</p>	
66	Recommended that condition be deleted.	
67	An Occupation Certificate and/or Compliance Certificates Certification shall be obtained in relation to the approved works prior to any use or occupation of the buildings	
68	No change to proposed condition.	
69	No change to proposed condition.	
70	No change to proposed condition.	
71	No change to proposed condition.	
72	No change to proposed condition.	
73	No change to proposed condition.	
74	<p>Where an electricity substation is required by Ausgrid, a final film survey plan shall be endorsed with an area having the required dimensions as agreed with Ausgrid over the location of the proposed electricity distribution substation site. The substation must be located within the boundary of the development site, or within the building, subject to compliance with the BCA. The substation site shall be dedicated to Council as public roadway, or as otherwise agreed with Ausgrid.</p> <p>Ausgrid's requirements shall be met prior to release of the issue of the Occupation Certificate.</p>	

Cond No.	Recommended Amendments to Draft Conditions	LAHC Requested Amendments to Recommended Conditions
75	No change to proposed condition.	
76	No change to proposed condition.	
77	<p>Prior to the issue of the Final Occupation Certificate occupation, a Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water.</p> <p>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.</p> <p>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.</p>	
78	Bollard(s) shall be installed by the developer for any accessible parking spaces provided for the development designed in accordance with AS/NZS 2890.6:2009.	
79	No change to proposed condition.	
80	No change to proposed condition.	
81	No change to proposed condition.	
82	No change to proposed condition.	
83	No change to proposed condition.	
84	No change to proposed condition.	
85	No change to proposed condition.	
86	No change to proposed condition.	
87	<p>A drainage easement shall be provided over the extent of the 1% Annual Exceedance Probability (AEP) flow width, for the drainage of overbank flooding and/or overland flows. The drainage easement shall be in favour of Bayside Council and be covered by a Section 88B Instrument, which may only be varied or extinguished with the consent of Bayside Council. A restriction on the user preventing building works within the easement is also required. The Subdivision/ Strata Certificate shall be referred to Council for confirmation of flow extent prior to lodgement at the Land Titles Office.</p> <p>Council requires proof of lodgement of the signed Subdivision/Strata Certificate Consolidation Plan and 88B Instrument with the Land Titles Office.</p>	
88	The side passages between the house buildings and the side boundaries shall remain clear of obstructions up to the 1% AEP flood level. Air conditioning units, electrical connections to hot water tanks, and other items that may be damaged by flood waters shall be set at or above 500mm above the 1% AEP flood level.	
89	No change to proposed condition.	
90	No change to proposed condition.	
91	No change to proposed condition.	
92	No change to proposed condition.	
93	The pump system, including all associated electrical and control systems, shall be tested and inspected by a suitably qualified and experienced person. Records of testing shall be retained and provided to the certifying hydraulic engineer and/or PCA -certifier upon request.	

Cond No.	Recommended Amendments to Draft Conditions	LAHC Requested Amendments to Recommended Conditions
94	No change to proposed condition.	
95	No change to proposed condition.	
96	No change to proposed condition.	
96A	<p><u>Drainage Easement</u></p> <p>A plan of subdivision shall be submitted to Council for a 1.83 metre wide easement to drain water drainage easement over Council's existing pipeline shall be created by a Section 88B Instrument in conjunction with the plan of consolidation. The drainage easement shall be in favour of Rockdale City Bayside Council for the drainage of roof and surface waters, and shall be covered by a Section 88B shall be a signatory. A restriction on the user preventing building works within the easement is also required. Council requires proof of lodgement of the signed Plan of Subdivision consolidation with the Land Titles Office prior to the commencement of construction works occupation.</p>	
97	No change to proposed condition.	
98	No change to proposed condition.	
99	No change to proposed condition.	
100	No change to proposed condition.	
101	No change to proposed condition.	
102	No change to proposed condition.	
103	No change to proposed condition.	