

**SYDNEY EASTERN CITY PLANNING PANEL  
SUPPLEMENTARY REPORT**

SECPP No	PPSSEC-119
DA Number	DA-2019/47/B
Local Government Area	Bayside Council
Proposed Development	Section 4.55(2) Application to an approved office development to modify commercial typology from strata suites to large floor plates including changes to the shape, increase floor to ceiling height of ground floor level, decrease in floor to floor heights for the typical floors, redesign of the entry arrangement at ground floor level, reconfiguration of parking area layout, landscaping and modification to conditions
Street Address	1-5 Chalmers Crescent Mascot
Applicant	One Chalmers Pty Ltd
Owner	One Chalmers Pty Ltd
Number of Submissions	Nil
Regional Development Criteria (Schedule 7 of the SEPP (State and Regional Development) 2011	Section 4.55(2) Application which results in a variation to the Floor Space Ratio Development Standard greater than 10%.  <i>(Instruction on functions exercisable by Council on behalf of Sydney District or Regional Planning Panels- Applications to Modify Consents)</i>
List of All Relevant s4.15(1)(a) Matters	<ul style="list-style-type: none"> <li>○ Environmental Planning &amp; Assessment Act 1979, Part 4 – Development Assessment &amp; Schedule 7 of the SEPP- State and Regional Development 2011 which regional panels may be authorised to exercise consent authority functions of councils</li> <li>○ Environmental Planning &amp; Assessment Regulation 2000, Part 6 – Procedures relating to Development Applications</li> <li>○ State Environmental Planning Policy No. 55 – Remediation of Land</li> <li>○ State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017</li> <li>○ Botany Bay Local Environmental Plan 2013</li> <li>○ Botany Development Control Plan 2013</li> </ul>
List all documents submitted with this	<ul style="list-style-type: none"> <li>● Architectural plans- Rothelowman</li> <li>● Planning Statement- Sutherland Planning and Associates Pty Ltd</li> </ul>

report for the panel's consideration	
Report by	Angela Lazaridis – Senior Development Assessment Planner

### **S.7.11 Development Contributions**

Development Contributions are applicable under the City of Botany Bay s.7.11 Development Contribution Plan 2016. The modified proposal requires a recalculation of the development contributions which were originally charged for the development. As part of this application, the overall gross floor area is increased by 83.7sqm. The original Council Assessment Report for this application (Mod B) had not included a discussion on the modification to the contributions, therefore the subject supplementary report has been prepared to address this.

It is noted as part of the reassessment of the contributions, that an error was made by Council when calculating the contribution rate within the original development application (DA-2019/47). The figure that was approved in the original consent was at **\$2,547,747.48** and was based on 9,639.6sqm of office space and 174.4sqm of retail space. These figures were the net lettable area (NLA) and not the gross floor area (GFA) of the development and is an overall NLA of 9,814sqm. The development contributions under the plan should have been calculated on the overall GFA. The approved GFA of the original development application was 12,058.3sqm. This means that the original development application excluded corridors within GFA for the purposes of calculating development contributions. The rate was also applicable for the 2019/2020 financial year which came to \$5,060.77 per worker as the development is an employment generating use under the Contribution Plan.

The applicant had previously lodged a modification application (Mod A) which was approved by Council. The application was to amend the development contribution condition to reflect a workers' credit, as the site had 81 existing workers approved. This was increased from the original DA which had a credit of 49 workers. This condition was modified to reduce the overall development contribution to **\$2,385,802.84** adopting the workers' credit. The assessment of this figure did not recalculate the overall GFA of the entire development and was based off the incorrect figure.

As part of this subject modification application (Mod B), the applicant has demonstrated an overall GFA of 12,142sqm. Based on the NLA figure of 9,814sqm from the original development application, there is an additional 2,328sqm of calculable floor area. The recalculation has been carried out and indexed for the 20/21 financial year and results in a development contribution of **\$2,989,340.19**. The contribution has been calculated as the proposed GFA generates a total of 602.645 workers (this incorporates a credit of 81 workers). The contribution rate for each worker is \$4,930.37.

The error has been rectified and the correct development contribution has been adopted. This results in an increase in the contribution by **\$603,537.35**. Condition Nos. 25(c) and 28 have been modified to reflect the correct contribution. The amended conditions found in Schedule 1 below include the changes proposed from the original modification report provided to the Panel.

## Attachment

### SCHEDULE 1 – CONDITIONS OF CONSENT

Premises: 1-5 Chalmers Crescent Mascot

DA No: DA-2019/47/B

#### SCHEDULE OF CONSENT CONDITIONS

##### GENERAL CONDITIONS

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

Plans	Author	Dated / Received by Council
TP00.03 – Site Plan- Rev <b>A D</b>	Rothelowman	<del>Dated 19 June 2019;</del> <del>Received 2 July 2019</del> Dated 3 December 2020; Received 19 January 2021
TP00.05 – Demolition Plan- Rev <b>A D</b>		<del>Dated 19 June 2019;</del> <del>Received 2 July 2019</del> Dated 3 December 2020; Received 19 January 2021
TP01.01 – Ground Level- Rev <b>A E</b>		<del>Dated 19 June 2019;</del> <del>Received 2 July 2019</del> Dated 19 April 2021; Received 20 April 2021
TP01.02 – Mezzanine- Rev <b>A E</b>		<del>Dated 19 June 2019;</del> <del>Received 2 July 2019</del> Dated 19 April 2021; Received 20 April 2021
TP01.03 – Level 1- Rev <b>A E</b>		<del>Dated 19 June 2019;</del> <del>Received 2 July 2019</del> Dated 19 April 2021; Received 20 April 2021
TP01.04 – Level 2- Rev <b>A E</b>		<del>Dated 19 June 2019;</del> <del>Received 2 July 2019</del> Dated 19 April 2021; Received 20 April 2021
TP.01.05 – Level 3- Rev <b>A D</b>		<del>Dated 19 June 2019;</del> <del>Received 2 July 2019</del>

<b>Plans</b>	<b>Author</b>	<b>Dated / Received by Council</b>
		<i>Dated 3 December 2020; Received 19 January 2021</i>
TP.01.06 – Level 4, 6, 8- Rev <b>A D</b>		<del><i>Dated 19 June 2019; Received 2 July 2019</i></del> <i>Dated 3 December 2020; Received 19 January 2021</i>
TP01.07 – Level 5, 7, 9- Rev <b>A D</b>		<del><i>Dated 19 June 2019; Received 2 July 2019</i></del> <i>Dated 3 December 2020; Received 19 January 2021</i>
TP01. - Rev A 08 – Level 10- Rev <b>A D</b>		<del><i>Dated 19 June 2019; Received 2 July 2019</i></del> <i>Dated 3 December 2020; Received 19 January 2021</i>
TP01.09 – Roof- Rev <b>A D</b>		<del><i>Dated 19 June 2019; Received 2 July 2019</i></del> <i>Dated 3 December 2020; Received 19 January 2021</i>
TP02.01 – North Elevation- Rev <b>A C</b>		<del><i>Dated 19 June 2019; Received 2 July 2019</i></del> <i>Dated 3 December 2020; Received 19 January 2021</i>
TP02.02 – South Elevation- Rev <b>A C</b>		<del><i>Dated 19 June 2019; Received 2 July 2019</i></del> <i>Dated 3 December 2020; Received 19 January 2021</i>
TP02.03 – West Elevation- Rev <b>A C</b>		<del><i>Dated 19 June 2019; Received 2 July 2019</i></del> <i>Dated 3 December 2020; Received 19 January 2021</i>
TP02.04 – East Elevation- Rev <b>A C</b>		<del><i>Dated 19 June 2019; Received 2 July 2019</i></del> <i>Dated 3 December 2020; Received 19 January 2021</i>

<b>Plans</b>	<b>Author</b>	<b>Dated / Received by Council</b>
TP03.01 – Section A- Rev <b>A E</b>		<del>Dated 19 June 2019;</del> <del>Received 2 July 2019</del> Dated 19 April 2021; Received 20 April 2021
T- Rev A P03.02 – Section B- Rev <b>A D</b>		<del>Dated 19 June 2019;</del> <del>Received 2 July 2019</del> Dated 19 April 2021; Received 20 April 2021
TP06.01 - Rev A – Area Compliance Diagrams- Rev <b>A C</b>		<del>Dated 19 June 2019;</del> <del>Received 2 July 2019</del> Dated 3 December 2020; Received 19 January 2021
TP06.02 – Setback Diagram- Rev <b>A B</b>		<del>Dated 19 June 2019;</del> <del>Received 2 July 2019</del> Dated 3 December 2020; Received 19 January 2021
Material Palette	Rothelowman	Dated February 2019; Received 12 February 2019
LDA-01 – GF Landscape Plan- Rev C	Ground Ink Landscape Architects	Dated 4 February 2019; Received 12 February 2019
LDA-02 – Podium Planting Plan- Rev C		Dated 4 February 2019; Received 12 February 2019
LDA-03 – Podium Plant Palette- Rev C		Dated 4 February 2019; Received 12 February 2019
LDA-04 – Landscape Details- Rev C		Dated 4 February 2019; Received 12 February 2019

**[Amendment B – Section 4.55(2) – Amended on 6 May 2021]**

<b>Reference Document(s)</b>	<b>Author</b>	<b>Dated / Received by Council</b>
Design Report	Rothelowman	Dated February 2019; Received 20 June 2019
Amended Statement of Environmental Effects and Clause 4.6 variation	Sutherland and Associates Planning	Dated June 2019; Received 2 July 2019
Accessibility Review Report	ABE Consulting	Dated 5 February 2019; Received 12 February 2019
Acid Sulfate Soil Management Plan	EI Australia	Dated 23 October 2028; Received 12 February 2019

<b>Reference Document(s)</b>	<b>Author</b>	<b>Dated / Received by Council</b>
Acoustic Assessment Report	Pulse Acoustic Consultancy	Dated 25 January 2019; Received 12 February 2019
Addendum to Traffic Report	Varga Traffic Planning Pty Ltd	Dated 28 April 2019; Received 1 May 2019
BCA and Access 2016 A1 – Indicative Compliance Report	Building Innovations Australia	Dated 8 February 2019; Received 12 February 2019
Construction Management Plan	Platform Project Services Pty Ltd	Dated February 2019; Received 12 February 2019
Flood Impact Report	ACOR Consultants	Dated 16 October 2028; Received 12 February 2019
Geotechnical Assessment Report	EI Australia	Dated 13 September 2028; Received 12 February 2019
Preliminary Site Investigation	EI Australia	Dated 10 May 2019; Received 13 May 2019
Section J Energy Efficiency Report	Certified Energy	Dated 28 January 2019; Received 12 February 2019
<b><i>Stormwater Management Report Civil Engineering Works Package</i></b>	<b><i>Van der Meer Northrop</i></b>	<b><i><del>Dated September 2028; Received 12 February 2019</del> Dated 6 December 2019; Received 20 April 2021</i></b>
Traffic and Parking Assessment Report	Varga Traffic Planning Pty Ltd	<b><i><del>Dated 7 February 2019; Received 12 February 2019</del> Dated 22 April 2021; Received 22 April 2021</i></b>
<b><i>Swept Path Diagrams- 8.8MRV_Entry</i></b>	<b><i>Varga Traffic Planning Pty Ltd</i></b>	<b><i>Dated 20 April 2021; Received 20 April 2021</i></b>
<b><i>Swept Path Diagrams- 8.8MRV_Exit</i></b>	<b><i>Varga Traffic Planning Pty Ltd</i></b>	<b><i>Dated 20 April 2021; Received 20 April 2021</i></b>
Waste Management Plan	Waste Audit	Dated January 2019; Received 12 February 2019
Pedestrian Wind Environment Statement	WindTech	Dated 4 February 2019; Received 12 February 2019
<b><i>Section 4.55 Planning Statement</i></b>	<b><i>Sutherland and Associates Planning</i></b>	<b><i>Dated December 2020; Received 19 January 2021</i></b>

**[Amendment B – Section 4.55(2) – Amended on 6 May 2021]**

No construction works (including excavation) shall be undertaken prior to the issue to the Construction Certificate.

- 2 This Consent relates to land in Lot 100 in DP 580123 and Lot 1 in DP 1005951, as such, building works must not encroach on to adjoining lands or the adjoining public place.
- 3 The consent given does not imply that works can commence until such time that:
  - a) Detailed plans and specifications of the building have been endorsed with a Construction Certificate by:
    - (i) The consent authority; or,
    - (ii) An accredited certifier; and,
  - b) The person having the benefit of the development consent:
    - (i) Has appointed a principal certifying authority; and
    - (ii) Has notified the consent authority and the Council (if the Council is not the consent authority) of the appointment; and,
    - (iii) The person having the benefit of the development consent has given at least 2 days notice to the council of the persons intention to commence the erection of the building.
- 4 All building work must be carried out in accordance with the provisions of the Building Code of Australia.

#### **CONDITIONS IMPOSED BY AN EXTERNAL AUTHORITY**

Where relevant, the following external authority conditions apply:

- 5 The following conditions are imposed by **Sydney Airport Corporation Limited (SACL)**:
  - a) This location lies within an area defined in schedules of the Civil Aviation (Buildings Control) Regulations which limit the height of structures to 15.24 metres above existing ground height (AEGH) without prior approval of the Civil Aviation Safety Authority.
  - b) The application sought approval for the PROPERTY DEVELOPMENT to a height of 47.8 metres Australian Height Datum (AHD).
  - c) In the capacity as Airfield Design Manager and an authorised person of the Civil Aviation Safety Authority (CASA) under Instrument Number: CASA 229/11, in this instance, the Airfield Manager has no objection to the erection of this development to a maximum height of 47.8.0 metres AHD.
  - d) The approved height is inclusive of all lift over-runs, vents, chimneys, aerials, TV antennae, construction cranes etc.
  - e) Should you wish to exceed this height a new application must be submitted.
  - f) Should the height of any temporary structure and/or equipment be greater than 15.24 metres AEGH, a new approval must be sought in accordance with

the Civil Aviation (Buildings Control) Regulations Statutory Rules 1988 No. 161.

- g) Construction cranes may be required to operate at a height significantly higher than that of the proposed development and consequently, may not be approved under the Airports (Protection of Airspace) Regulations.
- h) Sydney Airport advises that approval to operate construction equipment (ie cranes) should be obtained prior to any commitment to construct.
- i) "Prescribed airspace" includes "the airspace above any part of either an Obstacle Limitation Surface (OLS) or Procedures for Air Navigation Services – Aircraft Operations (PANS-OPS) surface for the airport (Regulation 6(1)).
- j) The height of the prescribed airspace at this location is 51 metres above AHD.

#### Planning for Aircraft Noise and Public Safety Zones

- k) Current planning provisions (s.117 Direction 3.5 NSW Environmental Planning and Assessment Act 1979) for the assessment of aircraft noise for certain land uses are based on the Australian Noise Exposure Forecast (ANEF). The current ANEF for which Council may use as the land use planning tool for Sydney Airport was endorsed by Airservices in December 2012 (Sydney Airport 2033 ANEF).
- l) Whilst there are currently no national aviation standards relating to defining public safety areas beyond the airport boundary, it is recommended that proposed land uses which have high population densities should be avoided.

6 The following conditions are imposed by **Telstra**:

- a) The applicant shall contact "Dial Before You Dig" to obtain a utility service diagram for, and adjacent to the property as Telstra and NBN have network in this location. 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.

7 The following conditions are imposed by **Roads and Maritime Services (RMS)**:

- a) 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 2890.2-2028 for heavy vehicle usage. Parking Restrictions may be required to maintain the required sight distances at the driveway.
- b) The swept path of the longest vehicle (including garbage trucks, building maintenance vehicles and removalists) entering and exiting the subject site, as well as manoeuvrability through the site, shall be in accordance with AUSTROADS. In this regard, a plan shall be submitted to Council for approval, which shows that the proposed development complies with this requirement.



- c) A Construction Pedestrian Traffic Management Plan (CPTMP) should be submitted in consultation with Roads and Maritime and Bayside Council, prior to the issue of a Construction Certificate. The CPTMP needs to include, but not be limited to, the following: construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control, taking into consideration the cumulative traffic impacts of other developments in the area.

8 The following advisory conditions are imposed by **NSW Police**:

- a) CCTV and adequate lighting should be installed and operational outside of premise focusing significantly at entry / exit points of building.
- b) CCTV and adequate lighting should be installed and operational throughout carpark.
- c) Cash on premises should be secured at all times.
- d) Once construction completed, secure fencing is recommended to surround the premise, to deter undesirable persons entering the grounds and opportunistic crime from occurring.

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

- a) The approved plans must be submitted to the Sydney Water Tap in™ online service to determine whether the development will affect any Sydney Water sewer or water main, stormwater drains and/or easement, and if further requirements need to be met.

The Sydney Water Tap in™ online self-service replaces our Quick Check Agents as of 30 November 2015.

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

- (i) building plan approvals
- (ii) connection and disconnection approvals
- (iii) diagrams
- (iv) trade waste approvals
- (v) pressure information
- (vi) water meter installations
- (vii) pressure boosting and pump approvals
- (viii) changes to an existing service or asset, e.g. relocating or moving an asset.

Sydney Water's Tap in™ online service is available at:  
<https://www.sydneywater.com.au/SW/plumbing-building-developing/building/sydney-water-tap-in/index.htm>

- b) A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water prior to development commencement. It is recommended that the Council includes this term as a Condition of the DA approval.

The proponent is advised to make an early application for the certificate, as there may be water and wastewater pipes to be built that can take some time. This can also impact on other services and buildings, driveways or landscape designs.

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

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

- 10 The proposed development shall comply with the following:
- (a) A sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being carried out:
    - (i) Stating that unauthorised entry to the work site is prohibited;
    - (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;
    - (iii) The Development Approval number; and
    - (iv) The name of the Principal Certifying Authority including an afterhours contact telephone number.
  - (b) Any such sign is to be removed when the work has been completed.
- 11 If the land to which the application relates is served by a common sewerage system that is also used by others, then measures must be placed in effect and prior to the commencement of work to ensure the operation of the sewerage system is without disruption to other joint users.
- 12 Prior to the commencement of any demolition, excavation or remediation works, the applicant must inform Council, in writing, of:
- (a) The name of the contractor, and licence number of the licensee who has contracted to do, or intends to do, the work: or
  - (b) The name and permit number of the owner-builder who intends to do the work;
  - (c) The Council also must be informed if: -
    - (i) A contract is entered into for the work to be done by a different licensee; or

(ii) Arrangements for the doing of the work are otherwise changed.

13 Prior to commencement of any works, application(s) shall be made to Council's Customer Services Counter and obtained the following approvals and permits on Council's property/road reserve under Road Act 1993 and Local Government Act 1993: - (It should be noted that any works shown within Council's road reserve or other Council Lands on the development approval plans are indicative only and no approval for these works is given until this condition is satisfied.)

- a) Permit to erect hoarding on or over a public place, including Council's property/road reserve,
- b) Permit to construction works, place and/or storage building materials on footpaths, nature strips,
- c) Permit to install temporary ground anchors in public land,
- d) Permit to discharge ground water to Council's stormwater drainage system,
- e) Permit for roads and footways occupancy (long term/ short term),
- f) Permit to construct vehicular crossings, footpaths, kerbs and gutters over road reserve,
- g) Permit to open road reserve area, including roads, footpaths, nature strip, vehicular crossing or for any purpose whatsoever, such as relocation / re-adjustments of utility services,
- h) Permit to place skip/waste bin on footpath and/or nature strip, and
- i) Permit to use any part of Council's road reserve or other Council lands.

14 Prior to the commencement of demolition work a licensed demolisher who is registered with WorkCover NSW must prepared a Work Method Statement to the satisfaction of the Principal Certifying Authority (Council or an accredited certifier) and a copy shall be sent to Council (if it is not the PCA). A copy of the Statement shall also be submitted to WorkCover NSW.

The statement must be in compliance with AS2601:1991 – 'Demolition of Structures', the requirements of WorkCover NSW and conditions of the Development Approval, and shall include provisions for:

- a) Enclosing and making the site safe, any temporary protective structures must comply with the "Guidelines for Temporary Protective Structures (April 2001)";
- b) Induction training for on-site personnel;
- c) Inspection and removal of asbestos, contamination and other hazardous materials (by appropriately licensed contractors);
- d) Dust control – Dust emission must be minimised for the full height of the building. A minimum requirement is that perimeter scaffolding, combined with chain wire and shade cloth must be used, together with continuous water spray during the demolition process. Compressed air must not be used to blow dust from the building site;
- e) Disconnection of Gas and Electrical Supply;

- f) Fire Fighting – Fire fighting services on site are to be maintained at all times during demolition work. Access to fire services in the street must not be obstructed;
  - g) Access and Egress – No demolition activity shall cause damage to or adversely affect the safe access and egress of this building;
  - h) Waterproofing of any exposed surfaces of adjoining buildings;
  - i) Control of water pollution and leachate and cleaning of vehicles tyres – Proposals shall be in accordance with the “Protection of the Environmental Operations Act 1997”;
  - j) Working hours, in accordance with this Development Consent;
  - k) Confinement of demolished materials in transit;
  - l) Proposed truck routes, in accordance with this Development Consent;
  - m) Location and method of waste disposal and recycling in accordance with the “Waste Minimisation and Management Act 1995”.
  - n) Sewer – common sewerage system ad08.
- 15 A sufficient area shall be provided onsite to enable separate stockpiling of excavated materials for sampling and analysis prior to removal or re-use on site. Details of this area shall be provided in the Soil and Water Management Plan (SWMP). This plan shall incorporate and reference the construction environmental management plan and address site limitations.
- 16 Toilet facilities are to be provided at or in the vicinity of the work site on which work involves:
- a) demolition and construction of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site;
  - b) Each toilet provided:
    - (i) must be standard flushing toilet; and,
    - (ii) must be connected:
      - to a public sewer; or
      - if connection to a public sewer is not practicable to an accredited sewerage management facility approved by the Council; or,
      - if connection to a public sewer or an accredited sewerage management facility is not practicable to some other sewerage management facility approved by the Council.
  - c) The provisions of toilet facilities in accordance with this condition must be in place before work commences.
- 17 This Consent shall not preclude the demolisher from giving notice to other statutory authorities, such as Sydney Water Corporation, WorkCover, etc.
- 18 Prior to the commencement of any works, the site to which this approval relates must be adequately fenced or other suitable measures employed that are acceptable to the Principal Certifying Authority to restrict public access to the site and building works. Such fencing or other measures must be in place before the approved activity commences.

- 19 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.
- 20 A Soil and Water Management Plan shall be prepared in accordance with Soil and Water Management for Urban Development Guidelines produced by the Southern Sydney Region Organisation of Councils. A copy of the plan must be submitted to Council. 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. Sediment control devices shall not be located beneath the driplines of trees, which are to be retained.
- 21 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. The controls are to be designed and installed in accordance with the Soil and Water Management for Urban Development Guidelines produced by the Southern Sydney Regional Organisation of Council. Copies of the guidelines are available from Council.
- 22 If an excavation associated with the proposal extends below the level of the base of the footings of a building and/or structure and/or road on an adjoining allotment of land or the common boundary fence the person causing the excavation to be made:
- a) Must preserve and protect the building/ fence from damage; and,
  - b) If necessary, underpin and support such building in an approved manner;
  - c) Must at least be 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of the intention to do so to the owner of the adjoining allotment of land and, furnish particulars of the excavation to the owner of the building being erected or demolished;
  - d) Existing structures and or services on this and adjoining properties are not endangered during any demolition excavation or construction work associated with the above project. The applicant is to provide details of any shoring, piling, or underpinning prior to the commencement of any work. The construction shall not undermine, endanger or destabilise any adjacent structures.
  - e) If the soil conditions required it:
    - (i) Retaining walls associated with the erection of a building or other approved methods of preventing movement or other approved methods of preventing movement of the soil must be provided and:-
    - (ii) Adequate provision must be made for drainage.

- 23 A Tree Protection Zone TPZ shall be erected to protect the root zone of the trees of the three (3) *Callitris rhomboidea* (Port Jackson Pine) located adjacent to 1 Chalmers Crescent.
- a) Prior to commencing demolition/any works on site, in order to ensure that the tree is protected during demolition and construction, and the health and structural stability is ensured a Tree Protection Zone shall be established as follows.
  - b) In accordance with AS 4970-2009 protective fences consisting of chain wire mesh temporary fence panels with a height 1.8m shall be erected outside the drip line. The fence panels must be securely mounted and braced to prevent movement. The area within the fenced area is to be mulched with leaf mulch to a depth of 100mm and a weekly deep watering program undertaken.
  - c) The protective fence shall consist of para-webbing or chain wire mesh mounted on star pickets or similar metal posts, shall be placed prior to the commencement of any work on site and shall remain until the completion of all building and hard landscape construction.
  - d) If there is insufficient space to erect fencing, then the tree is to be physically protected by wrapping the trunk with hessian or carpet underlay to a height of 2.5 meters or to the tree's first lateral branch, whichever is greater, and affix timber palings around the tree with strapping or wire (not nails).
  - e) The Prior to the commencement of any work the applicant is to submit payment for a Tree Preservation Bond of \$3,000.00 to ensure protection of Council's street tree assets. The duration of the Bond shall be limited to a period of 12 months after the occupation certificate is issued. At completion of the bond period of twelve months (12 months) the Bond shall be refunded pending an inspection of the trees by council. If a tree is found to be dead, pruned or dying and will not recover the applicant will forfeit all or part of the bond to replace or maintain the tree/s.
  - f) Before any works commence on site, the Applicant is required to contact Council for an inspection and/or provide photographic evidence of the fenced TPZ's.
- 24 Where any shoring is to be located on or is supporting Council's property, or any adjoining private property, engineering drawings certified as being adequate for their intended purpose by an appropriately qualified and practicing engineer, showing all details, including the extent of encroachment and the method of removal (or any other method) and de-stressing of shoring elements, shall be submitted with the Construction Certificate to the Principle Certifying Authority along with Council's (or other) consent if the works intrude on Council's (or other) property.

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

- 25 The applicant must prior to the issue of any Construction Certificate, pay the following fees:
- |                |                                       |                                       |
|----------------|---------------------------------------|---------------------------------------|
| (a)            | Development Control                   | \$3,174.00                            |
| (b)            | Footpath Crossing Deposit             | \$198,315.03 (See below)              |
| <del>(c)</del> | <del>Section 7.11 Contributions</del> | <del>\$2,547,747.48 (See below)</del> |

(c) Section 7.11 Contributions ~~\$2,385,802.84~~ **\$2,989,340.19**

[Amendment A – Section 4.55(1A) – Amended on 28 February 2020]

**[Amendment B – Section 4.55(2) – Amended on 6 May 2021]**

26 Prior to the issue of the Construction Certificate, the required Long Service Levy payable under Section 34 of the Building and Construction Industry Long Service Payments Act 1986 has to be paid. The Long Service Levy is payable at 0.35% of the total cost of the development, however this is a State Government Fee and can change without notice.

27 Prior to the issue of any Construction Certificate, the applicant shall lodge a Footpath Crossing Deposit of **\$198,315.03** (GST Exempt) by way of cash deposit or unconditional bank guarantee to Council against possible damage to Council's asset during the course of the building works. The deposit will be refunded subject to inspection by Council 12 months after the completion of all works relating to the proposed development and Final Occupational Certificate has been issued.

28 A Section 7.11 contribution of ~~\$2,385,802.84~~ **\$2,989,340.19** 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 total contribution is to be paid prior to the issue of any Construction Certificate. The contributions are only used towards the provision or improvement of the amenities and services identified below.

Community Facilities	<del>\$ 195,297.10</del> <b>\$244,701.47</b>
Recreation and Open Space	<del>\$ 2,014,909.98</del> <b>\$2,524,622.44</b>
Transport Facilities	<del>\$ 158,224.28</del> <b>\$198,250.32</b>
Administration	<del>\$ 17,371.49</del> <b>\$21,765.96</b>
Total in <del>2019/20</del> <b>2020/21</b>	<del>\$ 2,385,802.84</del> <b>\$2,989,340.19</b>

[Amendment A – Section 4.55(1A) – Amended on 28 February 2020]

**[Amendment B – Section 4.55(2) – Amended on 6 May 2021]**

29 Prior to the issue of the Construction Certificate, a dilapidation survey shall be undertaken of all properties and/or Council infrastructure, including but not limited to all footpaths, kerb and gutter, stormwater inlet pits, and road carriageway pavements, in the vicinity which could be potentially affected by the construction of this development. Any damage caused to other properties during construction shall be rectified. A copy of the dilapidation survey and an insurance policy that covers the cost of any rectification works shall be submitted to the Principal Certifying Authority prior to issue of the Construction Certificate. The insurance cover shall be a minimum of \$10 million.

30 A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained. Application must be made through an authorised Water Servicing Coordinator. Please refer to "Your Business" section of Sydney Water's web site at [www.sydneywater.com.au](http://www.sydneywater.com.au) then the "e-developer" icon or telephone 13 20 92.

Following application a “Notice of Requirements” will detail water and sewer extensions to be built and charges to be paid. Please make early contact with the Co-ordinator, since building of water/sewer extensions can be timed consuming and may impact on other services and building, driveway or landscape design. The Section 73 Notice of Requirements must be submitted to the Principal Certifying Authority prior to the issue of any Construction Certificate.

- 31 Plans and cross sections showing the compliance of the recommendations of Part J BCA assessment report issued by Certified Energy on 28 January 2019 to be submitted with the application for the issue of the Construction Certificate.
- 32 Prior to the issue of any Construction Certificate, detailed drainage design plans for the management of stormwater are to be submitted to Council or 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 (SMTG) 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. All drawings shall correspond with the approved architectural plans.

The detailed design plans must incorporate, but not be limited to, the following:

- a) Incorporate the **stormwater management** provisions generally made in the stormwater management ~~report & plans~~ prepared by **Northrop Ref:192336-CL01-A and the plans prepared by Northrop, Job Number 192336, revision 2. The infiltration systems shall be designed strictly in accordance with Botany Bay DCP Part 10 Stormwater Management Technical Guidelines section 5 and must have a 2.0m setback from the side and rear property boundaries. The stormwater system shall be designed to ensure stormwater discharge from the site to the kerb and gutter does not exceed 20L/s in all storm events up to, and including, the 1% AEP storm event. Van Der Meer Consulting, Job No: SY282-060, revision 2, dated 10 February 2019 however, the discharge design to Chalmers Crescent must be revised. As the discharge from the entire development site is greater than 20 l/s, in accordance with BB DCP Part 10 section 3.2 (iii), the OSD stormwater system is to discharge to a new grated kerb inlet pit lintel in the Chalmers Street frontage adjacent to the development. This necessitates the construction of new pipe & kerb inlet pit stormwater infrastructure, connecting to existing Council stormwater infrastructure located in the intersection between Chalmers Crescent and Kent Road. Hydraulic grade line analysis of the new stormwater infrastructure will be required. The detailed design (pit & pipe sizing, location(s) etc.) must be in accordance with the requirements of Botany Bay DCP Part 10 – Stormwater Management Technical Guidelines Section 13. All new stormwater infrastructure must be designed to the satisfaction of Bayside Council prior to construction, and**
- b) The On-Site Detention System (OSD) shall be designed according to Part 6 of the SMTG. It should be noted that OSD systems shall be designed to detain the stormwater runoff from the site for all storm events up to and including 1 in 100 year ARI storm and permissible site discharge (PSD) shall be based on 1 in 5 year ARI peak flow generated from the site under the “State of Nature”



condition (i.e. the site is totally grassed/turfed), rather than pre-development condition, and

- c) Piped emergency overflow to cater for storm events greater than the 1% AEP shall be provided within the OSD design. **The emergency overflow must be designed to account for blockages and not result in the inundation of habitable areas**, and
- d) In accordance with Botany Bay DCP SMTG section 4, a minimum capacity 10000L of Rainwater Tank(s) shall be provided for the site. In order to reduce pollutants entering the tank, a first flush device to divert minimum 1mm initial runoff from the roof area bypassing the tank shall be provided. Only roof water shall be directed to the rainwater tank. Overflow from the rainwater tank shall be directed to the site drainage system. The rainwater tank(s) shall service all toilets and any outdoor irrigation/taps for landscaping within the development, and
- e) Incorporate a Stormwater Quality Improvement system to ensure compliance with Section 16 of Botany Bay's SMTG, and
- f) The water quality improvement system and WSUD strategy proposal shall be designed to capture and treat at least 85% flows generated from the site, and
- g) A WSUD Strategy and MUSIC model must be prepared and submitted for the development. The MUSIC model must be prepared in line with the Draft NSW MUSIC Modelling Guidelines (Sydney Metro CMA). Sydney's Water's requirements are that the water quality improvement should meet or exceed the target as described in the "Botany Bay & Catchment Water Quality Improvement Plan" which was prepared by the Sydney Metropolitan Catchment Management Authority in April 2011, and
- h) Detailed calculations including computer modelling supporting the proposal.

**[Amendment B – Section 4.55(2) – Amended on 6 May 2021]**

- 33 To ensure that utility authorities and Council are advised of any effects to their infrastructure by the development, the applicant shall:
- a) Carry out a survey of all utility and Council services within the site including relevant information from utility authorities and excavation if necessary to determine the position and level of services,
  - b) Negotiate with the utility authorities (eg AusGrid, Sydney Water, Telecommunications Carriers) and Council in connection with:
    - (i) The additional load on the system, and
    - (ii) The relocation and/or adjustment of the services affected by the construction.
  - c) The Ausgrid lighting poles will need to be decommissioned and new lighting poles shall be constructed satisfying V2 lighting requirements any other requirements as specified by Council and any other service provider,
  - d) All above ground utilities shall be relocated underground in accordance with Ausgrid and any other affected and relevant service provider, and

- e) All underground and above ground infrastructure shall be constructed as specified by Ausgrid, Council and any other affected service provider. The location of the new electrical pillars, new lighting poles, any new pits and trenches for utilities shall be confirmed with Council prior to the issue of the Construction Certificate.

Any costs in the relocation, adjustment, and provision of land or support of services as requested by the Council and service authorities are to be the responsibility of the developer.

- 34 A Public Domain Frontage Design must be prepared by suitably qualified professionals for assessment and approval by Council's Public Domain Team for all frontage works that are required to be constructed within the public domain and which are subject to approval pursuant to Section 138 of the Roads Act 1993. All frontage works shall be in accordance with Council technical manuals, master plans, town centre plans, Australian standards and standard design drawings and specifications.

Public domain frontage works shall include, but not be limited to, civil, drainage, landscaping, undergrounding of services, lighting, traffic signage, line marking, parking and traffic devices.

A 'public domain frontage works application' shall be submitted to Bayside Council's Customer Service Centre for assessment of all required works within the road reserve, upon payment of the relevant fee, prior to the issue of any Construction Certificate.

- 35 Prior to the issue of any Construction Certificate, a Construction Management Program shall be submitted to, and approved by the Principal Certifying Authority prior to the issue of a Construction Certificate. The program shall detail:

- a) The proposed method of access to and egress from the site for construction vehicles, including access routes through the Council area and the location and type of temporary vehicular crossing for the purpose of minimising traffic congestion and noise in the area, with no access across public parks or public reserves being allowed,
- b) The proposed phases of construction works on the site and the expected duration of each construction phase,
- c) The proposed order in which works on the site will be undertaken, and the method statements on how various stages of construction will be undertaken,
- d) The proposed manner in which adjoining property owners will be kept advised of the timeframes for completion of each phase of development/construction process,
- e) The proposed method of loading and unloading excavation and construction machinery, excavation and building materials, formwork and the erection of any part of the structure within the site. Wherever possible mobile cranes should be located wholly within the site,
- f) The proposed areas within the site to be used for the storage of excavated materials, construction materials and waste containers during the construction period,

- g) The proposed method/device to remove loose material from all vehicles and/or machinery before entering the road reserve, any run-off from the washing down of vehicles shall be directed to the sediment control system within the site,
- h) 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,
- i) Proposed protection for Council and adjoining properties, and
- j) The location and operation of any on site crane. Please note that a crane may require prior approval from Sydney Airports Corporation.
- k) The location of any Construction Work Zone (if required) approved by Council's Traffic Committee, including a copy of that approval.
- l) Obtain Permits required under this consent.

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

- a) be prepared by a RMS accredited consultant,
- b) address, but not be limited to, the following matters:
  - (i) ingress and egress of vehicles to the site;
  - (ii) loading and unloading, including construction zones;
  - (iii) predicted traffic volumes, types and routes; and
  - (iv) pedestrian and traffic management methods.
- c) nominate a contact person who is to have authority without reference to other persons to comply with instructions issued by Council's Traffic Engineer or the Police, and
- d) if required, implement a public information campaign to inform any road changes well in advance of each change. The campaign may be required to be approved by the Traffic Committee.

Note: Any temporary road closure shall be confined to weekends and off-peak hour times and is subject to Council's Traffic Engineer's approval. Prior to implementation of any road closure during construction, Council shall be advised of these changes and Traffic Control Plans shall be submitted to Council for approval. This Plan shall include times and dates of changes, measures, signage, road markings and any temporary traffic control measures.

37 Prior to the release of the Construction Certificate, the following required section(s) are to be submitted to and approved by the Principal Certifying Authority:

- a) All driveways/access ramps/vehicular crossings shall conform with Australian Standards AS 2890.1 and Council requirements,
- b) The applicant shall provide longitudinal sections along the extremities and the centre line of each internal driveway/access ramp at a scale of 1:25. These long sections shall extend from the horizontal parking area within the property to the centre line of the roadway. The sections shall also show the clear height from the ramp to any overhead structure.
- c) Internal height clearance shall be designed throughout the car park at minimum in accordance with AS2890.1:2004.
- d) A minimum of ~~38~~**50** bicycle parking spaces are to be provided for the development and designed in accordance with AS2890.3:2015 on the ground floor. Adequate end of trip facilities must be provided on the ground floor (toilets, showers, change room, lockers).
- e) The design of the car parking facility is to be certified by a suitably qualified traffic engineer as being in accordance with Australian Standard 2890 parking series.
- f) ***Six (6) off street car parking spaces are to be equipped with Electric Vehicle (EV) charging facilities.***

***[Amendment B – Section 4.55(2) – Amended on 6 May 2021]***

38 Prior to the release of the Construction Certificate, the following required section(s) are to be submitted to and approved by the Principal Certifying Authority:

- a) All driveways/access ramps/vehicular crossings shall conform with Australian Standards AS 2890.2 and Council requirements along the travel path of the service vehicle,
- b) All service vehicles shall enter the property front in front out,
- c) Demonstrate safe headroom clearance of 4.5m is achieved in the driveway entrance and along the along the travel path, parking and manoeuvring areas of a Medium Rigid Vehicle (MRV), including Council's Garbage Truck, and
- d) Swept path analysis shall be provided for manoeuvring of MRV commercial vehicles, depicting a forward entry and forward exit manoeuvre from the ground floor loading dock of the site, and
- e) A longitudinal section plotting headroom clearance above driveway access is to be provided for assessment.

39 Prior to the release of the Construction Certificate, the following required section(s) are to be submitted to and approved by the Principal Certifying Authority:

- a) At least eight (8) accessible car parking spaces shall be provided and designed as specified in Australian Standard 2890.6, SEPP 65 Design Code and Council requirements, and

- b) All off street accessible parking shall have access to the adjacent road(s) and to the communal open space as per Australian Standards AS 2890.6 and Council requirements, and
  - c) All Accessible parking spaces shall be located within close proximity and easy access to the lift systems proposed for the building as per AS2890.6 and AS4299.
- 40 Prior to the release of the Construction Certificate, details shall be submitted to the Principal Certifying Authority on the proposed method of any exhaust ventilation from the car park. The exhaust ventilation needs to be ventilated away from the property boundaries of the adjoining buildings, and in accordance with the provisions of AS1668.1 and AS1668.2.
- 41 Prior to the issue of any Construction Certificate, the construction methodology, parameters, and recommendations prepared by EI Australia PTY LTD, report number E23953.G02, dated 13 September 2028, shall be implemented and relied upon during the preparation of the construction certificate documentation and the construction of the proposed development.
- 42 Prior to the issue of any Construction Certificate, the approved plans must be submitted to Sydney Water Tap in™ online service to determine whether the development will affect any Sydney Water sewer or water main, stormwater drains and/or easement, and if further requirements need to be met.
- Sydney Water's Tap in™ online service is available at:  
<https://www.sydneywater.com.au/SW/plumbing-building-developing/building/sydney-water-tap-in/index.htm>
- 43 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.
- 44 A Stage 3 – Remedial Action Plan (RAP) shall be prepared by a suitably qualified and experienced contaminated land consultant and in accordance with:
- a) NSW Office of Environment and Heritage (OEH) ‘Contaminated Sites – Guidelines for Consultants Reporting on Contaminated Sites’;
  - b) NSW Environment Protection Authority (NSW EPA) approved guidelines under the Contaminated Land Management Act 1997; and
  - c) State Environmental Planning Policy 55 (SEPP55) – Remediation of Land.

The RAP shall incorporate all findings and recommendations in the Phase1 Preliminary Site Assessment and Phase 2 Detailed Site Assessment for the site, it shall clearly state proposed clean-up objectives, and demonstrate how the site will be made suitable for the proposed use.

The RAP shall be submitted to Council for review and concurrence prior to the commencement of any remedial action and prior to the issue of any construction certificate.

45 The Remedial Action Plan (RAP) shall avoid the use containment and contaminants should be treated onsite or removed from the site whenever possible. Any remediation that utilises a containment strategy for contaminants must be accompanied by a Long-term Environmental Management Plan (LTEMP). This LTEMP must be added to the title of the site.

46 A Site Audit Statement will be required for this site prior to the issue of any Occupation Certificate. To ensure the necessary assessment and remediation is completed, a NSW Environment Authority (EPA) Accredited Site Auditor must be appointed to the site prior to the commencement of any remediation works, excavation or commencement of works at the site. The Site Auditor must review and endorse any additional investigation and remediation proposed prior to the commencement of any works.

Evidence of this appointment must be provided to council prior to the issue of any construction certificate.

47 The Final Landscape Plan shall be generally in accordance with the approved Landscape Plan by Ground Ink, revision C, dated 4th February 2019 (Refer to Condition 1) and comprise detailed landscape construction documentation (plans and specifications) to be submitted to, and approved by Bayside Council's Landscape Architect prior to the issue of the Construction Certificate. The landscape documentation shall include, but not be limited to:

- a) A planting plan at 1:100 showing all plant locations/groupings and plant centres/species. There is to be a dense layered planting scheme consisting of trees, shrubs and groundcovers in all of landscaped areas. Indicative plant schedule indicating botanical name, pot sizes, spacing, staking and quantity.
- b) Landscape plans shall include all existing trees in public domain, as shown in survey plan. All existing trees in public domain shall be retained and protected.
- c) Elevated planter box sectional details and drainage details. All planter box depths and dimensions shall be in accordance with Council's DCP and capable of supporting medium and large trees.
- d) Frontage landscape setback shall include the following;
  - (i) Eastern planter bed shall include two (2) *Corymbia maculata* (Spotted Gum) with a minimum root ball size supplied at 100 litre, with understorey planting.
  - (ii) Central planter bed in the middle of pedestrian entry, shall measure minimum 3.5 meters by 3.5 metres and shall include minimum of one (1) Australian native tree to be able to reach a minimum mature height of 12 meters in local conditions, minimum root ball size to be supplied and planted shall be 100 Litres. Planter may be raised from natural ground level but shall be in deep soil.
  - (iii) Western planter beds with seating areas adjacent to café shall increase planter beds width to include a minimum of four (4) small to

medium trees native or deciduous, to reach a minimum mature height of four (4) meters in local conditions. To be supplied and planted at a minimum container size of 45 litres. Recommended species to be included in the seating area is Lagerstroemia indica (Crepe Myrtle), to ensure sun access in winter months and shade in summer. Planter may be raised from natural ground level to allow seating around but shall be in deep soil.

- (iv) All planter beds raised from natural ground level shall include an irrigation system to be connected to rainwater tank.
  - (v) All landscape proposed in the interface with the public domain shall follow CPTED principles.
- e) Side landscape setbacks planting provided along eastern and western setbacks shall be treated with native trees and shrubs, no paved areas shall be included. If pedestrian circulation is required stepping stones within the planter bed shall be installed with groundcovers in between pavers to maximise the deep root planting in deep soil area. The recommended species to be use in the sides buffer planting are: Waterhousia floribunda, Syzygium "cascade", Syzygium Aussie Southern, Syzygium Resilience, Banksia integrifolia, Tristaniopsis laurina, Acmena smithii, Elaeocarpus reticulatus, Backhousia citriodora, Dicksonia antarctica, plant selection shall be depending on the amount of sun access of the area.
- f) Specifications detailing soil and mulch finishes, root barriers, irrigation, edging and other landscape handworks such as retaining walls, steps, planter walls, feature walls, skateboard restrictions, tree pits, tree grates, tree guards, tree pit treat, areas of paving, schedule of materials, edge treatments, tactile and sectional construction details.
- g) Details of all other hardscape landscape elements such as street furniture, pedestrian amenity lighting, bins, bollards. Location to be clearly identified on plan. Provide sectional construction details and elevations.
- 48 Prior to the Issue of the Construction Certificate, a Landscape Maintenance Schedule shall be submitted that covers a 12 month period to provide a guide to the landowner or occupier on how to best maintain the constructed landscaped areas; and include the following information: shrub pruning/trimming (frequency, plant requirements); Fertilising and pest control (soil testing, types, rate, frequency); Mulching, weeding and soil improvement (frequency, materials); Irrigation (checks, adjustments); tree maintenance (fertilising, mulching, tree stakes adjustments, special tree requirements); Maintenance of hard landscape elements (paving, edges, walls, pergolas, seats, and planter box walls); and planter boxes/roof gardens/green wall (specialised maintenance requirements).
- 49 To ensure satisfactory growth and maintenance of the landscaping, a fully automatic drip irrigation system is required in all landscaped areas. The system shall be installed by a qualified landscape contractor and provide full coverage of planted areas with no more than 300mm between drippers, automatic controllers and backflow prevention devices, and should be connected to a recycled water source. Irrigation shall comply with both Sydney Water and Council requirements as well as Australian Standards, and be maintained in effective working order at all times.

- 50 Prior to the issue of a Construction certificate, the applicant shall submit a Frontage Works Application. Public domain landscape improvements plan shall be submitted for approval by Council. The Plan shall be undertaken by a suitably experienced Landscape Architect and shall include but not be limited to new street tree planting, footpath paving (segmental/other), street tree pit treatments and tree guards, street furniture, in ground landscaping, irrigation, lighting. The Plan shall be in accordance with Council's City Identity Program, Landscape DCP and any other Council specification or requirement. Civil drawings shall be included detailing levels and detailed footpath construction sections in accordance with Council's Engineering Services requirements. Contact Council's Landscape Architect for further details of specific requirements in preparation of the plan.
- 51 The applicant shall confer with Ausgrid to determine if an electricity distribution substation is required. Written confirmation of Ausgrid's requirements shall be obtained prior to issue Construction Certificate.
- 52 The applicant shall confer with Ausgrid to determine if installation of electricity conduits in the footway is required. Written confirmation of Ausgrid's requirements shall be obtained prior to issue Construction Certificate.
- 53 The applicant shall confer with Ausgrid to determine if satisfactory clearances to any existing overhead High Voltage mains will be affected. Written confirmation of Ausgrid's requirements shall be obtained prior to issue Construction Certificate.

All low voltage street mains in that section of the street/s adjacent to the development shall be placed underground. This shall include any associated services and the installation of underground supplied street lighting columns where necessary. The applicant shall confer with Ausgrid to determine Ausgrid requirements. Written confirmation of Ausgrid's requirements shall be obtained prior to issue Construction Certificate.

The relocation of the existing electricity supply pole in the road reserve at (specify location if required) to (specify location if required), is required to avoid conflict with the new driveway. The relocation works shall be undertaken in accordance with the requirements of Ausgrid. The applicant shall enter into a contract with Ausgrid for the relocation works prior to the issue of the Construction Certificate, and the works must be completed prior to the commencement of the driveway works and issue of the Occupation Certificate. The applicant is responsible for all relocation costs, including costs associated with other cabling such as telecommunications cables.

- 54 Prior to the issue of any Construction Certificate, the Development is to be constructed to meet all recommendations and requirements that have been detailed in the acoustic report provided by Pulse Acoustic Consultancy dated 25 January 2019. The measures as detailed in the acoustic assessment report prepared by Acoustic Logic, shall be undertaken in accordance with the provisions of *AS 2021 – 2000: Acoustics - Aircraft Noise Intrusion – Building, Siting and Construction* to establish components of construction to achieve indoor design sound levels in accordance with Table 3.3 of AS 2021 – 2000.

The work detailed in the report includes:

- a) The roof/ceiling must be constructed as per Table 3 of the report,
- b) All external walls need to be constructed as per Table 4 of the report,



- c) Glazing to all windows and glazed door systems are to be as per Table 5 of the report.
- d) Acoustically treated mechanical ventilation must be provided to this premise for it to comply with current guidelines.

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

**DURING WORKS**

- 55 The land to which this Consent relates must be fenced and enclosed to protect the entry or access to the land and site by lawful persons. The fencing must be in place before demolition works commence.
- 56 During demolition and construction works, the applicant/builder is required to ensure the protection and preservation of all boundary fencing or boundary walls between the subject site and adjoining properties. Any damage caused as a result of such works will be at the full cost of the applicant/builder.
- 57 The Applicant shall conduct all demolition, construction and related deliveries wholly on site. If any use of Council’s road reserve is required then separate applications are to be made at Council’s Customer Services Department.
- 58 The approved Waste Management Plan shall be complied with at all times during demolition, construction and on-going use of the site.
- 59 All possible and practicable steps shall be taken to prevent nuisance to the inhabitants of the surrounding neighbourhood from wind-blown dust, debris, noise and the like.
- 60 All vehicles transporting soil, sand or similar materials to or from the site shall cover their loads at all times.
- 61 In order to ensure the design quality excellence of the development is retained:
  - a) A registered architect is to have direct involvement in the design documentation, contract documentation and construction stages of the project;
  - 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 the issue of the Construction Certificate.
  - d) The design architect of the project is not to be changed without prior notice and approval of Bayside Council.
- 62 During demolition, excavation and construction, care must be taken to protect Council’s infrastructure, including street signs, footpath, kerb, gutter and drainage pits etc. Protecting measures shall be maintained in a state of good and safe condition throughout the course of demolition, excavation and construction. The area fronting

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

- 63 Construction related activities must not take place on the roadway without Council approval.

Short-term activities (including operating plant, materials delivery) that reduce parking spaces, affect access to a particular route or prevent or restrict the passage of vehicles along the road must not occur without a valid Temporary Roadside Closure Permit.

Activities involving occupation of the parking lane for durations longer than allowed under a Temporary Roadside Closure Permit require a Construction Zone Permit and must not occur prior to the erection of Construction Zone signs by the RTA.

Permit application forms should be lodged at Council's Customer Service Centre allowing sufficient time for evaluation. An information package is available on request.

- 64 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.

**Note:** The Applicant may be liable to prosecution under the Environmental Planning and Assessment Act 1979 for a breach of an approval condition, or under the Protection of the Environment Operations Act 1997, if its employees, agents or sub-contractors allow sediment, including soil, excavated material, building materials, or other materials to be pumped, drained or allowed to flow to the street, stormwater pipes or waterways. The Applicant shall ensure that its employees, agents or sub-contractors understand and maintain sediment control measures.

- 65 As the development involves an excavation that extends below the level of the base of the footings of a building or road on adjoining land, the person having the benefit of the development consent must, at the person's own expense:

- i) Protect and support the adjoining premises from possible damage from the excavation, and
- ii) Where necessary, underpin the adjoining premises to prevent any such damage.
- iii) Must at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of his intention to do so to the owner of the adjoining allotment of land and, furnish particulars of the excavation to the owner of the building being erected or demolished.

- 66 If the land to which the application relates is served by a common sewerage system that is also used by others, then measures must be placed in effect and prior to the

commencement of work to ensure the operation of the sewerage system is without disruption to other joint users.

- 67 During excavation and construction work the Council nature strip shall be maintained in a clean and tidy state at all times. The nature strip shall be suitably replaced where damaged due to construction work in accordance with Council Specification at the completion of construction, and at the Applicant's expense.
- 68 Fire booster assemblies and electrical kiosks and the like are to be housed within the building structure or screened by a built screen enclosure and/or landscaping so as not to reduce the visual amenity of the development or the streetscape and public domain.
- 69 There shall be no encroachment of paths, fencing or other improvements onto the drainage easements without Council approval.
- 70 a) An experienced Landscape Contractor shall be engaged to undertake the landscaping work and shall be provided with a copy of both the approved landscape drawing and the conditions of approval to satisfactorily construct the landscape to Council requirements.
- b) At the completion of landscaping on the site, the Applicant is required to obtain a Certificate of Compliance from the Landscape Consultant to certify that the landscaping has been installed in accordance with the Council approved landscape plan. The Certificate is to be submitted to Council prior to the Issue of an Occupation Certificate.
- 71 Planter boxes constructed over a concrete slab shall be built in accordance with the following requirements:
- a) Ensure soil depths in accordance with Council's Landscape DCP. The base of the planter must be screened to ensure drainage to a piped internal drainage outlet of minimum diameter 90mm, with no low points elsewhere in the planter. There are to be no external weep holes.
- b) A concrete hob or haunch shall be constructed at the internal join between the sides and base of the planter to contain drainage to within the planter.
- c) Planters are to be fully waterproofed and sealed internally with a proprietary sealing agent and applied by a qualified and experienced tradesman to eliminate water seepage and staining of the external face of the planter. All internal sealed finishes are to be sound and installed to manufacturer's directions prior to backfilling with soil. An inspection of the waterproofing and sealing of edges is required by the Certifier prior to backfilling with soil.
- d) Drainage cell must be supplied to the base and sides of the planter to minimize damage to the waterproof seal during backfilling and facilitate drainage. Apply a proprietary brand filter fabric and backfill with an imported lightweight soil suitable for planter boxes compliant with AS 4419 and AS 3743. Install drip irrigation including to lawns.
- e) Finish externally with a suitable paint, render or tile to co-ordinate with the colour schemes and finishes of the building.
- 72 If the work involved in the construction of a building:

- a) likely to cause pedestrians or vehicular traffic in a public place to be obstructed or rendered inconvenient; or,
  - b) involves the enclosure of a public place:
    - (i) a hoarding or fence must be erected between the work site and the public place.
    - (ii) If necessary an awning is to be erected sufficient to prevent any substance from or in connection with the work falling into the public place.
    - (iii) The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to person(s) in the public place.
    - (iv) Any such hoarding, fence or awning is to be removed when the work has been completed.
  - c) Suitable consent shall be obtained from Council prior to the erection of any hoarding at the property.
- 73
- a) The applicant shall conduct all construction works and any related deliveries/activities wholly within the site. If any use of Council's road reserve is required, approval and permits shall be obtained from Council.
  - b) Construction operations such as brick cutting, washing tools or brushes and mixing mortar shall not be carried out on park/road reserve or in any other locations which could lead to the discharge of materials into the stormwater drainage system or onto Council's lands.
  - c) Hosing down or hosing/washing out of any truck (concrete truck), plant (eg concrete pumps) or equipment (eg wheelbarrows) on Council's road reserve or other property is strictly prohibited. Fines and cleaning costs will apply to any breach of this condition.
  - d) Pavement surfaces adjacent to the ingress and egress points are to be swept and kept clear of earth, mud and other materials at all times and in particular at the end of each working day or as directed by Council's Engineer.
- 74
- During Demolition, Excavation and Construction, care must be taken to protect Council's infrastructure, including street signs, footpath, kerb, gutter and drainage pits etc. Protecting measures shall be maintained in a state of good and safe condition throughout the course of demolition, excavation and construction. The area fronting the site and in the vicinity of the development shall also be made safe for pedestrian and vehicular traffic at all times. Any damage to Council's infrastructure (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub-contractors, concrete delivery vehicles) shall be fully repaired in accordance with Council's specification and AUS-SPEC at no cost to Council.
- 75
- During Demolition, Excavation, Construction and Deliveries, access to the site shall be available in all weather conditions. The area shall be stabilised and protected from erosion to prevent any vehicles (including deliveries) tracking soil materials onto street drainage system/watercourse, Council's lands, public roads and road-related areas. Hosing down of vehicle tyres shall only be conducted in a suitable off-street area where wash waters do not enter the stormwater system or Council's land.

76 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.

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

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

Where any such alarm triggers all excavation works must cease immediately. Prior to the vibration monitoring equipment being reset by the professional engineer and any further work recommencing the event must be recorded and the cause of the event identified and documented by the professional engineer.

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

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

Note: Professional engineer has the same mean as in Clause A1.1 of the BCA.

Note: Building has the same meaning as in section 4 of the Act i.e. "building includes part of a building and any structure or part of a structure".

Note: Supported land has the same meaning as in section 88K of the Conveyancing Act 1919.

78 ~~**Inspections must be conducted by Council's Engineer at the following occasions:**~~

~~a) **Formwork inspection of driveway layback and adjacent kerb and gutter prior to laying of concrete,**~~

~~b) **Formwork inspection of Council's kerb and gutter prior to laying of concrete,**~~

- e) ~~Formwork inspection of Council's footpath prior to laying of concrete,~~
- d) ~~Inspections of the Chalmers Crescent road reserve prior and during the construction of the new road pavement,~~
- e) ~~Final inspection of Council stormwater infrastructure before & after backfill,~~
- f) ~~Final inspection of driveway layback and adjacent kerb and gutter,~~
- g) ~~Final inspection of Council's kerb and gutter,~~
- h) ~~Final inspection of Council's footpath,~~
- i) ~~Final Inspection of new road pavement on Chalmers Crescent.~~

**[Amendment B – Section 4.55(2) – Amended on 6 May 2021]**

79 Noise from construction activities associated with the development shall comply with the NSW Environment Protection Authority's Environmental Noise Manual – Chapter 171 and the *Protection of the Environment Operations Act 1997*.

**a) Level Restrictions**

Construction period of 4 weeks and under:

the L<sub>10</sub> 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 20 dB(A).

Construction period greater than 4 weeks and not exceeding 26 weeks:

the L<sub>10</sub> 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).

**b) Time Restrictions**

Construction/demolition work shall be limited to the following hours:

Monday to Friday: 07:00 am to 05:00 pm

Saturday: 08:00 am to 01:00 pm

No Construction to take place on Sundays or Public Holidays.

**c) Silencing**

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

80 Any new information that comes to light during demolition or construction which has the potential to alter previous conclusions about site contamination and remediation must be notified to Council and the accredited certifier immediately.

81 All remediation work must be carried out in accordance with:

- a) NSW Office of Environment and Heritage (OEH) 'Contaminated Sites – Guidelines for Consultants Reporting on Contaminated Sites';

- b) NSW Environment Protection Authority (NSW EPA) guidelines under the Contaminated Land Management Act 1997;
  - c) State Environmental Planning Policy 55 (SEPP55) – Remediation of Land; and
  - d) The Remedial Action Plan (RAP) required to be submitted prior to the issue of the Construction Certificate.
- 82 All materials excavated from the site (fill or natural) must be classified in accordance with the NSW Environment Protection Authority (EPA) Waste Classification Guidelines (2014) prior to being disposed of to a NSW approved landfill or to a recipient site. Appropriate records must be retained to support this.
- 83 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.
- 84 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.
- 85 All disturbed areas shall be stabilised against erosion within 14 days of completion, and prior to removal of sediment controls.
- 86 The vehicular entry/exits to the site must be protected from erosion and laid with a surface material which will not wash into the street drainage system or watercourse.

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

- 87 All applications associated with works on Council's land must be made at least 7-10 days prior to the programmed completion of works and all construction must be completed and approved by Council.
- 88 Any damage not shown in the photographic survey submitted to Council before site works have commenced will be assumed to have been caused by the site works (unless evidence to prove otherwise). All damages as a result from site works shall be rectified at the applicant's expense to Council's satisfaction, prior to occupancy of the development and release of damage deposit.
- 89 Prior to release of the any Occupation Certificate the developer must submit to the Principal Certifying Authority an acoustic report to verify that the measures stated in the acoustic report have been carried out and certify that the construction meets the above requirements. The report must be prepared by a qualified practicing acoustic

engineer (who is a member of either the Australian Acoustical Society or the Association of Australian Acoustical Consultants).

- 90 Prior to the issue of an Occupation Certificate, the underground placement of all low and/or high voltage street electrical mains in the street/s adjacent to the development, and associated services and the installation of underground supplied street lighting columns, shall be carried out at the applicant's expense, to the satisfaction of the asset owner. The works shall be completed in accordance with Ausgrid's requirements and approved electrical design.
- 91 Prior to the issue of any Occupation Certificate, the applicant shall carry out the following works, at no cost or expense to Council:
- a) On Chalmers Crescent, adjacent to development, remove redundant driveway crossovers and ~~replace with any~~ required tree planting and public domain improvements as specified by Council in accordance with Council's Infrastructure Specifications, and
  - b) On Chalmers Crescent, adjacent to development, demolish existing concrete footpath and construct new **full width paved** footpath as per Council's Infrastructure and Landscape Architect specifications, and
  - c) On Chalmers Crescent, adjacent to development, reconstruct existing kerb and gutter for the full length of the property in accordance with Council's Infrastructure Specifications, and
  - d) ~~On Chalmers Crescent, construct new kerb inlet pit(s) and stormwater pipe(s), connecting to existing stormwater infrastructure located within the intersection of Chalmers Crescent and Kent Road (which may also need to be upgraded to suit the design), to Council infrastructure specifications. The design shall be in accordance with Botany Bay DCP Part 10 – Stormwater Management Technical Guidelines Section 13, and~~
  - e) On Chalmers Crescent, adjacent to development, demolish existing road pavement and reconstruct road pavement full width and re-sheet the damaged sections adjacent to new road pavement as per Council's Infrastructure and Pavement Engineer's specifications.

All works within the road reserve, which are subject to approval pursuant to Section 138 of the Roads Act 1993, shall be constructed to the satisfaction of Bayside Council.

**[Amendment B – Section 4.55(2) – Amended on 6 May 2021]**

- 92 The public footpaths on Chalmers Crescent shall be constructed in accordance with the approved Public Domain Plan and Council specifications. The footpath dimensions, location, paver type and construction methods shall be in accordance with these specifications. Hold points and Council inspections are required after formwork setback and to prior pouring the concrete blinding slab, at the commencement of paving works and at final completion as a minimum. Pavers shall be ordered allowing for adequate lead time for manufacture (10-12 weeks).
- 93 Prior to completion of the building works, a full width vehicular entry is to be constructed to service the property. All obsolete vehicular entries are to be removed and reconstructed with kerb and gutter.



- 94 Prior to the issue of any Occupation Certificate(s), inspection reports (formwork and final) for the works on the road reserve shall be obtained from Council's engineer and submitted to the Principal Certifying Authority attesting that this condition has been appropriately satisfied.
- 95 Prior to the issue of any Occupation Certificate, the Principal Certifier must ensure that the vehicle access and off street parking facilities have been constructed in accordance with the approved construction plans, AS/NZS 2890.1, AS 2890.2 and AS/NZS 2890.6, line marked and all signage relating to car parking erected. The car parking area is to be clearly and appropriately marked/signposted indicating all the vehicular movements on the site. The internal road network, pedestrian facilities and parking facilities (including visitor parking and parking for persons with disabilities) shall be clearly designated, sign posted and line marked prior to the issuing of an Occupation Certificate. Signage and line marking shall comply with Australian Standards, AS1742, Manual of Uniform Traffic Control Devices and NSW Road Transport (Safety and Traffic Management) Regulations 1999. Certification must be provided by a suitably qualified traffic engineer, certifying the design of the completed works.

***The electric vehicle (EV) charging systems, including all associated electrical and control systems, shall be tested, and inspected by a suitably qualified and experienced person. A certificate shall be provided certifying the installation and operation of the six (6) EV charging systems prior to the issue of the Occupation Certificate.***

***[Amendment B – Section 4.55(2) – Amended on 6 May 2021]***

- 96 All vehicles shall enter and exit the site in a forward direction at all times. A plaque with minimum dimensions 300mm x 200mm shall be permanently fixed to a prominent place near the primary vehicular entrance to the site, approved by the principal certifier, stating the following: "All vehicles shall enter and exit the site in a forward direction at all times".
- 97 Prior to the issue of any Occupation Certificate, a Chartered Professional Engineer shall certify that the stormwater system has been constructed in accordance with the approved plans and as required by Botany Bay DCP Part 10 Stormwater Management Technical Guidelines. The certificate shall include an evaluation of the completed drainage works. A works-as-executed drainage plan shall be prepared by a registered surveyor based on a survey of the completed works. A copy of the certificate and works-as-executed plan(s) shall be supplied to the Principal Certifying Authority. A copy shall be provided to Council if Council is not the Principal Certifying Authority.
- 98 ~~***On completion of the development construction and prior to the issue of the Occupation Certificate, CCTV survey and report shall be submitted to Council in accordance with Section 17 of Botany Bay DCP Part 10 Stormwater Management Technical Guidelines to ascertain if any damage has occurred to the newly laid stormwater infrastructure. Any damage shall be repaired by the applicant to Council's requirements and satisfaction. Once any damage has been repaired to Council requirements, a further CCTV survey and report shall be submitted to Council for further consideration. The CCTV survey and report shall also be used to view any rubbish and sediment in the conduits for cleaning by the applicant. Work-As-Executed (WAE) plans and design certification shall be submitted to Council for consideration. These plans shall be prepared by a registered surveyor and shall indicate the as-constructed pit and conduit sizes and conduit invert RL's at each pit.***~~

~~Furthermore, the following details resulting from the construction of new Council infrastructure assets within the road reserve shall be submitted to Bayside Council, in GIS/Shape file format:~~

**For each pit**

- ~~a) Pit code as per the work-as-executed plan.~~
- ~~b) Pit type and lintel size.~~
- ~~c) Total value to the nearest \$1,000.--~~
- ~~d) Construction date — month and year.~~
- ~~e) Built by (contractor's name).~~
- ~~f) Street name where applicable.~~
- ~~g) Grate RL/Top of Pit RL (AHD).~~
- ~~h) Invert RL (AHD).~~

**For each conduit/pipe**

- ~~a) Line code as per the work-as-executed plan.~~
- ~~b) Description — type, eg RCP, FRC, RRJ, box culvert, open channel, etc.~~
- ~~c) Size (mm).~~
- ~~d) Length (m).~~
- ~~e) Total value to the nearest \$1,000.--~~
- ~~f) Construction date — month and year.~~
- ~~g) Built by (contractor's name).~~
- ~~h) Street name where applicable.~~

**On completion of the development construction and prior to the issue of the Occupation Certificate, a report(s) shall be submitted to the satisfaction of Bayside Council in accordance with Bayside Council's Contributed Asset Procedure for all constructed assets in the ownership of Bayside Council. Works-As-Executed (WAE) plans and design certification shall be submitted to the satisfaction of Bayside Council. WAE plans shall be prepared by a registered surveyor.**

**[Amendment B – Section 4.55(2) – Amended on 6 May 2021]**

99 Prior to the issue of the Occupation Certificate, a restriction on Use of Land and Positive Covenant(s) shall be imposed on the development. The following covenants shall be imposed under Section 88(E) of the Conveyancing Act 1919 and lodged with the NSW Land and Property Information:

- a) Positive Covenant and Restriction on Use of Land for On-Site Detention System. Refer to Appendix B of the SMTG for suggested wording, and

- b) Positive Covenant and Restriction on Use of Land for Stormwater Quality Improvement Device. Refer to Appendix E of the SMTG for suggested wording.
- c) ***Positive Covenant and Restriction on Use of Land for On-Site Infiltration System. Refer to Appendix A of the SMTG for suggested wording, and***

The terms of the 88 E instruments are to be submitted to Council for review and approval and Proof of registration at the Lands and Property Information Office shall be submitted to the Principal Certifying Authority and Council prior to occupation.

***[Amendment B – Section 4.55(2) – Amended on 6 May 2021]***

100 Prior to the issue of Occupation Certificate, A Workplace Travel Plan shall be developed and submitted to Council in order to encourage staff to make good use of public transport, cycling, walking and car sharing for commuting work related journeys and reduce car based travel demand by staff. The Workplace Travel Plan shall be generally in accordance with NSW Premier’s Council for Active Living’s “Workplace Travel Plan Guidelines - Final Report (April 2010)”. The plan shall include, but not be limited to, the following:

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

The workplace travel plan and TAGs must be prominently displayed within the development.

101 A Stage 4 – Site Validation Report (SVR) must be prepared by a suitably qualified contaminated land consultant and must be in accordance with:

- a) NSW Office of Environment and Heritage (OEH) ‘Contaminated Sites – Guidelines for Consultants Reporting on Contaminated Sites’;
- b) NSW Environment Protection Authority (NSW EPA) approved guidelines under the Contaminated Land Management Act 1997; and
- c) State Environmental Planning Policy 55 (SEPP55) – Remediation of Land.

The site validation report must provide a notice of completion of remediation works, whether there are any ongoing site management requirements and a clear statement on the suitability of the likely proposed site use. The report must be submitted to the Principal Certifying Authority, and the Council if the Council is not the Principal

Certifying Authority. The report is to be submitted after completion of remediation works and prior to the issue of any occupation certificate.

- 102 To ensure that the site is suitable for the proposed use, a Site Audit Statement (SAS) completed by an accredited site auditor under the *Contaminated Land Management Act 1997* must be submitted to Council clearly demonstrating that the site is suitable for the proposed development. This must be provided prior to the release of any Occupation Certificate.

Any conditions imposed on the SAS must form part of this consent. The accredited site auditor must provide Council with a copy of the Site Audit Report (SAR) and Site Audit Statement (SAS) prior to the issuing of any Occupation Certificate. In circumstances where the SAS conditions (if applicable) are not consistent with the consent, an application pursuant to the *Environmental Planning & Assessment Act 1979* must be submitted to ensure that they form part of the consent conditions.

- 103 a) A notice of requirement shall be obtained from the Water Board;
- b) A Certificate under Section 73 of the Water Board (Corporation) Act 1994 shall be obtained and submitted to Council for each stage of construction to ensure that the developer has complied with all relevant Sydney Water requirements, including appropriate connections, correctly sized amplifications, procurement of trade waste agreements, where necessary, and the payment of developer charges.

Note: Immediate application should be made to Sydney Water for this Certificate to avoid problems in servicing the development.

- 104 Prior to the Issue of the Occupation Certificate, all planter boxes constructed over a concrete slab shall be built in accordance with the following requirements:

- a) Ensure soil depths in accordance with Council's Landscape DCP. The base of the planter must be screeded to ensure drainage to a piped internal drainage outlet of minimum diameter 90mm, with no low points elsewhere in the planter. There are to be no external weep holes.
- b) A concrete hob or haunch shall be constructed at the internal join between the sides and base of the planter to contain drainage to within the planter.
- c) Planters are to be fully waterproofed and sealed internally with a proprietary sealing agent and applied by a qualified and experienced tradesman to eliminate water seepage and staining of the external face of the planter. All internal sealed finishes are to be sound and installed to manufacturer's directions prior to backfilling with soil. An inspection of the waterproofing and sealing of edges is required by the Certifier prior to backfilling with soil.
- d) Drainage cell must be supplied to the base and sides of the planter to minimize damage to the waterproof seal during backfilling and facilitate drainage. Apply a proprietary brand filter fabric and backfill with an imported lightweight soil suitable for planter boxes compliant with AS 4419 and AS 3743. Install drip irrigation including to lawns.
- e) Finish externally with a suitable paint, render or tile to co-ordinate with the colour schemes and finishes of the building.

- f) All planter boxes shall be irrigated, and shall have the required depth to sustain the proposed planting,
- 105 Prior to issue of any Occupation Certificate, the following must be complied with:
- a) All landscape works are to be carried out in accordance with the approved landscape plans (refer to Condition 1) for the approved development. The landscaping is to be maintained to the approved standard at all times.
- 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.
- 106 ~~219~~ **221** off-street car spaces and ~~2~~ **1** courier spaces shall be provided in accordance with the submitted plan and shall be sealed and linemarked to Council's satisfaction. The pavement of all car parking spaces, manoeuvring areas and internal driveways shall comply with Australian Standards.
- [Amendment B – Section 4.55(2) – Amended on 6 May 2021]***
- 107 The applicant is responsible for the installation and protection of all regulatory/ parking / street signs fronting the property. Any damaged or missing street signs as a consequence of the development and associated construction works shall be replaced at full cost to the applicant.
- 108 Prior to the issue of the Occupation Certificate, at least ~~39~~ **50** bicycle spaces are to be provided in the car park.
- [Amendment B – Section 4.55(2) – Amended on 6 May 2021]***
- 109 Prior to occupation or use of the premises, a qualified mechanical engineer shall certify that the mechanical ventilation/air conditioning system complies in all respects with the requirements of Australian Standard 1668, Part 1 & 2.
- 110 A separate application must be made for a subdivision certificate to consolidate Lot 100 in DP 580123 and Lot 1 in DP 1005951. The application is to be accompanied by:
- a) Linen plans with six (6) copies and appropriate fees. The linen plans must include details of any easement or encroachments and include a Section 88B Instrument under the Conveyancing Act, 1919.
- b) Documentary evidence demonstrating full compliance with all conditions of this Development Consent No.2019/47 and all pertinent Development Consent(s) and Section 4.55 Application(s) related to the subject allotment.
- 111 Street numbers shall be clearly displayed with such numbers being of contrasting colour and adequate size and location for viewing from the footway and roadway. Details of street numbering shall be submitted to Council for approval.
- 112 Prior to use and occupation of the building an Occupation Certificate must be obtained under Section 109C(1)(c) and 109M of the Environmental Planning and Assessment Act 1979.

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

- 113 The commercial tenancy on ground floor is approved for the use as commercial premises and/or food and drink premises in accordance with the definition in the Standard Instrument.
- 114 The use of the commercial premises and/or food and drink premises is subject to a separate approval (DA or complying development certificate).
- 115 The stormwater drainage system (including all pits, pipes, absorption, detention structures, treatment devices, infiltration systems and rainwater tanks) shall be regularly cleaned, maintained and repaired to ensure the efficient operation of the system from time to time and at all times. The system shall be inspected after every rainfall event to remove any blockage, silt, debris, sludge and the like in the system. All solid and liquid waste that is collected during maintenance shall be disposed of in a manner that complies with the appropriate Environmental Guidelines. The water from the rainwater tank should not be used for drinking, the rainwater tank shall be routinely de-sludged and all contents from the de-sludging process disposed: Solids shall be disposed to the waste disposal and de-sludged liquid shall be disposed to the sewer.
- 116 The operation of the development and movements of vehicles shall comply with the following requirements:
- a) All vehicles (including deliveries and garbage collection) shall enter and exit the site in a forward direction;
  - b) Loading and unloading activities associated with the delivery shall take place wholly within the dedicated loading areas service bay;
  - c) All garbage collection activities shall take place and be wholly undertaken within the site in the dedicated loading areas service bay;
  - d) All manoeuvring movements of vehicles shall be carried out wholly within the site and vehicle manoeuvring area shall be kept clear at all times;
  - e) The maximum size of vehicle accessing the service bay shall be limited to 8.8m long Medium Rigid Vehicle (MRV) (as denoted in AS2890.2).
- 117 In order to ensure the certainty to implement workplace travel plan for all future tenants of the site, preparation and implementation of workplace travel plan shall be part of the lease agreement for all tenants. The Workplace Travel Plan shall be monitored and reviewed annually in order to revise and improve the plan to achieve the targets on the number of staff travel to work by Public transport, cycling and walking.
- 118 Ongoing maintenance of the road verges and footpaths on Chalmers Crescent shall be undertaken by the owner/body corporate/Strata Corporation. Maintenance includes mowing, watering and maintaining the landscaping in these areas at all times. Maintenance does not include pruning, trimming, shaping or any work to street trees at any time.
- 119 All parking bays shown on the approved architectural plans shall be set aside for parking purpose only and shall not be used for other purposes, e.g. storage of goods. Vehicle turning areas shall be kept clear at all times and no vehicles are permitted to park in these areas.

- 120 All loading, unloading and transfer of goods to and from the loading bay and premises shall take place wholly within the property.
- 121 The existing and future owners (Registered Proprietor) of the property will be responsible for the operation and maintenance of the detention system.
- 122 Council's footway (area between property boundary and street kerb) is to be kept clean, tidy, washed and maintained at the applicant's expense.
- 123 No garbage collection associated with the retail premises is permitted between 10pm and 6am.
- 124 The operation of the premises shall be conducted in such a manner as not to interfere with or materially affect the amenity of the neighbourhood by reason of noise, vibration, odour, fumes, vapour, steam, soot, ash, dust, waste water, waste products, grit, oil, or otherwise.
- 125 All intruder alarms shall be fitted with a timing device in accordance with the requirements of *Regulation 12A of the Noise Control Act, 1975, and AS2201, Parts 1 and 2 - 1978 Intruder alarm systems.*
- 126 The use of the premises shall not give rise to any of the following when measured or assessed at "sensitive" positions within any other property. These "sensitive" positions should be selected to reflect the typical use of a property (ie any outdoor areas for day and evening but closer to the façade at night time), unless other positions can be shown to be more relevant.
- (a) The operation of all plant and equipment shall not give rise to an equivalent continuous (LAeq) sound pressure level at any point on any residential property greater than 5dB(A) above the existing background LA90 level (in the absence of the noise under consideration).
  - (b) The operation of all plant and equipment when assessed on any residential property shall not give rise to a sound pressure level that exceeds LAeq 50dB(A) day time and LAeq 40 dB(A) night time.
  - (c) The operation of all plant and equipment when assessed on any neighbouring commercial/industrial premises shall not give rise to a sound pressure level that exceeds LAeq 65dB(A) day time/night time.

For assessment purposes, the above  $L_{Aeq}$  sound levels shall be assessed over a period of 10-15 minutes and adjusted in accordance with EPA guidelines for tonality, frequency weighting, impulsive characteristics, fluctuations and temporal content where necessary.