

28 October 2021

Our Ref: DA-2021/1

Contact: Fiona Prodromou 9562 1672

Karimbla Construction Services (NSW) Pty Ltd
Level 11 528 Kent Street
SYDNEY NSW 2000

NOTICE OF DETERMINATION

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

Application No:	DA-2021/1
Property:	128 Bunnerong Road, EASTGARDENS NSW 2036 (Lot 100 DP1250842)
Proposal:	BATA Stage II - Lot E - Construction of a mixed use development comprising two residential flat buildings of up to 16 and 17 storeys in height containing 322 residential units, communal recreational facilities, ground floor residential and retail, publicly accessible through site pedestrian link; construction and embellishment of two private roads and future public park.
Authority:	Sydney Eastern City Planning Panel
Determination	Approved
Date of determination:	28 October 2021
Date consent commences:	28 October 2021
Date consent lapses:	28 October 2026

THE ABOVE DEVELOPMENT IS APPROVED SUBJECT TO THE FOLLOWING CONDITIONS:

GENERAL CONDITIONS

1. This consent lapses five (5) years from the date of that it operates, unless physically commenced under section 4.53 of the Environmental Planning and Assessment Act 1979.
2. The development is to be carried in accordance with the following plans and documentation listed below and endorsed with Council's stamp, except where amended by other conditions of this consent.

Postal address

PO Box 21, Rockdale NSW 2216
ABN 80 690 785 443

Bayside Customer Service Centres

Rockdale Library, 444-446 Princes Highway, Rockdale
Westfield Eastgardens, 152 Bunnerong Road, Eastgardens

E council@bayside.nsw.gov.au
W www.bayside.nsw.gov.au
T **1300 581 299 | 02 9562 1666**

Telephone Interpreter Services: 131 450

Τηλεφωνικές Υπηρεσίες Διερμηνέων بخدمة الترجمة الهاتفية 電話傳譯服務處 Служба за преведување по телефон

Document	Author	Dated
Architectural Plans		
Context Plan DA-0101 Rev 37	SJB Architects	26/08/2021
Basement Level 3 DA-0207 Rev 37		
Basement Level 2 DA-0208 Rev 37		
Basement Level 1 DA-0209 Rev 37		
Ground Floor Plan DA-0210 Rev 37		
Level 1 Floor Plan DA-0211 Rev 37		
Level 2 Floor Plan DA-0212 Rev 37		
Levels 3-5 / 7 / 9-13 Floor Plans DA-0217 Rev 37		
Level 6 Floor Plan DA-0216 Rev 37		
Level 8 Floor Plan DA-0218 Rev 37		
Level 14 Floor Plan DA-0224 Rev 37		
Level 15 Floor Plan DA-0225 Rev 37		
Level 16 Floor Plan DA-0226 Rev 37		
Level 17 Roof Plan DA-0227 Rev 37		
Level 18 Plant Roof DA-0228 Rev 37		
Elevation North DA-0501 Rev 37		
Elevation East DA-0502 Rev 37		
Elevation South DA-0503 Rev 37		
Elevation West DA-0504 Rev 37		
External Materials / Finishes DA-0510 Rev 37		
Section Sheet 1 DA-0601 Rev 37		
Section Sheet 2 DA-0602 Rev 37		
Section Sheet 3 DA-0603 Rev 38		
Façade Detail DA-0710 Rev 37		
Façade Detail 2 DA-0711 Rev 37		
Adaptable Apartment Types DA-1401 Rev 38		
Landscape Plans / Details (Development)		
Lot E – Landscape DA Report Rev 1	Scott Carver Pty Ltd	1 September 2021
Landscape Plans / Details (Community Park)		
Cover Sheet Rev 1 LD-DA-2000	Scott Carver Pty Ltd	1 September 2021
General Arrangement Plan Rev 1 LD-DA2100		
Detail Plan 1 Rev 1 LD-DA-2101		
Detail Plan 2 Rev 1 LD-DA2102		
Landscape Section Rev 1 LD-DA2200		
Landscape Section Rev 1 LD-DA2201		
Planting Schedule Rev 1 LD-DA-2300		
Planting Plan 1 Rev 1 LD-DA2301		
Planting Plan 2 Rev 1 LD-DA2302		
Typical Details – Hardworks Rev 1 LD-DA2500		
Typical Details – Walls & Edges Rev 1 LD-DA2510		
Typical Details – Softworks Rev 1		

LD-DA2550		
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Reference Drawings/Documents	Author	Dated/Received
Traffic and Parking Statement Our Ref: 20458	Ttp Transport Planning	Dated - 30 August 2021 Received - 31 August 2021
Civil DA Report no: 13-155-1400 Revision: 01	AT&L	Dated – 09/08/2021 Received – 30/08/2021
Lot E – Qualitative Environmental Wind Assessment SLR Ref: 610.13932-R24 Version: -v2.0	SLR Consulting	Dated - August 2021 Received - 31 August 2021
ESD Report Issue C 21-2191	Efficient Living	Dated – 10 August 2021 Received - 30 August 2021
GFA Schedule	Meriton	Dated – 27 August 2021 Received - 30 August 2021
Vapour Intrusion Mitigation and PFAS 85009.03.R.017.Rev0	Douglas Partners	Dated - 8 December 2020 Received – 12 January 2021
Remediation Action Plan Project 85009.03 Rev 0	Douglas Partners	Dated – 3 November 2020 Received – 12 January 2021
Detailed Site Investigation Report Project 85009.03.R.002. Rev0	Douglas Partners	Dated – 11 September 2020 Received – 12 January 2021
Summary of Geotechnical Conditions 85009.02.R.002. Rev 1	Douglas Partners	Dated – 14 October 2019 Received – 12 January 2021
Flood Report Ref: 120066 Lot E – Site Flood Assessment	WMA Water	Dated – 23 December 2020 Received – 12 January 2021
Construction Management Plan	Karimbla Constructions Services (NSW) Pty Limited	Dated – 18 December 2020 Received – 12 January 2021
CPTED Assessment	APP Corporation Pty Ltd	Dated – December 2020 Received – 12 January 2021
Acoustic Report 20201282.1/0412A/R0/RF	Acoustic Logic	Dated – 4 December 2020 Received – 12 January 2021
Accessibility Design Review Report	ABE Consulting	Dated – 21 December 2020 Received – 12 January 2021

3. No construction works (including excavation) shall be undertaken prior to the issue of a Construction Certificate.
4. This Consent relates to land in Lot 100 DP 1250842 and, as such, building works must not encroach on to adjoining lands or the adjoining public place.
5. All costs associated with these development conditions shall be borne by the applicant.

6. Planning Agreement
 - a) This consent must be read in conjunction with any executed Planning Agreement entered into by Karimbla Properties Pty Ltd and Bayside Council for the subject site.
 - b) This consent shall operate in tandem with any Planning Agreement executed for the subject site.
7. Lapsing of Consent
Approval of the Concept Plan shall lapse 5 years after the determination date shown, unless a development application is submitted to carry out a project or development for which concept approval has been given.
8. Inconsistencies
In the event of any inconsistency between conditions identified in this document and drawings/documents referred to above, the conditions of this consent shall prevail.
9. Public Art / Wayfinding Signage
No consent is expressed nor implied for the construction or erection of any wayfinding signage and/or public art within Lot E of the subject site. All wayfinding signage and/or public art is subject to the lodgement and approval of a future development application as required by Conditions 33 & 34 of DA-2019/386.
10. Construction Phase Commitments
Pedestrian access through the subject site to and from the village heart, so much as is safe and feasible, shall be maintained for public access during construction stages, in order to allow future users to avoid circuitous paths or back tracking.
11. Staging and Timing of Works / Delivery of Public Open Space
The redevelopment of the subject site, including construction, embellishment and land dedication of the future community park (open space 4) is to be completed to the satisfaction of Bayside Council prior to the issue of any Occupation Certificate for the final building.
12. All new building work must be carried out in accordance with the provisions of the Building Code of Australia (BCA).
13. Materials / Finishes
The treatments, materials, colours 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 (except as required by a conditions of this consent) without a modification of this consent under the EP&A Act.

Any modifications require further submission and approval by the Director City Futures (or delegate) or a modification of this consent.

Materials listed in the architectural plans or in (or under) any condition this development consent may be substituted for similar consistent products in the event a manufacturer no longer supplies the materials, or the material does not meet structural engineering and façade requirements, subject to the approval by the Director City Futures (or delegate).

14. **A Construction Certificate must be obtained from Council or an Accredited Certifier prior to the erection of the building commencing.**
15. **BASIX**
The development must be implemented and all BASIX commitments thereafter maintained in accordance with BASIX Certificate Number 1163038M_04. other than superseded by any further amended consent and BASIX certificate.
- Note:** Clause 145(1)(a) 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: -
- (a) 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>.
16. 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.*
17. Balconies, pergolas or car parking spaces on site, shall not be enclosed at any future time without prior development consent.
18. Mail boxes must be installed in accordance with Australia Post requirements.
19. 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.
20. **Parking Allocation**

Parking spaces shall be allocated to residential apartments / non-residential units in the development in the following manner and this shall be reflected in any subsequent strata subdivision of the development:

Use	Number of Spaces Allocated
<i>Residential</i>	
Residential units Studio/ One bedroom Two bedrooms Three bedrooms	<p>A total of 366 residential car parking spaces. 50% (183) of these residential car parking spaces shall be permanently allocated to residential apartments in the following manner:</p> <ul style="list-style-type: none"> • 1 & 2 bedroom apartments – Maximum 1 space per apartment • 3 or more bedroom apartments – Maximum 2 spaces per apartment <p>The remainder 50% of the residential car parking spaces shall be provided as 'unbundled' residential parking spaces</p>

	(see note (i) below).
Residential Visitor Car Parking Spaces	1 space per 20 apartments (16 spaces total)
Car wash bay	2 spaces shared with visitor car parking
Non-Residential	
Small retail/commercial tenancy	1 space per 80m2 gross floor area (7 spaces in total)
Others	
Car share space	8 spaces (3 dedicated spaces and 5 shared with visitor car parking spaces)
Motorcycle parking	
Residential	26 motorcycle spaces
Bicycle parking	
Residential	161 Residential Bicycle Parking Spaces and 4 Residential Visitor Bicycle Parking Spaces
Non-Residential	4 non-residential (i.e., commercial/retail etc.) bicycle parking spaces and 2 non-residential visitor bicycle parking spaces.
Publicly accessible	20 publicly accessible bicycle parking spaces on the ground level in open space 4
Loading/Unloading	
Shared between residential and non-residential	2 MRV spaces

NOTES:

- (i) The required “unbundled” car parking spaces are to be provided as utility lots on the subdivision plan. Unbundled parking spaces can only be used by an owner or occupier of a residential lot or proposed residential lot (other than a utility lot) in the strata scheme to which the plan relates.

This is a ‘restrictive use condition’ under section 63(2) of the *Strata Schemes Development Act 2015* and, accordingly, any certifier must note the above restriction on any relevant strata certificate.

These utility lots shall not form part of any specific residential unit(s) on the strata/stratum subdivision plan (i.e., the utility lots shall not be permanently allocated to any residential unit).

- (ii) An 88B instrument or other required covenant shall be imposed on the Utility Lot to ensure that they are only used by occupiers within the development. The terms of the instrument/covenant are to be to the satisfaction of Bayside Council.
- (iii) All residential visitor spaces, car wash bays, loading bays, car share bays, motorcycle spaces and residential bicycle parking spaces shall be common property on the strata plan.
- (iv) Any stacked parking spaces shall be allocated to a single residential unit only.
- (v) This parking allocation condition applies to any Strata Certificate issued with respect to a Consent issued in accordance with Section 4.18(1)(a) of the *Environmental Planning and Assessment Act 1979* or a Complying Development Certificate issued in accordance with Part 6 of *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*.

DEVELOPMENT SPECIFIC CONDITIONS

The following conditions are specific to the Development Application proposal.

21. Design Excellence

In order to ensure the design excellence of the development is retained:

- a) A registered architect (the design architect) is to have direct involvement in the implementation and construction of the project (which, subject to any change under this condition is to be SJB Architects);
- b) 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;
- c) Evidence of the design architect's commission is to be provided to Bayside Council prior to issue of the Construction Certificate.

The design architect of the project (SJB Architects) is not to be changed without prior written notice and approval of Bayside Council, such consent is to not to be unreasonably withheld.

22. Vehicles on Site

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

- a) All vehicles must enter and exit the site in a forward direction;
- b) All commercial vehicles (including deliveries and garbage collection) shall enter and exit the site in a forward direction;
- c) Loading and unloading activities associated with the delivery shall take place wholly within the dedicated loading areas;
- d) All garbage/waste collection activities shall take place and be wholly undertaken within the site in the dedicated loading areas. No bins are to be presented to the street for collection;
- e) All manoeuvring movements of vehicles shall be carried out wholly within the site and vehicle manoeuvring area shall be kept clear at all times;
- f) The maximum size of vehicle accessing the site shall be limited to a 8.8m long MRV Vehicle (as denoted in AS2890.2).

23. Maintenance of Stormwater Drainage System

The stormwater drainage system (including all pits, pipes, detention structures, stormwater quality 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.

24. Green Travel Plan and Transport Access Guide

The Green Travel Plan and Transport Access Guide shall be monitored and reviewed annually by building management in order to revise and improve the plan to achieve the targets on the number of occupants to travel by public transport, cycling and walking. Copy of the annual review shall be submitted to Bayside Council. In order to ensure the certainty to implement Green Travel Plan for all future commercial tenants of the site, a copy of the green travel plan and transport access guide shall be part of any lease agreement for commercial tenants.

25. Waste Management

All waste collection, furniture removal or retail / commercial servicing or deliveries must be undertaken wholly within the building on the site and concealed from public view. No bins are permitted to be presented to the street or placed on footpath for waste collection.

26. Hours of Operation (Retail)

The hours of operation of the ground level retail tenancies shall be restricted to between 7.00am and 10.30pm Mondays to Sundays.

27. Retail Shopfront Glazing (Facades)

Glazing to all ground level retail tenancies shall be kept free of shelves, advertising and the like and shall remain transparent. A maximum of 15% of the glazing surface area may be covered with promotional materials to ensure passive surveillance is maintained to and from the tenancy.

28. Landscaping

- 1) Planter boxes constructed over a concrete slab shall be built in accordance with the following requirements:
 - i. Soil depths in accordance with Council's Landscape DCP. The base of the planters must be screeded to ensure drainage to a piped internal drainage outlet of minimum diameter 90mm, with no low points elsewhere in the planters. External weep holes are not permitted.
 - ii. A concrete hob or haunch shall be constructed at the internal join between the sides and base of the planters to contain drainage to within the planters.
 - iii. Planters are to be fully waterproofed and sealed internally with a proprietary sealing agent applied by a qualified and experienced tradesman to eliminate water seepage and staining of the external face of the planters. All internal sealed finishes are to be sound and installed to manufacturer's directions prior to backfilling with soil. An inspection of the waterproofing and sealing of edges is required by the Certifier prior to backfilling with soil.
 - iv. Drainage cell must be installed to the base and along the sides of the planters 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 to each planter box.
 - v. External faces of planter boxes must be finished with a suitable paint, render or tile to co-ordinate with the colour schemes and finishes of the building.
 - vi. Soil depths of all planters on slabs shall be in accordance with the requirements of Table 5 of Part 4P of the Apartment Design Guide.
- 2) No artificial turf shall be proposed on slab nor in natural ground. Lawn areas are to be natural turf with sufficient soil depth, drainage, and irrigation. Proposed

- lawn areas are not to be replaced with synthetic grass of any kind for environmental reasons.
- 3) All proposed Built up planter beds above slabs are not to be replaced with individual removable pots.
 - 4) A fully automatic drip irrigation system shall be provided to all landscaped areas to ensure satisfactory growth and maintenance of the landscaping. 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 relevant Australian Standards, and be maintained in effective working order at all times.
 - 5) 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.
 - 6) New street trees shall be maintained by the Applicant/Owner/Strata Corporation for a period of twelve (12) months after Practical Completion and asset handover to Council. Maintenance includes twice weekly watering within the first 6 months then weekly thereafter to sustain adequate growth and health, biannual feeding, weed removal round the base, mulch replenishment at 3 monthly intervals (to 75mm depth) and adjusting of stakes and ties. Maintenance but does not include trimming or pruning of the trees under any circumstances.
29. 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.
 30. Parking spaces shall not be enclosed without further approval of Bayside Council or further development consent. The enclosure of car spaces is not permitted unless the enclosure complies with the design requirements of AS2890.1.
 31. 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.
 32. 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 Industrial Noise Policy — 2000.
 33. 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.
 34. 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.

35. All 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.
36. Retaining walls over 600mm in height shall be designed and specified by a suitably qualified structural engineer.
37. Cladding
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.
38. Loading / Unloading
 - a) The provided loading facilities located at the ground floor level shall be available for use by the occupiers of the residential component of the proposed structure as well as the occupiers of the commercial component.
 - b) All loading, unloading and transfer of goods to and from the loading bay and premises shall take place wholly within the property.
 - c) Loading areas are to be used only for the loading and unloading of goods, materials etc. not for any other purpose.
 - d) All loading and unloading activities for the ground level retail tenancies within the development shall be limited to between 8am - 6pm Monday to Sunday. No loading and/or unloading for retail/commercial tenancies is permitted beyond these times.
 - e) 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 retail goods and residential vehicle movements.
 - f) The loading / unloading bay on site is to be made available for use by all retail and residential uses on site (including removalist vans).
39. Waste Disposal & Garbage Rooms
 - a) Services or utility systems shall not be located in the garbage room. Hot and cold water hose cocks shall be installed within garbage rooms.
 - b) All waste shall be collected from within the subject site within the approved

- c) loading / unloading bay. The building manager shall ensure that the scheduling of all loading/unloading activities enables a minimum of one (1) of the two dedicated truck spaces on site be vacant during waste collection time.
 - d) Waste shall be compacted at a maximum ratio of 2:1.
40. Bicycle and motorbike spaces within the development shall be depicted as common property within any future subdivision plan for the development.

Prior to Issue of any Construction Certificate

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

41. Design Excellence

To ensure design excellence is achieved, as required by Cl6.10 of Bayside Local Environmental Plan 2021, prior to the issue of the relevant construction certificate entailing any works above basement levels, the following must be prepared by a registered architect commissioned for the construction of the project:

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

The boards, elevations and sections required by this condition and referred in Condition 2 shall be reflected in any approved Construction Certificate. The Construction Certificate shall be precisely consistent with these approved materials. The development must be carried out with the aforementioned details.

Any modifications to the approved materials under this condition require either further submission and approval by the Director City Futures (or delegate) or a modification of this consent.

42. Street Furniture

Details and specifications of the street furniture are to be provided to Council's Coordinator Public Domain & Referrals, for approval prior to the issue of a construction certificate for any landscape and public domain works.

43. Basement Certification

Prior to the issue of any Construction Certificate, a certificate from a practising Structural Engineer shall be submitted to Council and the PCA, in relation to development consent numbers DA-2021/261 (Integrated Development - BATA 2 - Lot E - Excavation, shoring and piling works to create three basement levels) and DA-2021/368 (Construction of basement slabs associated with Lot E), confirming such works have been finalised and that existing building elements are structurally adequate to support all proposed additional loads.

44. Plan Amendments

Plans submitted with the Construction Certificate shall demonstrate compliance with the following prior to the issue of the Construction Certificate, to the satisfaction of Bayside Council:

- A) Private open space areas of west facing units G.02 / G.03 & G.08 at ground level shall be restricted to the western edge of their respective balconies, at and behind the building line.
Fencing forward of the building line indicated on plans with an RL of 23.85 which encloses a portion of the deep soil landscape setback area shall be deleted.
The western front building setback shall remain in common ownership.
Balustrading / fencing to the western periphery of balconies to the aforementioned units shall not exceed 1.2m in height from the finished floor level of the balcony.
- B) Balustrading / fencing to the southern periphery of balconies of units G01 & G02 shall not exceed 1.5m in height from the finished floor level of the balcony.
- C) Fencing to the residential entry and stairwell of ground level dwellings G09 – G14 shall be a maximum height of 1.5m from finished floor level. The masonry component of the aforementioned fencing shall not exceed 1m in height.
Fencing above 1m shall be open form.
- D) Amend the ground floor plan to convert the two residential car parking spaces into visitor car parking spaces. A total of 16 visitor car parking spaces are to be provided (2 shared with car wash bays and 5 shared with car share bays).
- E) Amend the basement plan(s) to provide two additional residential parking spaces by relocating bicycle parking/motorcycle parking to the ground floor, maintaining a total of 366 residential car parking spaces.
- F) The recommendations of the Qualitative Environmental Wind Assessment prepared by SLR Consulting, SLR Ref: 610.13932-R24 Version v2.0 dated August 2021 are to be illustrated upon construction certificate drawings and implemented on site.
- G) Wind amelioration screens required within communal open space areas on site, as recommended by the report referred to in (F), shall be limited to clear Perspex on the southern periphery boundary and landscaping only to eastern and western boundaries. Solid transparent screens shall be limited only to the southern boundary of communal areas requiring wind mitigation measures.
- H) The installation of solar panels are to be maximised upon all non-trafficable roof areas. Details and specifications of selected solar panels shall be prepared and provided to the PCA for approval prior to issue of the Construction Certificate for the roof of the development. The extent of solar panels must be consistent with those nominated in the approved BASIX Certificate and within Part 9 - Statement of Commitments in ESD Report Issue

C dated 10/08/21, prepared by Efficient Living. All ESD commitments nominated by this consent shall be detailed on Construction Certificate plans.

- I) All hot water and / or air conditioning systems/units which are located on the balcony of a dwelling/unit must be encased in a recessed box on the balcony with the lid/cover of the box designed to blend in with the building. All associated pipe work is to be concealed.
- J) All vertical plumbing, other than roof water heads and downpipes, shall be concealed within the brickwork of the building.
- K) Acoustic Attenuation - The noise reduction measures specified in the acoustic report prepared by Acoustic Logic dated 4 December 2020 shall be shown on construction plans and implemented on site.
- L) The recommendations of the Accessibility Design Review Report prepared by ABE Consulting dated 21 December 2020 are to be illustrated upon construction certificate drawings and implemented on site.
- M) A single antenna shall be provided to the building for use of all residents

45. Fees / Bonds

The following fees and bonds shall be paid to Bayside Council prior to the issue of any Construction Certificate. If payment is made after the end of the financial year, the amount shall be adjusted in accordance with Bayside Council's adopted fees and charges.

- (a) Environmental Enforcement Fee of 0.26% of the cost of the works (with estimated cost of works capped at \$10 million).
- (b) Soil and Water Management Sign - \$21.50
- (c) Section 7.11 Contributions - \$6,440,000 payable at the first occupation certificate and subject to the provisions of any executed Planning Agreement. To the extent of any inconsistency, the Planning Agreement applies
- (d) Builders Damage Deposit Bond - \$66,640.00

46. Final Landscape Plans shall be in accordance with approved architectural drawings. Final landscape plans shall provide full construction details and specifications, which must be submitted to and approved by the Director City Futures of Bayside Council prior to the issue of the Construction Certificate. Documentation shall include the following:

- Paved areas within landscape setbacks, to provided pedestrian access to units shall be minimised.
- Design of any fencing at ground level shall not be within tree pits of trees within landscape setbacks.

47. The Final Landscape Plan shall be generally in accordance with the approved Landscape Plan referred to in this consent. Detailed landscape construction documentation (plans and specifications) to be submitted to, and approved by Director City Futures of Bayside Council prior to the issue of the Construction Certificate. The landscape documentation shall include, but not be limited to:

- A) Planting above structures along facades shall be selected to be low water requirements and to maximise the exposure to the streetscape.

- B) Landscape Setbacks:
- i. Landscape setbacks must not include any paved area other than required footpaths which shall be designed to maximise deep soil area.
 - ii. Landscape setbacks must retain natural ground level to maximise lateral root growth.
 - iii. Where fences are required these shall be designed to allow an area of 2.5m x 2.5m tree pit, free of any structures for each required tree. Trees shall be planted at a minimum distance of 2 metres from building envelope to allow aerial development and minimise future conflicts.
 - iv. Landscape setbacks shall maximise the inclusion of canopy trees, using the following:
 - Northern landscape setback shall allow seven (7) native/deciduous trees.
 - Western Landscape Setback shall allow eight (8) native/ deciduous trees.
 - Southern Landscape setback shall allow four (4) native trees. (excludes the substation access)
 - v. Fencing forward of the building line adjoining balconies to units G09 – G14 at ground level shall be designed to allow all required trees with no structures within the minimum size tree pits.
- C) Provide details of WSUD elements integrated to the landscape design in podium and or natural ground areas. Details of rain gardens proposed in approved plans. Indicate locations and construction details.
- D) Southern boundary of level 1 communal area, south of pool, shall include dense foliage screening shrubs to minimum 1.8m high to mitigate wind effect in the area of use. Planter shall provide a minimum soil provision of 900mm deep and 1.0m wide.
- E) A Landscape Maintenance Schedule shall be submitted that covers a 12 month period providing clear and comprehensive maintenance guide to the landowner or occupier to achieve optimum landscape growth. The schedule must 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).
48. The Final Landscape Plan of Open Space 4 (Community Park (Lot 15)) shall be in accordance with the approved Landscape Plan (Refer to Condition 1). Detailed landscape construction documentation (plans and specifications) shall be submitted to, and approved by Director City Futures of Bayside Council prior to the issue of the Construction Certificate for Open Space 4 (Community Park (Lot 15)). Landscape documentation shall include but not be limited to the following:

- A) Water bottle refill stations/bubblers including dog balls with inclusive access , park and street furniture, equipment, pergolas, pavement treatment and other elements in the open space are to be of strong lasting materials. Nominated products shall be reviewed and approved by council prior to installation.
- B) Minimise use of high maintenance elements/products. Designs shall consider alternative products. Timber decking shall be replaced with CFRPC decking - carbon fibre-reinforced pervious concrete- 13mm thick unless otherwise advise by Council. Timber logs to be replaced with play logs designed as play equipment or other as approved by Council. Pergolas not to be made of timber and not to have powder coating finished. Refer to Council Open Spaces Catalogue.
- C) All areas shall be fully accessible. Picnic tables and chairs in BBQ areas including BBQ equipment shall have inclusive access.
- D) Play areas shall have immediate shade. If play areas are reliant on new trees for shade, these trees shall be provided in advanced form not less than 400 litres. If required provision of temporary shade shall be considered.
- E) Construction and planting details of bioretention and rain gardens in landscaped areas.
- F) Irrigation plans: Separate irrigation system shall be installed for all public areas. Details of irrigation system for all different areas, include irrigation for tree pits, meter location, backflow and subsurface.
- G) Lighting Plan: All publicly accessible areas and footpaths should be designed to a min. category P7 rating. Plans to indicate the Australian Standard P rating that the lighting has been designed to. Locations for meter/switchboards and finish/treatment is required.

49. Frontage Works Application

Prior to the issue of a Construction Certificate for Public Domain Landscape Works, 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 and 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 consistent with landscape drawings and include levels, alignment, dimensions and design details for footpath, kerb & gutter, drainage pits, ramps plus other required road assets all in accordance with Council's Engineering Services requirements.

Contact Council's Landscape Architect for further details of specific requirements in preparation of the plan. Landscape specifications shall be as followed unless otherwise is specified by Council Landscape Officer in Frontage Works Brief:

- i) Active frontages including extension of Studio Drive and Northern Local Street shall include Stratavault (or equivalent) 35m² for each street tree, or as required for each specific new street tree considering in situ constraints.
- ii) Tree pits along active frontages shall be finished with porous resin treatment:
 - a) 85mm depth of resin bonded porous paving finished smooth and level to adjacent footpath and kerb. The resin binder shall be a clear flexible polyurethane type material suitable for use in tree pit applications (e.g. Filtapave™, StoneSet or approved equivalent).
 - b) Around the tree trunk 5-7mm screened blue metal aggregate placed loosely around base of tree and finished level with adjoining resin bonded paving. Extend no more than 150mm from trunk.
- iii) Street tree pit irrigation: 50mm diameter slotted watering pipe (200-300mm below ground level) with vertical piece of pipe with enough length to ensure that the inlet is flush or slightly (25mm) proud of the finish pit level. (RootRain Urban or approved equivalent).

50. Long Service Levy

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.

51. 7.11 Contributions

A Section 7.11 contribution of \$6,440,000 shall be paid to Council. The contribution is calculated according to the provisions contained within Council's adopted Former City of Botany Bay s7.11 Development Contributions Plan 2016 (Amendment 1) and having regard to the Ministerial Directive of 21 August 2012 (the \$20,000 cap). The amount to be paid is to be adjusted at the time of payment, in accordance with the review process contained Contributions Plan.

The contribution is to be paid prior to the issue of the first occupation certificate in respect of any building to which this consent relates, except as provided below.

If no construction certificate in respect of the erection of any building to which the consent relates has been issued before or on 25 September 2022, the monetary contribution must be paid before the issue of the construction certificate after the date for any such building

Community Facilities	\$527,165.65
Recreation and Open Space	\$5,438,848.54
Transport Facilities	\$427,094.95
Administration	\$6,890.87

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.

This condition is subject to the provisions of any executed Planning Agreement. To the extent of any inconsistency, the executed Planning Agreement applies.

52. Securities, Deposits and Bonds - Major

Prior to the issue of any Construction Certificate, the person acting on the consent must provide security to Bayside Council against any damage that may be caused to any council property assets and/or the environment during the course of the building works as a consequence of the implementation of the development consent. This security shall be in the form of the following Deposits and Bonds that must be paid to Bayside Council:

a) Builders Damage Deposit - \$66,640.00.

A Builder's Damage Deposit of \$66,640.00 (GST Exempt) shall be lodged by the applicant by way of cash deposit or unconditional bank guarantee (any proposed bank guarantee must not have an expiry date) in favour of Bayside Council as security for repairing any damage to the public domain and councils assets in the vicinity of the site, including defective public domain works. This includes construction, removal, or repair as required to all aspects of the public domain and council owned land such as: kerb and guttering, driveways, paved areas and footpaths, road pavement, stormwater infrastructure, signage, landscaping etc.

This security will be retained in full until the Final Occupation Certificate has been issued and all works relating to the development consent, such as Public Domain works and rectification of damage to the public domain, are completed to Bayside Council inspection and approval.

A request for refund of securities/deposits/bonds can be made once the above requirements are satisfied through Bayside Councils "Request for Refund" Application Form. A non-refundable inspection/administration fee is included in the bond value.

53. Detailed Design Stormwater Management Plan

Prior to the issue of the relevant Construction Certificate, detailed drainage design plans prepared by a civil engineer registered with the National Engineering Register (NER) for the management of stormwater are to be submitted to the Principal Accredited Certifier for assessment and approval. Design certification and drainage design calculations are to be submitted with the plans. Botany Bay DCP Part 10 - Stormwater Management Technical Guidelines 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 Botany Bay DCP Part 10 - Stormwater Management Technical Guidelines.

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

- a) The design of the stormwater drainage system shall incorporate the recommendations made in the 'Pagewood Building E – DA Report' prepared by at&I, report No: 13-155-1400, Revision 01 and dated 9/08/2021 and the requirements of condition 59 of DA-2019/386, and
- b) An on-site detention (OSD) system shall be provided for the development with a minimum volume of 405m³ that incorporates a high early discharge design. The design of the OSD shall comply with Botany Bay DCP Part 10 – Stormwater Management Technical Guidelines section 6. Gravity discharge

must be provided from the orifice of the OSD to the stormwater system constructed as part of DA-2019/387. Stormwater discharge from the OSD must connect underground to a stormwater pit. Safe emergency overflow shall be provided for within the stormwater system design, and

- c) A minimum capacity of 10m³ of rainwater tank(s) shall be provided for the site. Only roof water shall be directed to the rainwater tank(s). Overflow from the rainwater tank(s) shall be directed to the site drainage system. The rainwater tank(s) must be designed to be connected to all ground level + podium level landscape irrigation, all ground floor level + podium level toilets and all car wash bays within the development for non-potable stormwater re-use, and
- d) All surface runoff from the parking facility 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
- e) The stormwater system shall incorporate a Stormwater Quality Improvement system to ensure compliance with Section 16 of Botany Bay's SMTG. The water quality improvement system shall be designed to capture and treat at least 85% flows generated from the site. Pit inserts (i.e., Enviropods or similar) shall be provided in all pits on site. A primary gross pollutant trap - GPT (i.e., Humegard or similar) is to be incorporated into the stormwater system to collect roof runoff from each building. A tertiary gross pollutant Trap- GPT (i.e., Jellyfish filter, stormfilter by Ocean Protect or similar) is to be incorporated into the OSD tank, and
- f) A MUSIC model must be prepared and submitted for this development. The MUSIC model must be prepared in line with the Draft NSW MUSIC Modelling Guidelines (Sydney Metro CMA). Sydney's Water's requirements are that the water quality improvement shall meet or exceed the target as described in the "Botany Bay & Catchment Water Quality Improvement Plan" which was prepared by the Sydney Metropolitan Catchment Management Authority in April 2011, and
- g) All subsurface structures below the ground water table level of RL 14.50m AHD must be designed with a waterproof retention system (i.e., tanking, and waterproofing). A pump-out system is to be provided for the basement designed as per AS3500.3:2018 with a minimum volume of 3m³. No groundwater is permitted to enter and be pumped out of the basement, and
- h) The provision for safe emergency overflow needs to be provided for in the design of the OSD that does not result in the inundation of stormwater into habitable areas, dwellings, commercial premises, apartments above the OSD tank or the basement/loading dock. This is to be clearly demonstrated on the construction certificate plans and be certified accordingly by the civil engineer.

54. Tanking and Waterproofing of structures located below the design groundwater level.

Prior to the issue of the Construction Certificate, all subsurface structures below the design ground water table level of RL 14.50m AHD must be designed with a waterproof retention system (i.e., tanking and waterproofing). This design ground water level includes the provision for future fluctuation of the water table in accordance with the Ground water Monitoring Report prepared by CMW

Geosciences dated 26 March 2021 SYD2020-0053AI Rev 1. All subsurface structures are required to be designed with consideration of uplift due to water pressure and “flotation” (buoyancy) effects. Subsoil drainage around the subsurface structures must allow free movement of groundwater around the structure but must not be connected to the internal drainage system. The design of subsurface structures, tanking and waterproofing, and subsoil drainage must be undertaken by a suitably experienced Chartered Professional Engineer(s) registered with the National Engineering Register (NER). Design details, engineering design certification and construction specifications must be included in the documentation accompanying the Construction Certificate.

55. Detailed Traffic and Parking Design Requirements and Certification

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

Compliance with AS2890 Car, Bicycle and Motorcycle Parking:

- a) The longitudinal profile(s) of the access driveway and ramps within the parking facilities must comply with the Ground Clearance, Gradient (%) and Length requirements of the 2890 Australian Standards Series, and
- b) The provision 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 the Australian Standard 2890.6: Parking facilities – Off-street parking for people with disabilities and AS4299, and
- c) Parking facilities (including parking spaces, ramps, aisles, vehicular crossings etc.) must comply in full with AS/NZS 2890.1. All vehicles are to enter and exit the site in a forward direction, and
- d) Pedestrian sightlines are to comply with AS2890.1 and convex mirrors shall be provided at blind corners within, and leading to, the car parking levels to provide increased sight distance for vehicles, and
- e) 171 bicycle parking spaces must be provided as part of the development. The 171 bicycle parking spaces shall be allocated as per the below:
 - i. 161 residential bicycle parking spaces, and
 - ii. 4 residential visitor parking spaces, and
 - iii. 4 non-residential (i.e., commercial/retail etc.) bicycle parking spaces. End of trip facilities are to be provided and located near these bicycle parking spaces. The end of trip facilities must include toilets, a minimum of one (1) locker per bicycle space, a minimum of 2 change room and 2 shower facilities per 20 bicycle parking spaces, or part thereof, and
 - iv. 2 non-residential visitor bicycle parking spaces, and
 - v. 20 publicly accessible bicycle parking spaces located within the design of open space 4 which forms part of the ground floor of this development.

The design of the bicycle parking spaces is to comply with AS2890.3:2015. Commercial/retail/staff/residential - Class B bicycle parking facility in accordance with AS2890.3:2015, customer/visitor/public - Class B or C bicycle parking facility in accordance with AS2890.3:2015.

- f) 392 car parking spaces shall be provided for the development. The 392 car parking spaces shall be allocated as per the below:
 - i. 366 residential parking spaces.
 - ii. 16 residential visitor parking spaces (inc. 2 car wash bays and 5 car share space shared with visitor car parking spaces).
 - iii. 7 commercial/retail car parking spaces.
 - iv. 3 dedicated car share bays.
- g) The car wash bays are to have a width of 3.5m.
- h) Compliance with AS2890.2 Commercial (Service) Vehicle Parking. Loading and unloading within the site shall be designed and be restricted to commercial vehicles not exceeding the size and mass description of the Medium Rigid Vehicle (MRV) from AS2890.2:2018. Commercial vehicles greater in size and mass than the MRV are not permitted to enter the site, and
- i) All driveways/access ramps/vehicular crossings/sight distances shall conform with Australian Standards AS2890.2:2018 along the travel path of the service vehicles, and
- j) All service vehicles shall enter the property front in front out, and
- k) Swept path analysis shall be provided for the manoeuvring of MRV commercial vehicles. The swept path analysis shall depict a forward entry and forward exit manoeuvre to/from the loading dock proposed within the development for all vehicles.
- l) A longitudinal section plotting headroom clearance along the travel path is to be provided for assessment, and
- m) It must be demonstrated that a safe headroom clearance of 4.5m is achieved along the along the entire travel path, parking, and manoeuvring areas of the MRV within the development, and
- n) Waste collection must be undertaken internally within the development. No bins are permitted to be presented to the street for collection, and

The design of the entire car parking facility is to be certified by a civil engineer registered with the National Engineering Register (NER) as being strictly in accordance with the abovementioned requirements and the Australian Standard 2890 parking facilities series.

56. Provision of Car Wash Bay

The relevant Construction Certificate plans must show the provision of two car wash bays. Visitor car spaces shall be utilised for this purpose. A tap shall be provided along with a sign fixed to the wall stating 'Visitor Car Space and Car Wash Bay'. The car wash bays must be bundled in accordance with AS1940 and AS/NZS 4452 with direct connection to the sewer in accordance with a Sydney Water trade waste agreement.

57. Electric Vehicle Charging Facilities

Prior the issue of the relevant Construction Certificate, a minimum of 20% of all car parking spaces are required to be designed with electric vehicle (EV) charging points as per the requirements of Concept Plan Approval DA-2019/386. The EV charging points shall be provided as 'Level 2' charging infrastructure with a power

range of 7kW-22kW, as defined by NSW Electric and Hybrid Vehicle Plan, Future Transport 2056. The design and provision of the EV charging points is to comply with the following:

- a) 20% of all 392 car parking spaces is equivalent to 78 car parking spaces. These 78 car parking spaces equipped with EV charging points are to be provided in the following manner:
 - i. 74 Privately available spaces: 73 car parking spaces allocated to residential units and 1 retail/commercial car parking space shall be designed with 'Level 2' slow charging points – single phase with 7kW power.
 - ii. 4 Publicly available spaces: 4 residential visitor car parking spaces shall be designed with 'Level 2' fast charging points – three-phase with 11-22kW power.
- b) The development shall provide either buried cables or cable trays sufficient to accommodate the electric circuitry to each car space required to provide EV charging points. Electrical load management requirements shall be identified, and it shall be confirmed that there is an adequate distribution board size provided for the electric vehicle charging point system, and
- c) Manufacturer's specifications for the electric vehicle charging points, cables, trays, and associated equipment shall be provided.
- d) A certified electrical design shall be provided by a suitably qualified electrical engineer.

The design of the EV charging infrastructure is to be certified by a suitably qualified professional as being in accordance with the above-mentioned requirements prior to the issue of the relevant construction certificate.

58. Electric Bicycle Charging Facilities

A minimum of 10% of all bicycle parking spaces are required to be designed to be equipped with electric bicycle charging points. The design and provision of the electric bicycle charging points is to comply with the following:

- a) 16 residential bicycle parking spaces and 1 non-residential bicycle parking space are to be designed with electric chargers suitable for the charging of electric bicycles.

The constructed electric bicycle charging infrastructure is to be certified by a suitably qualified professional as being in accordance with the above-mentioned requirements prior to the issue of the Final Occupation Certificate.

59. Separation of Parking in Mixed Use Residential Developments

The parking bays for the residential component of the development shall be clearly designated (e.g. line-marked and/or signposted) and 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 the relevant Construction Certificate.

60. Flood Planning

Details are to be submitted to the Principal Certifying Authority prior to the issue of the relevant Construction Certificate demonstrating compliance with the following:

- (a) Design of Development is to be in accordance with Flood Report:

The design of the development is to be certified by a civil engineer registered with the National Engineering Register (NER) as being in accordance with the approved BATA Pagewood Stage 2 Phase 2 Lot E – Site Flood Assessment prepared by WMAwater, Ref:120066 and dated 23 December 2020.

61. ESD

Prior to the issue of the relevant Construction Certificate, the applicant is to demonstrate the use of the following sustainability measures within the development to the satisfaction of the PCA:

- a) Provision of photovoltaic cell systems on the rooftop. Detailed design for the photovoltaic cells systems is to be provided, the provision of photovoltaic cells is to be at a rate that maximises the use of available non-trafficable space on all rooftops.
- b) Sensor controlled lighting for common areas.
- c) Provision of non-potable stormwater re-use for landscape irrigation.
- d) Provision of Electric Vehicle (EV) charging car parking spaces. A minimum 20% of all car parking spaces are to be equipped with electric vehicle charging facilities.
- e) Provision of a car share spaces operated by commercial car share providers within the development.

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

62. Service Diagram

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

63. 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.

64. Residential Acoustics

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.

65. Ausgrid

The applicant shall confer with Ausgrid to determine if:

- installation of electricity conduits in the footway is required.
- satisfactory clearances to any existing overhead High Voltage mains will be affected.
- an electricity distribution substation is required.

Written confirmation of Ausgrid's requirements shall be obtained prior to issue Construction Certificate.

66. Sydney Water

Any building proposed to be erected over or near the existing Sydney Water pipeline is to be approved by Sydney Water. A copy of Sydney Water's approval and requirements are to be submitted to Council prior to issuing a Construction Certificate.

67. Sydney Water Tap In

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.

68. SEPP 65 / Design Verification

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*.

Prior to Commencement of Works

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

69. 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, including residential dwellings at 1 – 47 Heffron Road, a photographic survey, and including buildings, foundations, and structures likely to be affected by the excavation as determined by the consulting engineer.

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 adjoining properties (subject of the Dilapidation Report), including owners of 1-47 Heffron Road, 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.

70. Dilapidation Report – Public Domain - Major

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, including the condition of the road reserve (including footpath, nature strip, landscaping, trees, kerb and gutter, pits, pipes, traffic devices, signs, and road pavement) and other adjacent Bayside Council properties prior to commencement of any work. The report must include, but not be limited to, the following:

- (a) Photographs showing the condition of the road pavement fronting the site, and
- (b) Photographs showing the condition of the kerb and gutter fronting the site, and
- (c) Photographs showing the condition of the footway including footpath pavement fronting the site, and
- (d) Photographs showing the condition of retaining walls within the footway or road, and
- (e) Closed circuit television/video inspection (in DVD format) of public stormwater drainage systems and pits fronting, adjoining or within the site, and
- (f) The full name, accreditation, professional registration, and signature of the professional engineer.
- (g) Road carriageway assessment

The reports are to be supplied in electronic format in Word. Photographs are to be in colour, digital and date stamped.

The liability for any damage to public infrastructure adjacent to 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 during the course of construction of this development.

71. 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, 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 work 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 an 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). 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 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 is to be submitted to Bayside Council. During construction, the applicant shall ensure that all works and measures have been implemented in accordance with approved Traffic Management Plan and Construction Management Plan at all times.

72. Erosion and Sediment Control Measures

Erosion and sediment control devices shall be installed and in function prior to the commencement of any demolition, excavation or construction works upon the site in order to prevent sediment and silt from site works (including demolition and/or excavation) being conveyed by stormwater into public stormwater drainage system, natural watercourses, bushland, trees and neighbouring properties. In this regard, all stormwater discharge from the site shall meet the legislative requirements and guidelines. These devices shall be maintained in a serviceable condition AT ALL TIMES throughout the entire demolition, excavation and construction phases of the development and for a minimum one (1) month period after the completion of the development, where necessary.

73. Soil and Water Management Plan

A soil and water management plan shall be prepared. The Plan must include details of the proposed erosion and sediment controls to be installed on the building site. A copy of the Soil and Water Management Plan must be kept on-site at all times and made available on request.

Soil and sedimentation controls are to be put in place prior to commencement of any work on site. The controls are to be maintained in effective working order during construction.

74. 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 shall be erected prior to commencement of works and shall be displayed throughout construction.
75. A sign must be erected at the front boundary of the property clearly indicating the Development Approval Number, description of work, builder's name, license number and house number before commencement of work. If owner/builder, the Owner/Builder Permit Number must be displayed.
76. 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 unauthorized 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.
77. 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.
78. (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 '6' 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.

- 79. 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.
- 80. Consultation with Ausgrid is essential prior to commencement of work. Failure to notify Ausgrid may involve unnecessary expense in circumstances such as:
 - A) where the point of connection and the meter board has been located in positions other than those selected by Ausgrid or
 - B) where the erection of gates or fences has restricted access to metering equipment.
- 81. 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.

During Demolition / Excavation / Construction

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

- 82. 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.
- 83. The following shall be complied with during construction and demolition:

a. Construction Noise

Noise from construction activities associated with the development shall comply with the NSW Environment Protection Authority's Interim Construction Noise Guideline and the Protection of the Environment Operations Act 1997.

b. Level Restrictions

Construction period of 4 weeks and under:

- i. The L_{10} sound pressure level measured over a period of not less than 15 minutes when the construction site is in operating must not exceed the background level by more than 20dB(A).

Construction period greater than 4 weeks and not exceeding 28 weeks:

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

c. Time Restrictions

- i. 7am – 5pm Mondays to Saturdays.
- ii. No Construction to take place on Sundays or Public Holidays.

d. Silencing

All possible steps should be taken to silence construction site equipment.

84. Additional information – Contamination

Any new information that comes to light during construction which has the potential to alter previous conclusions about site contamination and remediation must be notified to Council, the appointed Site Auditor (Contaminated Land) and the accredited certifier immediately. All work on site must cease until the Council is notified and appropriate measures to assess and manage the contamination in accordance with any relevant NSW EPA adopted guidelines is completed by an appropriately qualified and experienced environmental consultant and reviewed and approved by the Site Auditor (Contaminated Land).

85. 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 55 (SEPP55) – Remediation of Land; and
- d) Any Remedial Action Plan (RAP) required to be submitted prior to the issue of the Construction Certificate.

86. Importation of Fill (General)

To prevent contaminated soil being used onsite and to ensure that it is suitable for the proposed land use, all imported fill must be appropriately certified material and must be validated in accordance with the:

- a) Office of Environment and Heritage (OEH) approved guidelines; and
- b) Protection of the Environment Operations Act 1997; and
- c) Protection of the Environment Operations (Waste) Regulation 2014.

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

87. 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:

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

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.

88. Upon inspection of each stage of construction, the Principal Certifying Authority (or other suitably qualified person on behalf of the Principal Certifying Authority) 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:

- Sediment control measures
- Provision of perimeter fences or hoardings for public safety and restricted access to building sites.
- Maintenance of the public place free from unauthorized materials, waste containers or other obstructions.

89. Monitoring

Results of the monitoring of any field parameters such as soil, groundwater, surface water, dust or noise measurements shall be made available to Council Officers on request throughout the remediation and construction works.

90. All waste generated on site shall be disposed of in accordance with the submitted Waste Management Plan.

91. Importation of Fill (General)

To prevent contaminated soil being used onsite and to ensure that it is suitable for the proposed land use, all imported fill shall be appropriately certified material and shall be validated in accordance with the:

- a. Office of Environment and Heritage (OEH) approved guidelines; and

- b. Protection of the Environment Operations Act 1997; and
- c. Protection of the Environment Operations (Waste) Regulation 2014.

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

92. When soil conditions require it:
 - a. retaining walls associated with the erection or demolition of a building or
 - b. other approved methods of preventing movement of the soil shall be provided, and
 - c. adequate provision shall be made for drainage.

93. 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.

94. 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 Section 2.8 of Council's Stormwater Pollution Control Code 1993. Pollutants such as concrete slurry, clay and soil shall not be washed from vehicles onto roadways, footways or into the stormwater system. Drains, gutters, roadways and access ways shall be maintained free of sediment. Where required, gutters and roadways shall be swept regularly to maintain them free from sediment.

- 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.
- c. All disturbed areas shall be stabilised against erosion within 14 days of completion, and prior to removal of sediment controls.
- 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.
- 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.
- f. Wind blown dust from stockpile and construction activities shall be minimised by one or more of the following methods:
 - a. spraying water in dry windy weather
 - b. cover stockpiles
 - c. fabric fences
- g. Access to the site shall be restricted to no more than two 3m driveways. Council's footpath shall be protected at all times. Within the site, provision of a minimum of 100mm coarse crushed rock is to be provided for a minimum length of 2 metres to remove mud from the tyres of construction vehicles.

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.

In addition builders / demolishers are required to erect a 1.5m high fence along the whole of the street alignment other than at the two openings. Such protection work, including fences, is to be constructed, positioned and maintained in a safe condition to the satisfaction of the Principal Certifying Authority, prior to the demolition of the existing structures and commencement of building operations.

- h. Any noise generated during construction of the development shall not exceed limits specified in any relevant noise management policy prepared pursuant to the Protection of the Environment Operations Act, 1997 or exceed approved noise limits for the site.
95. 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.
96. 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 applicant's 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 relevant Occupation Certificate or Commencement of Use

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

97. An Occupation Certificate shall be obtained in relation to the approved works prior to any use or occupation of the building.

98. 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, 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) 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.

99. Trolleys

Where retail tenancies are occupied by a use with trolleys, all trolleys are to be equipped with a mechanism to encourage their return to the premises after individual use in order to minimize their abandonment within the area.

Details demonstrating that this has been implemented/installed shall be provided to the PCA prior to the issue of a partial Occupation Certificate. If Council is not the PCA, details shall also be provided to Council

100. Photovoltaic Cells

Prior to the issue of the final Occupation Certificate, the photovoltaic cells systems as required by this consent are to be installed onto the rooftops of the development and operational. This shall be certified in writing, with a copy of the aforementioned submitted to Council concurrently.

101. 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

102. 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.
103. 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.
104. If the owner intends to strata subdivide the building, a by-law shall be registered together with the first registration of the strata 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.

105. Substation

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.

106. Contaminated Land – Site Validation Report

If remediation is required, 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 55 (SEPP55) – Remediation of Land.

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 Bayside Council Strategic Planning, after completion of remediation works and prior to the issue of any occupation certificate.

107. Practical Completion must be obtained from Council in accordance with Approved Landscape plans and Public Domain/Frontage Works Permit requirement prior to use. Practical Completion is based on joint final inspection, records of periodic inspection, testing results, certifications and safety audits of all constructed/installed components provided by the relevant consultants/contractors.
108. Contributed Assets Handover to Council will follow Practical Completion based on a second inspection and lodgement of contributed asset schedule, maintenance manuals/schedules, work as executed records/drawings, plus all other documents required for future maintenance.
109. Community Park Inspections
Two Independent Comprehensive Inspections of Open Space 4 and all public use facilities shall be undertaken to meet requirements of Australian standards for playgrounds and playground surfacing, (AS4685 – AS4422), including playground equipment, natural play zone, and playground surfacing (Including soft fall). Inspections shall be conducted as follow:
 - A) One prior commencement of use and prior 12 months maintenance period.
 - B) A second independent Comprehensive inspection shall be done prior Handover to Council.
110. Landscape
Prior to issue of the relevant Occupation Certificate, the following must be complied with:
 - A) All relevant landscape works are to be carried out in accordance with the approved final landscape plans by Bayside Council for the approved development.
 - B) 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.
 - C) Landscape Maintenance Specifications, Landscape Maintenance Schedule and all relevant manuals (irrigation manuals, green walls and any other specific to the development) shall be submitted to the landowner/ Strata prior to the relevant Occupation Certificate.
111. Bayside Council's Reserve Damaged During Construction
Where Bayside Council's land / road reserve is damaged as a result of building work or vehicular building traffic, this area shall be restored by Bayside Council or the applicant, at the applicant's expense. Any damage not shown in the photographic survey submitted to Bayside Council before site works have commenced will be assumed to have been caused by the site works (unless evidence to prove

otherwise). All damages as a result from site works shall be rectified at the applicant's expense to Bayside Council's satisfaction, prior to the issue of the final Occupation certificate of the development and release of the damage deposit.

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. Further, Bayside Council will use this report to determine whether or not to refund the Damage Deposit.

112. Modification of DA-2019/387

Where relevant, pursuant to S4.17(1B) of the Environmental Planning and Assessment Act 1979, development consent number DA-2019/387 - Civil Works involving the construction of roads, sewer, stormwater, water supply infrastructure and public domain landscaping in preparation for the future mixed use concept development application, approved on 24 August 2020, shall be amended to reflect the approved public domain plans detailed within Condition 29 of development consent number DA-2019/386 (Public Domain Plan A0104 Rev 14, dated 01/10/2020, drawn by SJB and submitted to Council on 30/10/2020), prior to the issue of the final Occupation Certificate for this development. In particular, the following needs to be modified:

- a) Certain internal road footpath pavement types (within the public domain) require modification from plain concrete to paved finish (Sydney Black Granite from United stone and appropriate bandings or as otherwise agreed to by Bayside Council's landscape Architect and Public Domain Team).
- b) The provision of paved vehicular entrances in the internal road network as shown on the approved public domain masterplan.
- c) Any other changes associated with amending the plans to be in alignment with the approved public domain masterplan that forms part of development consent number DA-2019/386.

113. Dilapidation Report of Public Land - Major

Prior to issue of the final Occupation Certificate, a post-construction Dilapidation Report must be prepared on Council infrastructure impacted on by the development. The Dilapidation Report must be prepared by a qualified Structural Engineer. The report must be provided to the Principal Certifier and a copy provided to the Council. The report must include the following:

- (a) Photographs showing the condition of the road pavement fronting the site, and
- (b) Photographs showing the condition of the kerb and gutter fronting the site, and
- (c) Photographs showing the condition of the footway including footpath pavement fronting the site, and
- (d) Photographs showing the condition of retaining walls within the footway or road, and
- (e) Closed circuit television/video inspection of any public stormwater drainage systems and pits fronting, adjoining or within the site, and
- (f) The full name and signature of the professional engineer.

The reports are to be supplied in both paper copy and electronic format in Word. Photographs are to be in colour, digital and date stamped. Bayside Council must advise, in writing, that the works have been completed to their satisfaction, prior to

the issue of the final Occupation Certificate. Further, Bayside Council will use this report to determine whether or not to refund the damage deposit.

114. Tanking and Waterproofing Certification

Prior to the issue of the relevant Occupation Certificate, a structural engineer registered with the National Engineering Register (NER) shall certify that the tanking and waterproofing of the subsurface structures below RL 14.50m AHD is constructed in accordance with the approved design and specification. The certification is to include an inspection and evaluation of the works.

115. Rainwater Tank - Plumbing Certification

Prior to the issue of the Occupation Certificate for the units and areas which require plumbing connection to a rainwater tank, a registered plumber shall certify that the rainwater tank re-use system(s) have been connected to all ground level + podium level landscape irrigation, all ground floor level + podium level toilets and all car wash bays within the development for non-potable stormwater re-use.

116. Certification of New Stormwater System

Prior to the issue of the relevant Occupation Certificate, a civil engineer registered with the National Engineering Register (NER) must certify the stormwater system has been constructed in accordance with the approved construction certificate plans, the requirements of this development consent and as required by Botany Bay DCP Part 10 – Stormwater Management Technical Guidelines. 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 dimensions and details of all site drainage aspects. The certification and works-as-executed plan(s) shall be supplied to the Principal Certifying Authority and Bayside Council.

117. Positive Covenant Application

Prior to the issue of the Final Occupation Certificate, a restriction on Use of Land and Positive Covenant(s) pursuant to the Conveyancing Act 1919 are to be registered on the title of the lots on which the following systems are present:

- (a) Restriction on use of land and positive covenant for on-site detention system (BBDCP part 10 SMTG appendix B).
- (b) Restriction on use of land and positive covenant for Stormwater Quality Improvement Device (BBDCP part 10 SMTG appendix E).
- (c) An 88B instrument or other required covenant shall be imposed upon the land to ensure that the utility lots “unbundled parking spaces” are only used by residential apartment occupiers in the building. The terms of the instrument/covenant are to be to the satisfaction of Bayside Council.

The terms of the instruments to be in favour of Bayside Council and are to be submitted to Bayside Council for review and approval. All instrument wording is to be to the satisfaction of Bayside Council. An application must be lodged with, and approved by, Bayside Council prior to issue of the Strata Subdivision 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. Bayside Council and the Principal

Certifying Authority are to be provided with proof of registration of the covenants prior to occupation.

118. Provision of Right of Footway

The provision of a Right of Footway, in favour of Bayside Council, shall be provided over the entirety through site link adjacent to open space 4 and the commercial tenancies. The terms of the covenants are to be to the satisfaction of Bayside Council. The Right of Footway and positive covenant is to be covered by a Section 88B Instrument, which may only be varied or extinguished with the consent of Bayside Council. Bayside Council requires proof of lodgement and registration of the signed Subdivision / Strata Certificate and 88B Instrument with the Land Titles Office. A written acknowledgment shall be obtained from Bayside Council (attesting to this condition being appropriately satisfied) and submitted to the Principal Certifier.

119. Parking Facility Certification

Prior to the issue of the final Occupation Certificate, documentation from a civil engineer registered with the National Engineering Register (NER) must be submitted to the Principal Accredited Certifier certifying that the vehicle access and off street parking facilities have been constructed in accordance with the approved construction plans, AS/NZS 2890.1, AS2890.2, AS2890.3 and AS/NZS 2890.6, line marked, all signage relating to car parking erected and that the car parking area is clearly and appropriately marked/signposted indicating all the vehicular movements on the site. The internal road network, pedestrian facilities, and parking facilities (including visitor parking and parking for persons with disabilities) shall be clearly designated, sign posted, and line marked prior to the issuing of the final Occupation Certificate. Wheel stops shall be installed in all car parking spaces adjoining high obstructions and garden beds in accordance with AS/NZS 2890.1:2004. Bollards shall be erected for all accessible parking spaces in accordance with AS/NZS 2890.6. Suitable vehicular bollards shall be provided outside the exit doors and lifts that adjoin the vehicle circulation area, or other exit door(s) that may be blocked by parked vehicles. Convex mirrors are to be installed throughout the parking facility to provide increased sight distance for vehicles.

120. Bicycle Parking

Prior to the issue of the final Occupation Certificate, at least 171 bicycle parking spaces are to be provided within the car park and 20 bicycle parking spaces are to be provided on the ground floor in open space 4.

121. EV Charging Points and Electric Bicycle Charging Points Installation Certification

Prior to the issue of the final Occupation Certificate, the required electric vehicle (EV) and electric bicycle charging systems, including all associated electrical and control systems, shall be tested, inspected, and certified by a suitably qualified and experienced person.

At least 78 car parking spaces are to be certified as being equipped with 'Level 2' EV charging infrastructure with a power range of 7kW-22kW, as defined by NSW Electric and Hybrid Vehicle Plan, Future Transport 2056.

This certification, including evidence of installation and testing of all electric charging systems, is to be provided to the satisfaction of Bayside Council and the principal certifying authority prior to the issue of the final Occupation Certificate.

122. Car Share Space

The car share car parking spaces must be operated by a recognised commercial car share operator within the site. Where the commercial car share operator does not own the car share parking spaces, a contract for the initial operation of the car share spaces by the commercial car share provider must be entered into prior to issue of the final Occupation Certificate. The maximum size of the car share vehicle shall be equal to, or smaller than, a B99 vehicle (as denoted by AS/NZS2890.1:2004). The car share spaces must be made available to car share operators without a fee or charge. The car share spaces must be appropriately line marked and signposted to indicate its usage to be exclusively as a car share space. The car share spaces must be publicly accessible. The car share spaces are to be fully operational, and the first car share scheme operator is to confirm its operation to the Principal Certifying Authority prior to the issue of the final Occupation Certificate.

123. Green Travel Plan

Prior to the issue of the Final Occupation Certificate, a Green Travel Plan shall be developed by a suitably qualified traffic consultant in order to encourage people (including any and all residents, staff and visitors) to make good use of public transport, cycling, walking and car sharing for commuting work related journeys and reduce car based travel demand. The Green Travel Plan shall be in accordance with Bayside Council requirements and include, but not be limited to, the following:

- a) Encourage people to cycle and/or walk to the workplace;
- b) Encourage people to use public transport to travel by providing financial incentive or shuttle bus services;
- c) Adopt car sharing and /or car pool scheme;
- d) Provide priority parking for car pool;
- e) Provide bike storage area and end-of-trip facilities in the convenient locations;
- f) Include clear and time bound targets, actions, measurements and monitoring framework;
- g) Develop Transport Access Guides (TAGs) to RMS/TfNSW requirements for staff and visitors about information on how to reach the site via public transport, walking or cycling.

The Green Travel Plan and TAGs must be prominently displayed within the communal areas within the development.

124. Forward Entry and Exit

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

- a) A plaque with minimum dimensions 300mm x 200mm shall be permanently fixed to a prominent place near the primary vehicular entrance to the site and to a prominent place within the loading dock, 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 plaques in a good condition and keep it visible.

125. Waste Collection

Commercial/retail waste and recycling must be collected by a private waste contractor within the loading dock of the site. A contract for commercial/retail waste and recycling collection must be entered into prior to issue of the relevant Occupation Certificate. 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. Residential waste and recycling must be collected by council's waste contractor within the loading dock of the site.

126. Loading Dock Management Plan

Prior to the issue of the relevant Occupation Certificate, a suitably qualified professional 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, on-site waste collection methodology within the loading dock, how the loading dock will be shared, booking system 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 Accredited Certifier. The management plan is to be implemented for the lifetime of the development

127. ESD Certification

The installation of sustainability commitments within the development, as required by the ESD Report Issue C 21-2191 prepared by Efficient Living dated 10 August 2021 and as specified in this consent shall be certified in writing, with a copy of such certification to be submitted to Council.

128. 392 off-street car parking spaces shall be provided and line marked to the satisfaction of a Civil Engineer. The entirety of the new access road that permits vehicular access to the development from the public road network (shared with Lot B – DA-2020/303) is to be constructed as a whole and be appropriately paved prior to occupation of the development.

129. The applicant is responsible for the protection and instatement of all regulatory / parking / street signs fronting the property. Any damaged or missing street signs as a consequence of the development and associated construction works shall be replaced at full cost to the applicant prior to the issue of the Final Occupation Certificate.

130. 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 > Plumbing, building and developing > Developing > Land development or telephone 13 20 92.

131. The noise reduction measures specified in the Acoustic Report 20201282.1/ 0412A/R0/RF prepared by Acoustic Logic dated – 4 December 2020 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 the relevant Occupation Certificate. If Council is not the PCA, a copy shall be submitted to Council concurrently.

132. 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.
133. Prior to occupation or use of a given part of the premises, a qualified mechanical engineer shall certify that any relevant mechanical ventilation/air conditioning system complies in all respects with the requirements of Australian Standard 1668, Part 1 & 2.
134. Prior the issue of the Occupation Certificate, a minimum of 10% of all bicycle parking spaces are required to be equipped with electric bicycle charging points. The design and provision of the electric bicycle charging points is to comply with the following:
 - A) 16 residential bicycle parking spaces and 1 non-residential bicycle parking spaces are to be designed with electric chargers suitable for the charging of electric bicycles.

The design and installation of the electric bicycle charging infrastructure is to be certified by a suitably qualified professional as being in accordance with the above-mentioned requirements.

135. Design Verification
Prior to the issue of a relevant Occupation Certificate, 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 relevant construction certificate was issued, having regard to Schedule 1 of State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development. The design verification statement shall be in accordance with Clause 50(1AB)(ii) of the Environmental Planning and Assessment Regulation.
136. Address
Prior to the issue of an Occupation Certificate for the development, an application for 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/guides/developing-building-or-renovating/building-construction-and-development-forms>

The general principles of addressing in NSW are described in the NSW Addressing User Manual, Ch.6 Addressing Principles. The manual is available for download at: http://www.gnb.nsw.gov.au/data/assets/pdf_file/0007/199411/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 strata 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.

EXTERNAL AGENCIES

137. Telstra

The developer shall make contact with Telstra via new requests email NetworkIntegrity@team.telstra.com, for Telstra to make any pit or network alterations required due to level changes or changes to the environment from new driveways or trafficable areas that may further directly impact the network.

A hold point is to be placed over the footpath, for Council acceptance of the footpath to ensure Telstra and NBN networks will not form an ongoing liability between Bayside Council and Telstra.

138. Sydney Airport Corporation Limited (SACL)

- i. The building must not exceed a maximum height of 80.5 metres AHD, including all lift over-runs, vents, chimneys, aerials, antennas, lightning rods, any roof top garden plantings, exhaust flues etc.
- ii. 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.
- iii. The Proponent must advise Airservices Australia at least three business days prior to the controlled activity commencing by emailing ifp@airservicesaustralia.com and quoting YSSY-CA-516.
- iv. On completion of construction of the building, the Proponent must provide the SACL airfield design manager with a written report from a certified surveyor on the finished height of the building.

139. Ausgrid

a. Proximity to Existing Network Assets Overhead Powerlines

There are existing overhead electricity network assets in 128 Bunnerong Road Eastgardens. Safework NSW Document – Work Near Overhead Powerlines: Code of Practice, outlines the minimum safety separation requirements between these mains/poles to structures within the development throughout the construction process. It is a statutory requirement that these distances be maintained throughout construction. Special consideration should be given to the positioning and operating of cranes and the location of any scaffolding.

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

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

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

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

b. Underground Cables

Special care should also be taken to ensure that driveways and any other construction activities within the footpath area do not interfere with the existing cables in the footpath. Ausgrid cannot guarantee the depth of cables due to possible changes in ground levels from previous activities after the cables were installed. Hence it is recommended that the developer locate and record the depth of all known underground services prior to any excavation in the area. Should ground anchors be required in the vicinity of the underground cables, the anchors must not be installed within 300mm of any cable, and the anchors must not pass over the top of any cable.

Safework Australia – Excavation Code of Practice, and Ausgrid’s Network Standard NS156 outlines the minimum requirements for working around Ausgrid’s underground cables.

c. Substation

The substation ventilation openings, including substation duct openings and louvered panels, must be separated from building air intake and exhaust openings, natural ventilation openings and boundaries of adjacent allotments, by separation distances which meet the requirements of all relevant authorities, building regulations, BCA and Australian Standards including AS 1668.2: The use of ventilation and air-conditioning in buildings - Mechanical ventilation in buildings.

In addition to above, Ausgrid requires the substation ventilation openings, including duct openings and louvered panels, to be separated from building ventilation system air intake and exhaust openings, including those on buildings on adjacent allotments, by not less than 6 metres.

Exterior parts of buildings within 3 metres in any direction from substation ventilation openings, including duct openings and louvered panels, must have a fire rating level (FRL) of not less than 180/180/180 where the substation contains oil-filled equipment, or 120/120/120 where there is no oil filled equipment and be constructed of non-combustible material.

The development must comply with both the Reference Levels and the precautionary requirements of the ICNIRP Guidelines for Limiting Exposure to Time-varying Electric and Magnetic Fields (1 HZ – 100 kHz) (ICNIRP 2010).

For further details on fire segregation requirements refer to Ausgrid's Network Standard 113. Existing Ausgrid easements, leases and/or right of ways must be maintained at all times to ensure 24 hour access. No temporary or permanent alterations to this property tenure can occur without written approval from Ausgrid. For further details refer to Ausgrid's Network Standard 143.

140. Sydney Water

As per the advice of cases lodged with Sydney Water (CN 183341, 187241, 190849, 189034), our servicing requirements for this proposed development are to be delivered under the Notice of Requirements for the S73 application that the proponent has already lodged with us or any future Notice of Requirements

141. Transport for NSW

- a. All buildings and structures, together with any improvements integral to the future use of the site are to be wholly within the freehold property (unlimited height or depth), along the Bunnerong Road boundary.
- b. All vehicles shall enter and exit the site in a forward direction.
- c. 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.
- d. Bicycle Parking should be provided in accordance with AS2890.3.
- e. 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.
- f. All demolition and construction vehicles are to be contained wholly within the site and vehicles must enter the site before stopping.
- g. A Road Occupancy Licence (ROL) should be obtained from Transport Management Centre for any works that may impact on traffic flows on Bunnerong Road during construction activities. A ROL can be obtained through <https://myrta.com/oplinc2/pages/security/oplincLogin.jsf>.

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 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.
- Division 8.2 allows Council to reconsider your proposal. Should you wish to have the matter reconsidered you should make an application under that section with the appropriate fee.
- 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 EP&A Act, 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 queries please contact Fiona Prodromou on 9562 1672.

Luis Melim
Manager - Development Services