

Our Ref: DA-2020/391  
Contact: Fiona Prodromou 9562 1666

Mowena Pty Ltd  
C/- Mr Greg Dowling  
52 Marian St  
ENMORE NSW 2042

## NOTICE OF DETERMINATION

Issued in accordance with section 4.16 of the *Environmental Planning and Assessment Act, 1979*

<b>Application Number:</b>	DA-2020/391
<b>Property:</b>	588 - 592 Princes Highway, ROCKDALE (Lot 21 DP 1220749)
<b>Proposal:</b>	Demolition of existing buildings and construction of part 10 and 12 storey mixed use building, comprising 101 residential units, 453sq/m ground level commercial floor area, 4 basement levels and Planning Agreement for the dedication of land along the Lister Avenue frontage for the purposes of local road widening.
<b>Authority:</b>	Sydney Eastern City Planning Panel
<b>Determination:</b>	Approved
<b>Date of determination:</b>	
<b>Date consent commences:</b>	
<b>Date consent lapses:</b>	

The above development is approved subject to the following conditions:

### General Conditions

The following conditions restrict the work to the detail provided in the Development Application and are to ensure that the development is complete.

1. The term of this consent is limited to a period of five (5) years from the date of the original approval. The consent will lapse if the development does not commence within this time.
2. The development must be implemented substantially in accordance with the plans listed below, the application form and on any supporting information received with the application, except as may be amended in red on the attached plans and by the following conditions.

Plan/Dwg No.	Drawn by	Dated	Received by Council
Subdivision Plan	David C Jackson	21/07/2021	21/02/2022

SW Interface Plan Overlay 1724-DA2 1100-A	Mako Architecture	11/02/2022	22/02/2022
Landscape Plan Level 0 & 1 SS19-4065 101 Issue H	Site Image	12/05/2022	13/05/2022
Landscape Plan Levels 2 & 10 SS19-4065 102 Issue G	Site Image	12/05/2022	13/05/2022
Landscape Plan Landscape Details SS19-4065 501 Issue G	Site Image	12/05/2022	13/05/2022
Landscape Plan Landscape Specification SS19-4065 502 Issue E	Site Image	12/05/2022	13/05/2022
Demolition & Excavation Plan 1724-DA2 0004 A	Mako Architecture	11/02/2022	23/11/2020
Plan Basements 01 + 02 1724-DA2 1001 Issue E	Mako Architecture	01/08/2022	01/08/2022
Plan Basements 03 + 04 1724-DA2 1000 Issue D	Mako Architecture	01/08/2022	01/08/2022
Plan Levels 00 + 01 1724-DA2 1002 Issue D	Mako Architecture	12/07/2022	18/07/2022
Plan Levels 02 + 03 1724-DA2 1003 Issue B	Mako Architecture	11/05/2022	13/05/2022
Plan Typical Levels 04-09 + Terrace Level 10 1724-DA2 1004 Issue B	Mako Architecture	11/05/2022	13/05/2022
Plan Levels 11 + 12 Tower & Level 10 Tower + Terrace 1724-DA2 1005 Issue B	Mako Architecture	11/05/2022	13/05/2022
Section 01 Thru Driveway 1724-DA2 2000 Issue D	Mako Architecture	12/07/2022	18/07/2022
Section 02 Longitudinal 1724-DA2 2001 Issue B	Mako Architecture	11/05/2022	13/05/2022
Section 03 Thru Tower 1724-DA2 2002 Issue B	Mako Architecture	11/05/2022	13/05/2022
Section 04 Thru Tail 1724 DA2 2003 Issue B	Mako Architecture	11/05/2022	13/05/2022
Elevation North 1724-DA2 3000 Issue B	Mako Architecture	11/05/2022	13/05/2022

Elevation South 1724-DA2 3002 Issue B	Mako Architecture	11/05/2022	13/05/2022
Elevation East 1724-DA2 3001 Issue B	Mako Architecture	11/05/2022	13/05/2022
Elevation West 1724-DA2 3003 Issue B	Mako Architecture	11/05/2022	13/05/2022
Details Materials / Colours 1724 DA2 4000 Issue A	Mako Architecture	11/02/2022	25/01/2022
Detail Lister Ave Street Condition 1724 DA2 4001 Issue A	Mako Architecture	11/02/2022	21/02/2022
Detail Princes Highway Street Condition 1724 DA2 4002 Issue A	Mako Architecture	11/02/2022	21/02/2022
Detail Podium Garden + Screen 1724 DA2 4003 Issue A	Mako Architecture	11/02/2022	21/02/2022
Detail Entry Ramp 1724 DA2 2100 Issue B	Mako Architecture	11/02/2022	18/07/2022
Detail Vehicular Layover Section 1724-DA2 4004 Issue D	Mako Architecture	12/07/2022	18/07/2022
Detail Princes Highway Streetscape 1724 DA2 4005 Issue A	Mako Architecture	11/02/2022	25/01/2022
Detail 3 Bed Apartments 1724 DA2 4108 Issue B	Mako Architecture	11/05/2022	13/05/2022
Detail 3 Bed Apartments 1724 DA2 4107 Issue B	Mako Architecture	11/05/2022	13/05/2022
Detail 2 Bed Apartments 1724 DA2 4106 Issue B	Mako Architecture	11/05/2022	13/05/2022
Detail 2 Bed Apartments 1724 DA2 4105 Issue B	Mako Architecture	11/05/2022	13/05/2022
Detail 2 Bed Apartments 1724 DA2 4104 Issue B	Mako Architecture	11/05/2022	13/05/2022
Detail 2 Bed Apartments 1724 DA2 4103 Issue B	Mako Architecture	11/05/2022	13/05/2022
Detail 2 Bed Apartments 1724 DA2 4102 Issue B	Mako Architecture	11/05/2022	13/05/2022
Detail 2 Bed Apartments 1724 DA2 4101 Issue B	Mako Architecture	11/05/2022	13/05/2022

Detail 1 Bed Apartments 1724 DA2 4100 Issue B	Mako Architecture	11/05/2022	13/05/2022
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### 3. Water NSW

1. Approval must be obtained pursuant to S90(2) of the Water Management Act 2000 for any structure and/or works which intercept the groundwater table and require the extraction of groundwater from the aquifer (Water Supply Work approval).
2. An authorisation under the relevant water legislation, such as a Water Access Licence (WAL), shall be obtained for the take of groundwater as part of the activity.
3. Groundwater shall not be pumped or extracted for any purpose other than temporary construction dewatering at the site.
4. Any requirements from Water NSW relating to excavation works to be undertaken on site shall be satisfied, and written evidence of the satisfaction of the aforementioned shall be submitted to Bayside Council Director City Futures (or their delegate) and PCA, prior to any works occurring or any Construction Certificate being issued for the development.

### 4. Planning Agreement

1. This consent must be read in conjunction with and shall operate in tandem with, any executed Planning Agreement entered into for the subject site between Bayside Council and Moweno Pty Ltd and/or any subsequent owner of the property.
2. Prior to the issue of any Construction Certificate, the Owner of the site and Council must enter into a Planning Agreement under section 7.7(3) of the EP&A Act in the terms of the Letter of Offer made to Council on 17 August 2021.
5. All new building work must be carried out in accordance with the provisions of the Building Code of Australia (BCA).
6. **A Construction Certificate must be obtained from Council or an Accredited Certifier prior to any building work commencing.**
7. The development must be implemented and all BASIX commitments thereafter maintained in accordance with BASIX Certificate Number (701044M\_06) other than superseded by any further amended consent and BASIX certificate.  
**Note:** Clause 145(1)(a1) of the Environmental Planning & Assessment Regulation 2000 provides: A certifying authority must not issue a construction certificate for building work unless it is satisfied of the following matters: -
  - (a1) that the plans and specifications for the building include such matters as each relevant BASIX certificate requires.**Note:** Clause 154B(2) of the Environmental Planning & Assessment Regulation 2000 provides: "A certifying authority must not issue a final occupation certificate for a BASIX affected building to which this clause applies unless it is satisfied that each of the commitments whose fulfilment it is required to monitor has been fulfilled."  
Note: For further information please see <http://www.basix.nsw.gov.au>.
8. Further alterations and/or additions to the subject building shall not be undertaken without first obtaining approval. This includes the fitting of any form of doors and/or walls.
9. A separate development application shall be submitted for the Strata Subdivision.
10. A separate development application shall be submitted for the specific use/uses of the property. Additional conditions may be imposed on any such consent.

**Note:** Parking and loading provisions in a mixed use development may preclude certain uses.

11. Balconies and / or car spaces shall not be enclosed at any future time without prior development consent.
12. This approval is not to be construed as permission to erect any structure on or near a boundary contrary to the provisions of the Dividing Fences Act.
13. Excavation, filling of the site (with the exception of the area immediately under the building envelope), or construction of retaining walls are not permitted unless shown on the approved plans and authorised by a subsequent construction certificate.
14. The materials and façade details approved under condition 2 and any other relevant condition of this consent shall not be altered or amended at the construction certificate stage without a prior S4.55 application and approval under the EP&A Act.
15. Mail boxes must be installed along the street frontage of the property boundary in accordance with Australia Post Guidelines. Prominent house numbers are to be displayed, with a minimum number size of 150 mm in height for each number and letter in the alphabet.
16. Parking spaces and associated facilities shall be provided and allocated in accordance with the following table.

Use	Number of Spaces Allocated
<b><i>Residential</i></b>	
Residential units (101 units)	A total of 114 spaces allocated in accordance with the following: <ul style="list-style-type: none"> <li>i) Studio/1 bedroom unit – 20 spaces, with 1 space allocated per unit;</li> <li>ii) 2 bedroom unit – 68 spaces, with 1 space allocated per unit;</li> <li>iii) 3 or more bedroom unit – 26 spaces, with 2 spaces allocated per unit;</li> </ul>
Residential visitor	16 spaces (including 2 car wash bays)
Car wash bay	2 spaces (shared with visitor parking spaces)
<b><i>Non-Residential</i></b>	
Commercial	10 spaces (including 1 accessible)
<b><i>Others</i></b>	
Loading Bay	2 SRV loading bays (shared by residential and commercial)
<b><i>Motorcycle parking</i></b>	
<i>Residential</i>	15 spaces
<i>Commercial</i>	1 space
<b><i>Bicycle parking</i></b>	
Residential	50 spaces
Commercial	2 spaces

The above allocation must be adhered and complied with at all times and shall be reflected in any subsequent Strata subdivision of the development.

All residential visitor spaces, car wash bays, residential motorcycle spaces, residential bicycle spaces and loading bays shall be stated as common property on any Strata plan for the site.

All residential accessible parking spaces shall be allocated to adaptable dwelling units.

Any tandem/stacked parking spaces shall be allocated to a single residential/commercial unit only.

17. Pumps attached to the development must be housed in a soundproof enclosure.

## **Development specific conditions**

The following conditions are specific to the Development Application proposal.

18. Bicycle and motorbike spaces within the development shall be depicted as common property within any future subdivision plan for the development.
19. The hours of operation of the ground level retail tenancies shall be restricted to between 8.00am and 9.00pm Mondays to Sundays and 6pm on Public Holidays.
20. The front windows of all retail tenancies fronting Lister Avenue and The Princes Highway must be kept free of obscure frosting, shelves, and a maximum of 15% of the window display area may be covered with promotional materials to ensure passive surveillance is maintained to and from the tenancy.
21. Safer by Design  
To maximise security in and around the development the following shall be incorporated into the development. Details for the following are to be approved by the Principal Certifying Authority prior to the issue of the Construction Certificate, implemented prior to issue of the Occupation Certificate, and maintained for the lifetime of the development:
- a) Monitored CCTV facilities shall be implemented throughout the development. Areas of focus include the basement car park (including entry and exits), main entry areas to the development and garbage/storage areas.
  - b) A lighting maintenance policy shall be established for the development. Lighting shall be designed to the Australian and New Zealand Lighting Standards. Australia and New Zealand Lighting Standard 1158.1 - Pedestrian, requires lighting engineers and designers to consider crime risk and fear when selecting lamps and lighting levels.
  - c) Security mirrors shall be installed within corridors and on blind corners to enable users to see around blind corners.
  - d) Graffiti resistant materials shall be used to ground level external surfaces.
  - e) Intercom facilities shall be installed at all vehicular and pedestrian entry/exit points to enable residents to communicate and identify with people prior to admitting them to the development.
  - f) The front window of the ground floor tenancy must be kept free of shelves, and a maximum of 15% of the window display area may be covered with promotional materials to ensure passive surveillance is maintained to and from the tenancy.
22. Approval for the footpath dining is not expressed or implied and a separate approval is required for the footpath dining. In this regard you are advised to contact Council to obtain a copy of the licensing agreement entitled *Outdoor Dining Licensing Agreement*.
23. Signs or goods shall not be displayed or placed on the public footpath or any other part of the public road at any time without Council's consent.
24. Loading / Unloading

1. Loading areas are to be used only for the loading and unloading of goods, materials etc. not for any other purpose
  2. All loading, unloading and transfer of goods to and from the loading bay and premises shall take place wholly within the property.
  3. Loading facilities shall be available for use by occupiers of the residential component of the development as well as occupiers of the commercial component.
  4. All loading and unloading activities for ground level non residential uses within the development shall be limited to between 8am - 6pm Monday to Sunday. No loading and/or unloading for retail tenancies is permitted beyond these times.
  5. The loading bay is to be maintained and coordinated by the building manager so as to ensure there is no conflict with respect to the collection of waste or loading/unloading of goods and residential vehicle movements.
  6. The loading / unloading bay on site is to be made available for use by all commercial and residential uses on site (including removalist vehicles).
25. Loading and unloading within the site shall be restricted to commercial vehicles not exceeding the size and mass description of the SRV from AS2890.2:2002. Commercial vehicles greater in size and mass than the SRV are not permitted to enter the site.
26. Parking spaces shall not be enclosed without further approval of Council. The enclosure of car spaces is not permitted unless the enclosure complies with the design requirements of AS2890.1.
27. The stormwater drainage system (including all pits, pipes, pumps, 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. Rainwater tanks shall be routinely de-sludged and all contents from the de-sludging process disposed: Solids shall be disposed to the waste disposal and de-sludged liquid shall be disposed to the sewer.
28. During occupation and ongoing use of the building, the applicant must ensure all wastewater and stormwater treatment devices (including drainage systems, sumps and traps, and on-site detention) are regularly maintained, to remain effective and in accordance with any positive covenant (if applicable).
29. The use of the premises, building services, equipment, machinery and, ancillary fittings shall not give rise to an "offensive noise" as defined under the provisions of the Protection of the Environmental Operations Act, 1997.

The operation and maintenance of the building services, equipment, machinery and, ancillary fittings, mechanical ventilation systems or air-conditions shall be designed so as not to operate –

- (i) during peak time—at a noise level that exceeds 5 dB(A) above the ambient background noise level measured at any property boundary, or
- (ii) during off peak time—at a noise level that is audible in habitable rooms of adjoining residences

30. The use of the premises, building services, equipment, machinery and, ancillary fittings shall not give rise to an “offensive noise” as defined under the provisions of the Protection of the Environment Operations Act, 1997.
31. The use of mechanical plant including air conditioners, fans, compressors, condensers, freezers, swimming pool or spa pumps (whether commercial or domestic) shall not cause sound pressure levels in excess of the criteria given in the NSW EPA Noise Policy For Industry – 2017.
32. Residential air conditioners shall not cause ‘offensive noise’ as defined by the Protection of the Environment Operations Act 1997 or contravene provisions of the Protection of the Environment (Noise Control) Regulation 2008 where emitted noise from a residential air conditioner can be heard within a habitable room in any other residential premises at night.
33. The visible light reflectivity from building materials used on the façade of the building shall not exceed 20% and shall be designed so as not to result in glare that causes any nuisance or interference to any person or place. A statement demonstrating compliance with these requirements shall be submitted to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate for the relevant stage of works.
34. Bicycle parking facilities shall be designed in accordance with AS2890.3:1993.
35. The off-street parking areas associated with the subject development shall be designed strictly in accordance with AS2890.1 and AS2890.6.
36. Internal height clearance shall be designed throughout the car park and access driveway in accordance with AS2890.1 and AS2890.6.
37. Commercial vehicle facilities shall be designed strictly in accordance with AS2890.2:2002.
38. All proposed lights shall comply with the Australian Standard AS4282 - 1997 "Control of the Obtrusive Effects of Outdoor Lighting". In this regard, the lighting of the premises shall be directed so as not to cause nuisance to the owners or occupiers of adjacent/adjoining premises or to motorists on adjoining or nearby roads.
39. Waste Management
  1. Hot and cold water hose cocks shall be installed to the garbage room.
  2. Services or utility systems shall not be located in the garbage room.
  3. All waste shall be collected from within the subject site within the approved loading / unloading bay.
  4. The building manager shall ensure the scheduling of all loading/unloading activities on site enables the loading / unloading bay to be vacant during waste collection time.
  5. Waste shall be compacted at a maximum ratio of 2:1.
40. (b) In order to ensure the design quality excellence of the development is retained:
  - i) A registered architect is to have direct involvement in the design documentation, contract documentation and construction stages of the project;
  - ii) The design architect is to have full access to the site and is to be authorised by the applicant to respond directly to the consent authority where information or clarification is required in the resolution of design issues throughout the life of the project;



- iii) Evidence of the design architect's commission is to be provided to Bayside Council prior to issue of the Construction Certificate.
- (c) The design architect of the project is not to be changed without prior notice and approval of Bayside Council.

41. Design Excellence

To ensure design excellence is achieved, as required by Cl6.14 of Rockdale Local Environmental Plan 2011 prior to the issue of any construction certificate entailing any works above basement levels including public domain works, the following must be prepared by the registered architect commissioned for the construction of the project :

- (a) Two (2) sample boards containing original samples and swatches of all external materials and colours including:
  - (i) Wall, roof & cladding, and
  - (ii) Balustrading, and
  - (iii) Louvres, and
  - (iv) Glazing, and
  - (v) Window edge treatments, and
  - (vi) Paving/surface in front setback areas, and
  - (vii) Driveway, and
  - (viii) Footpaths, and
  - (ix) Retaining wall details, and
  - (x) Podium / Rooftop garden (including all surface treatments).
- (b) Full coloured elevational details at a minimum scale of 1:10;
- (c) Sections through relevant façade elements, podium garden, public domain stairs, planter boxes at a minimum scale of 1:10.

The boards, elevations and sections are to be submitted and stamped as approved by the Director City Futures (or delegate) prior to the issue of any Construction Certificate entailing any works above basement levels. The Construction Certificate shall be precisely consistent with these approved materials, except in the case of materials for the building, where the registered architect may make a comparable substitute of equivalent quality, resulting from an approved material no longer being available.

Any other modification to the approved materials under this condition require submission and approval of the Director City Futures (or his delegate).

- 42. All vertical plumbing, other than roofwater heads and downpipes, shall be concealed within the brickwork of the building. Any electrical kiosks or fire booster valves shall be located in unobtrusive locations toward site boundaries and away from entrances into the building. Utilities shall be softened with landscaping so as not to detract from the overall appearance of the development and amenity of the streetscape. Details demonstrating compliance with this requirement shall be submitted to the Principal Certifying Authority (PCA) prior to the issue of the Construction Certificate.
- 43. Where natural ventilation fails to comply with the provisions of the Building Code of

Australia, mechanical ventilation shall be provided in accordance with Australian Standard, 1668, Part 2.

44. Retaining walls over 600mm in height shall be designed and specified by a suitably qualified structural engineer.
45. 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 and Occupation Certificate the Certifying Authority and Principal Certifying Authority must:
  - a. Be satisfied that suitable evidence is provided to demonstrate that the products and systems (including installation) proposed for use or used in the construction of external walls, including finishes and claddings such as synthetic or aluminium composite panels, comply with the relevant requirements of the NCC; and
  - 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.
46. The awnings over the footpaths adjacent to the development site shall be maintained in a structurally sound and safe condition at all times by the Owner / Owner's Corporation of the building. The awning must be inspected, and regular maintenance be carried out to ensure the awning's structural integrity, aesthetic and functional qualities are maintained.
47. The hours of the outdoor roof terrace / BBQ areas shall be restricted to being used between the following times as to minimise noise impacts to adjoining residential tenancies:
  1. 10.00pm - 7.00 am Monday to Sunday (Night-time period).

Any amplified/ stereo/music/ speakers/ music used in the outdoor roof terrace area / BBQ areas shall be no louder than 65 dB(A) and shall be restricted to being played between the following times:

1. 10.00pm to 7.00am Monday to Sunday (Night-time period).
48. This consent is for 101 residential apartments (20 x 1 bed / 68 x 2 bed / 13 x 3 bed). This consent does not authorise the strata or stratum subdivision of the development. This is subject to a separate development application.
  49. Landscaping Maintenance
    - 1) The landscaping shall be maintained for the life of the development. All soft landscape areas are to be maintained in accordance with the approved Maintenance Schedule provided as part of the landscape documentation. Where vegetation approved as part of this consent dies, it must be replaced with new landscaping that achieves a similar height and form to that approved under the landscape plan.
    - 2) New street trees shall be maintained by the Applicant/Owner/Strata Corporation for a period of twelve (12) months after final inspection by Council. Maintenance includes twice weekly watering within the first 6 months then weekly thereafter, biannual feeding, weed removal round the base, mulch replenishment at 3 monthly intervals (to 75mm depth) and adjusting of stakes and ties; to sustain adequate growth and health. Maintenance does not include trimming or pruning of the trees under any circumstances.

3) Irrigation. To ensure satisfactory growth and maintenance of the landscaping, a fully automatic drip irrigation system is required in all landscaped areas. The system shall be installed by a qualified landscape contractor and provide full coverage of planted areas with no more than 300mm between drippers, automatic controllers and backflow prevention devices, and should be connected to a recycled water source. Irrigation shall comply with both Sydney Water and Council requirements as well as Australian Standards, and be maintained in effective working order at all times.

4) 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.

f) All planter boxes shall be irrigated, and shall have the required depth to sustain the proposed planting, as detail:

i) Trees over 8 meters: Minimum soil depth 1.3 metre

ii) Medium trees (8 metre canopy diameter at maturity): Minimum soil depth 1 metre

iii) Small trees (4 metre canopy diameter at maturity): Minimum soil depth 800mm

iv) Shrubs: Minimum soil depths 500-600mm

v) Groundcover: Minimum soil depths 300-450mm

g) Any subsurface drainage requirements are in addition to the minimum soil depths quoted above

## 50. Vehicular Operation

The operation of the development and movements of vehicles shall comply with the following requirements:

1. All vehicles must enter and exit the site in a forward direction.
2. All commercial vehicles (including deliveries and garbage collection) shall enter the site in a forward direction and exit the site in a forward direction.
3. All loading/unloading and garbage/waste collection activities shall take place on-site wholly within the dedicated loading areas and not from public places, public streets, or any road related area (e.g., footpath, nature strip, road shoulder, road reserve).
4. The maximum size of vehicle accessing the site shall be limited to a 6.4m long

SRV Vehicle (as denoted in AS2890.2).

5. All manoeuvring movements of vehicles shall be carried out wholly within the site and vehicle manoeuvring area shall be kept clear at all times.
6. Parking spaces must not be enclosed without further approval of Bayside Council. The enclosure of car spaces is not permitted unless the enclosure complies with the design requirements of AS/NZS2890.1.
7. All vehicles shall be parked in the marked parking bays. All parking bays on-site shall be set aside for parking purpose only and shall not be used for storage of goods or machinery.

## Prior to issue of the construction certificate

The following conditions must be completed prior to the issue of the Construction Certificate.

51. Prior to the issue of the Construction Certificate, all surface runoff from parking facilities and access ways shall be directed through a proprietary oil and sediment filtration system prior to discharge. Details of the pit type, location, performance and manufacturer's maintenance and cleaning requirements shall be submitted to the Principal Certifier.
52. Before the commencement of any works on the site or the issue of a construction certificate, the applicant must make all of the following payments to Bayside Council and provide written evidence of these payments to the Principal Certifier:

Soil and Water Management Sign Fee	\$22.00
Builders Damage Deposit (Security Deposit)	\$106,227.90

The security deposit payments will be used for the cost of:

- making good any damage caused to any council property (including street trees) as a consequence of carrying out the works to which the consent relates,
- completing any public work such as roadwork, kerbing and guttering, footway construction, stormwater drainage and environmental controls, required in connection with this consent, and
- any inspection carried out by council in connection with the completion of public work or the making good any damage to council property.

**Note:** The inspection fee includes Council's fees and charges and includes the Public Road and Footpath Infrastructure Inspection Fee (under the *Roads Act 1993*). The amount payable must be in accordance with council's fees and charges at the payment date.

**Note:** At the completion of the project only security deposits can be refunded, fees and contributions are non-refundable.

### 53. Traffic Management Plan

Prior to the issue of any Construction Certificate, a detailed Traffic Management Plan for the pedestrian and traffic management of the site during construction shall be prepared and submitted to the Principal Accredited Certifier for assessment and approval. The plan shall:

1. be prepared by a RMS/TFNSW accredited consultant,
2. address, but not be limited to, the following matters:
  - ingress and egress of vehicles to the site;
  - loading and unloading, including construction zones;
  - predicted traffic volumes, types and routes; and
  - pedestrian and traffic management methods.

A copy of the approved document shall be submitted to Council.

54. For work costing \$25,000 or more, a Long Service Leave Levy shall be paid. For further information please contact the Long Service Payments Corporation on their Helpline 13 1441.

55. Prior to the issue of any Construction Certificate, an application for Frontage Works (Public Domain Construction – Frontage / Civil Works Application) shall be made to Bayside Council's Customer Service Centre for assessment of all required works within the road reserve. A fee is payable to Bayside Council in accordance with Council's adopted fees and charges.

Prior to the commencement of the public domain works, a Public Domain Frontage Design package must be prepared by suitably qualified professionals for all frontage works that are required to be constructed within the public domain that are subject to assessment and approval pursuant to Section 138 of the Roads Act 1993. Public domain frontage works can include, but not be limited to, civil, drainage, landscaping, undergrounding of services, lighting, traffic signage, line marking, parking, and traffic devices to address and satisfy relevant development consent conditions. All frontage works shall be in accordance with Bayside Council technical manuals, specifications, master plans, town centre plans, Australian Standards, and standard design drawings.

A public domain performance bond is to be provided to Bayside Council prior to the issue of the Final Occupation Certificate. The performance bond is calculated by Bayside Council as part of the frontage works process as per Bayside Council's adopted fees and charges. The performance bond will be kept for a period of 12 months after the completion of all external works and the issuing of a Final Occupation Certificate (defects liability/street tree maintenance period). The bond may be applied by Bayside Council to rectify defective/non-conforming public domain works and the establishment and maintenance of landscaping & street trees. Bayside Council is entitled to recover any monies expended more than the bond amount in undertaking such works.

56. Section J

Documentation shall be submitted to the Accredited Certifier demonstrating that the commercial component of the development complies with Part J of the Building Code of Australia.

All water fixtures installed within the commercial premises on site are to have a AAA water rating or more. A statement demonstrating compliance with this condition shall be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

57. Detailed Design Stormwater Management Plan

Prior to the issue of any Construction Certificate, detailed drainage design plans for the management of stormwater are to be submitted to the Principal Certifier for assessment and approval. Engineering design certification and drainage design

calculations are to be submitted with the plans. Rockdale Technical Specification Stormwater Management sets out the minimum documentation requirements for detailed design plans. Stormwater management requirements for the site, including the final discharge/end connection point, must comply with Rockdale Technical Specification Stormwater Management.

The detailed drainage design plans must incorporate the provisions detailed below:

- a) Provision for an On-Site Detention (OSD) system designed strictly in accordance with Rockdale Technical Specification Stormwater Management section 6. (*NOTE: this site falls within the Muddy Creek catchment*).
- b) No tanks or pits are permitted within deep soil areas.
- c) Safe provision for emergency overflow shall be provided for within the OSD design.
- d) The OSD design shall provide “Nested Storages” as per section 6.3 of Rockdale Technical Specification Stormwater Management
- e) All stormwater discharge from the site shall connect to underground stormwater infrastructure in the road reserve, a kerb outlet is not permitted.
- f) A minimum capacity 5000L rainwater tank shall be provided and is to be connected to all level 00 toilet flushing, the car wash bays and landscape irrigation for non-potable stormwater re-use.
- g) All subsurface structures must be designed with a waterproof retention system (i.e., full structural tanking and waterproofing). No groundwater is permitted to enter any subsurface structure, and
- h) No pump-out shall be used to drain seepage from the basement due to the elevated water table level. That is the basement structure must be designed as a “fully tanked” structure. The pump-out can only be utilized to dispose stormwater runoff that may enter the basement carpark from driveway access to the basement. The pump out system from the basement carpark proposed shall discharge to the on-site stormwater detention system, and
- i) All surface runoff in the basements and the ground floor internal driveways shall be directed through a propriety oil and sediment filtration system prior to discharge. Details of the pit type, location, performance and manufacturer’s maintenance and cleaning requirements shall be submitted, and
- j) Incorporate a Stormwater Quality Improvement system to ensure compliance with section 7.5.2 of Rockdale Technical Specification Stormwater Management. A MUSIC model must be prepared and submitted for the development. The MUSIC model must be prepared in line with the NSW MUSIC Modelling Guidelines. The water quality improvement shall meet or exceed the targets as described in section 7.5.2 of Rockdale Technical Specification Stormwater Management. The water quality improvement system shall be designed to capture and treat at least 85% of flows generated from the site.

## 58. Plan Amendments

The plans submitted with the Construction Certificate shall demonstrate compliance with the following prior to the issue of the Construction Certificate for works above the ground floor:

1. All hot water and / or air conditioning systems/units which are located on the balcony of a dwelling/unit must be encased in an enclosure on the balcony with the lid/cover of the box designed to blend in with the building and not be visible from the public domain. All associated pipe work is to be concealed.
2. All vertical plumbing, other than roof water heads and downpipes, shall be concealed within the brickwork of the building.
3. A single antenna shall be provided to the building for use of all residents.
4. A photovoltaic cell system shall be installed at roof level of the development. The height of structures shall not exceed 53.1m relative to Australian Height Datum (AHD). Detailed design of the system shall be certified by the PCA prior to the issue of any Construction Certificate.
5. Herb / vegetable gardens & composting facilities as depicted upon the Level 10 Landscape Plan SS9-4065 102 Issue G dated 12/05/2022 drawn by Site Image shall be detailed within Construction Certificate drawings.
6. The 'gas regulator' depicted within the 3m deep soil front setback to the Princes Highway as depicted on PLANS\_LEVELS 00 + 01 1724 - DA2 1002 B shall be relocated on site. The gas regulator shall not be positioned within deep soil areas on site.
7. A children's play area with minimum dimensions of 6m length x 2.5m width (or an area of equivalent size) be designed and provided in the south eastern corner of the rooftop communal open space area on site. Details shall be submitted to Councils Director of City Futures for review and written approval.

59. A Section 7.11 contribution of \$716,044.67 shall be paid to Council. Such contributions are only used towards the provision or improvement of the amenities and services identified below. The amount to be paid is adjusted at the time of payment, in accordance with the contribution rates contained in Council's current Adopted Fees and Charges. The contribution is to be paid prior to the issue of any construction certificate for works above the floor level of the ground floor. (Payment of the contribution is not required prior to any separate construction certificates issued only for demolition, site preparation works and the construction of basement levels). The contribution is calculated from Council's adopted Section 7.11 contributions plan in the following manner:

Regional Open Space Fund \$91,821.96  
City Wide Open Space Fund \$145,123.44  
Rockdale Local Open Space Fund \$305,739.07  
City Wide Town Centre & Streetscape Fund \$16,323.33  
Rockdale Local Town Centre & Streetscape Fund \$12,794.15  
Pollution Control Contribution \$84,007.47  
Child care services \$3,422.41  
Community services \$3,667.30  
Library services \$49,556.27  
Administration & Management Contribution \$3,589.27

Copies of Council's Section 94 (Section 7.11) Contribution Plans may be inspected at Council's Customer Service Centre, Administration Building, 444-446 Princes Highway, Rockdale.

60. Sustainability

Prior to the issue of the relevant Construction Certificate, the applicant is to

demonstrate the use of the following sustainability measures within the development:

- a) Provision of photovoltaic cell systems on the upper rooftop as shown on the stamped architectural plans.
- b) Rainwater tank for non-potable stormwater re-use.
- c) Internal lighting within the car park of the development and common areas is to be sensor controlled. If / where air conditioning is provided to common areas, this shall be zoned.

The above measures shall be implemented on site prior to the issue of the Final Occupation Certificate.

61. Prior to the issue of any Construction Certificate, a Geotechnical Engineer registered with the National Engineering Register (NER) must:

1. Conduct a thorough geotechnical investigation of the site in line with geotechnical industry standards. The type and extent of substrata formations on the site shall be determined via the provision of a minimum of four (4) representative bore hole logs which are to provide a full description of all material from ground surface to 1.0m below the finished basement floor level and include the location and description of any anomalies encountered in the profile. The surface and depth of the bore hole logs shall be related to Australian Height Datum, and
2. Provide detailed recommendations to allow the satisfactory implementation of the works.
3. The appropriate means of any excavation/shoring in light of proximity to adjacent property and structures is to be determined and detailed. and
4. Potential vibration caused by the method of excavation and potential settlements affecting nearby footings/foundations/buildings shall be discussed and ameliorated, and
5. Review the proposed method to temporarily and permanently support any excavation adjacent to adjoining property, structures and road reserve if nearby (full support to be provided within the subject site), and
6. An implementation program is to be prepared along with a suitable monitoring program (as required) including control levels for vibration, shoring support, ground level and groundwater level movements during construction. The implementation program is to nominate suitable hold points at the various stages of the works for verification of the design intent before signoff and before proceeding with subsequent stages, and
7. Certify the proposed method to temporarily and permanently support the excavation for the basement adjacent to adjoining property, structures and road reserve if nearby (full support to be provided within the subject site), and
8. Prepare a Construction Methodology report demonstrating that the proposed construction methods (including any excavation, and the configuration of the built structures) will have no adverse impact on any surrounding property and infrastructure, and
9. Certify that the construction certificate plans and supporting documentation are satisfactory from a geotechnical perspective, and
10. Inspect the works as they progress. The Inspections are to occur at frequencies determined by the geotechnical engineer and be outlined in an inspection schedule.

The professional recommendations of the report shall be implemented in full during the relevant stages of excavation and construction.

Note: A failure by contractors to adequately assess and seek professional



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

62. Water NSW

Prior to the issue of any Construction Certificate, approval must be obtained pursuant to S90(2) of the Water Management Act 2000 for the proposed structure intercepting the groundwater table which requires the extraction of groundwater from the aquifer (Water Supply Work approval). This is due to the temporary dewatering of groundwater from the site that is required to facilitate the development.

An authorisation under the relevant water legislation, such as a Water Access Licence (WAL), shall be obtained for the take of groundwater as part of the activity. Groundwater shall not be pumped or extracted for any purpose other than temporary construction dewatering at the site.

63. Electric Vehicles

1. A minimum of four(4) visitor car parking spaces within the development must be 'EV-Equipped'. Each 'EV-Equipped' car space must be equipped with an EV fast charge unit that is operable upon completion of the development (i.e. the space is fully equipped with the circuitry and charger directly for use). This may be a payment operated system. At minimum, the charger shall be a 'Level 2' fast charging charger – three-phase with 11-22kW power or greater as defined by NSW Electric and Hybrid Vehicle Plan.
2. All residential car spaces shall be equipped with cable trays, electrical cabinets and conduits sufficient to accommodate the electrical circuitry of any potential future EV charging facility. No cables are permitted to obstruct or impede upon vehicular circulation aisles or the residential car space.
3. Each individual EV connection shall be provided with not less than 2kW power.
4. Each residential unit or resident is to be metered separately to their electricity account as part of the 'EV Ready' system.

64. Car Parking Details

Before the issue of the relevant construction certificate, a suitably qualified engineer must review the plans which relate to parking facilities and provide written evidence, to the Principal Certifier's satisfaction, that it complies with the relevant parts of AS 2890 Parking Facilities – Off-Street Carparking and Council's development control plan.

65. Utilities and Services

Before the issue of the relevant construction certificate, the applicant must submit the following written evidence of service provider requirements to the certifier:

- (a) a letter of consent from Ausgrid demonstrating that satisfactory arrangements can be made for the installation and supply of electricity.
- (b) a response from Sydney Water as to whether the plans proposed to accompany the application for a construction certificate would affect any Sydney Water infrastructure, and whether further requirements need to be met.
- (c) other relevant utilities or services – that the development as proposed to be carried out is satisfactory to those other service providers, or if it is not, what changes are required to make the development satisfactory to them.

66. Prior to the issue of any Construction Certificate, all subsurface structures shall be designed with a waterproof retention system (i.e., full structural tanking and

waterproofing) with adequate provision for future fluctuation of the water table. The subsurface structure is required to be designed with consideration of uplift due to water pressure and “flotation” (buoyancy) effects. If subsoil drainage is permitted to be provided around the subsurface structure, the subsoil drainage around the subsurface structure must allow free movement of groundwater around the structure but must not be connected to the internal drainage system. No groundwater is permitted to enter the subsurface structures and, no pump-out system is permitted to be used to drain and discharge groundwater from the subsurface structures. The design of subsurface structure, tanking, waterproofing and subsoil drainage shall be undertaken and certified by Engineer(s) registered with the National Engineering Register (NER). Design details, construction specifications and engineering design certification shall be included in the documentation accompanying the Construction Certificate.

67. Landscape

1) Prior the issue of the Construction Certificate, the Final Landscape Plan shall be generally in accordance with the approved Landscape Plan prepared by Site Image, Issue G and dated 12th May 2022 (Refer to Condition 2) and comprise detailed landscape construction documentation (plans and specifications) to be submitted to, and approved by the Director City Futures of Bayside Council. The detailed plan shall include, but not be limited to, the following:

- 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. A minimum soil/planter box mix depth of 800mm is required for planted areas (other than turf) and planter boxes on podiums or roof-tops or any other concrete slab. Soil depths of planter on slabs shall be in accordance with the requirements of Table 5 of Part 4P of the Apartment Design Guide.
- c) Specifications detailing soil and mulch finishes, root barriers, irrigation, retaining walls, steps, planter walls, feature walls, tree pits, tree grates, tree guards, tree pit treat, areas of paving, schedule of materials, edge treatments, tactile and relevant sectional construction details.
- d) Root barriers shall be included where necessary to ensure no damage to infrastructure and/or services
- e) Clearly identify areas of planting in deep soil and areas of planting above slabs. Indicate soil depths, or tow and RL levels to assess soil depths of all planting areas above structures.
- f) Landscape Treatment within the front setback:
  - i) Fire Hydrant Booster shall remain unenclosed and be integrated to the landscape treatment within the front setback of the site to the Princes Highway. Provide landscape details.
  - ii) Planters in ground floor level are shown to have a retaining wall, or low edge around. All unnecessary retaining walls and edges shall be deleted, as this reduces the planting area. A 150mm edge around planting areas adjacent to driveways is acceptable, but not required.
  - iii) Deep soil areas shall be flashed with the public domain existing level, or slightly below, if no edge is included.
  - iv) Planting areas proposed above basement structures shall include a raised planter, with retaining walls, landscape and architectural plans shall include TOWs levels to assess soil depths proposed.
  - v) Front setback canopy trees shall be supplied and planted at minimum 200 litres

pot size, with a height above container of 3.5meters, and with a clear trunk height of 1.5 meters, unless otherwise approved by Council Landscape Officer.

vi) Areas with larger soil area shall include larger trees, two *Corymbia maculata* shall be included where soil and aerial space is available.

vii) All areas with interface with the public domain shall include skateboard restrictions where needed, meet CPTED principles, include bicycle racks related to the public space and include pedestrian amenity lighting where required.

g) Artificial turf is not supported within deep soil areas or not shaded areas.

h) A Landscape Maintenance Schedule shall be submitted that covers a 12 month period to provide a guide to the landowner or occupier on how to best maintain the constructed landscaped areas; and include the following information: shrub pruning/trimming (frequency, plant requirements); Fertilising and pest control (soil testing, types, rate, frequency); Mulching, weeding and soil improvement (frequency, materials); Irrigation (checks, adjustments); tree maintenance (fertilising, mulching, tree stakes adjustments, special tree requirements); Maintenance of hard landscape elements (paving, edges, walls, pergolas, seats, and planter box walls); and planter boxes/roof gardens/green wall (specialised maintenance requirements).

68. Landscape Frontage Works

Prior to the issue of a Construction certificate, the applicant shall submit a Frontage Works Application. Public domain landscape improvements plan shall be submitted for approval by Council. The Plan shall be undertaken by a suitably experienced Landscape Architect and shall include but not be limited to new street tree planting, footpath paving (segmental/other), street tree pit treatments and tree guards, street furniture, in ground landscaping, irrigation, lighting. The Plan shall be in accordance with Council's City Identity Program, Landscape DCP and any other Council specification or requirement. Civil drawings shall be included detailing levels and detailed footpath construction sections in accordance with Council's Engineering Services requirements. Contact Council's Landscape Architect for further details of specific requirements in preparation of the plan. Public Domain landscape works shall as follow, unless other specified in Public Domain Frontage Works Brief: New Street trees required in the public domain along Princes Highway shall be planted at minimum 400 litres pot size, and specified street tree shall be *Corymbia maculata*, street trees required along Lister Avenue shall be supplied and planted at minimum 200 litres pot size. Each new street tree will include "Stratavault" (or equivalent) 10m<sup>2</sup> for each street tree, or as required for each specific new street tree considering in situ constraints.

69. Prior to the issue of any Construction Certificate, the construction certificate plans and supporting documentation shall demonstrate compliance with the following:

a) Compliance with AS2890 Car, Bicycle and Motorcycle Parking:

i. The parking facility must comply in full with AS/NZS 2890.1. The longitudinal profile(s) of the access driveway and any ramps within the parking facilities must comply with the Ground Clearance, Gradient (%) and Length requirements of the 2890 Australian Standards Series, and

ii. All vehicles are to enter and exit the site in a forward direction, and

iii. The minimum number of accessible car parking spaces shall be in accordance with the relevant disability legislation. The design and construction of accessible car parking spaces shall be in accordance with AS2890.6, and

iv. Pedestrian sightlines for vehicles exiting the site are to comply with AS2890.1, and

v. Convex mirrors shall be provided at blind corners within, and leading to, the car parking levels to provide increased sight distance for vehicles, and

vi. Two car wash bays shall be provided shared with visitor parking spaces. The two

car wash bays shall each be 3.5m wide and be shared with two visitor parking spaces on basement level 01, and

vii. A minimum of 52 bicycle parking spaces and 16 motorcycle parking spaces must be provided as part of the development and designed in accordance with AS2890.3:2015 and AS/NZS2890.1:2004 respectively.

b) Compliance with AS2890.2 Commercial (Service) Vehicle Parking:

i. Loading and unloading within the site shall be designed and be restricted to commercial vehicles not exceeding the size and mass description of the SRV from AS2890.2:2018. Commercial vehicles greater in size and mass than the SRV are not permitted to enter the site, and

ii. The design of the parking facility (including driveways/access ramps/vehicular crossings etc.) shall conform with Australian Standards AS2890.2:2018 along the travel path of the service vehicles (with the exception being that council permits the 2.95m at gradient 1:11.8, 32.7m at gradient 1:6.3, 2m at gradient 1:8 and 6m at gradient 1:20 on the entry ramp), and

iii. All service vehicles shall enter and exit the property in a forward direction, and

iv. Swept path analysis shall be provided for manoeuvring of SRV commercial vehicle(s), depicting a forward entry and forward exit manoeuvre to/from the site via the SRV loading docks proposed within the development, and

v. A longitudinal section plotting headroom clearance along the travel path of the service vehicles is to be provided. It must be demonstrated that a safe headroom clearance of 3.5m is achieved along the entire travel path, parking, and manoeuvring areas of the SRV within the development, and

vi. All waste collection must be undertaken on-site, no bins/waste are permitted to be presented to the street for collection.

The design of the entire car parking facility is to be certified by a Civil Engineer registered with the National Engineering Register (NER).

70. In the case of residential building work for which the Home Building Act 1989 requires there to be a contract of insurance or owner builder's permit in force in accordance with Part 6 of that Act, that such a contract or permit is in place.

71. The development shall achieve the following minimum equivalent AAAC Star Rating within the below specified areas of the development.

- 3 Star for tiled areas within kitchens, balconies, bathrooms and laundries. Tiled flooring within corridors, living areas and bedrooms is not permitted.
- 4 Star for timber flooring in any area.
- 5 Star for carpet in any area.

The development shall comply with the Building Code of Australia requirement for walls dividing occupancies.

A report shall be submitted to the Principal Certifying Authority for approval prior to the issue of any Construction Certificate. The report is to include BCA requirements and details of floor/ceilings between residential apartments. Floor coverings within apartments shall be identified within the report. A suitably qualified acoustic engineer with MIE Australia membership or employed by a consulting firm eligible for AAAC membership is to certify that the details provided in the said report satisfy the requirements of this condition, with the certification to be submitted to the Principal Certifying Authority for approval prior to the issue of any Construction Certificate for the relevant stage of works.

72. Prior to issue of any Construction Certificate, the low-level driveway must be designed to prevent inflow of water from the road reserve by providing a crest on the

driveway. The assessment of flows and design of prevention measures shall be in accordance with the requirements of section 8.2 and 8.2.1 of Rockdale Technical Specification Stormwater Management.

Prior to issue of the Construction Certificate, a longitudinal driveway profile shall be submitted to Principal Certifier for assessment and approval. The profile shall start in the centre of the road, be along the critical edge (worst case) of the driveway and terminate at the basement 1 floor level. Gradients, transitions, and headroom clearances shall be in accordance with AS 2890.2:2018 for a SRV vehicle (with the exception being that council permits the 2.95m at gradient 1:11.8, 32.7m at gradient 1:6.3, 2m at gradient 1:8 and 6m at gradient 1:20 on the entry ramp). The profile shall be drawn to a scale of 1 to 25 and shall include all relevant levels, grades (%), headroom clearances and lengths. The proposed future boundary levels (including levels within the road widening dedication area) shall be clearly shown on the profile. The proposed boundary levels (including levels within the road widening dedication area) require approval from Bayside Council. The crest required to prevent the inflow of water into the site from the road reserve shall be clearly shown.

73. The Construction Certificate plans must show the provision of two (2) 3.5m wide car wash bay(s) shared with two visitor parking spaces on basement level 01. A cold-water tap (typically connected to the rainwater tank) and waterproof power outlet 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 and AS/NZS 4452 with direct connection to the sewer in accordance with a Sydney Water trade waste agreement.
74. Prior to the issue of the Construction Certificate a certificate from a Structural Engineer, registered with National Engineering Register (NER), shall be submitted to Bayside Council stating that the subsurface structural components located on the boundary of the public road, including but not limited to the slabs, walls, and columns, have been designed in accordance with all SAA Codes for the design loading from truck and vehicle loads.
75. Prior to the issue of the Construction Certificate, if neighbouring properties or roadway are to be utilised for excavation support, the legal rights of any adjoining properties must be respected including for permanent and temporary excavation supports. In this regard the written permission of the affected property owners must be obtained and a copy of the owner's consent for excavation support or other material in adjacent lands must be lodged to the Principal Certifier.  
Where excavation support materials are proposed to be used in public land, an application must be made to Council for approval under Section 138 of the Roads Act 1993, via a permit application. The submission would need to be supported by an engineering report prepared by an Engineer registered with the National Engineering Register (NER), with supporting details addressing the following issues:  
(a) Demonstrate that any structures will not adversely affect public infrastructure, and the proposed supports within the road reserve are of adequate depth to ensure no adverse impact on existing or potential future service utilities in the road reserve. All existing services must be shown on a plan and included on cross sectional details where appropriate.  
The report must be supported by suitable geotechnical investigations to demonstrate the efficacy of all design assumptions.
76. Prior to the issue of any Construction Certificate, a Geotechnical Engineer registered with the National Engineering Register (NER) must:

a) Conduct a thorough geotechnical investigation of the site in line with geotechnical industry standards. The type and extent of substrata formations and groundwater levels on the site shall be determined via the provision of a minimum of two (2) representative bore hole logs which are to provide a full description of all material from ground surface to 1.0m below the finished basement floor level and include the location and description of any anomalies encountered in the profile. The surface and depth of the bore hole logs shall be related to Australian Height Datum, and

b) Provide detailed recommendations to allow the satisfactory implementation of the works noting a fully “tanked” and waterproofed basement is required and no pump-out is permitted to drain and discharge groundwater seepage:

1. The appropriate means of any excavation/shoring is to be determined and detailed, considering the proximity to adjacent property and structures,
2. Potential vibration caused by the method of excavation and potential settlements affecting nearby footings/foundations/buildings shall be discussed and ameliorated,
3. Review and certify the proposed method to temporarily and permanently support any excavation adjacent to adjoining property, structures, and road reserve if nearby (full support to be provided within the subject site),
4. An implementation program is to be prepared along with a suitable monitoring program (as required) including control levels for vibration, shoring support, ground level and groundwater level movements during construction. The implementation program is to nominate suitable hold points at the various stages of the works for verification of the design intent before sign-off and before proceeding with subsequent stages.

c) Prepare a Construction Methodology report demonstrating that the proposed construction methods (including any excavation, the methodology of extracting groundwater and the configuration of the built structures) will have no adverse impact on any surrounding property and infrastructure.

d) Certify that the construction certificate plans and supporting documentation are satisfactory from a geotechnical perspective.

e) Inspect the works as they progress at frequencies determined by the geotechnical engineer.

The professional recommendations shall be implemented in full during the relevant stages of excavation and construction.

Note: A failure by contractors to adequately assess and seek professional engineering (geotechnical) advice to ensure that appropriate underpinning and support to adjoining land is maintained prior to commencement may result in damage to adjoining land and buildings. Such contractors are likely to be held responsible for any damages arising from the removal of any support to supported land as defined by section 177 of the Conveyancing Act 1919.

77. The parking bays for the residential component of the development shall be incorporate suitable secure access control measures (e.g., fencing, roller door or boom gates) so that it is not accessible to the visitors / occupants of the non-residential component. Details demonstrating compliance shall be submitted to the satisfaction of the Principal Certifier prior to the issue of a Construction Certificate.
78. A suitable qualified engineer is to certify that the structure can withstand the forces of floodwater, scour, debris and buoyancy in a PMF event.
79. The relocation of the existing electricity supply pole in the road reserve is required to avoid conflict with the new driveway. The new location of the relocated pole shall be setback a minimum of one metre from the proposed driveway. The applicant shall ensure the works are completed prior to the commencement issue of the Occupation Certificate. The applicant is responsible for all relocation costs, including costs associated with other cabling such as telecommunications cables.

80. Public Domain Frontage Design

Prior to the issue of any Construction Certificate, an application for Frontage Works (Public Domain Construction – Frontage / Civil Works Application) shall be made to Bayside Council's Customer Service Centre for assessment of all required works within the road reserve. A fee is payable to Bayside Council in accordance with Council's adopted fees and charges.

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

Note: Preliminary consultation with Council's Public Domain and Development Referrals team is recommended.

81. Utility Services Adjustments

The approved elements including driveways, stormwater connections, (etc.) prevail over the location of existing utility services and power poles. All services shall be adjusted at the applicants cost to suit the construction of approved design elements. Applicants must seek approval from the relevant public utility, state authority or service provider prior to issue of the Construction Certificate.

82. Compliance with Council's Development Control Plan (DCP) 2011 – Requirements for Access. Access in accordance with the relevant Australian Standards must be provided to and within residential units and allocated car parking spaces. The allocated parking space will be located in close proximity to the access points of the building. Please note that compliance with this condition requires the relevant unit(s) to be constructed to comply with all the essential (Type C) requirements of the relevant Australian Standards.

**Note:** Compliance with Council's Development Control Plan (DCP) 2011 – Requirements for Access and the Building Code of Australia does not necessarily guarantee that the development meets the full requirements of the Disability

Discrimination Act (DDA) 1992. It is the responsibility of the applicant to make the necessary enquiries to ensure that all aspects of the DDA legislation are met.

83. Compliance with Council's Development Control (DCP) 2011 in relation to requirements for access. Compliance with this condition will require the design and fitout of the commercial/retail areas to be in accordance with Australian Standard 1428.1-2009.

**Note:** Compliance with Council's Development Control Plan (DCP) 2011 and the Building Code of Australia does not necessarily guarantee that the development meets the full requirements of the Disability Discrimination Act (DDA) 1992. It is the responsibility of the applicant to make the necessary enquiries to ensure that all aspects of the DDA legislation are met.

84. The applicant shall confer with Ausgrid to determine if an electricity distribution substation is required. Written confirmation of Ausgrid's requirements shall be obtained prior to issue Construction Certificate.
85. The applicant shall confer with Ausgrid to determine if installation of electricity conduits in the footway is required. Written confirmation of Ausgrid's requirements shall be obtained prior to issue Construction Certificate.
86. All overhead cables, including electricity and telecommunication cables, along the entire length of all frontages of the development site must be relocated underground as part of the development. The Ausgrid lighting and power poles will need to be decommissioned and new underground supplied lighting columns shall be constructed (where necessary) satisfying the applicable lighting requirements. Ausgrid's approval for the works must be obtained. The location of the new electrical pillars, new lighting poles, any new pits and trenches for utilities shall be confirmed with Bayside Council prior to the commencement of public domain works. The applicant is responsible for all relocation costs, including costs associated with other cabling such as telecommunications cables. These works must be completed to the satisfaction of Bayside Council prior to the issue of the Final Occupation Certificate.

Where the road reserve is congested with underground utility services and/or street trees, the person acting on the consent must design the undergrounding works around the congestion to the requirements of Ausgrid and Bayside Councils landscape architect/arborist.

If further works are required beyond the frontages of the development site (e.g., across a road) to support the required undergrounding works, these works must also be carried out at no cost or expense to Bayside Council.

87. Prior to the issue of the Construction Certificate, the approved plans must be submitted to Sydney Water Tap in™ online service to determine whether the development will affect any Sydney Water sewer or water main, stormwater drains and/or easement, and if further requirements need to be met.

Sydney Water's Tap in™ online service is available at:

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

88. The Principal Certifying Authority shall not issue a Construction Certificate until a detailed acoustic assessment /report of all mechanical plants (ventilation systems, exhaust fans, ventilation fans, building base line systems and condenser units) and equipment including air-conditioners which meet the NSW EPA Industrial Noise Policy and Protection Of Environment Operations Act 1997 as specified in "Noise Impact Assessment and Construction Noise & Vibration Management Plan – proposed Residential Development 588-592 Princes Highway Rockdale Report



R150533R2 Revision 5 dated the 14 February 2022” has been carried out.

The acoustic assessment / report shall include at least the following information:

- the name and qualifications or experience of the person(s) preparing the report
- the project description, including proposed or approved hours of operation
- relevant guideline or policy that has been applied
- results of background and any other noise measurements taken from most noise affected location at the boundary line
- meteorological conditions and other relevant details at the time of the measurements
- details of instruments and methodology used for noise measurements (including reasons for settings and descriptors used, calibration details)
- a site map showing noise sources, measurement locations and potential noise receivers
- noise criteria applied to the project
- noise predictions for the proposed activity
- a comparison of noise predictions against noise criteria
- a discussion of proposed mitigation measures, the noise reduction likely and the feasibility and reasonableness of these measures
- how compliance can be determined practically

The report shall be prepared by a suitably qualified and experienced acoustic engineer (who is a member of either the Australian Acoustical Society or the Association of Australian Acoustical Consultants). It shall be submitted to the Principal Certifying Authority. All recommendations and/or noise mitigation measures (If applicable) shall be complied with.

89. Prior to the issue of a construction certificate, a design verification statement shall be submitted to the PCA from a qualified designer certifying that the development achieves or improves 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 Flat Development*.

90. Geotechnical

Recommendations contained in the the following geotechnical documentation shall be adhered to and implemented on site.

- Geotechnical Assessment prepared by JK Geotechnics dated 4 December 2015 ref 28959SBprt
- Geotechnical Review prepared by Aargus Pty Ltd dated 9 February 2022

Any subsequent Geotechnical Reports or investigations required and/or prepared post determination shall be submitted to Bayside Council and the PCA.

The recommendations of any post determination reports and those stated within this condition shall be implemented on site and adhered to, prior to the issue of the construction certificate.

91. Consultant Report Recommendations

Recommendations contained in the the following documentation shall be adhered to and implemented on site.

1. Noise Impact Assessment and Construction Noise & Vibration Management

Plan, Ref: R150533R2 Rev 5, prepared by Rodney Stevens Acoustics, dated 14 February 2022. .

2. Disability Access Report Ref: P000682 dated 15 February 2022, prepared by Cheung Access Pty Ltd.
  3. Waste Management Plan Ref: 3693 Rev C, dated 14 February 2022, prepared by Elephants Foot.
  4. Wind Report Ref:WC807-02F02(rev0), dated 24th May 2019 prepared by Windtech Consultants Pty Ltd & supplementary correspondence prepared by Windtech Consultants Pty Ltd dated 10 February 2022.
  5. BCA Assessment Report Ref: 106697-BCA-r4 dated 14 February 2022 prepared by BCA Logic.
  6. Energy & Water Efficiency Report Ref: 2265-ESD-r2/rr dated 4 February 2022, prepared by BCA Energy.
92. Property Address Allocation and associated fee are required to be submitted to Council. All new addresses will be allocated 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/developmentconstruction/buildingoralteringproperty>

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/NSW\\_AUM\\_July2018\\_Fina](http://www.gnb.nsw.gov.au/__data/assets/pdf_file/0007/199411/NSW_AUM_July2018_Fina)

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 the Council for addressing approval prior to registration of the subdivision plan. Finalised architectural and survey plans of the site, identifying the location and nature of the development have to be submitted to Council. The applicant can suggest new street number allocation for the new development.

## **Prior to commencement of works**

The following conditions must be completed prior to the commencement of works.

### **93. Dilapidation Report – Public Domain**

Prior to the commencement of any work, a professional engineer specialising in civil, structural, or geotechnical engineering shall prepare a dilapidation report detailing the current condition of Bayside Council's infrastructure adjoining, and within 50m of, the development site. This includes the condition of the road reserve (including footpath, nature strip, landscaping, trees, kerb and gutter, pits, pipes, traffic devices, signs, retaining walls, driveways, and road pavement etc.) and any other adjacent Bayside Council properties.

Photographs are to be in colour, digital, annotated and date stamped. The full name, accreditation, professional registration, and signature of the professional engineer is to be detailed. The report is to be supplied in an electronic format to the Principal Certifier and Bayside Council.

The liability for any damage to public infrastructure in the vicinity of the site, where such damage is not accurately recorded by the requirements of this condition, will be borne by the applicant. The applicant shall bear the cost of all restoration works to

Council's property damaged by the applicant during this development.

94. Before the issue of a construction certificate or the commencement of any works on site, whichever occurs first, the applicant is to ensure that an erosion and sediment control plan is prepared in accordance with the following documents before it is provided to and approved by the Principal Certifier:
- Council's development control plan,
  - the guidelines set out in the NSW Department of Housing manual 'Managing Urban Stormwater: Soils and Construction Certificate' (the Blue Book), and
  - the 'Do it Right On-Site, Soil and Water Management for the Construction Industry' (Southern Sydney Regional Organisation of Councils and the Natural Heritage Trust).

The applicant must ensure the erosion and sediment control plan is kept on-site at all times during site works and construction.

95. Construction Environment Management Plan

Prior to commencement of any works, the applicant must prepare and submit a Construction Environment Management Plan (CEMP). The CEMP must include, but not be limited to, the following:

(a) A plan view of the entire development site and frontage roadways along with a construction management report addressing the following:

(i) The proposed method of access to and egress from the site for construction vehicle, including the proposed method of traffic control, 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. Access across public parks and open space reserves is prohibited. All loading and unloading associated with construction activity must be accommodated on site. Site access and egress is to be generally obtained from [Enter Details], and

(ii) Details of: hours of work; 24-hour contact details of site manager; management of dust and odour to protect the amenity of the neighbourhood; stormwater control and discharge; measures to ensure that sediment and other materials are not tracked onto the roadway by vehicles leaving the site; groundwater management plan including measures to prevent groundwater contamination; external lighting in compliance with AS 4282-2019 Control of the obtrusive effects of outdoor lighting; community consultation and complaints, and

(iii) The proposed phases of construction works on the site and the expected duration of each construction phase, and

(iv) The proposed method of loading and unloading excavation and construction machinery, excavation and building materials, plant/machinery, formwork and the erection of any part of the structure within the site. Wherever possible mobile cranes should be located wholly within the site. The storage location on the property during construction shall also be shown, and

(v) The proposed areas within the site to be used for the storage of excavated materials, construction materials and waste containers during the construction period, and

(vi) 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, and

(vii) The proposed method of support to any excavation adjacent to adjoining properties, or the road reserve. The proposed method of support is to be designed and certified by a Accredited Certifier (Structural Engineering), or equivalent, and

(viii) Proposed protection for Council and adjoining properties, and

(ix) The location and operation of any on site crane including a copy of Sydney Airport approval (if required), and

(x) The location of any Work Zone (if required) approved by Council's Traffic Engineering Section, including a copy of that approval.

(b) A Construction Traffic and Pedestrian Management Plan for pedestrian and traffic management of the site during construction prepared by a TfNSW accredited consultant in accordance with the 'Traffic Control at Worksites Manual'. The plan shall include construction vehicle routes, anticipated number of trucks per day, hours of construction, access arrangements and proposed traffic measures to minimise impacts of construction vehicles. The plan shall detail the measures that are to be implemented to ensure road safety and network efficiency during construction in consideration of potential impacts on general traffic, cyclists and pedestrians, bus services and detail heavy vehicle routes, access and parking arrangements.

(c) A Soil and Water Management Plan (SWMP) shall be prepared in accordance with the Landcom Managing Urban Stormwater – Soils and Construction 4th Edition (2004) to provide adequate erosion and sediment control measures during demolition, excavation and construction on the site. A sufficient area shall be provided onsite (Soil Stockpile Area) to enable separate stockpiling of excavated materials for sampling and analysis prior to removal or re-use on site.

(d) A Noise and Vibration Management Plan is to be prepared by a suitably qualified expert addressing the likely noise and vibration from demolition, excavation and construction works. The Plan is to identify amelioration measures to ensure the noise and vibration levels will be compliant with the relevant Australian Standards and Assessing Vibration: A technical guideline (available [www.environment.nsw.gov.au](http://www.environment.nsw.gov.au)). The report shall be prepared in consultation with any geotechnical report that itemises equipment to be used for excavation works.

(e) A Construction Worker Transportation Strategy for the construction stages to the satisfaction of the Certifier. The Strategy must detail the provision of sufficient parking facilities or other travel arrangements for construction workers in order to minimise demand for parking in nearby public and residential streets or public parking facilities.

Details demonstrating compliance with the requirements of this condition are to be submitted to the satisfaction of the Principal Certifying Authority. A copy of the approved documents are to be submitted to Bayside Council.

96. Vibration Monitoring

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.

97. A sign must be erected at the front boundary of the property clearly indicating the Development Approval Number, description of work, builder's name, licence number and house number before commencement of work. If owner/builder, the Owner/Builder Permit Number must be displayed.
98. A sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being carried out:
  - i. stating that unauthorised entry to the work site is prohibited, and
  - ii. showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours. Any such sign is to be removed when the work has been completed. This condition does not apply to:
    - iii. building work carried out inside an existing building or
    - iv. building work carried out on premises that are to be occupied continuously (both during and outside working hours) while the work is being carried out.

99. Dewatering – Water Quality Requirements

For any water from site dewatering to be permitted to go to the stormwater, the water must meet the relevant default guideline values (DGVs) under the Australian & New Zealand Guidelines (ANZG) for Fresh & Marine Water Quality. 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

must be provided in this report. Reports must be provided to council prior to discharge of any groundwater to the stormwater system.

100. Dewatering – Permit to Discharge to Stormwater

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 council's stormwater system a permit to discharge to the stormwater must be obtained from Council. Dewatering must not commence until this is issued by Council.

101. A Site Health & Safety Plan shall be prepared prior to the commencement of remediation works by a person competent to do so. All works shall be carried out in accordance with this plan. This plan shall include:

- hazard identification and control
- site security
- personal protective equipment
- work zones and decontamination procedures
- contingency plans and incident reporting
- environmental monitoring.

102. Where it is necessary to import landfill material onto the site to fill the land to levels shown on the plans forming part of the consent, a certificate, prepared by a suitably qualified and experienced Contaminated Land Consultant, shall be submitted to Council being the Regulatory Authority prior to the commencement of works, certifying that the imported fill is suitable for the land use.

103. Dilapidation Report – Private Land

A professional engineer specialising in structural or geotechnical engineering shall prepare a Pre-Construction Dilapidation Report detailing the current structural condition of all adjoining premises, a photographic survey, and including buildings, foundations, and structures likely to be affected by the excavation as determined by the consulting engineer. This shall include, but not be limited to, the following properties:

(a) 1A Lister Avenue ROCKDALE NSW 2216

(b) 5 Hayburn Avenue ROCKDALE NSW 2216

(c) 594-600 Princes Highway ROCKDALE NSW 2216

The report shall be prepared at the expense of the applicant and a copy of the Dilapidation Survey and an insurance policy that covers the cost of any rectification works shall be submitted to the Principal Certifier prior to commencement of any works. The insurance cover shall be a minimum of \$10 million.

A copy of the Pre-Construction Dilapidation Report is to be provided to the adjoining properties (subject of the Dilapidation Report), a minimum of five (5) working days prior to the commencement of work. Evidence confirming that a copy of the Dilapidation Report was delivered to the adjoining properties must be provided to the PCA.

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

104. The site shall be secured by a 1800 mm (minimum) high temporary fence for the duration of the work. Gates shall be provided at the opening points.

105. Where construction/building works require the use of a public place including a road or footpath, approval under Section 68 of the Local Government act 1993 for a Barricade Permit is to be obtained from Council prior to commencement of work. Details of the barricade construction, area of enclosure and period of work are required to be submitted to the satisfaction of Council.
106. (a) A hoarding or fence shall be erected between the work site and the public place when the work involved in the erection or demolition of a building:
- (i) is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or
  - (ii) building involves the enclosure of a public place,
- (b) Where the development site adjoins a public thoroughfare, the common boundary between them must be fenced for its full length with a hoarding, unless, the least horizontal distance between the common boundary and the nearest part of the structure is greater than twice the height of the structure. The hoarding must be constructed of solid materials (chain wire or the like is not acceptable) to a height of not less than 1.8m adjacent to the thoroughfare.
- (c) Where a development site adjoins a public thoroughfare with a footpath alongside the common boundary then, in addition to the hoarding required above, the footpath must be covered by an overhead protective structure, type B Hoarding, and the facing facade protected by heavy duty scaffolding unless either:
- (i) the vertical height above footpath level of the structure being demolished is less than 4m; or
  - (ii) the least horizontal distance between footpath and the nearest part of the structure is greater than half the height of the structure.
- The overhead structure must consist of a horizontal platform of solid construction and vertical supports, and the platform must -
- (i) extend from the common boundary to 200mm from the edge of the carriageway for the full length of the boundary;
  - (ii) have a clear height above the footpath of not less than 2.1m;
  - (iii) terminate not less than 200mm from the edge of the carriageway (clearance to be left to prevent impact from passing vehicles) with a continuous solid upstand projecting not less than 0.5m above the platform surface; and
  - (iv) together with its supports, be designed for a uniformly distributed live load of not less than 7 kPa
- The 'B' Class hoarding is to be lit by fluorescent lamps with anti-vandalism protection grids. Any such hoarding, fence or awning is to be removed when the work has been completed.
- (d) The principal contractor or owner builder must pay all fees and rent associated with the application and occupation and use of the road (footway) for required hoarding or overhead protection.
107. Toilet facilities must be available or provided at the work site before works begin and must be maintained until the works are completed at a ratio of one toilet plus one additional toilet for every 20 persons employed at the site.
108. Before the commencement of any site or building work, the principal certifier must ensure the adjoining building owner(s) is provided with a copy of the dilapidation report for their properties no less than 5 days before the commencement of any site or building works and provide a copy of the report to Council at the same time.
109. Video CCTV for Council Stormwater Pipe before Construction

Prior to the issue of any Construction Certificate or the commencement of any works on site, whichever occurs first, a qualified practitioner shall undertake a closed-circuit television (CCTV) inspection and then report on the existing condition of the stormwater drainage infrastructure in Princes Highway fronting the site. The camera and its operation shall comply with the following:

- (a) The internal surface of the drainage pipe shall be viewed and recorded in a clear and concise manner, and
- (b) The CCTV camera used shall be capable to pan, tilt and turning at right angles to the pipe axis over an entire vertical circle to view the conduit joints, and
- (c) Distance from the drainage pit shall be accurately measured, and
- (d) The inspection survey shall be conducted from manhole to manhole.

The written report, together with a copy of the digital video footage of the pipeline shall be submitted to the satisfaction of Bayside Council prior to the commencement of any works. A written acknowledgment shall be obtained from Bayside Council attesting to this condition being appropriately satisfied and submitted to the Principal Certifier. If the existing pipe is full of debris preventing the effective inspection of the pit and pipe system, the contractor shall clear the pipe to a degree where CCTV inspection is possible at the applicant's expense.

- 110. Consultation with Ausgrid is essential prior to commencement of work. Failure to notify Ausgrid may involve unnecessary expense in circumstances such as:
  - i) where the point of connection and the meter board has been located in positions other than those selected by Ausgrid or
  - ii) where the erection of gates or fences has restricted access to metering equipment.
- 111. Where clearances to any existing overhead High Voltage mains are affected, the builder shall make arrangements with Ausgrid for any necessary modification to the electrical network in question. These works shall be at the applicant's expense. Ausgrid's requirements under Section 49 Part 1 of the Electricity Supply Act 1995 shall be met prior to commencement of works or as agreed with Ausgrid.
- 112. The Principal Certifying Authority shall not commence works until a detailed acoustic assessment /report of all blasting, rock or line drilling, demolition, excavating, drilling, rock breaking / hammering or jack hammering and impact piling, sheet piling activities, vegetation removal or other similar construction works equipment and noisy activities which meet the NSW EPA Noise Policy for Industry 2017, NSW EPA Draft Construction Noise Guideline 2020 and Protection Of Environment Operations Act 1997 as specified in "Noise Impact Assessment and Construction Noise & Vibration Management Plan – proposed Residential Development 588-592 Princes Highway Rockdale Report R150533R2 Revision 5 dated the 14 February 2022" has been carried out.

The acoustic assessment / report shall include at least the following information:

- the name and qualifications or experience of the person(s) preparing the report
- the project description, including proposed or approved hours of operation, all blasting, rock or line drilling, demolition, excavating, drilling, rock breaking / hammering or jack hammering and impact piling, sheet piling activities, vegetation removal or other similar construction works equipment and noisy activities carried out on the premises
- The duration of all potentially noisy activities are to be identified



- relevant guideline or policy that has been applied
- results of background and any other noise measurements taken from most noise affected location at the boundary line
- meteorological conditions and other relevant details at the time of the measurements
- details of instruments and methodology used for noise measurements (including reasons for settings and descriptors used, calibration details)
- a site map showing noise sources, measurement locations and potential noise receivers
- noise criteria applied to the project
- noise predictions for the proposed activity
- a comparison of noise predictions against noise criteria
- a discussion of proposed mitigation measures, the noise reduction likely and the feasibility and reasonableness of these measures
- how compliance can be determined practically
- Inform the community of the type and duration of essential noisy activities.

The report shall be prepared by a suitably qualified and experienced acoustic engineer (who is a member of either the Australian Acoustical Society or the Association of Australian Acoustical Consultants). It shall be submitted to the Principal Certifying Authority. All recommendations and/or noise mitigation measures (If applicable) shall be complied with.

113. A Noise / Vibration Management Plan to mitigate the noise and vibration from any blasting, rock or line drilling, demolition, excavating, drilling, rock breaking / hammering or jack hammering and impact piling, sheet piling activities, vegetation removal or other similar construction works equipment and noisy activities works shall be submitted to the Principal Certifying Authority (PCA) prior to any works on the premises. If Council is not the PCA, a copy shall be submitted to Council concurrently. A copy of the noise / vibration management plan shall be kept on the premises and available upon Council Officer request or Principal Certifying Authority (PCA) request. The noise / vibration management plan shall be prepared by a suitably qualified and experienced acoustic engineer (who is a member of either the Australian Acoustical Society or the Association of Australian Acoustical Consultants).

The noise / vibration management plan is to include (but not be limited to):

- Identification of all equipment proposed to be used on the premises in relation to demolition and excavation works on the premises and any noise or vibration activities on site,
- Install a clear and visible sign with a contact phone number at the front of building site so that any complaints regarding the building site noise / vibration can be made. Sign must remain on the front for the entire build.
- Implement a complaint handling procedure for both verbal and telephone complaints. If a noise and vibration complaint is received the complaint should be recorded on a Complaint Form.

The complaint form should list:

- a. The name and address of the complainant (if provided),
- b. The time and date the complaint was received,

- c. The nature of the complaint and the time and date the noise / vibration was heard,
- d. The name of the employee who received the complaint,
- e. Actions taken to investigate the complaint, and a summary of the results of the investigation,
- f. Indicate what was occurring at the time the noise or vibration was heard if possible,
- g. All noise and vibration works must cease until cause of excessive noise or vibration is identified, and appropriate measures to minimise that impact are identified,
- h. Identify and remedial action / mitigation measures to be implemented, if required,
- i. Validation of the remedial action / mitigation measures,
- j. Summary of feedback to the complainant,
- k. A permanent register of complaints should be held on the premises which shall be reviewed daily by the acoustic consultant and construction manager to ensure any complaints are responded to. All complaints received shall be reported to acoustic consultant and construction manager with initial action/investigation commencing immediately. The complainant should also be notified of the results and actions arising from the investigation.

114. Utility Services Adjustments

The approved elements including driveways, stormwater connections, (etc.) prevail over the location of existing utility services and power poles. All services shall be adjusted at the applicants cost to suit the construction of approved design elements. Applicants must seek approval from the relevant public utility, state authority or service provider.

## **During demolition / excavation / construction**

The following conditions must be complied with during demolition, excavation and or construction.

- 115. Temporary and permanent dewatering is not permitted on this site without NSW-EPA approval.
- 116. A copy of the Construction Certificate and the approved plans and specifications must be kept on the site at all times and be available to Council officers upon request.
- 117. Hours of construction shall be confined to between 7 am and 6.30 pm Mondays to Fridays, inclusive, and between 8 am and 3.30 pm Saturdays with no work being carried out on Sundays and all public holidays.
- 118. Additional Information – Contamination – Cease work addition  
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 must cease until the council is notified of the appropriate measures to be implemented, by an appropriately qualified and experienced environmental consultant, to assess and manage the contamination in accordance with any relevant NSW EPA adopted guidelines.
- 119. Remediation Works - General  
All remediation work must be carried out in accordance with:
  - a) NSW EPA (2020) 'Consultants reporting on contaminated land';
  - b) NSW Environment Protection Authority (NSW EPA) guidelines under the Contaminated Land Management Act 1997;

- c) State Environmental Planning Policy (Resilience and Hazards); and
- d) Any Remedial Action Plan (RAP) required to be submitted to meet the Deferred Commencement Condition.

120. Dewatering Water Quality Requirements

For any water from site dewatering to be permitted to go to the stormwater system, the water must meet the relevant default guideline values (DGVs) under the Australian & New Zealand Guidelines for Fresh & Marine Water Quality. 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 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 must be provided in this report. Reports must be provided to council prior to discharge of any groundwater to the stormwater system.

121. Dewatering – Permit to Discharge to Stormwater

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 council's stormwater system a permit to discharge to the stormwater must be obtained from Council. Dewatering must not commence until this is issued by Council.

The water quality 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.

122. For Class 2, 3 and 4 structures, the building works are to be inspected during construction, by the principal certifying authority (or other suitably qualified person on behalf of the principal certifying authority) to monitor compliance with Council's approval and the relevant standards of construction encompassing the following stages:

- i. after excavation for, and before the placement of, any footing, and
- ii. prior to covering waterproofing in any wet areas, for a minimum of 10% of rooms with wet areas within a building, and
- iii. prior to covering any stormwater drainage connections, and
- iv. after the building work has been completed and prior to any occupation certificate being issued in relation to the building.

Documentary evidence of compliance with Council's approval and relevant standards of construction is to be obtained prior to proceeding to the subsequent stages of construction and copies of the documentary evidence are to be maintained by the principal certifying authority and be made available to Council officers upon request.

123. Waste Classification – Excavated Materials

All materials excavated from the site (fill or natural) must be classified in accordance with the NSW Environment Protection Authority (EPA) Waste Classification Guidelines (2014) prior to being disposed of to a NSW approved landfill or to a recipient site. Appropriate records must be retained to support this.

124. Upon inspection of each stage of construction, the Principal Certifier (or other suitably qualified person on behalf of the Principal Certifier) is also required to ensure that adequate provisions are made for the following measures (as applicable), to ensure compliance with the terms of Council's approval:
- a) Sediment control measures, and
  - b) Provision of secured perimeter fences or hoardings for public safety to restrict access to building sites, and
  - c) Maintenance of the public place free from unauthorised materials, waste containers or other obstructions.
125. While building work is being carried out, the applicant must pay any costs incurred as a result of the approved removal, relocation or reconstruction of infrastructure (including ramps, footpaths, kerb and gutter, light poles, kerb inlet pits, service providers pits, street trees or any other infrastructure in the street footpath area).
126. Ground water shall only be pumped or drained to Council's stormwater system if the water is clean and unpolluted. The standard used to determine the acceptability of the quality of the water is the 'Australian and New Zealand Environment and Conservation Council - Australian Water Quality Guidelines for Fresh and Marine Waters 1992'.
- Note: Prior treatment and/or filtration of the water may be necessary to achieve acceptable quality, including a non-filterable residue not exceeding 50 milligrams/litre or small quantities may be removed by the services of a Licenced Liquid Waste Transporter. It is an offence under the provisions of the Protection of the Environment Operations Act 1997 to pollute the stormwater system.
127. Demolition operations shall not be conducted on the roadway or public footway or any other locations, which could lead to the discharge of materials into the stormwater drainage system.
128. All waste generated on site shall be disposed of in accordance with the submitted Waste Management Plan.
129. Monitoring  
Results of the monitoring of any field parameters for soil, groundwater, surface water, air or noise must be made available to Council Officers on request throughout the remediation and construction works.
130. If the development involves an excavation that extends below the level of the base of the footings of a building, structure or work on adjoining land (including any structure or work within a road or rail corridor), the person having the benefit of the development consent must, at the person's own expense –
- (a) Protect and support the building, structure or work from possible damage from the excavation, and
  - (b) Where necessary, underpin the building, structure or work to prevent any such damage.

This condition does not apply if the person having the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying.

131. When soil conditions require it:
- i. retaining walls associated with the erection or demolition of a building or other approved methods of preventing movement of the soil shall be provided, and
  - ii. adequate provision shall be made for drainage.
132. Any new information discovered during remediation, demolition or construction works which has the potential to alter previous conclusions about site contamination, shall be notified to Council being the Regulatory Authority for the management of contaminated land.
133. The stormwater connection to Council drainage system shall be inspected by Council public domain and referrals team prior to backfill. A minimum of five (5) working days' notice shall be given to Council prior to inspection. An inspection fee is required to be paid prior to inspection.
134. Vibration During Demolition Works
- Vibration levels induced by the demolition activities must 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 must be set up to monitor and record the vibration levels affecting surrounding buildings.
135. A hoarding or fence shall be erected between the work site and the public place when the work involved in the erection or demolition of a building:
- (a) is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or
  - (b) building involves the enclosure of a public place.
- Where the development site adjoins a public thoroughfare, the common boundary between them must be fenced for its full length with a hoarding, unless, the least horizontal distance between the common boundary and the nearest part of the structure is greater than twice the height of the structure. The hoarding must be constructed of solid materials (chain wire or the like is not acceptable) to a height of not less than 1.8m adjacent to the thoroughfare.
- Where a development site adjoins a public thoroughfare with a footpath alongside the common boundary then, in addition to the hoarding required above, the footpath must be covered by an overhead protective structure, type B Hoarding, and the facing facade protected by heavy duty scaffolding unless either:
- (a) the vertical height above footpath level of the structure being demolished is less than 4m, or
  - (b) the least horizontal distance between footpath and the nearest part of the structure is greater than half the height of the structure.
- The overhead structure must consist of a horizontal platform of solid construction and vertical supports, and the platform must:
- (a) extend from the common boundary to 200mm from the edge of the carriageway for the full length of the boundary, and

- (b) have a clear height above the footpath of not less than 2.1m, and
- (c) terminate not less than 200mm from the edge of the carriageway (clearance to be left to prevent impact from passing vehicles) with a continuous solid upstand projecting not less than 0.5m above the platform surface, and
- (d) together with its supports, be designed for a uniformly distributed live load of not less than 7 kPa.

The 'B' Class hoarding is to be lit by fluorescent lamps with anti-vandalism protection grids.

Any such hoarding, fence or awning is to be removed when the work has been completed.

The Principal Contractor or owner builder must pay all fees and rent associated with the application and occupation and use of the road (footway) for required hoarding or overhead protection.

136. All contractors shall comply with the following during all stages of demolition and construction:
- A Waste Container on Public Road Reserve Permit must be obtained prior to the placement of any waste container or skip bin in the road reserve (i.e. road or footpath or nature strip). Where a waste container or skip bin is placed in the road reserve without first obtaining a permit, the Council's fees and penalties will be deducted from the Footpath Reserve Restoration Deposit. Permits can be obtained from Council's Customer Service Centre.
  - A Road Opening Permit must be obtained prior to any excavation in the road reserve (i.e. road or footpath or nature strip). Where excavation is carried out on the road reserve without first obtaining a permit, the Council's fees and penalties will be deducted from the Footpath Reserve Restoration Deposit. Permits can be obtained from Council's Customer Service Centre.
  - A Hoarding Permit must be obtained prior to the erection of any hoarding (Class A or Class B) in the road reserve (i.e. road or footpath or nature strip). Where a hoarding is erected in the road reserve without first obtaining a permit, the Council's fees and penalties will be deducted from the Footpath Reserve Restoration Deposit. Permits can be obtained from Council's Customer Service Centre.
  - A Crane Permit must be obtained from Council prior to the operation of any activity involving the swinging or hoisting of goods across or over any part of a public road by means of a lift, hoist or tackle projecting over the footway. Permits can be obtained from Council's Customer Service Centre.
  - A current Permit to Dewater or Pump Out a site must be obtained prior to the discharge of pumped water into the road reserve, which includes Council stormwater pits and the kerb and gutter. Permits can be obtained from Council's Customer Service Centre.
137. To ensure that relevant engineering and water quality provisions are met during the period of temporary dewatering for construction, a permit must be obtained from Council to permit discharge to the stormwater system. Temporary dewatering shall not commence until this permit is issued by Council. The permit must be current and valid at all times during dewatering operations.

The water quality 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.

138. All demolition work shall be carried out in accordance with AS2601 – 2001: The Demolition of Structures and with the requirements of the WorkCover Authority of NSW.
139. While building work is being carried out noise and vibration from construction equipment, location and activities must ensure that any noise and vibration caused by blasting, rock or line drilling, demolition, excavating, drilling, rock breaking / hammering or jack hammering and impact piling, sheet piling activities, vegetation removal or other similar construction works does not exceed an LAeq (15 min) of 75dB(A) during normal construction hours, when measured at any residential lot boundary of the property where the construction is being carried out. No works permitted outside of the normal hours of construction hours.
140. Prior to commencement of any blasting, rock or line drilling, demolition, excavating, drilling, rock breaking / hammering or jack hammering and impact piling, sheet piling activities, vegetation removal or other similar construction works equipment and noisy activities the vibration monitor and noise meter must be set up to monitor and record the vibration and noise levels affecting surrounding neighbouring premises. The monitoring locations would be on a stiff part (at the foundations) on the side of the structures adjacent to the subject excavation works. The monitoring stations must be in place until the new built building is above the natural ground level.

The vibration and noise monitoring systems will be configured to record the peak vibration and noise levels and to trigger an audible/visual alarm when LAeq (15min) of 75dBA has exceeded. If works exceed the vibration and noise levels all works must cease.

The construction manager or person in charge must engage the acoustic consultant to inspect and make alternative changes to excavation technique to reduce the vibration and noise levels to a safe considerable level that will not affect the surrounding neighbouring premises if the LAeq (15min) of 75dBA is exceeded.

All vibration and noise monitoring recordings shall be downloaded daily and reported back to the acoustic consultant to check vibration and noise levels and their likely impacts and reported back construction manager or a person in charge. A copy of all reports relating to vibration and noise shall be kept on the premises and available upon Council Officer request or Principal Certifying Authority (PCA) request.

141. During Demolition, Excavation and Construction, care must be taken to protect Council's infrastructure, including street signs, footpath, kerb, gutter, and drainage pits etc. Protecting measures shall be maintained in a state of good and safe condition throughout the course of demolition, excavation, and construction. The area

fronting the site and in the vicinity of the development shall also be made safe for pedestrian and vehicular traffic at all times. Any damage to Council's infrastructure (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub-contractors, concrete delivery vehicles) shall be fully repaired in accordance with Council's specification and AUS-SPEC at no cost to Bayside Council.

142. The following conditions are necessary to ensure minimal impacts during construction:
- a) Building, demolition and construction works not to cause stormwater pollution and being carried out in accordance with Council's stormwater pollution control requirements. Pollutants such as concrete slurry, clay and soil shall not be washed from vehicles onto roadways, footways or into the stormwater system. Drains, gutters, roadways and access ways shall be maintained free of sediment. Where required, gutters and roadways shall be swept regularly to maintain them free from sediment, and
  - b) Stormwater from roof areas shall be linked via a temporary downpipe to an approved stormwater disposal system immediately after completion of the roof area, and
  - c) All disturbed areas shall be stabilised against erosion within 14 days of completion, and prior to removal of sediment controls, and
  - d) Building and demolition operations such as brick cutting, washing tools or paint brushes, and mixing mortar shall not be performed on the roadway or public footway or any other locations which could lead to the discharge of materials into the stormwater drainage system, and
  - e) Stockpiles are not permitted to be stored on Council property (including nature strip) unless prior approval has been granted. In addition, stockpiles of topsoil, sand, aggregate, soil or other material shall be stored clear of any drainage line or easement, natural watercourse, kerb or road surface, and
  - f) Wind blown dust from stockpile and construction activities shall be minimised by one or more of the following methods:
    - (i) spraying water in dry windy weather, and
    - (ii) cover stockpiles, and
    - (iii) fabric fences
  - g) All vehicles transporting soil, sand or similar materials and demolition material to or from the site shall cover their loads at all times, and
  - h) The applicant shall conduct all construction works and any related deliveries/activities wholly within the site, and
  - i) During the construction works, the Council nature strip shall be maintained in a clean and tidy state at all times and shall be suitably repaired and/or replaced in accordance with Council Specifications at the completion of construction works, and
  - j) Access to the site shall be restricted to no more than two 3m driveways. Council's footpath shall be protected at all times. Within the site, provision of a minimum of 100mm coarse crushed rock is to be provided for a minimum length of two metres to remove mud from the tyres of construction vehicles, and

An All-Weather Drive System or a vehicle wheel wash, cattle grid, wheel shaker or other appropriate device, shall be installed prior to commencement of any site works



or activities, to prevent mud and dirt leaving the site and being deposited on the street. Vehicular access is to be controlled so as to prevent tracking of sediment onto adjoining roadways, particularly during wet weather or when the site is muddy. Where any sediment is deposited on roadways it is to be removed by means other than washing and disposed of appropriately.

143. Council's warning sign for soil and water management must be displayed on the most prominent point on the building site, visible to both the street and site workers. The sign must be displayed throughout construction. A copy of the sign is available from Council.

144. Approval and Permits under Roads Act and Local Government Act for Work Activities on Public Land

During all stages of demolition and construction, application(s) shall be made to Bayside Council (upon payment of a fee in accordance with Bayside Council's adopted fees and charges) to obtain the necessary approvals and permits for any and all works/activities on Bayside Council land or road reserve pursuant to the Roads Act 1993 and Local Government Act 1993. All applications associated with works and activities on Bayside 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 Bayside Council. Refer to Bayside Council "Work Activities on Council Sites Application Form" and "Road Opening Application" to obtain permits/approvals for the following:

- Road, Footpath and Road Related Area Closure – To temporarily close any part of the road, footpath or car park to vehicle or pedestrian traffic. This permit is required to allow the applicant to close a road or part of, footpath or car park to vehicle or pedestrian traffic.
- Stand and Operate Registered Vehicle or Plant – To occupy any part of the road, footpath or car park to work from a vehicle parked on the street. This permit is required when construction activities involve working from a vehicle parked on the street including mobile crane, concrete truck, concrete pump or other similar vehicles.
- Occupy Road with Unregistered Item – To place a waste container or other item within the roadway which is not a registered vehicle. This permit is required to allow the applicant to place unregistered items within the roadway including waste containers and skip bins.
- Erection of a Works Zone – To implement a statutory Work Zone for activities adjacent to the development site. These applications are assessed by Bayside Council officers and are referred to the Traffic Committee for approval. A Work Zone being that you must not stop or park in a work zone unless you are driving a vehicle that is engaged in construction work in or near the zone.
- Placement of Scaffolding, Hoarding and Fencing – To erect a temporary structure in a public place to enclose a work area. This permit is required for all temporary structures to enclose a work area within the public domain. These include site fencing, types A & B hoarding, type A & B hoarding with scaffolding and type B hoarding plus site sheds.
- Temporary Shoring/Support using Ground Anchors in Council Land – To install temporary ground anchors in public road to support excavation below the existing road surface level. This permit is required to allow the applicant to

install temporary support system in or under a public road to support excavation below the existing road surface level. The support systems include ground anchors and shoring.

- Tower Crane – To swing or hoist over and across council property (including roadway). This permit is required when tower crane(s) are used inside the work site and will swing, slew or hoist over Council property or asset.
- Public Land Access – To access through or occupy Council land. This permit is required by applicants in order to access over or occupy Council land.
- Temporary Dewatering – To pump out groundwater from the site and discharge into council's drainage system including road gutter. This permit is required when temporary dewatering is required to pump out water from the construction site into Council stormwater drainage system including gutter, pits and pipes. Dewatering management plan and water quality plan are required for this application.
- Road Opening Application - Permit to open road reserve area including roads, footpaths or nature strip for any purpose whatsoever, such as relocation / re-adjustments of utility services. This does not apply to public domain works that are approved through Bayside Council's permit for Driveway Works (Public Domain Construction – Vehicle Entrance / Driveway Application) / Frontage Works (Public Domain Construction – Frontage / Civil Works Application) under section 138 of the Roads Act.

A valid permit/approval to occupy Bayside Council land or road reserve to carry out any works or activities within the public domain must be obtained, and permit conditions complied with, during all stages of demolition and construction. Fines apply if an activity commences without a valid permit being issued. It shall be noted that any works/activities shown within Bayside Council land or road on the DA consent plans are indicative only and no approval of this is given until this condition is satisfied.

### **Prior to issue of occupation certificate or commencement of use**

The following conditions must be complied with prior to issue of the Occupation Certificate or Commencement of Use.

145. An Occupation Certificate shall be obtained in relation to the approved works prior to any use or occupation of the building.
146. Appropriate signage and tactile information indicating accessible facilities shall be provided at the main entrance directory, or wherever directional signage such as lifts or building directories or information is provided to those buildings where access and facilities for people with disabilities has been provided. Such signage shall have regard to the provisions of AS1428.1 and AS1428.2.
147. Tactile differentiation on floor surfaces indicating change of gradient shall be provided to those buildings where access and facilities for people with disabilities has been provided. This includes the external parts of the building, eg. access walkways and ramps. Such differentiation shall have regard to the provisions of AS1428.4.
148. Where Council's park/reserve is damaged as a result of building work or vehicular building traffic, this area shall be restored by Council at the applicant's expense. Repairs shall be completed prior to the issue of the Occupation Certificate.

149. All excess excavated material, demolition material, vegetative matter and builder's rubbish shall be removed to the Waste Disposal Depot or the Regional Tip prior to final inspection.  
Note: Burning on site is prohibited.
150. A by-law shall be registered and maintained for the life of the development, which requires that :
- (a) balconies are not to be used as clothes drying areas, storage of household goods and air-conditioning units that would be visible from the public domain;
  - (b) an owner of a lot must ensure that all floor space within the lot complies with the acoustic conditions for floors specified in this consent;
  - (c) Notwithstanding subclause (b), in the event that a floor covering in the lot is removed, the newly installed floor covering shall have a weighted standardized impact sound pressure level not greater than L'nT,w 45 measured in accordance with AS ISO 140.7 and AS ISO 717.2. A test report from a qualified acoustic engineer employed by a firm eligible to membership of the Association of Australian Acoustical Consultants shall be submitted to the Owners Corporation within 14 days of the installation of the new floor covering demonstrating compliance with that standard. In the event that the standard is not complied with, the floor covering shall be removed and replaced with a floor covering that conforms to that standard in accordance with any directions given by the Owners Corporation.
- Proof of registration of the By Law shall be submitted to Council prior to the issue of the Occupation Certificate.
151. A Landscape Architect shall certify the correct installation and completion of the required herb / vegetable gardens & composting facilities as depicted upon the Level 10 Landscape Plan SS9-4065 102 Issue G dated 12/05/2022 drawn by Site Image. A copy of such certification shall be submitted to Council.
152. Ground level surfaces are to be treated with anti-graffiti coating to minimise the potential of defacement. In addition, any graffiti evident on the exterior facades and visible from a public place shall be removed forthwith.
153. Contaminated Land – Site Validation Report  
A Site Validation Report (SVR) must be prepared by a suitably qualified contaminated land consultant and must be in accordance with:
- a) NSW EPA (2020) 'Consultants reporting on contaminated land';
  - b) NSW Environment Protection Authority (NSW EPA) approved guidelines under the Contaminated Land Management Act 1997; and
  - c) State Environmental Planning Policy (Resilience and Hazards).
- The site validation report must provide a notice of completion of remediation works, whether there are any ongoing site management requirements and a clear statement on the suitability of the likely proposed site use. The report must be submitted to the Principal Certifying Authority, and the Council if the Council is not the Principal Certifying Authority after completion of remediation works and prior to the issue of any construction certificate.
154. Site Audit Statement – Site Suitability  
To ensure that the site is suitable for the proposed use, a Site Audit Statement (SAS) completed by an accredited site auditor under the Contaminated Land Management Act 1997 must be submitted to Council clearly demonstrating that the site is suitable for the proposed development. This must be provided prior to the release of any Occupation Certificate.  
Any conditions imposed on the SAS must form part of this consent. The accredited site auditor must provide Council with a copy of the Site Audit Report (SAR) and Site Audit Statement (SAS) prior to the issuing of any Occupation Certificate. In

circumstances where the SAS conditions (if applicable) are not consistent with the consent (e.g. changes in the design of the building or landscaping), an application to amend the consent pursuant to the Environmental Planning & Assessment Act 1979 must be submitted to ensure that they form part of the consent conditions.

155. Sustainability (Electric Vehicles)

1. Prior to the issue of any Occupation Certificate, all residential car spaces shall be equipped with cable trays, electrical cabinets and conduits sufficient to accommodate the electrical circuitry of any potential future EV charging facility. No cables are permitted to obstruct or impede upon vehicular circulation aisles or the residential car space.
2. Prior to the issue of any Occupation Certificate the required four (4) visitor car parking spaces designated as "EV Equipped" by the conditions of this consent must be fully equipped and operable.

156. **Before the issue of an occupation certificate, the applicant must ensure any public** infrastructure damaged as a result of the carrying out of the building works (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub-contractors, concreting vehicles) is fully repaired to the written satisfaction of Council, and at no cost to Council.

Note: If the Council is not satisfied, the whole or part of the bond submitted will be used to cover the rectification work.

157. When Council receives an Occupation Certificate from the Principal Certifier, the Applicant may lodge an application to release the securities held in accordance with Council's fees and charges for development. Council may use part, or all of the securities held to complete the works to its satisfaction if the works do not meet Council's requirements.

158. Before the issue of an occupation certificate, a registered surveyor must submit documentation to the principal certifier which demonstrates that:

- (a) no existing survey mark(s) have been removed, damaged, destroyed, obliterated or defaced, or
- (b) the applicant has re-established any survey mark(s) that were damaged, destroyed, obliterated or defaced in accordance with the Surveyor General's Direction No. 11 – Preservation of Survey Infrastructure.

159. Waste and recycling must be collected by a private waste contractor within the site. A contract for waste and recycling collection must be entered into prior to issue of the Occupation Certificate and the maximum size of the waste collection vehicle shall be equal to or smaller than a SRV vehicle (as denoted by AS2890.2). The company engaged must ensure that all recycling is collected separately from waste. Council must be advised in writing within seven (7) days of a private contractor being engaged for waste collection services.

160. Post-construction dilapidation report

Before the issue of any occupation certificate, a suitably qualified engineer must prepare a post-construction dilapidation report, to the satisfaction of the principal certifier, detailing whether:

1. after comparing the pre-construction dilapidation report to the post-construction dilapidation report required under this condition, there has been any structural damage to any adjoining buildings; and
2. where there has been structural damage to any adjoining buildings, that it is a result of the building work approved under this development consent.

Before the issue of an occupation certificate, the principal certifier is to provide a copy of the post-construction dilapidation report to Council (where Council is not the principal certifier) and to the relevant adjoining property owner(s).

161. Dilapidation Report – Public Domain

After the completion of all construction and public domain works, a professional engineer specialising in civil, structural, or geotechnical engineering shall prepare a dilapidation report detailing the post-construction condition of Bayside Council's infrastructure adjoining, and within 50m of, the development site. This includes the condition of the road reserve (including footpath, nature strip, landscaping, trees, kerb and gutter, pits, pipes, traffic devices, signs, retaining walls, driveways, and road pavement etc.) and any other adjacent Bayside Council properties.

Photographs are to be in colour, digital, annotated and date stamped. The full name, accreditation, professional registration, and signature of the professional engineer is to be detailed. The report is to be supplied in an electronic format to the Principal Certifier and Bayside Council.

Any damage identified in the dilapidation report must be fully rectified by the applicant or owner at no cost to Bayside Council. Details demonstrating compliance with the requirements of this condition are to be submitted to the satisfaction of Bayside Council's Director of City Futures (or delegate), prior to the issue of the Final Occupation Certificate.

162. 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.

163. Where an electricity substation is required by Ausgrid, a final film survey plan shall be endorsed with an area having the required dimensions as agreed with Ausgrid over the location of the proposed electricity distribution substation site. The substation must be located within the boundary of the development site, or within the building, subject to compliance with the BCA. The substation site shall be dedicated to Council as public roadway, or as otherwise agreed with Ausgrid. Ausgrid's requirements shall be met prior to release of the issue of the Occupation Certificate.

164. Prior to the issue of the Final Occupation Certificate, a qualified practitioner shall undertake a closed-circuit television (CCTV) inspection, and then report on the post construction condition of the stormwater drainage infrastructure fronting the site in Princes Highway. The camera and its operation shall comply with the following:

- (a) The internal surface of the drainage pipe shall be viewed and recorded in a clear and concise manner, and
- (b) The CCTV camera used shall be capable to pan, tilt and turning at right angles to the pipe axis over an entire vertical circle, to view the conduit joints, and
- (c) Distance from the manholes shall be accurately measured, and
- (d) The inspection survey shall be conducted from manhole to manhole.

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

submitted to the Principal Certifier.

165. Prior to the issue of the Occupation Certificate, the following signage shall be erected:

a) Vehicles Enter & Exit in Forward Direction:

All vehicles shall enter and exit the site in a forward direction at all times. A plaque with minimum dimensions 300mm x 200mm shall be permanently fixed to a prominent place near the primary vehicular entrance to the site, approved by the Principal Certifier, stating the following: "All vehicles shall enter and exit the site in a forward direction at all times".

The owners shall preserve the plaque(s) in a good condition and keep it visible.

166. Prior to completion of the building works, a full width vehicular entry is to be constructed to service the property. Any obsolete vehicular entries are to be removed and reconstructed with kerb and gutter. This work may be done using either a Council quote or a private contractor. There are specific requirements for approval of private contractors.

167. Prior to the issue of the final Occupation Certificate, at least 52 bicycle parking spaces are to be provided within the basement car parking levels designed as per Australian Standards.

168. Landscape Completion / Certification

Prior to issue of any Occupation Certificate, the following must be complied with:

1. All landscape works are to be carried out in accordance with the approved Construction Certificate landscape plans for the approved development. The landscaping is to be maintained to the approved standard at all times.
2. A Landscape Architect shall provide a report to the certifying authority (with a copy provided to Council, if Council is not the principal certifier) stating that the landscape works have been carried out in accordance with the approved plans and documentation.
3. Prior to the issue of an **Occupation Certificate**, a maintenance plan is to be submitted and approved by the Principal Certifying Authority. A copy of the maintenance plan is to be kept on site at all times during construction and shall be produced to Council on request following completion.

The **Maintenance Manual** shall include as a minimum:

- a) A 12 months Landscape Maintenance Schedule to provide a guide to the landowner or occupier on how to best maintain the constructed landscaped areas; and include the following information: shrub pruning/trimming (frequency, plant requirements); Fertilising and pest control (soil testing, types, rate, frequency); Mulching, weeding and soil improvement (frequency, materials); Irrigation (checks, adjustments); maintenance of plants (fertilising, mulching, tree stakes adjustments, special plants requirements, alternative plants replacements if required); Maintenance of hard landscape elements (planters, waterproofing, irrigation, paving, edges, pergolas, seats, and any specialised maintenance requirements);
- b) Frequency and methodology of different maintenance requirements including the removal of green waste; irrigation system tests, waterproofing inspections.
- c) Details of safety procedures;
- d) Laminated copies of 'As Built' Landscape drawings;
- e) Manufacturer's contact details and copies of manufacturers' typical details and

specification;

f) Copies of warranties and guarantees relating to all materials and plant used in construction.

169. The gate for the basement shall be located in order to permit the queuing of two (2) vehicles when waiting to enter the basement garage. The control mechanism for the gate shall be arranged such that access to the basement garage for registered proprietors of the commercial units, and their visitors, does not require security clearance or assisted entrance between the hours of 7:30am to 6:00pm Monday to Saturday and 7:30am to 1:00pm on Sunday. Where the hours of operation of the commercial units are approved outside of these hours, the access arrangements shall match the approved hours of operation.
170. Prior to the issue of any Occupation Certificate, the section of land along Lister Avenue and Princes Highway, being 88sq/m in area, adjoining the northern property boundary as depicted within the draft Subdivision Plan of Lot 21 DP 1220749 prepared by Surveyor David C Jackson, Ref: 3085DDP, dated 21/07/2021 shall be dedicated at no cost to Bayside Council.

This land shall be dedicated, at no cost to Council, as road widening on a plan of subdivision prepared by a Registered Surveyor and submitted to Bayside Council with an application for a Subdivision Certificate.

Bayside Council requires proof of lodgement and registration of the signed Subdivision Certificate with NSW Land Registry Services prior to issue of any Occupation Certificate. A written acknowledgment shall be obtained from Bayside Council (attesting to this condition being appropriately satisfied) and submitted to the Principal Certifier.

171. Suitable vehicular bollards shall be provided outside the exit doors that adjoin the vehicle circulation area, or other exit door(s) that may be blocked by parked vehicles within the basement of the development.
172. Prior to the issue of the Occupation Certificate, the applicant shall prepare a detailed loading and servicing management plan for the development which includes, but shall not be limited to, operation hours, use of off-peak deliveries, methods to avoid congestion of service vehicles, off-street waste collection by private waste contractor using SRV vehicle, booking system, how the vicinity will be shared and general mitigation measures to prevent amenity impacts to neighbouring properties. The plan shall be prepared by a suitably qualified professional and submitted to the Principal Certifier. The management plan is to be implemented for the lifetime of the development.
173. Ten (10) off-street car spaces shall be provided in accordance with the submitted plans. Such spaces shall be paved, linemarked and made freely available at all times during business hours of the site for staff and visitors.
174. All off-street car spaces shall be provided in accordance with the submitted plan and shall be sealed and linemarked to Council's satisfaction. The pavement of all car parking spaces, manoeuvring areas and internal driveways shall comply with Australian Standard AS3727 – Guide to Residential Pavements.
175. Prior to the issue of the Final Occupation Certificate, a Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water.

It is recommended that applicants apply early for the certificate, as there may be

water and sewer pipes to be built and this can take some time. This can also impact on other services and building, driveway or landscape design.

Application must be made through an authorised Water Servicing Coordinator. For help either visit [www.sydneywater.com.au](http://www.sydneywater.com.au) > Plumbing, building and developing > Developing > Land development or telephone 13 20 92.

176. Prior to occupation, a registered surveyor shall certify that the driveway(s) over the footpath and within the property have been constructed in accordance with the approved driveway profile(s). The certification shall be based on a survey of the completed works. A copy of the certificate and a works-as-executed driveway profile shall be provided to Council if Council is not the Principal Certifying Authority.
177. Where the installation of electricity conduits is required in the footway, the builder shall install the conduits within the footway across the frontage/s of the development site, to Ausgrid's specifications. Ausgrid will supply the conduits at no charge. A Road Opening Permit must be obtained from Council prior to the installation of the conduits. The builder is responsible for compaction of the trench and restoration of the footway in accordance with Council direction. A Compliance Certificate from Ausgrid shall be obtained prior to the issue of the Occupation Certificate.
178. An appropriately qualified Noise Consultant is to certify that Australian Standard 2021- 2000 Acoustic - Aircraft Noise Intrusion has been met before an occupation certificate will be issued.
179. Prior to the issue of the final Occupation Certificate, the photovoltaic cells systems as required by this consent are to be installed onto the upper rooftop of the development and operational. This shall be certified in writing, with a copy submitted to Council concurrently.
180. The noise reduction measures specified in the Noise Impact Assessment and Construction Noise & Vibration Management Plan – Ref: R150533R2 Revision 5 dated the 14 February 2022 shall be validated by a Certificate of Compliance prepared by the acoustic consultant and submitted to the Principal Certifying Authority (PCA) prior to the issue of an Occupation Certificate. If Council is not the PCA, a copy shall be submitted to Council concurrently.
181. On completion of the building, a suitably qualified Consultant is to certify that The Environmental Criteria for Road Traffic Noise, May 1999 standard has been met or, where this standard would not practically or reasonably be met, the internal noise objectives of the Building Code of Australia have been met before an occupation certificate will be issued.
182. A certificate is to be provided to Council that all wet areas have been effectively waterproofed (prior to tiling) in accordance with AS3740 and the product manufacturer's recommendations.
183. A Landscape Architect shall provide a report to the certifying authority (with a copy provided to Council, if Council is not the principal certifying authority) stating that the landscape works have been carried out in accordance with the approved plans and documentation.
184. Air conditioning and mechanical ventilation systems shall be certified by a suitably qualified and experienced engineer at the completion of installation prior to the issue of an Occupation Certificate.
185. Before the issue of the relevant occupation certificate, the principal certifier must ensure any adjustment or augmentation of any public utility services including gas, water, sewer, electricity, street lighting and telecommunications, required as a result of the development, is completed to the satisfaction of the relevant authority.



Before the issue of the occupation certificate, the certifier must request written confirmation from the relevant authority that the relevant services have been completed.

186. Before the issue of the relevant occupation certificate, the applicant must submit, to the satisfaction of the principal certifier, works-as-executed plans, any compliance certificates and any other evidence confirming the following completed works:

a) All stormwater drainage systems and storage systems.

The Principal Certifier must provide a copy of the plans to Council with the occupation certificate.

187. Certification of New Stormwater System

Prior to the issue of any Occupation Certificate, a Civil Engineer registered with the National Engineering Register (NER) must certify that the stormwater system has been constructed in accordance with the approved plans and as required by Rockdale Technical Specification Stormwater Management. The constructed stormwater drainage system shall be inspected, evaluated, and certified. The certification shall demonstrate compliance with the approved plans, relevant Australian Standards, Codes and Council Specifications. A works-as-executed (WAE) drainage plan shall be prepared by a registered surveyor based on a survey of the completed works. The WAE plan must clearly illustrate the surveyed dimensions and details of all drainage aspects. The certification and WAE plan(s) shall be supplied to the Principal Certifier and Bayside Council.

188. Certification of Tanking and Waterproofing

Prior to the issue of any Occupation Certificate, an Engineer registered with the National Engineering Register (NER) shall certify that the tanking and waterproofing of all subsurface structures has been constructed in accordance with the approved design and specification. The certification is to include an inspection and evaluation of the works.

189. Prior to issue of Occupation Certificate the applicant shall submit to the Principal Certifying Authority (PCA) an acoustic compliance report to verify that the measures stated in the "Noise Impact Assessment and Construction Noise & Vibration Management Plan – proposed Residential Development 588-592 Princes Highway Rockdale Report R150533R2 Revision 5 dated the 14 February 2022" and all other noise mitigation measures associated with the mechanical plants (ventilation systems, exhaust fans, ventilation fans building baseline system and condenser units) and equipment including air-conditioners have been carried out and certify that the construction meets the above requirements. If Council is not the PCA, a copy shall be submitted to Council concurrently. The report shall be prepared by a suitably qualified and experienced acoustic engineer (who is a member of either the Australian Acoustical Society or the Association of Australian Acoustical Consultants).

190. Undergrounding of Overhead Services and Installation of Lighting

Prior to the issue of the Final Occupation Certificate, all overhead cables, including electricity and telecommunication cables, along the entire length of all frontages of the development site must be relocated underground to the satisfaction of Bayside Council. The Ausgrid lighting and power poles will need to be decommissioned and new underground supplied lighting columns shall be constructed (where necessary) satisfying the applicable lighting requirements.

All works shall be carried out at the applicant's expense, to the satisfaction of the asset owner and Bayside Council. If further works are required beyond the frontages of the development site (e.g., across a road) to support the required works, these works must also be carried out at no cost or expense to Bayside Council. Bayside Council's Director of City Futures (or delegate) must advise in writing that the works have been completed to their satisfaction, prior to the issue of the Final Occupation Certificate.

191. Roads Act / Public Domain Works - Major Development Frontage Works

Prior to the issue of any Occupation Certificate, the applicant shall carry out the following works as specified by Bayside Council in accordance with Bayside Council's Engineer, Landscape Architect, Public Domain Masterplans, and Infrastructure Specifications:

- (a) Construction of a new full width paved footpath and planting of required street trees/landscaping along all frontages of the development site.
- (b) Construction of vehicular entrance/s designed to accommodate the largest vehicle entering the site.
- (c) Construction of new kerb and gutter along the frontage of the development site (where necessary)
- (d) Reconstruction of existing damaged kerb and gutter along the frontage of the development site.
- (e) Removal of the existing concrete vehicular entrance/s, kerb laybacks and other damaged/redundant public domain improvements which will no longer be required.
- (f) Reconstruction of selected areas of the existing footpath, vehicular entrances, road, kerb, and gutter as required.
- (g) On Lister Avenue, adjacent to development, construct new asphalt sheeting of half road width (including reconstruction of any damaged road pavement if necessary) in accordance with Bayside Council's Infrastructure specifications.
- (h) Reinstate any lost or missing regulatory parking signage along the entire frontage of the site (where necessary) and erect the TfNSW required signage.

The public footpaths shall be constructed in accordance with the approved Public Domain Plan and Bayside Council specifications. The footpath dimensions, location, pavement type and construction methods shall be in accordance with these specifications. If pavers are necessary, they shall be ordered allowing for adequate lead time for manufacture (10-12 weeks).

All works within the road reserve, which are subject to approval pursuant to Section 138 of the Roads Act 1993, shall be completed to the satisfaction of Bayside Council at the applicant's expense. A report shall be submitted in accordance with Bayside Council's Contributed Asset Procedure for all constructed assets in the ownership of Bayside Council. Works-As-Executed plans prepared by a registered surveyor and engineering certification shall be submitted.

Final inspection reports for the works on the road reserve shall be obtained from Bayside Council's authorised officer and submitted to the Principal Certifier attesting

that this condition has been satisfied prior to the issue of any Occupation Certificate.

192. Prior to the issue of the Occupation Certificate, a Positive Covenant(s) pursuant to the Conveyancing Act 1919 are to be created on the title of the lots on which the following systems are present:

(a) On-Site Detention System

The terms of the instruments to be in favour of Bayside Council and are to be submitted to Bayside Council for review and approval. An application must be lodged with, and approved by, Bayside Council prior to issue of the Occupation Certificate. Bayside Council must be provided with the relevant fees and all supporting information required (such as works-as-executed drainage plans and certification) prior to Bayside Council endorsing the Instrument. Council requires proof of lodgement of the signed documents with the NSW Land Registry Services prior to the issue of the Occupation Certificate.

193. The drainage system shall be constructed in accordance with the approved drainage plans and any amendments in red. All stormwater drainage plumbing work shall comply with the NSW Code of Practice: Plumbing and Drainage and Australian Standard AS3500.

Drainage grates shall be provided at the boundary. Width of the drainage grates shall be in accordance with Rockdale Technical Specification Stormwater Management.

A silt/litter arrestor pit as detailed in Rockdale Technical Specification Stormwater Management shall be provided prior to discharge of stormwater from the site.

194. Geotechnical Certification

Prior to the issue of any Occupation Certificate, a Geotechnical Engineer shall certify that the construction works have been constructed in accordance with the approved construction geotechnical report/recommendations and include an evaluation of the completed works.

195. Parking Facility Certification

Prior to the issue of the Occupation Certificate, a Civil Engineer registered with the National Engineering Register (NER) shall certify that the vehicular access and off-street parking facilities have been constructed & line marked in accordance with the approved construction plans and the applicable Australian Standards (i.e., AS/NZS 2890.1, AS2890.2, AS2890.3, AS/NZS 2890.6, AS 1742). The car parking area is to be clearly and appropriately line marked/signposted indicating all vehicular movements on the site. All parking spaces must be clearly designated as to their use in accordance with this development consent.

Furthermore, the below shall be certified as being implemented within the completed development:

- Wheel stops shall be installed in all car parking spaces adjoining high obstructions in accordance with AS/NZS 2890.1.
- Bollards shall be erected for all accessible parking spaces in accordance with AS/NZS 2890.6.
- Large convex mirrors are to be installed at all corners/bends throughout the parking facility to provide increased sight distance for vehicles.

The certification must be submitted to the Principal Certifier.

196. Prior to the issue of any Occupation Certificate, a registered plumber shall certify that the rainwater tank has been connected to all level 00 toilet flushing, the car wash bays and landscape irrigation for non-potable stormwater re-use.
197. Signs shall be displayed adjacent to all stormwater drains on the premises, clearly indicating "Clean water only - No waste".
198. The owner of the premises is required to comply with the following requirements when installing a rainwater tank:
  - Inform Sydney Water that a Rainwater tank has been installed in accordance with applicable requirements of Sydney Water.
  - The overflow from the rainwater tank shall be directed to the storm water system.
  - All plumbing work proposed for the installation and reuse of rainwater shall comply with the NSW Code of Practice: Plumbing and Drainage and be installed in accordance with Sydney Water "Guidelines for rainwater tanks on residential properties.
  - A first flush device shall be installed to reduce the amount of dust, bird faeces, leaves and other matter entering the rainwater tank.
199. 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*.
200. The electric vehicle (EV) charging systems, including all associated electrical and control systems, shall be tested, and inspected by a suitably qualified and experienced person. A certificate shall be provided certifying the installation and operation of the EV charging systems prior to the issue of the final Occupation Certificate.

### **Prior to issue of subdivision certificate**

The following conditions must be complied with prior to the issue of the Subdivision Certificate or the Strata Certificate.

201. The dedication to Council of 88sq/m of the site adjoining the northern property boundary as depicted within the draft Subdivision Plan of Lot 21 DP 1220749 prepared by Surveyor David C Jackson, Ref: 3085DDP, dated 21/07/2021 for road widening purposes. These provisions are to be put into effect prior to release of the Subdivision Certificate.
202. A Subdivision Certificate and four (4) copies of the plans for the endorsement of the General Manager shall be submitted to Council prior to lodgment with the Land and Property Information office. If applicable, an original and four (4) copies of the 88B Instrument are to be submitted.
203. The endorsed subdivision certificate shall not be released until completion of the development and the issue of the Final Occupation Certificate.
204. The submission and approval of a subdivision certificate application. In this regard, a fee is payable in accordance with Council's current adopted Fees and Charges.

205. All existing and proposed services on the property shall be shown on a plan, and shall be submitted to Council. This includes electricity, gas, water, sewer, stormwater and telephone services. Where any service crosses one lot but benefits another lot, it is to be covered by an easement. The service easement is to be covered by a Section 88B Instrument, which may only be varied or extinguished with the consent of Bayside Council. These provisions are to be put into effect prior to the release of the Subdivision/Strata Certificate.
206. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation.

An application must be made through an authorised Water Servicing Coordinator. Please refer to the Building Developing and Plumbing section of the website [www.sydneywater.com.au](http://www.sydneywater.com.au) then refer to "Water Servicing Coordinator" under "Developing Your Land" or telephone 13 20 92 for assistance.

Following application, a "Notice of Requirements" will advise of water and sewer infrastructure to be built and charges to be paid. Please make early contact with the Coordinator, since building of water/sewer infrastructure can be time consuming and may impact on other services and building, driveway or landscape design. The Section 73 Certificate must be submitted to the Principal Certifier prior to the release of the Subdivision/Strata Certificate.

## **Integrated development/external authorities**

The following conditions have been imposed in accordance with Section 91A of the Environmental Planning and Assessment Act, 1979.

207. Telstra
1. Telstra requests the developer to undertake dial before dig 1100 utility search and contact 1800 810 443 or [NetworkIntegrity@team.telstra.com](mailto:NetworkIntegrity@team.telstra.com) to discuss footpath impacts.
  2. Telstra request Bayside council not to accept the gifted footpath without an email or letter confirmation from Telstra that the network has been properly protected or altered to suit the new footpaths.
  3. Telstra requests the developer to undertake dial before dig 1100 utility search and contact 1800 810 443 or [NetworkIntegrity@team.telstra.com](mailto:NetworkIntegrity@team.telstra.com) to discuss footpath impacts.
  4. Road widening shall not be finalised without written confirmation from Telstra that the telecommunications network has been properly protected or altered to suit any new footpath.
208. Sydney Airport Corporation Limited (SACL)
1. SACL has approved the maximum height of the proposed building 53.1m relative to Australian Height Datum (AHD).
  2. The building must not exceed a maximum height of 53.1m AHD, this includes all lift overruns, vents, chimneys, aerials, antennae, lightning rods and any roof top garden plantings etc. No permanent or temporary structure is to exceed this height without further approval from Sydney Airport Corporation Limited.  
**Note:** Under Section 186 of the Airports Act 1996, it is an offence not to give information to the Airport Operator that is relevant to a proposed "controlled activity" and is punishable by a fine of up to 50 penalty units. For further information on Height Restrictions please contact SACL on 9667 9246.
  3. Separate approval must be sought under the Regulations for any equipment

- (i.e. cranes) required to construct the building. 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) be obtained prior to any commitment to construct.
4. The Proponent must advise Airservices Australia at least three (3) business days prior to the controlled activity commencing by emailing ([ifp@airservicesaustralia.com](mailto:ifp@airservicesaustralia.com)) and quoting YSSY-CA-388.
  5. On completion of construction of the building, the Proponent must provide the airfield design manager with a written report from a certified surveyor on the finished height of the building.

209. RMS

1. All buildings and structures, together with any improvements integral to the future use of the site are to be wholly within the freehold property (unlimited height or depth), along the Princes Highway boundary.
2. The stormwater connection and associated works on Princes Highway shall be in accordance with TfNSW requirements. Any Traffic Control Signal (TCS) modifications at the intersection of Princess Highway/Lister Avenue as part of the road widening (including the replacement kerb, drainage and utilities) shall be designed to meet TfNSW requirements. The TCS plans shall be drawn by a suitably qualified person and endorsed by a suitably qualified practitioner. Details of these requirements should be obtained by email to [developerworks.sydney@transport.nsw.gov.au](mailto:developerworks.sydney@transport.nsw.gov.au). Detailed design plans of the proposed works are to be submitted to TfNSW for approval prior to the issue of a Construction Certificate and commencement of any road works. Please send all documentation to [development.sydney@transport.nsw.gov.au](mailto:development.sydney@transport.nsw.gov.au). A plan checking fee and lodgement of a performance bond is required from the applicant prior to the release of the approved road design plans by TfNSW.
3. The developer is to submit design drawings and documents relating to the excavation of the site and support structures to TfNSW 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 by TfNSW. Please send all documentation to [development.sydney@transport.nsw.gov.au](mailto:development.sydney@transport.nsw.gov.au). If it is necessary to excavate below the level of the base of the footings of the adjoining roadways, the person acting on the consent shall ensure that the owner/s of the roadway is/are given at least seven (7) day notice of the intention to excavate below the base of the footings. The notice is to include complete details of the work.
4. All vehicles shall enter and exit the site in a forward direction.
5. The layout of the proposed car parking areas associated with the subject development (including, driveways, grades, turn paths, sight distance requirements in relation to landscaping and/or fencing, aisle widths, aisle lengths, and parking bay dimensions) should be in accordance with AS 2890.1-2004, AS2890.6-2009 and AS 2890.2-2018. Parking Restrictions may be required to maintain the required sight distances at the driveway.
6. Detailed design plans and hydraulic calculations of any changes to the stormwater drainage system are to be submitted to TfNSW for approval, prior to the commencement of any works. Please send all documentation to [development.sydney@transport.nsw.gov.au](mailto:development.sydney@transport.nsw.gov.au). A plan checking fee will be payable and a performance bond may be required before TfNSW approval is issued.
7. Bicycle Parking should be provided in accordance with AS2890.3.

8. The developer shall be responsible for all public utility adjustment/relocation works, necessitated by the above work and as required by the various public utility authorities and/or their agents.
9. 'No Stopping signage' shall be installed along all frontages of the development, at no cost to TfNSW.
10. All demolition and construction vehicles are to be contained wholly within the site and vehicles must enter the site before stopping.
11. A Road Occupancy Licence (ROL) should be obtained from Transport Management Centre for any works that may impact on traffic flows on Princes Highway during construction activities. A ROL can be obtained through <https://myrta.com/oplinc2/pages/security/oplincLogin.jsf>

210. Augrid

Design submissions must comply with relevant Ausgrid Network Standards and Safe Work NSW Codes of Practice for construction works near existing electrical assets. The "as constructed" minimum clearances to Ausgrid's infrastructure must not be encroached by the building development. It also remains the responsibility of the developer and relevant contractors to verify and maintain these clearances onsite. Ausgrid's Network Standards can be sourced from Ausgrid's website, [www.ausgrid.com.au](http://www.ausgrid.com.au)

## Development consent advice

- a. Some forms of signage require separate development consent. Please refer to relevant planning policies for more information.
- b. A street/shop number shall be prominently displayed at the front of the development. The street number shall be a minimum of 120 mm in height to assist emergency services and visitors to locate the property. The numbering shall be erected prior to commencement of operations.
- c. You are advised to consult with your utility providers (i.e. Energy Aust, Telstra etc) in order to fully understand their requirements before commencement of any work.
- d. *Dial Before You Dig*

Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets, please contact Dial before You Dig at [www.1100.com.au](http://www.1100.com.au) or telephone on 1100 before excavating or erecting structures (This is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial before You Dig service in advance of any construction or planning activities.

- e. *Telstra Advice - Telecommunications Act 1997 (Commonwealth)*

Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra's network and assets. Any person interfering with a facility or installation owned by Telstra is committing an offence under the Criminal Code Act 1995 (Commonwealth) and is liable for prosecution. Furthermore, damage to Telstra's infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may

affect or impact on Telstra's assets in any way, you are required to contact: Telstra's Network Integrity Team on phone number 1800810443.

- f. If Council is appointed as the Principal Certifying Authority (PCA), a fee shall be paid before a Construction Certificate is issued. If the fee is paid after the end of the financial year, it will be adjusted in accordance with Council's adopted fees and charges. The fees charged encompass all matters related to ensuring that the proposed development is carried out in accordance with the approved plans and any post inspection issues that may arise.
- g. In order for the final Subdivision Certificate to be signed and released by Council, the following must occur:
  - i) all of the above conditions of consent must be complied with;
  - ii) a Section 73 certificate from Sydney Water must be supplied.
  - iii) a Section 88B Instrument which contains a positive covenant written in accordance with Council's standard wording for OSD systems must be submitted. The 88B Instrument should also provide a space for Council's authorized person to sign on each page;
  - iv) If Council is the PCA, Council's Building Surveyor, Engineer and Landscape Officer must conduct satisfactory final inspections of the development, or if a Private Certifier is the PCA, Council must receive a copy of the final Occupation Certificate including a note that the landscaping and drainage works have been completed in accordance with the approved plans.
- h. Where Council is not engaged as the Principal Certifying Authority for the issue of the Subdivision Certificate (Strata), and the Section 88B Instrument contains easements and/or covenants to which Council is a Prescribed Authority, the Council must be provided with all relevant supporting information (such as works-as-executed drainage plans and certification) prior to Council endorsing the Instrument.
- i. All asbestos fibre demolition material and asbestos dust shall be handled, stored and removed in accordance with the relevant legislation and guidelines including:
  - Work Health and Safety Act 2011
  - Work Health and Safety Regulation 2011
  - Code of Practice for the Safe Removal of Asbestos [NOHSC: 2002 (2005)]
  - Code of Practice for the Management and Control of Asbestos in Workplaces [NOHSC: 2018 (2005)]
  - Protection of the Environment Operations (Waste) Regulation 2005

All work procedures shall be devised to minimise the release of dust and fibres. A checklist of safety precautions when working with asbestos is available in Health & Safety Guidelines prepared by the WorkCover Authority of NSW. Collection, storage and transportation is subject to the Protection of the Environment Operations (Waste) Regulation 2005.

- j. Hazardous and/or intractable wastes arising from the demolition process shall be removed and disposed of in accordance with the requirements of the relevant statutory authorities (NSW WorkCover Authority and the NSW Environment Protection Authority), together with the relevant regulations, including:
  - Work Health and Safety Act 2011
  - Work Health and Safety Regulation 2011
  - Protection of the Environment Operations (Waste) Regulation 2005.



- k. Demolition and construction shall minimise the emission of excessive noise and prevent “offensive noise” as defined in the Protection of the Environment Operations Act 1997. Noise reduction measures shall include, but are not limited to the following strategies:
- choosing quiet equipment
  - choosing alternatives to noisy activities
  - relocating noise sources away from affected neighbours
  - educating staff and contractors about quiet work practices
  - informing neighbours of potentially noise activities in advance
  - equipment, such as de-watering pumps, that are needed to operate on any evening or night between the hours of 8 p.m. and 7 a.m. or on any Sunday or Public Holiday, shall not cause a noise nuisance to neighbours of adjoining or nearby residences. Where the emitted noise exceeds 5 dB(A) [LAeq(15m)] above the background sound level [LA90] at the most affected point on the nearest residential boundary at any time previously stated, the equipment shall be acoustically insulated, isolated or otherwise enclosed so as to achieve the sound level objective.
- l. The water from the rainwater tank should not be used for drinking, Sydney Water shall be advised of the installation of the rainwater tank.
- m. The removal, cleaning and disposal of lead-based paint shall conform with the requirements of the NSW Environment Protection Authority’s guideline - "Lead Alert - Painting Your Home".
- n. All site works shall comply with the occupational health and safety requirements of the NSW WorkCover Authority.
- o. In the event of any inconsistency between conditions of this approval and the drawings/documents referred to in condition 2, the conditions of this approval prevail.

## **Additional Information**

- To confirm the date upon which this consent becomes effective, refer to Section 4.20 of the *Environmental Planning and Assessment Act, 1979*. Generally the consent becomes effective from the determination date shown on the front of this notice. However if unsure applicants should rely on their own enquiries.
- To confirm the likelihood of consent lapsing, refer to Section 4.53 of the Act. Generally consent lapses if the development is not commenced within five (5) years of the date of approval. However if a lesser period is stated in the conditions of consent, the lesser period applies. If unsure applicants should rely on their own enquiries.
- Under Division 8.3 of the Act, applicants who are dissatisfied with the outcome of a consent authority have a right of appeal to the Land and Environment Court. This right must be exercised within the timeframe specified by Clause 8.10(1) of the Environmental Planning and Assessment Act 1979, from the date of this notice. The Court's Office is situated at Level 1, 225 Macquarie Street, Sydney (Telephone 9228 8388), and the appropriate form of appeal is available from the Clerk of your Local Court.

Should you have any further queries please contact Fiona Prodromou on 9562 1666

**Luis Melim**  
**Manager - Development Services**