

JOINT REGIONAL PLANNING PANEL
(Sydney Central Planning Panel)
SUPPLEMENTARY REPORT
Dated 22 August 2018

SECPP No	2018SCL019
DA Number	DA-2018/1013
Local Government Area	Bayside Council
Proposed Development	Integrated Development construction of a thirteen storey flat Integrated development for the construction of a thirteen storey residential flat building with a total of 105 apartments and two levels of basement car parking
Street Address	141 O'riordan Street, Mascot
Applicant	Karimbla Construction Services (NSW) Pty Ltd
Owner	Karimbla Properties (No. 39) Pty Ltd
Number of Submissions	Five (5) objections
Regional Development Criteria (Schedule 7 of the SEPP)	Development with a CIV of \$28,490,359.00
List of All Relevant s4.15(1)(a) Matters (previously Section 79C)	<ul style="list-style-type: none"> ○ Environmental Planning & Assessment Act 1979, Part 4 – Development Assessment & Schedule 7 of the SEPP- State and Regional Development 2011 which regional panels may be authorised to exercise consent authority functions of councils ○ Environmental Planning & Assessment Regulation 2000, Part 6 – Procedures relating to Development Applications ○ State Environmental Planning Policy (Infrastructure) 2007 ○ State Environmental Planning Policy No. 55 – Remediation of Land ○ State Environmental Planning Policy 2004 (BASIX); ○ State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development ○ Botany Bay Local Environmental Plan 2013 ○ Botany Development Control Plan 2013
List all documents submitted with this report for the panel's consideration	<ul style="list-style-type: none"> ● Architectural Plans- DKO Architecture ● Landscape Plans- Site Image ● Design Review Panel

Report by	Lincoln Lawler – Senior Development Assessment Planner
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Background

The application was submitted to the Sydney Eastern Central Planning Panel on 10 August 2018 and during the time of submission and the scheduled determination meeting of 23 August 2018, the applicant has requested a number of conditions to be removed and provided amended the architectural plans on 21 August 2018.

The following table provides for a summary of the draft consent condition, the applicant's justification and Council's response to the request.

Table 1 – Conditions requested to be amended/deleted

Condition	Applicants justification for amendment/deletion	Council Comment
<p>Condition 6(a) – a) Service Alterations – All mains, services, poles, etc., which require alteration due to works associated with the development, shall be altered at the applicant's expense.</p>	<p>This was deleted by the Planning panel for Pagewood Urban Block 3. Service alterations can also be reimbursed from service authorities. We request this condition to be deleted.</p>	<p>It provides certainty that the applicant is responsible for costs associated with the development</p> <p>Condition to be retained.</p>
<p>Condition 6 (c) All telecommunication and utility services are to be placed underground along the Street frontages. The extent of works required in order to achieve this outcome may involve works beyond the frontage of the development site. Plans are to be prepared and certified by a suitably qualified Electrical Design Consultant for decommissioning the existing network and constructing the new network; and are to be submitted to, and approved by Council and relevant utility authorities, prior to commencement of telecommunication and utility services works.</p> <p>Condition 6(g) All telecommunication and utility services are to be placed underground along the flowing streets: The extent of works required in order to achieve this outcome may involve works beyond the frontage of the development site. Plans are to be prepared and certified by a suitably qualified Electrical Design Consultant for decommissioning the existing</p>	<p>If we can underground in front of our site we will, but we are not doing the frontages of other sites to achieve this outcome. We will have to underground across O'Riordan Street, down Carinya Street, which is unacceptable to us. There is no nexus to underground services not in front of other sites, particular if they get redeveloped.</p> <p>The conditions as worded needs to be deleted as we are not doing undergrounding that goes beyond our site. See attached map. IN fact we cant do undergrounding without going outside our site, so the condition needs to be deleted.</p>	<p>Without the plans being prepared by the relevant designers and checked by Council, neither the applicant nor council are in a position to speculatively remove this condition.</p> <p>Further recent court approvals have indicated that in some circumstances that there may be a need to go beyond the development site.</p> <p>Condition to be retained.</p>

Condition	Applicants justification for amendment/deletion	Council Comment
<p>network and constructing the new network; and are to be submitted to, and approved by Council and relevant utility authorities, prior to commencement of work.</p> <p>Condition 42(c)</p> <p>As part of this development, all above ground utilities on O’Riordan Street and Haran Street, adjacent to development, shall be relocated underground in accordance with Ausgrid and any other affected and relevant service provider. This undergrounding includes the removal of at least the two Ausgrid poles numbered K001750 and K001751, and</p>		
<p>Conditions 19, 20, 29, 30, 33 As they all relate to Excavation</p>	Delete. We have already excavated under the original consent.	The application includes excavation which has not been completed. Conditions still relevant and shall be kept
<p>Change the heading after condition 22 – <u>“Conditions Which Must be Satisfied Prior to the Issue of a the Relevant Construction Certificate”.</u></p>	This heading has been placed in conditions for us with the Council for many years now and including Pagewood. This allows us to stage construction certificates and focus on information required at specific times during construction.	Agreed – amendment made
<p>Condition 25 – to be deleted. Requirement for a reflectivity report</p>	Why are we required to do a reflectivity report if not required for lodgement and not required in the DCP. Too late.	<p>The DCP provides this requirement, if the condition is deleted there is a DCP non-compliance that has not been assessed.</p> <p>Condition to be retained</p>

Condition	Applicants justification for amendment/deletion	Council Comment
<p>Condition 34 –</p> <p><u>Prior to the issue of any Construction Certificate</u>, the applicant shall lodge a Builder's Damage Deposit and Performance Bond of \$295,200.00 (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.</p>	<p>Include the wording or Insurance Bond.</p>	<p>Standard wording as no justification for insertion is provided and this condition has been satisfactorily been met on numerous other developments undertaken by the same developer within Bayside local government are</p> <p>Condition to be retained in current form.</p>
<p>Condition 35 –</p> <p><u>Prior to the issue of any Construction Certificate</u>, at the proposed point of construction site entry, photographic survey showing the existing conditions of Council's and RMS infrastructure shall be submitted to Council and Principal Certifying Authority. The survey shall detail the physical conditions and identify any existing damages to the roads, kerbs, gutters, footpaths, driveways, street trees, street signs and any other Council assets fronting the property and extending to a distance of 50m from the development. Failure to do so may result in the applicant/developer being liable for any</p>	<p>We do not agree with 50m. We are not going to repair works in front of other sites, which has nothing to do with our construction. Also we have already commenced under the existing approval, so this condition can be deleted in reality.</p>	<p>50 metres allows for appropriate spill of construction activity beyond just the site.</p> <p>Condition to be retained.</p>

Condition	Applicants justification for amendment/deletion	Council Comment
<p>construction related damages to these assets. Any damage to Council's infrastructure during the course of this development shall be restored at the applicant's cost.</p>		
<p>Conditions 36 A Construction Management Program shall be submitted to the Principal Certifying Authority prior to the issue of a Construction Certificate</p> <p>Condition 37 –. Detailed Traffic Management Plan for the pedestrian and traffic management of the site during construction</p>	<p>Delete. Already undertaken as part of the original DA for the site which has been enacted</p>	<p>This is a stand-alone DA, the applicant has not requested that applications be connected and if its already been undertaken then it should be as simple as resubmission to the PCA.</p> <p>Condition to be retained</p>
<p>Condition 41, In relation to accessible car parking</p> <p>Should be near lifts and communal open space and adjacent roads</p> <p>Condition 43 In relation to detail design and construction plans in relation to stormwater management and disposal system</p>	<p>This is a dwelling house condition. How are basement parking spaces going to be adjacent to the communal open space at the back of the development. Impossible. Please delete.</p> <p>Amend to read prior to the issues of the relevant Construction Certificate as we have taken up the original consent</p>	<p>The conditions ensures that all parks of the building are accessible and easy to navigate to.</p> <p>Condition to be retained</p> <p>Agreed – amendment made</p>

Condition	Applicants justification for amendment/deletion	Council Comment
Condition 43F and H – water reuse	Delete as this is covered under BASIX. Minimum requirements are not standard for every development. BASIX legislation specifically states that a DCP cannot override or go beyond the requirements of BASIX. We already have a BASIX certificate in place to address this.	Agreed – amended to relate to landscape irrigation
Condition 42 – Last Paragraph 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.	To be deleted	This provides certainty as who should be responsible for works associated with the development. Condition to be retained.
Condition 42(d) At least two (2) new Ausgrid lighting poles shall be erected on the O’Riordan Street frontage, or as otherwise directly specified by Council/Ausgrid/RMS. All new lighting poles and associated underground infrastructure shall be constructed satisfying V2 lighting requirements any other requirements as specified by Council, RMS and any other affected service provider,	The condition requires at least 2 Ausgrid lighting poles. This needs to be reworded that only requires a lighting category V2 Lighting. The condition assumes 2 light poles are required, when fact this may be one or none. A report has to be undertaken to determine how many light poles are required for a Lighting category V2.	It specifies a minimum unless superseded by any other requirement from Council/Ausgrid or RMS. Condition to be retained.
Condition 52 – <u>Prior to the issue of the relevant Construction Certificate, any electrical</u>	Location of services is governed by the authorities, especially kiosks and fire boosters. The certifier is instructed by the authorities where these items go. Delete	Agreed in principal but given the location shown on the architectural plans provides for a poor streetscape and impacts on the 3

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<p>kiosk, fire booster assembly or similar utilities must be located in an unobtrusive location away from vehicle and pedestrian entrances to the property and not within the landscaped street setback. The utilities must be 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 the Principal Certifying Authority prior to their installation. Fire booster assemblies should be housed within the external face of the building structure and screened from view from the public domain area.</p>	<p>condition or require to be suitable screen were permitted by the relevant authority.</p>	<p>remaining trees the condition is considered acceptable.</p> <p>Condition to be retained.</p>
<p>Condition 56 – Landscape Plan Requirements</p>	<p>Condition 56(a) remove 1:10 scale. Impossible to provide a small scale like this. May be a typo. 1:100 is the norm.</p> <p>Condition 56(b) – Delete first sentence. We get prefabricated plater boxes if required. We are not building them from scratch.</p> <p>Condition 56(i)– delete. There is no fencing. Privacy screens are shown on the plans. Arbors are not proposed. This is a dwelling house condition.</p>	<p>(a) This is a typographical error and should read 1:100, condition to be amended</p> <p>(b) – The application has not included this detail and as such the condition is still relevant</p> <p>(i)There is fencing on the street frontage</p> <p>(j) the landscape plan includes furniture in the communal open space, Street furniture has been used loosely but overall the plan</p>

Condition	Applicants justification for amendment/deletion	Council Comment
	Conditions 56(j) and 113 – Not Relevant. There is no public domain street furniture lighting etc – delete the condition.	relates to private landscaping, common sense should prevail Conditions to be retained.
<p>Condition 57 – Trees shall be used extensively throughout the site – particularly in the setbacks. Trees must be of an appropriate scale to complement and scale with the building form and to pedestrianize landscaped open spaces. Trees to be predominantly native, evergreen species using open canopy evergreens or selected deciduous for solar penetration. Additional medium to small trees shall be provided along the setback at the corner of Haran St & O’Riordan Street.</p> <p>Common area shall include canopy trees on slab, depth of soil shall allow growth of canopy trees in some areas.</p>	Delete. Trees will be planted in accordance with the approved landscape plan. We cannot plant trees that are within the setbacks that are above the basement. This was discussed in detail at many meetings.	The landscape plan is concept only and is not reflective of a planting plan. Condition to be retained
<p>Condition 58 Relocation of OSD tank to be outside of front setback to O’riordan Street.</p>	Originally requested to be deleted but now condition to be maintained	Condition to be retained
<p>Condition 60 – Water tap and gas connection on balconies</p>	Delete. Every time this condition appears, we get this deleted by Bayside Council. Too	This forms part of the design guidance from the apartment design guide.

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	dangerous for water on balconies and also effects structure of the balconies where it gets into steel etc.	<p>This also allows for better amenity and enables the private open space of each apartment to be easily maintained.</p> <p>Condition to be retained.</p>
Conditions 62 and 63 – Vibration monitoring	Delete. We have already excavated and shoring wall going in under the existing approval.	<p>Excavation not finalised.</p> <p>Condition to be retained</p>
Condition 80 – If adjustment or connection to existing subsurface services or utilities within the road verge or the road carriageway is required, all work must be undertaken under the supervision and direction of Council's Tree Management Officer so as not to impact or harm the existing street tree. NOTE: Services may require re-routing at the Applicant's expense to ensure tree root protection. New overhead electrical property service wires shall located so that it is outside the tree canopy. No canopy pruning will be permitted for service wires.	there no existing trees. The remaining corner trees are located on our site. Delete condition.	<p>This is a protective measure. There are trees that may be impacted</p> <p>Condition to be retained.</p>
Condition 82 (b) 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	We recently had this condition amended with Pagewood 3. Last sentence to be deleted. We do not undertake maintenance as the site will be sold.	<p>The condition is to allow for the landscaping to be established in a proper and nurtured manner.</p> <p>Condition to be retained</p>

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performance. After that time regular and ongoing maintenance is required.		
Condition 83 – For the purposes of irrigating the landscaped areas, a water tank, minimum 25,000 litres in size but ideally equivalent to the building roof area to be drained, shall be installed on the property for stormwater collection and re-use.	To be advised by our engineers.	Agreed BASIX overrides DCP requirements. Tank to be used for irrigation purposes and now covered by Condition 43.
Condition 85 – Requirement for unit pavers to be used in driveways and parking and pedestrian walkways	Delete. We don't have large areas and do not do interlocking pavers to driveway areas etc as they form part of the basement structure.	Agree – condition to be removed
Condition 86 – A raised concrete edge shall be installed around the landscape areas to contain soil and mulch finishes from spilling out onto adjoining pavements. The edge shall be raised a minimum of 150mm above the adjoining pavement. Timber retaining edges are unsuitable.	Insert at the beginning – “Where required” this wont be known until we carry out the final landscaping works.	A practical and common sense approach can be achieved by the developer given the intent of the condition is to ensure soil and mulch doesn't spill out of the garden. Condition to be retained
Condition 87 – Planter boxes	We are not doing planter boxes – delete	The plans indicate otherwise. Condition to be retained

Condition	Applicants justification for amendment/deletion	Council Comment
<p>Condition 89 –</p> <p><u>Prior to the issue of the relevant Occupation Certificate</u>, the floor surface of the entry, dining room and kitchen floor and internal storage areas are to be water-resistant for all two and three bedroom apartments.</p>	<p>Delete. It is up to the future resident whom will decide on the floor finishes. “Big Brother” Condition. Families may want carpet instead.</p>	<p>DCP requirement for family friendly apartments, conditioned to comply.</p> <p>If deleted the non-compliance has not been assessed.</p> <p>Condition to be retained.</p>
<p>Condition 92(c) – Car Parking allocation condition</p>	<p>condition needs to state 1 shared carwash bay/visitor space</p>	<p>Agreed – Condition amended</p>
<p>Condition 95 –</p> <p><u>Prior to the issue of an Occupation Certificate</u>, the underground placement of all low and/or high voltage street electrical mains in that section of the street/s adjacent to the development, and associated services and the installation of underground supplied street lighting columns, shall be carried out at the applicant’s expense, to the satisfaction of the asset owner. The works shall be completed in accordance with Ausgrid’s requirements and approved electrical design.</p>	<p>Delete. Refer to condition 6(c) above for reason.</p>	<p>DCP requirement which includes this area of Mascot Station Town Centre.</p> <p>If the condition is deleted the non-compliance has not been assessed in the planning report.</p> <p>Condition to be retained.</p>
<p>Conditions 98, 99 – TBA</p>	<p>TBA</p>	<p>No further advice received</p> <p>Conditions to be retained</p>

Condition	Applicants justification for amendment/deletion	Council Comment
Condition 103 – Positive covenant on title to alert of future owners to Aircraft noise	We object to this. All our developments that are subject to ANEF have never required a positive covenant. Delete the condition.	Agree to be removed
Condition 106 –	Insert the wording “where required”	
Condition 113 –	We are not providing street furniture.	The condition relates to private landscaping and the communal open space
<p>Condition 114 –</p> <p><u>Prior to the issue of the Occupation Certificate</u>, a site works review is required demonstrating:</p> <ul style="list-style-type: none"> a) Extent and minimum dimensions of the site dedicated to landscaping comply with the Detailed landscaping plans b) All detailed works comply with detailed schedules and specifications included in the detailed landscape plans c) Any modifications to the design were an equivalent or better solutions to the requirements of the detailed landscape plans and do not affect the ability of the landscape treatment to achieve the design intent. d) Site cultivation, quality and depth of soil and mulches as a minimum complies 	Delete the condition. Council does not sign off landscaping, the certifier signs off.	This does not require Council sign off, however the intent of the condition is to ensure the integrity and design approach to the landscaping is maintained.

Condition	Applicants justification for amendment/deletion	Council Comment
<p>with Council specifications and standards.</p> <p>e) Drainage of all open space and soft landscaping complies with detailed landscape plans and to Council standards</p>		
<p>Condition 115</p> <p><u>Prior to the issue of the Occupation Certificate</u>, the following applies for landscape works specification for construction documents:</p> <p>a) The Specification is to be read in conjunction with the Landscape Drawing Set, all other Consultant's documentation and revisions. Discrepancies are to be noted and clarified through a 'Request For Information' prior to construction. Allowance is to be made for all specified products. Equivalent alternatives to be documented when required and updated on As-Builts. All Australian Standards nominated in this Specification are to be the current issue.</p>	Irrelevant and does not make sense	
<p>Condition 121 –</p>	Delete. The Applicant does not look after/ maintain the property to kerb boundary after	Agreed

Condition	Applicants justification for amendment/deletion	Council Comment
	occupation. We do not own the property, and we do not undertake maintenance of public domain areas after occupation.	
Condition 123 – New street trees shall be maintained by the Applicant for the duration of the landscape bond period after planting. Maintenance includes periodic watering at a frequency to sustain adequate growth, annual feeding and weed removal but does not include trimming or pruning of the trees under any circumstances.	Once occupation has occurred we do not engage landscape contractors as ownership becomes the responsibility of the new owners/body corporate. Delete the condition.	There is no certainty that the developer will sell the building. Street trees need to have maintenance and watering to ensure appropriate establishment Condition to be retained.
Condition 127 – Ongoing maintenance of grass nature strips shall be undertaken by the occupier, strata or owner. Maintenance includes mowing, watering and maintaining an even coverage of grass. Maintenance <u>does not include</u> pruning, trimming or any work to Council's street tree assets located on the Council nature strip under any circumstances at any time, including new street trees. All pruning is undertaken by Council only.	Invalid condition. You cannot get the owners to look after the public areas. This is a Council responsibility. Might as well not pay rates. Delete the condition	Agreed, this is to ensure the streetscape is maintained. Condition to be removed.
Condition 131 – Use of air conditioners, associated with noise	Delete. Council is getting to involved in others peoples lives. People may want heating or cooling after these periods. This	Condition to be retained

Condition	Applicants justification for amendment/deletion	Council Comment
	assumes the air/ con unit is on a balcony, which they aren't.	
Condition 132 Use of premises –noise condition	Really	Condition to be retained
Conditions 119-132 Standard ongoing conditions to ensure that the building is maintained in accordance with any approval	Are not planning related and seek to control how people live. They should be deleted. There is other legislation that can be relied upon.	Conditions to be retained.

Amended Plans

Further, it is noted that the application was amended on 21 August 2018.

The amendment relates to the submission of amended plans which relate the balcony on apartment 103, 203, 304, 404, 504-1104, 1203 on every level, which fronts Haran Street. The amendment relates to relocation of the balcony from the eastern side of the apartment to the western side. The impact of this is that there is better sunlight penetration into the middle of the apartment through the balcony.



BEFORE



AFTER

Accordingly Condition 1 is required to be updated to reflect the amended plan revision.

Given the improvement in amenity the changes are considered acceptable and the condition is to be amended with the new plan revisions.

It is noted that the floor plan amendments would trigger for all other plans to be updated to reflect changes in facades and elevations. This can be addressed through a new condition that requires all plans to be updated in light of the apartment changes which is to be satisfied prior to the issue of the construction certificate. Refer inserted Condition 32 below.

Attached Schedule

141 – O’Riordan Street, 1-3 Haran Street, Mascot

SCHEDULE OF CONSENT CONDITIONS

GENERAL CONDITIONS

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

Plans	Author	Dated / Received by Council
DA001 – Cover Page Rev F	DKO Architecture	Dated 13 July 2018; Received 23 July 2018
DA102 – Site Plan Rev F	DKO Architecture	Dated 13 July 2018; Received 23 July 2018
DA 201 – Ground Floor Rev M	DKO Architecture	Dated 13 July 2018; Received 23 July 2018
DA 202 – Level 1 Rev J	DKO Architecture	Dated 21 August 2018; Received 21 August 2018
DA 203 Level 2 Rev M	DKO Architecture	Dated 21 August 2018; Received 21 August 2018
DA 204 Level 3 Rev H	DKO Architecture	Dated 21 August 2018; Received 21 August 2018
DA 205 Level 4 Rev M	DKO Architecture	Dated 21 August 2018; Received 21 August 2018
DA 206 Level 12 Rev M	DKO Architecture	Dated 21 August 2018; Received 21 August 2018
DA 207 Roof terraces Rev K	DKO Architecture	Dated 13 July 2018; Received 23 July 2018
DA 208 Roof Rev J	DKO Architecture	Dated 13 July 2018; Received 23 July 2018
DA 209 Basement 1 Rev K	DKO Architecture	Dated 13 July 2018; Received 23 July 2018
DA 210 Basement 2 Rev K	DKO Architecture	Dated 13 July 2018; Received 23 July 2018
DA 211 Level 5-11 Rev E	DKO Architecture	Dated 21 August 2018; Received 21 August 2018
DA 301 North Elevation Rev I	DKO Architecture	Dated 13 July 2018; Received 23 July 2018
DA 302 South Elevation Rev I	DKO Architecture	Dated 13 July 2018; Received 23 July 2018
DA 303 East Elevation Rev I	DKO Architecture	Dated 13 July 2018; Received 23 July 2018
DA 304 West Elevation Rev I	DKO Architecture	Dated 13 July 2018; Received 23 July 2018
DA 305 Section A, Rev G	DKO Architecture	Dated 13 July 2018; Received 23 July 2018

DA 306 Section B Rev G	DKO Architecture	Dated 13 July 2018; Received 23 July 2018
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Reference Document(s)	Author	Dated / Received by Council
DA Access Report Ref: MTN-040	Wall to Wall	Dated 1 February 2018; Received 9 February 2018
Development Application Acoustic Report Ref: 20180028.1/1601A/R0/TA	Acoustic Logic	Dated 16 January 2018; Received 9 February 2018
Arboricultural Impact Assessment Report	Jacksons Nature Works	Dated 30 January 2018; Received 9 February 2018
Thermal Comfort and BASIX Assessment Ref: 18/0410 Rev B	Efficient Living	Dated 31 January 2018; Received 9 February 2018
Construction Management Plan- Rev 1	Meriton Property Services Pty Ltd	Dated January 2018; Received 9 February 2018
Crime Risk and Security Report	Meriton Property Services Pty Ltd	Dated 23 January 2018; Received 9 February 2018
SEPP 65 Design report	DKO Architecture	Dated 5 February 2018; Received 9 February 2018
SEPP 65 Design Verification Statement	DKO Architecture	Dated 25 January 2018 Received 9 February 2018
Geotechnical Investigation Report	Douglas Partners	Dated October 2014 Received 9 February 2018
Quantity Surveying Cost Report	Steven Wehbe	Dated 15 January 2018; Received 9 February 2018
Site Surveys Drawing 22308 Rev B	B and P Surveys	Dated 15 November 2017; Received 9 February 2018
Apartment Design Guide Report	DKO Architecture	Dated 25 January 2018 Received 9 February 2018
Statement of Environmental Effects	Meriton Property Services Pty Ltd	Dated 31 January 2018; Received 9 February 2018
Waste Management Plan Rev A	Elephants Foot Waste Compactors Pty Ltd	Dated 29/01/2018; Received 9 February 2018
Qualitative Wind Assessment Report Number 610.17846-R01	SLR	Dated 24 January 2018; Received 9 February 2018
Clause 4.6 variation to vary FSR development standard	Meriton Property Services Pty Ltd	Dated 18 July 2018; Received 23 July 2018
Stormwater Plans Drawings DA015 and DA020, Rev B	At&I	Dated 2 February 2018; Received 9 February 2018
Traffic and Transport Report Job No 258-00	ARUP	Dated 30 January 2018 Received 9 February 2018
DA 402 – Eye of the Sun Diagrams Rev F	DKO Architecture	Dated 13 July 2018; Received 23 July 2018
DA 403 – Overshadowing June 22 of -143-147 O’Riordan, Rev B	DKO Architecture	Dated 13 July 2018; Received 23 July 2018

DA405 Eye of the sun diagram June 22, -143-147 O'Riordan, Rev B	DKO Architecture	Dated 13 July 2018; Received 23 July 2018
DA501 – SEPP 65 Solar Access Rev G	DKO Architecture	Dated 13 July 2018; Received 23 July 2018
DA502 – SEPP 65 Compliance Rev F	DKO Architecture	Dated 13 July 2018; Received 23 July 2018
DA503 – SEPP 65 GFA Rev G	DKO Architecture	Dated 13 July 2018; Received 23 July 2018
DA504 – SEPP 65 Adaptable apartments Rev F	DKO Architecture	Dated 13 July 2018; Received 23 July 2018
DA506 – SEPP 65 Unit Mix Rev A	DKO Architecture	Dated 13 July 2018; Received 23 July 2018

- 2 This Consent relates to land in Lot 1 in DP 739565 and, as such, building works must not encroach on to adjoining lands or the adjoining public place.
- 3 The consent given does not imply that works can commence until such time that:
 - a) Detailed plans and specifications of the building have been endorsed with a Construction Certificate by:
 - i) The consent authority; or,
 - ii) An accredited certifier; and,
 - b) The person having the benefit of the development consent:
 - i) Has appointed a principal certifying authority; and
 - ii) Has notified the consent authority and the Council (if the Council is not the consent authority) of the appointment; and,
 - iii) The person having the benefit of the development consent has given at least 2 days notice to the council of the persons intention to commence the erection of the building.
- 4 All building work must be carried out in accordance with the provisions of the Building Code of Australia.
- 5 Pursuant to clause 97A(3) of the Environmental Planning & Assessment Regulation 2000, it is a condition of this development consent that all the commitments listed in each relevant BASIX Certificate for each building in the development are fulfilled.
 - a) Note:

Relevant BASIX Certificate means:

 - i) A BASIX Certificate that was applicable to the development when this development consent was granted (or, if the development consent is modified under Section 4.55 of the Act, a BASIX Certificate that is applicable to the development when this development consent is modified); or

- ii) If a replacement BASIX Certificate accompanies any subsequent application for a construction certificate, the replacement BASIX Certificate.
- iii) BASIX Certificate has the meaning given to that term in the Environmental Planning and Assessment Regulation 2000.

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- a) Service Alterations – All mains, services, poles, etc., which require alteration due to works associated with the development, shall be altered at the applicant's expense.
- b) In designing the street tree layout, the consultant shall check and ensure that all new street trees are positioned such that there are no conflicts with the proposed street lights, utilities and driveway accesses. The proposed street lights will have priority over the street trees. All costs associated with the removal of existing street trees, where required, will be borne by the Developer.
- c) All telecommunication and utility services are to be placed underground along the Street frontages. The extent of works required in order to achieve this outcome may involve works beyond the frontage of the development site. Plans are to be prepared and certified by a suitably qualified Electrical Design Consultant for decommissioning the existing network and constructing the new network; and are to be submitted to, and approved by Council and relevant utility authorities, prior to commencement of telecommunication and utility services works.
- d) Street trees are to be provided in accordance with the Botany Street Tree Master Plan 2014.
- e) In designing the street tree layout, the consultant shall check and ensure that all new street trees are positioned such that there are no conflicts with the proposed street lights, utilities and driveway accesses. The proposed street lights will have priority over the street trees. All costs associated with the removal of existing street trees, where required, will be borne by the Developer.
- f) An experienced Landscape Contractor shall be engaged to undertake all landscaping public domain work and shall be provided with a copy of both the approved landscape drawing and the conditions of approval to satisfactorily construct the landscape to Council requirements. The contractor shall be engaged weekly for a minimum period of 52 weeks from final completion of landscaping for maintenance and defects liability, replacing plants in the event of death, damage, theft or poor performance. After that time regular and ongoing maintenance is required.
- g) All telecommunication and utility services are to be placed underground along the flowing streets: The extent of works required in order to achieve this outcome may involve works beyond the frontage of the development site. Plans are to be prepared and certified by a suitably qualified Electrical Design Consultant for decommissioning the existing network and constructing

the new network; and are to be submitted to, and approved by Council and relevant utility authorities, prior to commencement of work.

CONDITIONS IMPOSED BY AN EXTERNAL AUTHORITY

Where relevant, the following external authority conditions apply:

7 The following conditions are imposed by **Ausgrid**:

- a) It is recommended for the nominated electrical consultant/contractor to provide a preliminary enquiry to Ausgrid to obtain advice for the connection of the proposed development to the adjacent electricity network infrastructure. An assessment will be carried out based on the enquiry which may include whether or not:
 - i) The existing network can support the expected electrical load of the development
 - ii) A substation may be required on-site, either a pad mount kiosk or chamber style and;
 - iii) site conditions or other issues that may impact on the method of supply.

Please direct the developer to Ausgrid's website, www.ausgrid.com.au about how to connect to Ausgrid's network.

- b) The need for additional electricity conduits in the footway adjacent to the development will be assessed and documented in Ausgrid's Design Information, used to prepare the connection project design.
- c) All proposed vegetation underneath overhead power lines and above underground cables must comply with the requirements of ISSC 3 Guideline For Managing Vegetation Near Power Lines.
- d) There are existing overhead electricity network assets in Banks Ave. Safework NSW Document – Work Near Overhead Powerlines: Code of Practice, outlines the minimum safety separation requirements between these mains/poles to structures within the development throughout the construction process. It is a statutory requirement that these distances be maintained throughout construction. Special consideration should be given to the positioning and operating of cranes and the location of any scaffolding.

The “as constructed” minimum clearances to the mains should also be considered. These distances are outlined in the Ausgrid Network Standard, NS220 Overhead Design Manual. This document can be sourced from Ausgrid's website, www.ausgrid.com.au

Based on the design of the development provided, it is expected that the “as constructed” minimum clearances will not be encroached by the building development. However it remains the responsibility of the developer and relevant contractors to verify and maintain these clearances onsite.

Should the existing overhead mains require relocating due to the minimum safety clearances being compromised in either of the above scenarios, this relocation work is generally at the developers cost.

It is also the responsibility of the developer to ensure that the existing overhead mains have sufficient clearance from all types of vehicles that are expected be entering and leaving the site.

- e) There are existing underground electricity network assets in Banks Ave. Special care should also be taken to ensure that driveways and any other construction activities within the footpath area do not interfere with the existing cables in the footpath. Ausgrid cannot guarantee the depth of cables due to possible changes in ground levels from previous activities after the cables were installed. Hence it is recommended that the developer locate and record the depth of all known underground services prior to any excavation in the area. Safework Australia – Excavation Code of Practice, and Ausgrid's Network Standard NS156 outlines the minimum requirements for working around Ausgrid's underground cables.

8 The following conditions are imposed by **Civil Aviation Safety Authority (CASA)**:

- a) The building must not exceed a maximum height of 52.9 metres AHD, inclusive of all lift over-runs, vents, chimneys, aerials, antennas, lightning rods, any roof top garden plantings, exhaust flues etc.
- b) The proponent must ensure obstacle lighting arrangements have a remote monitoring capability, in lieu of observation every 24 hours, to alert SACL reporting staff of any outage. For detailed requirements for obstacle monitoring within the OLS of an aerodrome, refer to subsection 9.4.10 of the MOS Part 139.
- c) Separate approval must be sought under the Regulations for any cranes required to construct the buildings. Construction cranes may be required to operate at a height significantly higher than that of the proposed controlled activity and consequently, may not be approved under the Regulations. Therefore it is advisable that approval to operate construction equipment (i.e. cranes) should be obtained prior to any commitment to construct.
- d) At the completion of the construction of the building, a certified surveyor is to notify (in writing) the airfield design manager of the finished height of the building.

9 The following conditions are imposed by **Water NSW**:

- a) A Water Supply Work Approval from WaterNSW must be obtained prior to commencing dewatering activity on the proposed site. Please complete an Application for approval for water supply works, and/or water use.
- b) An application for a Water Supply Works Approval will only be accepted upon receipt of supporting documentation, and payment of the applicable fee (see Application fees for New or amended Works and/or Use Approvals). The information required for the processing of the water supply work application may include preparation of a dewatering management plan. Please refer to checklist attached.

- c) If approved, the Approval will be issued for a period of up to 24 months to cover the dewatering requirements during the construction phase. It will include conditions to ensure that impacts are acceptable and that adequate monitoring and reporting procedures are carried out. The Approval will be issued subject to the proponent meeting requirements of other agencies and consent authorities. For example, an authorisation by either Sydney Water or the local Council, depending where the water will be discharged. If contaminants are likely, or are found to be present in groundwater, and are being discharged to stormwater, including high salinities, a discharge licence under the Protection of the Environment Operations Act 1997 (NSW) may also be required.
 - d) Water NSW prefers “tanking” (ie. total water proofing below the seasonal high water table) of basement excavations, and avoids the ongoing extraction of groundwater after the initial construction phase. It is also advised to adopt measures to facilitate movement of groundwater post construction (eg. a drainage blanket behind the water-proof membrane).
 - e) If the basement is not “tanked”, the proponent will require a Water Access Licence (WAL) and need to acquire groundwater entitlements equivalent to the yearly ongoing take of groundwater. Please note: Acquiring groundwater entitlements could be difficult, and may cause delay in project completion. If a WAL is required, please complete an Application for a new water access licence with a zero share component.
- 10 The following conditions are imposed by the **NSW Roads and Maritime Services (RMS)**:
- a) 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 prior to the issue of a Construction Certificate.
 - b) All demolition and construction vehicles are to be contained wholly within the site. All vehicles must enter the site before stopping as a construction zone will not be permitted on O’Riordan Street.
 - c) A Road Occupancy Licence should be obtained from Transport Management Centre for any works that may impact on traffic flows on O’Riordan Street during construction activities.
 - d) 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.

Details should be forwarded to:
The Sydney Asset Management
Roads and Maritime Services
PO Box 973 Parramatta CBD 2124.

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.

- e) 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. 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 of Roads and Maritime. Details should be submitted to Project Engineer, External Works, Sydney Asset Management, Roads and Maritime Services, P O Box 973, Paramatta CBD 2124 Telephone 8849 2114.

If it 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.

- f) All works and regulatory signposting associated with the proposed development are to be at no cost to Roads and Maritime.
- g) 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 O'Riordan Street boundary.

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

a) Sydney Water Servicing

A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water. The proponent is advised to make an early application for the certificate, as there may be water and wastewater pipes to be built that can take some time. This can also impact on other services and buildings, driveways or landscape designs. Applications must be made through an authorised Water Servicing Coordinator. For help either visit www.sydneywater.com.au > Plumbing, building and developing > Developing > Land development or telephone 13 20 92.

b) Building Plan Approval

The approved plans must be submitted to the Sydney Water Tap in online service to determine whether the development will affect any Sydney Water sewer or water main, stormwater drains and/or easement, and if further requirements need to be met. The Sydney Water Tap in online self-service replaces our Quick Check Agents as of 30 November 2015.

The Tap in service provides 24/7 access to a range of services including:

- Building plan approvals
- Connection and disconnection approvals
- Diagrams
- Trade waste approvals

- Pressure information
- Water meter installations
- Pressure boosting and pump approvals
- Changes to an existing service or asset e.g. relocating or moving an asset

Sydney Waters Tap In online service is available at:

<http://sydneywater.com.au/SW/plumbing-building-developing/building/sydney-water-tap-in/index.htm>

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

- 12 A dilapidation report, including a photographic survey prepared by a Practising Structural Engineer, shall be undertaken of all properties and/or Council infrastructure, including but not limited to all footpaths, kerb and gutter, stormwater inlet pits, and road carriageway pavements, in the vicinity which could be potentially affected by the construction of this development. Any damage caused to other properties during construction shall be rectified. A copy of the dilapidation survey and an insurance policy that covers the cost of any rectification works shall be submitted to the Accredited Certifier (AC) or Council prior to Commencement of Works. The insurance cover shall be a minimum of \$10 million.
- 13 Prior to commencement of any works, application(s) shall be made to Council's Customer Services Counter and obtained the following approvals and permits on Council's property/road reserve under Road Act 1993 and Local Government Act 1993: - (It should be noted that any works shown within Council's road reserve or other Council Lands on the development approval plans are indicative only and no approval for these works is given until this condition is satisfied.)
 - a) Permit to erect hoarding on or over a public place, including Council's property/road reserve,
 - b) Permit to construction works, place and/or storage building materials on footpaths, nature strips,
 - c) Permit to install temporary ground anchors in public land,
 - d) Permit to discharge ground water to Council's stormwater drainage system,
 - e) Permit for roads and footways occupancy (long term/ short term),
 - f) Permit to construct vehicular crossings, footpaths, kerbs and gutters over road reserve,
 - g) Permit to open road reserve area, including roads, footpaths, nature strip, vehicular crossing or for any purpose whatsoever, such as relocation / re-adjustments of utility services,
 - h) Permit to place skip/waste bin on footpath and/or nature strip, and
 - i) Permit to use any part of Council's road reserve or other Council lands.

- 14 Erosion and sediment control devices shall be installed and in function prior to the commencement of any 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 construction phases of the development and for a minimum one (1) month period after the completion of the development, where necessary.
- 15 Toilet facilities are to be provided at or in the vicinity of the work site on which work involves:
- a) demolition and construction of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site;
 - b) Each toilet provided:
 - i) must be standard flushing toilet; and,
 - ii) must be connected:
 - to a public sewer; or
 - if connection to a public sewer is not practicable to an accredited sewerage management facility approved by the Council; or,
 - if connection to a public sewer or an accredited sewerage management facility is not practicable to some other sewerage management facility approved by the Council.
 - c) The provisions of toilet facilities in accordance with this condition must be in place before work commences.
- 16 This Consent shall not preclude the demolisher from giving notice to other statutory authorities, such as Sydney Water Corporation, WorkCover, etc.
- 17 Prior to the commencement of any works, the site to which this approval relates must be adequately fenced or other suitable measures employed that are acceptable to the Principal Certifying Authority to restrict public access to the site and building works. Such fencing or other measures must be in place before the approved activity commences.
- 18 A Soil and Water Management Plan (SWMP) 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 Soil and Water Management Plan (SWMP) 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 SWMP shall be kept on-site at all times and made available to Council Officers on request.
- 19 For any water from site dewatering to be permitted to go to the stormwater, the water must meet ANZECC 2000 Water Quality Guidelines for Fresh and Marine Water for the 95% protection trigger values for marine water. The results of all testing must be

completed by a NATA accredited laboratory. All laboratory results must be accompanied by a report prepared by a suitably qualified person indicating the water meets these guidelines and is acceptable to be released into council's stormwater system. If it is not acceptable, details of treatment measures to ensure that the water is suitable for discharge to council's stormwater shall be provided in this report. Reports shall be provided to council prior to discharge of any groundwater to the stormwater system.

- 20 To ensure that relevant engineering and water quality provisions are met during the period of dewatering for construction, prior to any water from site dewatering to be permitted to go to stormwater a permit to discharge to the stormwater shall be obtained from Council. Dewatering shall not commence until this is issued by Council.
- 21 A Traffic Management Plan shall be included as part of the Roads Act Approval for road and drainage works to be carried out within public road reserves in strict compliance with the requirements of current Australian Standard 1742.3 (Traffic Control Devices for Works on Roads) and current RMS Traffic Control at Work Sites manual. Any persons preparing such traffic control layout plans shall be RMS accredited.
- 22 If an excavation associated with the proposal extends below the level of the base of the footings of a building and/or structure and/or road on an adjoining allotment of land or the common boundary fence the person causing the excavation to be made:
 - a) Must preserve and protect the building/ fence from damage; and,
 - b) If necessary, underpin and support such building in an approved manner;
 - c) Must at least be 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of the intention to do so to the owner of the adjoining allotment of land and, furnish particulars of the excavation to the owner of the building being erected or demolished;
 - d) Existing structures and or services on this and adjoining properties are not endangered during any demolition excavation or construction work associated with the above project. The applicant is to provide details of any shoring, piercing, or underpinning prior to the commencement of any work. The construction shall not undermine, endanger or destabilise any adjacent structures.
 - e) If the soil conditions required it:
 - i) Retaining walls associated with the erection of a building (swimming pool) or other approved methods of preventing movement or other approved methods of preventing movement of the soil must be provided and:-
 - ii) Adequate provision must be made for drainage.

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

- 23 Prior to the issue of the relevant Construction Certificate, construction plans are to show that all study rooms are to have a window in accordance with the requirements under SEPP 65 and the ADG.
- 24 The building shall be constructed in accordance with *AS2021- 2000: Acoustics, Aircraft Noise Intrusion, Building Siting and Construction* and consideration of Road Noise from O'Riordan Street, the details of which must be prepared by a practicing

professional acoustical consultant. The report shall be submitted to Principal certifying authority prior to the release of the Construction Certificate and the building plans endorsed with the required acoustical measures.

The measures required in the acoustical assessment report prepared by Acoustic Logic, dated 16/01/2018, Report reference number 20180028.1/1601A/R0/TA shall be undertaken in accordance with the provisions of AS 2021 - 2000: Acoustics - Aircraft Noise Intrusion - Building Siting and Construction to establish components of construction to achieve indoor design sound levels in accordance with Table 3.3 of AS2021 - 2000 shall be incorporated into the construction of the building.

The work detailed in the report includes:

- Appropriate acoustic glazing to stated windows and doors,
- Detailed roof and ceiling construction,
- Wall and ceiling corner details and,
- External door specification,
- Acoustically treated mechanical ventilation.

Note: In many cases the applicant chooses to install air conditioning to meet mechanical ventilation requirements above. If they do it will require consideration of the noise from the air conditioner (advice concerning noise from air conditioners is attached below).

25 Prior to the issue of the relevant construction certificate, a reflectivity report shall be submitted to and approved by the Principal Certifying Authority demonstrating the reflectivity from the building does not exceed 20%.

26 Prior to the issue of the relevant Construction Certificate, construction plans to show that compliance with the Apartment Design Guide minimum storage rates has been achieved as follows:

- a) 1 Bedroom apartments 6m³
- b) 2 Bedroom apartments 8m³
- c) 3 Bedroom apartments 10m³

At least 50% of the required storage is to be located within the apartment.

27 Prior to the issue of any Construction Certificate, the following fees are to be paid:-

- | | | |
|----|----------------------------|---------------------------------|
| a) | Development Control | \$13,583.00 |
| b) | Footpath Crossing Deposit | \$295,200.00 (See below) |
| c) | Section 7.11 Contributions | \$647,152.47 (See below) |
| d) | Long Service Levy | See below |

28 Prior to the issue of any Construction Certificate related to DA 2018/1013, the payment of a monetary contribution of an additional **\$647,152.47** in accordance with Council's amended Section 94 Contributions Plan 2016. This consent generates a total contribution of \$2,080,000.00, however a credit has been applied of \$1,432,847.53.

The Section 7.11 Contribution fees are subject to annual review and the current rates are applicable for the financial year in which the consent is granted. If the contribution is paid in a later financial year the fee applicable at the time will be required to be paid.

- 29 Prior to the issue of any construction certificate, provide evidence that the following has been completed. Sampling and analysis of soil at the site for asbestos shall be undertaken and any exceedances managed and remediated in accordance with the National Environment Protection (Assessment of Site Contamination) Measure 2013 and all relevant NSW EPA Guidelines. This assessment and management shall be completed prior to any disturbance of soil or excavation on the site. Details of sampling and analysis and the proposed management of any exceedances shall be provided to Council.
- 30 Prior to the issue of any construction certificate Due to the time elapsed since the Phase 2 investigation, undertake additional site investigations for impacts from groundwater from the adjoining petrol station and asbestos in soils on the site. This shall be completed by a suitably qualified and experienced environmental consultant in accordance with:
- a) NSW Office of Environment and Heritage (OEH) 'Contaminated Sites – Guidelines for Consultants Reporting on Contaminated Sites';
 - b) NSW Environment Protection Authority (NSW EPA) approved guidelines under the Contaminated Land Management Act 1997; and
 - c) State Environmental Planning Policy 55 (SEPP55) – Remediation of Land;
- and shall be provided to the Principal Certifying Authority and Bayside Council for written concurrence prior to the issue of any Construction Certificate.
- 31 If required, following completion of the additional assessment, a Remedial Action Plan shall be prepared and remediation of the site shall be carried out. Approvals from appropriate government departments where required shall be obtained and full details of the investigation and site remediation are to be submitted to Bayside Council in accordance with the Environmental Planning and Assessment Act 1979 prior to any Construction Certificate being issued for the proposed development.
- 32 Prior to the issue of any construction certificate, the plans shall be amended to reflect the change in apartment layouts of apartment 103, 203, 304, 404, 504-1104, 1203 these changes are reflected in the plans approved which are dated 21 August 2018. A copy of the plans shall be submitted to the Council and Principal Certifying Authority.
- 33 Prior to the issue of any Construction Certificate, the required Long Service Levy payable under Section 34 of the Building and Construction Industry Long Service payments Act 1986 must be paid. The Long Service Levy is payable at 0.35% of the total cost of the development, however, this is a State Government fee and can change without notice.
- 34 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.

- 35 Prior to the issue of any Construction Certificate, the applicant shall lodge a Builder's Damage Deposit and Performance Bond of **\$295,200.00** (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.
- 36 Prior to the issue of any Construction Certificate, at the proposed point of construction site entry, photographic survey showing the existing conditions of Council's and RMS infrastructure shall be submitted to Council and Principal Certifying Authority. The survey shall detail the physical conditions and identify any existing damages to the roads, kerbs, gutters, footpaths, driveways, street trees, street signs and any other Council assets fronting the property and extending to a distance of 50m from the development. Failure to do so may result in the applicant/developer being liable for any construction related damages to these assets. Any damage to Council's infrastructure during the course of this development shall be restored at the applicant's cost.
- 37 Prior to the issue of any Construction Certificate, a Construction Management Program shall be submitted to the Principal 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) Proposed protection for Council and adjoining properties, and
 - i) The location and operation of any on site crane. Please note that a crane may require prior approval from Sydney Airports Corporation.
 - j) The location of any Construction Zone (if required) approved by Council's Traffic Committee, including a copy of that approval.
 - k) The methodology to control dust on site.
 - l) The location of any Construction Zone (if required) approved by Council's Traffic Committee, including a copy of that approval.
 - m) Obtain Permits required under this consent.
- 38 Prior to the issue of any Construction Certificate, a detailed Traffic Management Plan for the pedestrian and traffic management of the site during construction shall be prepared and submitted to the relevant road authority (Council or Roads and Maritime Services). 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.
- 39 Prior to the issue of the relevant 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 with Australian Standards AS 2890.1 and Council requirements including but not limited to Section 8(v) of the DCP Stormwater Management Technical Guidelines, and
 - b) For commercial 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.
- 40 Prior to the issue of the relevant 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 with Australian Standards AS 2890.1 and Council requirements including but not limited to Section 8(v) of the DCP Stormwater Management Technical Guidelines, and
 - b) A suitably qualified engineer shall design and certify the driveway access from Haran Street to the development to ensure that stormwater from the road reserve is not directed into the basement structure, a suitable crest shall be provided to ensure flows are not directed into the basement structure, and
 - c) 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.
- 41 Prior to the release of the relevant 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 with Australian Standards AS 2890.1 and Council requirements including but not limited to Section 8(v) of the DCP Stormwater Management Technical Guidelines,
 - b) All service vehicles shall enter the property front in front out,
 - c) Demonstrate safe headroom clearance of 4.5m is achieved in the driveway entrance and along the along the travel path, parking and manoeuvring areas of a Medium Rigid Vehicle (MRV), including Council's Garbage Truck,
 - d) Swept path analysis shall be provided for manoeuvring of commercial vehicles, and
 - e) A longitudinal section plotting headroom clearance above driveway access is to be provided for assessment.
- 42 Prior to the release of the relevant Construction Certificate, the following required section(s) are to be submitted to and approved by the Principal Certifying Authority:
- a) At least eleven (11) accessible car parking spaces shall be provided and clearly marked as specified in Australian Standards AS 2890.6, SEPP 65 Design Code and Council requirements;
 - b) All off street accessible parking shall have access to the adjacent road(s) and to the communal open space as per Australian Standards AS 2890.6 and Council requirements, and
 - c) All Accessible parking spaces shall be located within close proximity and easy access to the lift systems proposed for the building as per AS2890.6 and AS4299.
- 43 Prior to the issue of the relevant Construction Certificate, to ensure that utility authorities and Council are advised of any effects to their infrastructure by the development, the applicant shall:

- a) Carry out a survey of all utility and Council services within the site including relevant information from utility authorities and excavation if necessary to determine the position and level of services,
- b) Negotiate with the utility authorities (eg AusGrid, Sydney Water, Telecommunications Carriers and Council in connection with:
 - i) The additional load on the system, and
 - ii) The relocation and/or adjustment of the services affected by the construction.
- c) As part of this development, all above ground utilities on O’Riordan Street and Haran Street, adjacent to development, shall be relocated underground in accordance with Ausgrid and any other affected and relevant service provider. This undergrounding includes the removal of at least the two Ausgrid poles numbered K001750 and K001751, and
- d) At least two (2) new Ausgrid lighting poles shall be erected on the O’Riordan Street frontage, or as otherwise directly specified by Council/Ausgrid/RMS. All new lighting poles and associated underground infrastructure shall be constructed satisfying V2 lighting requirements any other requirements as specified by Council, RMS and any other affected service provider,
- e) All underground and above ground infrastructure shall be constructed as specified by Ausgrid, RMS, Council and any other affected service provider. The location of the new electrical pillars, new lighting poles, any new pits and trenches for utilities shall be confirmed with Council prior to the issue of the Construction Certificate,

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.

44 Prior to the issue of the relevant Construction Certificate, detail design and construction plans in relation to 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’ (SMTG), AS/NSZ 3500 – Plumbing and Drainage Code and the BCA. All drawings shall correspond with the approved architectural plans. The detailed design plans shall incorporate but not be limited to the following:

- a) An On-Site Detention System (OSD) shall be designed according to Part 6 of the SMTG. It should be noted that OSD systems shall be designed to detain the stormwater runoff from the site for all storm events up to and including **1 in 100 year ARI storm and permissible site discharge (PSD) shall be based on 1 in 5 year ARI peak flow generated from the site under the “State of Nature” condition (i.e. the site is totally grassed/turfed), rather than pre-development condition,**
- b) The OSD systems storage area shall be fully enclosed with at least two (2) 900x900mm sealed access grates provided for maintenance and emergency overflow shall be provided with a capacity to handle events greater than the

100 year ARI storm that does not endanger the lives of the residents or the public, and

- c) The OSD system is to discharge to a new grated surface inlet pit in the O'Riordan Street frontage adjacent to the development, with a new piped stormwater connection provided to existing RMS stormwater infrastructure. Hydraulic grade line analysis of the new stormwater infrastructure will be required. All new stormwater infrastructure (pit & pipe sizing, location(s), cover etc.) shall be designed as specified by RMS, and
- d) Incorporate a Stormwater Quality Improvement system to ensure compliance with Section 16 of Botany Bay's SMTG,
- e) The water quality improvement system and WSUD strategy proposal shall be designed to capture and treat at least 85% flows generated from the site.
- f) A WSUD Strategy and MUSIC model must be prepared and submitted to Council for the development. The MUSIC model must be prepared in line with the Draft NSW MUSIC Modelling Guidelines (Sydney Metro CMA). Sydney's Water's requirements are that the water quality improvement should meet or exceed the target as described in the "Botany Bay & Catchment Water Quality Improvement Plan" which was prepared by the Sydney Metropolitan Catchment Management Authority in April 2011, and
- g) Basement drainage shall be provided for the collection and removal of stormwater from all basement levels. The design is to comply with Botany DCP Part 10 Section 7 and AS/NZS 3500.3:2015, details of the pump out system shall be shown on the stormwater management plans, and
- h) The pump out system from the basement carpark shall discharge to the on-site stormwater detention (OSD) system, and
- i) A minimum capacity 10000L of Rainwater Tank(s) shall be provided for the site. Overflow from the rainwater tank shall be directed to the site drainage system. The rainwater tank(s) shall service the landscaped areas on site.
- j) Detailed calculations including computer modelling supporting the proposal.

All plans and documentation shall be certified by a suitably qualified engineer as specified in Botany DCP Part 10 Section 2.1.

- 45 Prior to the issue of the relevant Construction Certificate, at least one (1) car wash bays are to be provided. The visitor space adjacent to the service bays can be utilised for this purpose. A tap shall be provided along with a sign fixed to the wall saying 'Visitor Car Space and Car Wash Bay'. The car wash bay must be bunded in accordance with AS1940 – 1993 and AS/NZS 4452 – 1997 with direct connection to the sewer in accordance with a Sydney Water trade waste agreement.
- 46 Prior to the issue of the relevant Construction Certificate, a civil design plan must be prepared by a suitably qualified engineer and be approved by Bayside Council's Public Domain department for all frontage works that are required to be constructed within the public domain. A Public Domain Frontage Works application shall be submitted to Council for the works to be assessed, approved and a design brief provided, the form details can be found on the Bayside Council website. The frontage works shall be in accordance with any Council town centre plans, standard design drawings and

specifications. Preliminary consultation with Council public domain department is highly recommended.

- 47 Prior to the issue of the relevant construction certificate, A Public Domain Frontage Works application shall be submitted separately to Council, with Civil and Landscape works plans. Street trees are to be provided in accordance with the Botany Street Tree Master Plan 2014.

- a) O’Riordan Street verge strip shall be planted with three (3) Angophora Costata
- b) Haran Street verge strip shall be planted with two (2) Lophostermon confertus (Box Brush)
- c) Trees provided shall conform to NATSPEC guide. Tree planting specifications as follow:
 - i) Pot size supplied shall be not less than 200 Litre. P
 - ii) Planting distance approximately 8 meters, along strip between footpath and kerb. Three (3) meters away from driveways.
 - iii) Height above container 3.5meters, calliper at 300mm greater than 60mm, with a clear trunk height of 1.5 meters.
 - iv) Trees supplied shall be healthy and vigorous, free of pest and disease, free from injuries.
 - v) Root barriers shall be specified to be installed in all street trees along kerb. Root barriers shall be installed as far as possible of trees. Ensure 50mm of root barrier is left above finished ground height. Root barrier shall be minimum 2 meters long to each side. Root barriers shall be installed alongside the landscape element to be protected in accordance with manufacturer’s recommendations.
 - vi) Mulching- Mulched shall conform to AS4454 and free of deleterious extraneous matter such as soil, weeds, wood slivers, stones. Mulch shall be along all strip between kerb and footpath to a depth of 75mm, when plants are installed, clear of all plant stems, and rake to an even surface flush with the surrounding finished levels.
 - vii) Stakes and Ties- Three stakes (3) of 50 x 50 x 2500mm of durable hardwood, straight, free from knots or twists, pointed at one end. Provide ties fixed securely to the stakes, 50mm hessian webbing installed around the stakes and stem in a figure of eight pattern and stapled to the stakes.
 - viii) Two hold point inspections are required: prior planting trees to ensure plant stock is suitable and post planting.

- 48 If required, the subsurface structure shall be designed with a water proof retention system (i.e. tanking and waterproofing) to a level that provides adequate provision for the future fluctuation of the water table. This subsurface structure is required to be designed with consideration of uplift due to water pressure and “flotation” (buoyancy) effects. All subsoil drainage around this subsurface structure must allow free movement of groundwater around the structure, but must not be connected to the

internal drainage system. The design of subsurface structure, tanking and waterproofing, and subsoil drainage shall be undertaken by a suitably experienced Chartered Professional Engineer(s). Design details and construction specifications shall be included in the documentation accompanying the Construction Certificate.

- 49 The construction methodology, parameters, and recommendations prepared by Douglas partners, project 84531, dated October 2014, shall be implemented and relied upon during the preparation of the construction certificate documentation and the construction of the proposed development.
- 50 The external walls of the building including attachments must comply with the relevant requirements of the National Construction Code (NCC). Prior to the issue of a Construction Certificate, the Principal Certifying Authority and Principal Certifying Authority must:
- a) Be satisfied that suitable evidence is provided to demonstrate that the products and systems proposed for use or used in the construction of external walls including finishes and claddings such as synthetic or aluminium composite panels comply with the relevant requirements of the NCC; and
 - b) Ensure that the documentation relied upon in the approval processes include an appropriate level of detail to demonstrate compliance with the NCC as proposed and as built.
- 51 Prior to the issue of the relevant Construction Certificate, details on the mechanical plant and equipment to be submitted to the Principal Certifying Authority. The report must:
- a) identify each item of plant and equipment;
 - b) the following additional criteria adopted by Bayside Council:
 - i) 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).
 - ii) 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.
 - iii) 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.
 - iv) 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.

Note “sensitive” positions should be selected to reflect the typical use of a property (i.e. any outdoor areas for day and evening but closer to the façade at night time), unless other positions can be shown to be more relevant.

- 52 Prior to the issue of the relevant Construction Certificate, plans and specifications for the storage room for waste and recyclable materials shall be submitted to the Principal Certification Authority. The garbage and recycling storage area shall be adequately ventilated, roofed and screened from public view. The floor shall be made of an impervious surface, drained to sewer and include a dry arrestor pit with a removable basket. Washing facilities shall be provided within close proximity to the garbage and recycling storage area.
- 53 Prior to the issue of the relevant Construction Certificate, any electrical kiosk, fire booster assembly or similar utilities must be located in an unobtrusive location away from vehicle and pedestrian entrances to the property and not within the landscaped street setback. The utilities must be 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 the Principal Certifying Authority prior to their installation. Fire booster assemblies should be housed within the external face of the building structure and screened from view from the public domain area.
- 54 Design verification is required to be submitted from a qualified designer to confirm the development is in accordance with the approved plans and details and continues to satisfy the design quality principles in State Environmental Planning Policy No. 65 Design Quality of Residential Apartment Development.
- 55 Design certification, prepared by a suitably qualified engineer shall be submitted to 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.
- 56 A suitable intercom system linked to all units within the development shall be provided at the vehicle entrance to the development to ensure any visitors to the site can gain access to the visitor parking in the car parking area. The details of the intercom system shall be submitted to Principal Certifying Authority and its location and specifications endorsed on the construction drawings.
- 57 Prior to the issue of the relevant construction certificate, Landscape documentation shall be submitted to council for approval including, but not be limited to the following information:
- a) A planting plan at 1:100 showing all plant locations/groupings and plant centres/species. There is to be a dense layered planting scheme consisting of trees, shrubs and groundcovers in all of these areas.
 - b) Elevated planter box sectional details and drainage details. All planter box depths and dimensions shall be in accordance with Council's DCP and capable of supporting medium and large trees.
 - c) Trees shall be used extensively throughout the site. Trees must be an appropriate species to ameliorate buildings and enhance open spaces.
 - d) Increase the quantity of medium-large canopy tree planting within the setbacks to ameliorate the development and add amenity and screening to the site and adjoining southern boundary. Street setback trees are to be evergreen and supplied at a minimum 200 litres pot size.
 - e) All deep areas to include canopy trees where feasible to mitigate the loss of existing mature trees on site and to provide a level of amelioration to the buildings.
 - f) Indicate the location of all basement structures relative to the landscape areas.

- g) Specifications detailing soil and mulch finishes, root barriers, irrigation, edging and other landscape handworks such as retaining walls, steps, planter walls, feature walls, skateboard restrictions, tree pits, tree grates, tree guards, tree pit treatments, in accordance with council's Public Domain specifications.
 - h) Areas of paving, schedule of materials, edge treatments, tactile and sectional construction details.
 - i) Details of all fencing, privacy screening, arbors and the like- elevations and materials, impacting or visible to public domain areas.
 - j) Details of all other hardscape landscape elements such as street furniture, pedestrian amenity lighting, bins, bollards. Location to be clearly identified on plan. Provide sectional construction details and elevations.
 - k) To ensure satisfactory growth and maintenance of the landscaping, a fully automatic drip irrigation system is required in all landscape areas, installed by a qualified landscape contractor. 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.
- 58 Trees shall be used extensively throughout the site – particularly in the setbacks. Trees must be of an appropriate scale to complement and scale with the building form and to pedestrianize landscaped open spaces. Trees to be predominantly native, evergreen species using open canopy evergreens or selected deciduous for solar penetration. Additional medium to small trees shall be provided along the setback at the corner of Haran St & O'Riordan Street.
- Common area shall include canopy trees on slab, depth of soil shall allow growth of canopy trees in some areas.
- 59 Prior to the issue of the relevant construction certificate, amended plans shall be provided to the principal Certifying Authority indicating the OSD Basin being relocated to the communal open space and fire booster assembly and gas mains shall be relocated to be out of the dripline of the trees and located in a more discrete location to maintain a suitable streetscape.
- 60 Prior to the issue of the relevant Construction Certificate, an application for Property Address Allocation and associated fee is required to be submitted to Council. Determination of address numbers are in accordance with AS/NZS 4819:2011 Rural and Urban Addressing Standard and Section 5.2 of the NSW Address Policy.
- The form is available for download at:
<https://www.bayside.nsw.gov.au/services/development-construction/building-or-altering-property/commonly-used-forms>
- The general principles of addressing in NSW are described in the NSW Addressing User Manual, Ch.6 Addressing Principles. The manual is available for download at:
http://www.gnb.nsw.gov.au/data/assets/pdf_file/0007/199411/2018_NSW_Address_in_User_Manual.pdf
- The numbering (sub-addresses) of the individual units in multi-level sites should be consistent with Australian Standards AS/NZS 4819:2011 Rural and Urban Addressing Standard & NSW Addressing User Manual.
- Developers of multi-level buildings are required to submit their schedule of addresses to Council for addressing approval prior to registration of the subdivision plan.

- 61 Prior to the issue of the relevant construction certificate, the architectural plans shall be amended to include gas (where available) and water tap connections to each balcony.

CONDITIONS WHICH MUST BE SATISFIED DURING WORKS

62 Construction operations shall comply with the following:

- 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 (eg concrete pumps) or equipment (eg 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.
- e) Concrete trucks and trucks used for the transportation of building materials or similar, shall not traffic soil cement or other materials onto the road reserve. Hosing down of vehicle tyres shall be conducted in a suitable off-street area where wash waters do not enter the stormwater system or enter Council's land.
- f) 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.
- g) All vehicles transporting soil, sand or similar materials to or from the site shall cover their loads at all times.

63 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.

64 Vibration monitoring equipment must be installed and maintained, under the supervision of a professional engineer with expertise and experience in geotechnical engineering, between any potential source of vibration and any building identified by the professional engineer as being potentially at risk of movement or damage from settlement and/or vibration during the excavation and during the removal of any excavated material from the land being developed.

If vibration monitoring equipment detects any vibration at the level of the footings of any adjacent building exceeding the peak particle velocity adopted by the professional engineer as the maximum acceptable peak particle velocity an audible alarm must activate such that the principal contractor and any sub-contractor are easily alerted to the event.

Where any such alarm triggers all excavation works must cease immediately.

Prior to the vibration monitoring equipment being reset by the professional engineer and any further work recommencing the event must be recorded and the cause of the event identified and documented by the professional engineer.

Where the event requires, in the opinion of the professional engineer, any change in work practices to ensure that vibration at the level of the footings of any adjacent building does not exceed the peak particle velocity adopted by the professional engineer as the maximum acceptable peak particle velocity these changes in work practices must be documented and a written direction given by the professional engineer to the principal contractor and any sub-contractor clearly setting out required work practice. A copy of any written direction required by this condition must be provided to the Principal Certifier within 24 hours of any event.

Where there is any movement in foundations such that damaged is occasioned to any adjoining building or such that there is any removal of support to supported land the professional engineer, principal contractor and any sub-contractor responsible for such work must immediately cease all work, inform the owner of that supported land and take immediate action under the direction of the professional engineer to prevent any further damage and restore support to the supported land.

- 65 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) Inspections of the Banks Avenue road reserve prior and during the construction of the new road pavement,
 - e) Final inspection of driveway layback and adjacent kerb and gutter,
 - f) Final inspection of Council's kerb and gutter,
 - g) Final inspection of Council's footpath,
 - h) Final Inspection of new road pavement on Haran Street.
- 66 During demolition, excavation and construction, care must be taken to protect Council's infrastructure and surrounding buildings, 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 make safe for pedestrian and vehicular traffic at all times. Any damage to Council's infrastructure and surrounding buildings (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.
- 67 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.

- 68 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.
- 69 Any material containing asbestos found on site during the demolition process shall be removed and disposed of in accordance with:
- a) SafeWork NSW requirements. An appropriately licensed asbestos removalist must complete all asbestos works if they consist of the removal of more than 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.
- 70 The development is to be constructed to meet the following construction noise requirements:
- a) Construction Noise
 - i) 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.
 - b) Level Restrictions
 - i) Construction period of 4 weeks and under:
 - 1 The L10 sound pressure level measured over a period of not less than 15 minutes when the construction site is in operating must not exceed the background level by more than 10dB(A).
 - ii) Construction period greater than 4 weeks and not exceeding 26 weeks:
 - 1 The L10 sound pressure level measured over a period of not less than 15 minutes when the construction site is in operating must not exceed the background level by more than 10 dB(A).
 - c) Time Restrictions
 - i) Monday to Friday 07:00am to 06:00pm;
 - ii) Saturday 07:00am to 03:00pm
 - iii) No Construction to take place on Sundays or Public Holidays.
 - d) Silencing
 - i) All possible steps should be taken to silence construction site equipment.

- 71 The principal contractor or owner builder must install and maintain water pollution, erosion and sedimentation controls in accordance with:
- a) The Soil and Water Management Plan if required under this consent;
 - b) “Managing Urban Stormwater - Soils and Construction” (2004) (‘The Blue Book’); and
 - c) Protection of the Environment Operations Act 1997.
- 72 Any new information that comes to light during demolition or construction which has the potential to alter previous conclusions about site contamination and remediation must be notified to Council and the accredited certifier immediately. All work on site shall cease until the council is notified and appropriate measures to assess and manage the contamination in accordance with any relevant NSW EPA adopted guidelines is completed by an appropriately qualified and experienced environmental consultant.
- 73 All remediation work must be carried out in accordance with:
- a) NSW Office of Environment and Heritage (OEH) ‘Contaminated Sites – Guidelines for Consultants Reporting on Contaminated Sites’;
 - b) NSW Environment Protection Authority (NSW EPA) guidelines under the Contaminated Land Management Act 1997;
 - c) State Environmental Planning Policy 55 (SEPP55) – Remediation of Land; and
 - d) the Remedial Action Plan ‘Updated Remediation Action Plan - Proposed Mixed Use / Medium Density Residential Zone, *Part Lot 1 in D.P. 776089, Westfield Drive, Eastgardens, NSW*’ prepared by Douglas Partners, Project 71631.12, dated September 2013.
- 74 For any water from site dewatering to be permitted to go to the stormwater system, the water must meet ANZECC 2000 Water Quality Guidelines for Fresh and Marine Water for the 95% protection trigger values for Marine Water. All testing must be completed by a NATA accredited laboratory. All laboratory results must be accompanied by a report prepared by a suitably qualified and experienced person indicating the water is acceptable to be released into Councils stormwater system. If it is not acceptable, details of treatment measures to ensure that the water is suitable for discharge to council’s stormwater shall be provided in this report. Reports shall be provided to council prior to discharge of any groundwater to the stormwater system.
- 75 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.
- 76 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.

- 77 Results of the monitoring of any field parameters such as soil, surface water, dust or noise measurements shall be made available to Council Officers on request throughout the remediation and construction works.
- 78 Landscape construction should be carried out by a qualified landscape contractor to ensure that adequate standards of workmanship are achieved. Landscape contractors who are members of the Landscape Contractors Association of NSW should be engaged.
- 79 Landscaping shall be installed in accordance with the approved Sturt Noble landscape plans only stamped by Council's Landscape Architect and dated prior to the issue of a Construction Certificate. (This amended plan supercedes the original landscape plan).
- 80 In accordance with councils DCP, the following activities are prohibited beneath the canopy drip line of any tree required to be retained and protected unless otherwise approved under the development consent/plans:
- a) Excavations and trenching (with exception of the approved foundations and underground services);
 - b) Ripping or cultivation of soil;
 - c) Mechanical removal of vegetation;
 - d) Soil disturbance or movement of natural rock;
 - e) Soil level changes including the placement of fill material (excluding and suspended floor slab);
 - f) Movement and storage of plant, equipment & vehicles;
 - g) Erection of site sheds;
 - h) Affixing of signage or hoardings to trees;
 - i) Storage of building materials, waste and waste receptacles;
 - j) Disposal of waste materials and chemicals including paint, solvents,

In accordance with AS 4970 – 2009, inspections shall be conducted by the Project Arborist in accordance with the following key milestones:

Prior to any work commencing on-site (including demolition, earthworks or site clearing) and following installation of tree protection fences, tags and trunk protection; During any excavations, building works and any other structure within the TPZ of the tree to be retained & protected, including any landscape works; A minimum of every month during the construction phase from Commencement to issue of the Occupation Certificate; and Following completion of the building works.

The Project Manager shall be responsible to notify the Project Arborist prior to any works within the Tree Protection Zones of protected tree within a minimum of 24 hours' notice.

- 81 If adjustment or connection to existing subsurface services or utilities within the road verge or the road carriageway is required, **all work** must be undertaken under the supervision and direction of Council's Tree Management Officer so as not to impact or harm the existing street tree. NOTE: Services may require re-routing at the Applicant's expense to ensure tree root protection. New overhead electrical property service wires shall located so that it is outside the tree canopy. No canopy pruning will be permitted for service wires.

- 82 The Council nature strip shall be repaired and/or replaced in accordance with Council Specification at the completion of all construction work at the Applicant's expense.
- 83
- a) An experienced Landscape Contractor shall be engaged to undertake the landscaping 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.
 - b) 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.
- 84 All new street trees shall be installed prior to completion of the staged development. All tree planting work is to be completed and protective fencing, being 1.8 metre chainlink fence, erected around the trees for protection prior to the commencement of construction.
- 85 A raised concrete edge shall be installed around the landscape areas to contain soil and mulch finishes from spilling out onto adjoining pavements. The edge shall be raised a minimum of 150mm above the adjoining pavement. Timber retaining edges are unsuitable.
- 86 Planter boxes constructed over a concrete slab shall be built in accordance with the following requirements:
- a) Ensure soil depths in accordance with Council's Landscape DCP. 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.
 - b) 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.
 - c) 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.
 - d) 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.
 - e) Finish externally with a suitable paint, render or tile to co-ordinate with the colour schemes and finishes of the building.

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

- 87 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.
- 88 Prior to the issue of the relevant Occupation Certificate, the floor surface of the entry, dining room and kitchen floor and internal storage areas are to be water-resistant for all two and three bedroom apartments.
- 89 Prior to the issue of an Occupation Certificate for occupation or use of residential flat development, a design verification statement shall be submitted to the PCA from a qualified designer certifying that the development achieves the design quality of the development as shown in the plans and specifications in respect of which the construction certificate was issued, having regard to Schedule 1 of *State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development*.
- 90 The public area of the residential parts of each building must be designed by a practicing Interior Designer or other appropriately qualified person and include (but not limited to) colour schemes, artwork surface finishes, timber mid rails/skirting boards etc.
- 91 Prior to the issue of the relevant Occupation Certificate, car parking is to be allocated as follows:
- a) Minimum 97 residential spaces
 - b) 21 residential visitor spaces
 - c) 1 car wash bay (shared with 1 visitor or service bay)
 - d) 2 service bay and /or visitor
- 92 Prior to the issue of the relevant Occupation Certificate, at least 11 bicycle spaces are to be provided in the car park. Consideration on having bike racks close to the lobby entries is encouraged.
- 93 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.
- 94 Prior to the issue of an Occupation Certificate, the underground placement of all low and/or high voltage street electrical mains in that section of the street/s adjacent to the development, and associated services and the installation of underground supplied street lighting columns, shall be carried out at the applicant's expense, to the satisfaction of the asset owner. The works shall be completed in accordance with Ausgrid's requirements and approved electrical design.
- 95 Prior to the issue of the relevant 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.

- 96 Prior to the issue of the Occupation Certificate, all works within the road reserve, which are subject to approval pursuant to Section 138 of the Roads Act 1993, shall be completed and accepted by Council.
- 97 Prior to the issue of any Occupation Certificate, the applicant shall carry out the following works, at no cost or expense to Council:
- a) On Haran Street and O’Riordan Street, adjacent to development, remove redundant driveway crossovers and replace with any required tree planting and public domain improvements as specified by Council in accordance with Council’s Infrastructure Specifications, and
 - b) On Haran Street and O’Riordan Street, adjacent to development, demolish existing concrete footpath and construct new footpath as per Council’s Infrastructure and Landscape Architect specifications. New paving shall be installed by the applicant and at the applicant’s expense, and
 - c) On Haran Street and O’Riordan Street, adjacent to development, reconstruct existing kerb and gutter for the full length of the property in accordance with Council’s and RMS Infrastructure Specifications, and
 - d) On O’Riordan Street, adjacent to development, construct new kerb inlet pit(s) and stormwater pipe(s), connecting to existing RMS stormwater infrastructure, to RMS and Council infrastructure specifications, and
 - e) On Haran Street, for full length, demolish existing road pavement and reconstruct road pavement full width as per Council’s Infrastructure and Pavement Engineer’s specifications. The road pavement is to be designed to traffic loading of N(E.S.A) 1x106, and
 - f) On Haran Street, adjacent to development, widen the vehicular carriageway in accordance with Council Specifications, relevant Australian Standards and AUS-SPEC. The carriageway shall be widened for a clear length (excluding splays) of 12 metres, generally in accordance with the approved sketch received by Council on 4 October 2016. The cover of any underground services below the new road pavement must be reinforced structurally to ensure that traffic loading will have no impact on any existing services. The widened vehicular carriageway shall be graded to ensure that stormwater from upstream Haran Street is able to effectively flow to downstream Haran Street and O’Riordan Street.

- 98 The work to Haran Street/ O’Riordan Street public footpath shall be constructed in accordance with approved Public Domain Plan 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 manufacture.

Construction hold points and Council inspections are required at the following points:

- a) after formwork installation and to prior pouring the concrete blinding slab,
- b) at the commencement of paving works, and
- c) at final completion.

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

- 99 All vehicular crossings are to be constructed prior to the issuing of an Occupation Certificate (or the completion of work or the use of the building), the applicant shall make a separate application to Council's Customer Service Counter to construct a new eleven (11) metre wide concrete layback to serve as the new driveway crossing facilitating the development. A minimum of one (1.0) metre of kerb and gutter either side of the driveway layback shall be replaced to enable the correct tie-in with the existing kerb and gutter. All vehicular crossings, which were shown on submitted plans, shall be in the correct location. All redundant vehicular crossings shall be removed and replaced to fit the main footpath cross-section. If any applicant wants to retain an existing vehicular crossing an application still has to be submitted with the matter highlighted. The footway area must be restored by turfing.
- 100 Prior to the issue of any Occupation Certificate(s), the following documentation shall be submitted to Council and Principal Certifying Authority attesting this condition has been appropriately satisfied:-
- a) Inspection reports (formwork and final) for the works on the public domain and the road reserve shall be obtained from RMS representative and Council's engineer; and
 - b) A copy of the approved engineering construction plans showing Work-as-Executed details (together with an electronic copy (DWG format)) for all the civil works on public domain and road reserve area. The plan shall be prepared by a registered surveyor.
- 101 Prior to the issue of an Occupation Certificate, the Principal Certifier must ensure that the vehicle access and off street parking facilities have been constructed in accordance with the approved construction plans, AS/NZS 2890.1, AS2890.2 and AS/NZS 2890.6, line marked and all signage relating to car parking erected. Certification must be provided by a suitably qualified engineer, certifying the design of the completed works. The car parking area is to be clearly and appropriately marked/signposted indicating all the vehicular movements on the site. The internal road network, pedestrian facilities and parking facilities (including visitor parking and parking for persons with disabilities) shall be clearly designated, sign posted and line marked prior to the issuing of an Occupation Certificate. Signage and line marking shall comply with Australian Standards, AS1742, Manual of Uniform Traffic Control Devices and NSW Road Transport (Safety and Traffic Management) Regulations 1999.
- 102 The applicant is responsible for the installation and protection of all regulatory/ parking / street signs fronting the property. Any damaged or missing street signs as a consequence of the development and associated construction works shall be replaced at full cost to the applicant prior to the issue of an Occupation Certificate.
- 103 All vehicles shall enter and exit the site in a forward direction at all times. A plaque with minimum dimensions 500mm x 400mm shall be permanently fixed to a prominent place near the primary vehicular entrance to the site, approved by the principal certifier, stating the following: "All vehicles shall enter and exit the site in a forward direction at all times. All waste collection for the site shall be wholly undertaken on the site and not within the Haran Street road reserve".
- 104 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) Positive Covenant and Restriction on Use of Land for On-Site Detention System. Refer to Appendix B of the SMTG for suggested wording, and
- b) Positive Covenant and Restriction on Use of Land for Pump-out System. Refer to Appendix B of the SMTG for suggested wording, and
- c) Positive Covenant and Restriction on Use of Land for Stormwater Quality Improvement Device. Refer to Appendix C 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.

- 105 Prior to the issue of the Final Occupation Certificate, the Principal Certifying Authority is to ensure all units within the development are connected to an intercom system located at the vehicle entrance to the car parking area to ensure visitors to the site can access the visitor parking.
- 106 Street numbers shall be clearly displayed with such numbers being of contrasting colour and adequate size and location for viewing from the footway and roadway. Details of street numbering shall be submitted to Council for approval in accordance with the NSW Addressing Policy prior to the issue of the Occupation Certificate. Application fees apply.
- 107 A report prepared by a qualified air quality/mechanical engineer certifying that the mechanical ventilation/exhaust system as installed complies in all respects with the design and operation standards of AS 1668 – Mechanical Ventilation and Air Conditioning Codes, and the relevant provisions of the Protection of the Environment Operations Act 1997 shall be submitted to Council within 21 days of the installation of the system and prior to the occupation of the premises.
- 108 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 interim Occupation 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.
- 109 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 Bayside Council prior to the Issue of an Occupation Certificate.
- 110 Prior to release of the Occupation Certificate the developer must submit to the Principal Certification Authority an acoustic report to verify that the measures stated in the approved acoustic report have been carried out and certify that the construction meets the above requirements. The report must be prepared by a qualified practicing acoustic engineer (who is a member of either the Australian Acoustical Society or the Association of Australian Acoustical Consultants).
- 111 The public domain and Council footpath area shall be upgraded with new paving, street furniture and street tree planting, to be installed by the applicant at the applicant's expense. All improvements shall be in accordance with the approved Public Domain

plan and Council Landscaping and Engineering specifications and requirements, and shall be constructed and complete prior to the issue of an Occupation Certificate.

112 Prior to the issue of the Occupation Certificate, a site works review is required demonstrating:

- a) Extent and minimum dimensions of the site dedicated to landscaping comply with the Detailed landscaping plans
- b) All detailed works comply with detailed schedules and specifications included in the detailed landscape plans
- c) Any modifications to the design were an equivalent or better solutions to the requirements of the detailed landscape plans and do not affect the ability of the landscape treatment to achieve the design intent.
- d) Site cultivation, quality and depth of soil and mulches as a minimum complies with Council specifications and standards.
- e) Drainage of all open space and soft landscaping complies with detailed landscape plans and to Council standards

113 Prior to the issue of the Occupation Certificate, the following applies for landscape works specification for construction documents:

- a) The Specification is to be read in conjunction with the Landscape Drawing Set, all other Consultant's documentation and revisions. Discrepancies are to be noted and clarified through a 'Request For Information' prior to construction. Allowance is to be made for all specified products. Equivalent alternatives to be documented when required and updated on As-Built. All Australian Standards nominated in this Specification are to be the current issue.

114 Prior to the Issue of Occupation Certificate is to read:

- i) That before entering a purchase/lease/occupancy agreement, or individual units are on-sold, all tenants and occupiers of the development are to be advised by the owner of the building that residents are not eligible to participate in on-street resident parking schemes.
- ii) Prior to the issue of the occupation certificate, a sign to this effect shall be located in a prominent place, to Council's satisfaction, such as a directory board or notice board, where it can easily be observed and read by persons entering the building.
- iii) Where a building is to be Strata Subdivided, a condition should be placed in the by-laws advising residents that they are not eligible to participate in on-street resident parking schemes.

115 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.

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

- 116 The rooftop terraces are not to be enclosed as habitable space.
- 117 The operation of the development and movements of vehicles shall comply with the following requirements:
- a) All vehicles (including deliveries and garbage collection) shall enter and exit the site in a forward direction;
 - b) Loading and unloading activities associated with the delivery shall take place wholly within the dedicated loading areas;
 - c) All garbage collection activities shall take place and be wholly undertaken within the site in the dedicated garbage collection area;
 - d) All manoeuvring movements of vehicles shall be carried out wholly within the site and vehicle manoeuvring area shall be kept clear at all times;
 - e) The maximum size of vehicle accessing the service bay shall be limited to 8.8m long Medium Rigid Vehicle (MRV) (as denoted in AS2890.2).
- 118 The stormwater drainage system (including all pits, pipes, absorption, detention structures, treatment devices, infiltration systems and rainwater tanks) shall be regularly cleaned, maintained and repaired to ensure the efficient operation of the system from time to time and at all times. The system shall be inspected after every rainfall event to remove any blockage, silt, debris, sludge and the like in the system. All solid and liquid waste that is collected during maintenance shall be disposed of in a manner that complies with the appropriate Environmental Guidelines. The water from the rainwater tank should not be used for drinking, the rainwater tank shall be routinely de-sludged and all contents from the de-sludging process disposed:
- a) Solids shall be disposed to the waste disposal, and
 - b) De-sludged liquid shall be disposed to the sewer.
- 119 Council's footway (area between property boundary and street kerb) is to be kept clean, tidy, washed and maintained at the applicant's expense.
- 120 Any BBQ area shall be managed in a manner so as to not adversely impact the amenity of the surrounding residents.
- 121 The landscaped areas on the property shall be maintained in accordance with the approved landscape documentation, the conditions of development approval and Council's Landscape DCP at all times. The Landscape Contractor shall be engaged weekly for a minimum period of 26 weeks from completion of the landscape installation to maintain the landscaping. After that time regular maintenance is required.
- 122 The automatic drip irrigation system shall be repaired and maintained in working order and in accordance with the approved landscape plan at all times.
- 123 The landscaped areas on the property shall be maintained in a clean and tidy state and with a dense, even coverage of plants to Council's satisfaction, and in accordance with conditions of consent and Council's Landscape DCP, at all times.
- 124 New street trees shall be maintained by the Applicant for the duration of the landscape bond period after planting. Maintenance includes periodic watering at a frequency to

sustain adequate growth, annual feeding and weed removal but does not include trimming or pruning of the trees under any circumstances.

- 125 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.
- 126 The use of the premises shall not give rise to air impurities in contravention of the Protection of the Environment Operations Act 1997. Waste gases released from the premises shall not cause a public nuisance nor be hazardous or harmful to human health or the environment.
- 127 All intruder alarms shall be fitted with a timing device in accordance with the requirements of Regulation 12A of the Noise Control Act, 1975, and AS2201, Parts 1 and 2 - 1978 Intruder alarm systems.
- 128 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.
- 129 The use of the premises shall not give rise to any of the following when measured or assessed at “sensitive” positions within any other property. These “sensitive” positions should be selected to reflect the typical use of a property (ie any outdoor areas for day and evening but closer to the façade at night time), unless other positions can be shown to be more relevant.

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.