

Final conditions of consent

DA-2021/507

6-12 Dalley Avenue & 212 Banksia Street, Pagewood

GENERAL

1. Limited Consent Period

Pursuant to Section 4.16(1) of the Environmental Planning and Assessment Act 1979, the period during which development may be carried out in accordance with this consent is limited to a period of 5 years from the date of the Notice of Determination.

2. Approved plans and supporting documentation

Development must be carried out in accordance with the following approved plans and supporting documentation (stamped by Council), except where the conditions of this consent expressly require otherwise.

Plan No.	Revision No.	Plan Title.	Drawn By.	Dated.
DA001	B	Site Plan	WMK Architecture	10.03.2022
DA003	B	Cut and Fill Plan	WMK Architecture	10.03.2022
DA007	B	Compliant Route to Bus Stops	WMK Architecture	10.03.2022
DA020	B	Existing Conditions/Demolition Plan	WMK Architecture	10.03.2022
DA100	B	Building A – Lower Ground Plan	WMK Architecture	10.03.2022
DA101	B	Building A – Ground Floor Plan	WMK Architecture	10.03.2022
DA102	B	Building A – Level 01 Plan	WMK Architecture	10.03.2022
DA103	B	Building A – Roof Plan	WMK Architecture	10.03.2022
DA104	B	Building B – Ground & Level 01 Plan	WMK Architecture	10.03.2022
DA105	B	Building B – Roof Plan	WMK Architecture	10.03.2022
DA500	B	Overall Street Elevations	WMK Architecture	10.03.2022
DA501	B	Building A – North East/South East Elevation	WMK Architecture	10.03.2022

DA502	B	Building A – South East/South West Elevation	WMK Architecture	10.03.2022
DA503	B	Building B – North & East Elevation	WMK Architecture	10.03.2022
DA504	B	Building B – South & West Elevation	WMK Architecture	10.03.2022
DA600	B	Sections – Sheet 01	WMK Architecture	10.03.2022
DA601	B	Sections Sheet 02	WMK Architecture	10.03.2022
DA700 – DA707	B	Accessible Units	WMK Architecture	10.03.2022
DA800	B	Materials and Finishes Schedule	WMK Architecture	10.03.2022
L-SD-02	B	Landscape Concept Plan	Arterra Design Pty Ltd	09.03.2022
L-SD-05	B	Fencing, Access and Circulation Plan	Arterra Design Pty Ltd	09.03.2022
L-SD-07	B	Proposed Tree Planting Plan	Arterra Design Pty Ltd	09.03.2022
L-SD-08	A	Proposed Planting Imagery	Arterra Design Pty Ltd	23.08.2021
L-SD-09	B	Proposed Shrub and Groundcover Planting Plan	Arterra Design Pty Ltd	09.03.2022
L-SD-10	B	Proposed Shrub and Groundcover Planting Plan	Arterra Design Pty Ltd	09.03.2022
L-SD-11	B	Proposed Shrub and Groundcover Planting Plan	Arterra Design Pty Ltd	09.03.2022
L-SD-12	B	Landscape Sections	Arterra Design Pty Ltd	09.03.2022
L-SD-13	A	Landscape Details	Arterra Design Pty Ltd	23.08.2021
L-SD-14	B	Landscape Details and Maintenance Schedule	Arterra Design Pty Ltd	09.03.2022

T-00	A	Arboricultural Plans – Cover Sheet	Arterra Design Pty Ltd	29.07.2021
T-01	D	Tree Retention Value Plan	Arterra Design Pty Ltd	29.07.2021
T-02	A	Tree Protection and Removal Plan	Arterra Design Pty Ltd	29.07.2021
T-03	A	Tree Protection Specifications	Arterra Design Pty Ltd	29.07.2021

Document Title.	Version No.	Prepared By.	Dated.
Remedial Action Plan	30012830.007.2	SMEC	9 March 2022
BASIX Certificate	Certificate Number 1222514M_02	BSE	1 April 2022
Site Waste Minimisation & Management Plan	-	WMK Architecture	-

In the event of any inconsistency between the approved plans and the supporting documentation, the approved plans prevail. In the event of any inconsistency between the approved plans and a condition of this consent, the condition prevails.

Note: an inconsistency occurs between an approved plan and supporting documentation or between an approved plan and a condition when it is not possible to comply with both at the relevant time.

REASON

To ensure all parties are aware of the approved plans and supporting documentation that applies to the development.

3. Earthworks Not Shown on Plans

No further excavation, backfilling or retaining walls can be carried out or constructed other than those identified on the approved drawings which form part of this consent unless it is otherwise permitted as exempt or complying development.

4. Approved Materials and Finishes

The building must be completed in accordance with the finishes, materials and colour scheme approved under condition 2. Any substantial change to this finishes schedule must not occur at the construction stage without a separate Section 4.55 approval.

5. Carrying out of Works Wholly Within the Site

All approved works shall be carried out inside the confines of the site boundary and not in adjacent forecourts, yards, access ways, car parking areas, or on Council's footpath, unless otherwise approved by Council.

6. General landscaping conditions

- a) The landscaping shall be maintained for the life of the development. All soft landscape areas are to be maintained in accordance with the approved Maintenance Schedule provided as part of the landscape documentation. Where vegetation approved as part of this consent dies, it must be replaced with new landscaping that achieves a similar height and form to that approved under the landscape plan.
- b) New street trees shall be maintained by the Applicant/Owner/Strata Corporation for a period of twenty four (24) months after final inspection by Council. Maintenance includes twice weekly watering within the first 6 months then weekly thereafter to sustain adequate growth and health, biannual feeding, weed removal round the base, mulch replenishment at 3 monthly intervals (to 75mm depth) and adjusting of stakes and ties. Maintenance but does not include trimming or pruning of the trees under any circumstances.
- c) All proposed built up planter beds above slabs are not to be replaced with individual removable pots.
- d) Irrigation is to be installed in accordance with the requirements of the BASIX certificate. To ensure satisfactory growth and maintenance of the landscaping, a fully automatic drip irrigation system is required. 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.
- e) All telecommunication and utility services (including all high and low voltage power lines) are to be placed underground along the entire development site frontages as part of the development. The extent of works required in order to achieve this outcome may involve works beyond the frontage of the development site.

7. Planter boxes

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 minimise 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.
- e) Finish externally in accordance with the approved plans
- f) Soil volumes of planter on slabs shall be in accordance with the requirements of Table 5 of Part 4P of the Apartment Design Guide.

8. Maintenance of Stormwater Drainage System

The stormwater drainage system (including all pits, pipes, detention structures, treatment devices, and rainwater tanks) shall be regularly cleaned, maintained, and repaired to ensure the efficient operation of the system from time to time and at all times. The system shall be inspected after every rainfall event to remove any blockage, silt, debris, sludge, and the like in the system. All solid and liquid waste that is collected during maintenance shall be disposed of in a manner that complies with the appropriate Environmental Guidelines. The water from the rainwater tank should not be used for drinking. Rainwater tanks shall be routinely de-sludged and all contents from the de-sludging process disposed: Solids shall be disposed to the waste disposal and de-sludged liquid shall be disposed to the sewer.

9. Seniors Housing

The approved use of the development is for seniors housing as defined within clause 8 of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004.

PRIOR TO THE ISSUE OF THE RELEVANT CROWN CERTIFICATE

10. Payment of fees and security deposits

Before the commencement of any works on the site, the applicant must make all of the following payments to Council and provide written evidence of these payments to the certifier:

Soil and Water Management Sign	\$21.50
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11. Payment of building and construction industry long service levy

Before any works commence on site, the applicant is to ensure that the person liable pays the applicable long service levy as calculated at the date of this consent to the Long Service Corporation or Council under section 34 of the *Building and Construction Industry Long Service Payments Act 1986* and provides proof of this payment to the certifier.

REASON

To ensure the long service levy is paid.

12. Encroachment of Structures not Permitted

No part of any structure, including gutters and eaves and front fences (including footings), may encroach or overhang any property boundary and/or public footway.

13. Adaptable units

Before the issue of the relevant Crown certificate, the applicant must ensure a report from a suitably qualified consultant is prepared and demonstrates, to the certifier's satisfaction, that any adaptable dwellings specified in the approved plans or supporting documentation comply with the provisions of *AS 4299-1995 Adaptable Housing Standards*.

REASON

To ensure adaptable units are designed in accordance with the Australian Standard.

14. Lighting

All existing and proposed lights shall comply with the Australian Standard AS4282 - Control of the Obtrusive Effects of Outdoor Lighting. In this regard, the lighting of the premises shall be directed so as not to cause nuisance to the owners or occupiers of adjacent/adjoining premises or to motorists on adjoining or nearby roads.

15. Services in Garbage Room

Hot and cold water supply shall be provided to the garbage rooms. Services or utility systems shall not be located within the garbage rooms. Details demonstrating compliance shall be provided to the satisfaction of the Crown certifier, prior to the issue of the relevant Crown certificate.

16. Acoustic attenuation

All acoustic attenuation measures recommended within Chapter 4 of the Acoustic Assessment report prepared by PWNA, dated 23 August 2021 shall be incorporated into the development.

17. Erosion and sediment control plan

Before the issue of the relevant Crown certificate, the applicant is to ensure that an erosion and sediment control plan is prepared in accordance with the following documents before it is provided to and approved by the certifier:

- Council's development control plan,
- the guidelines set out in the 'Managing Urban Stormwater: Soils and Construction Certificate' (the Blue Book) prepared by Landcom, and
- the 'Do it Right On-Site, Soil and Water Management for the Construction Industry' (Southern Sydney Regional Organisation of Councils and the Natural Heritage Trust).

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

REASON

To ensure no substance other than rainwater enters the stormwater system and waterways.

18. Waste management plan

Before the issue of the relevant Crown certificate, the applicant is to ensure that a waste management plan is prepared in accordance with the EPA's Waste Classification Guidelines and the following requirements before it is provided to and approved by the certifier:

(a) Details the following:

- The contact details of the person(s) removing the waste.
- An estimate of the waste (type and quantity) and whether the waste is expected to be reused, recycled or go to landfill.
- The address of the disposal location(s) where the waste is to be taken.

The applicant must ensure the waste management plan is referred to in the construction site management plan and kept on-site at all times during construction.

REASON

To ensure resource recovery is promoted and local amenity protected during construction.

19. Street numbering

Prior to the issue of the relevant Crown certificate for the development an application for street addresses Property Address Allocation and associated fee shall be submitted to Council for each individual dwelling within the development in accordance with Section 5.2 of the NSW Address Policy.

20. Public Domain

Prior to the issue of the relevant Crown certificate, the applicant shall prepare a Public Domain Landscape Improvements Plan. 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. Landscape specifications shall be as follows:

- a) All street trees must be supplied in a pot size not less than 200 Litre. Trees supplied shall be healthy and vigorous, free of pest and disease, free from injuries. Trees provided shall conform to NATSPEC guide.
- b) Banksia Street will be planted with *Ulmus parvifolia* 'Todd', *Corymbia maculata* or *Lophostemon confertus*, in a tree pit within the verge, where space allows.
- c) Dalley Avenue will be planted with *Ulmus parvifolia* 'Todd', *Corymbia eximia*, *Angophora costata* or *Corymbia gummifera* in a tree pit within the verge, where space allows.

A copy of the final Plan is to be submitted to Bayside Council for their records.

21. Services along front setbacks

- a) Fire hydro booster, if housed in a structure shall be relocated from landscape setback, and be integrated with building envelope/s. If fire Hydro boosters are located along

landscape setbacks, these shall be integrated to the landscape, to minimise visual impact and maximise deep soil planting and planting along the frontages of the sites.

- b) Where any electricity substation is required for the approved development, this must be housed within the building structures. These items reduce the visual amenity of the development, public spaces and the public domain.
- c) Above-ground utilities including fire boosters must be appropriately screened in an enclosure integrated to the built form proposed, or free of structures integrated to the landscape treatment.
- d) Details of the proposed screen and landscape treatment around structures shall be submitted to Bayside Council's Landscape Architect prior to the issue of the relevant Crown Certificate.

22. Final Landscape Plan

The final Landscape Plan shall be generally in accordance with the approved Landscape Report prepared by Arterra design Pty Ltd, Revision B and dated 9th March 2022 and comprise detailed landscape construction documentation (plans and specifications) to be submitted to Bayside Council prior to the issue of the relevant Crown Certificate. The landscape documentation shall include, but not be limited to:

- a) All new trees proposed in ground level along front setbacks shall be supplied in a pot size not less than 100 litres. All new street trees proposed shall be supplied in a pot size not less than 200 litres. Trees supplied shall be healthy and vigorous, free of pest and disease, free from injuries. Trees provided shall conform to NATSPEC guide.
- b) Provide details of WSUD elements within the site.
- c) 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, areas of paving, schedule of materials, edge treatments, tactile and sectional construction details. Details of all fencing, privacy screening, arbors and the like- elevations and materials, impacting or visible to public domain areas.

23. Landscape Maintenance

Landscape Maintenance Specifications, including a Maintenance Schedule shall be submitted to the Crown Certifier that covers a 12 month period to provide a guide to the landowner/ Strata 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).

24. Tree Protection Zones and retaining walls

Location and TPZs of all trees to be retained and protected in the site and within five metres of the development site, shall be included in all landscape, architectural and civil concept and relevant Crown Certificate plans. Any retaining wall required in the interface with the public domain will have a top of wall which will not exceed 450mm from public domain soil level.

25. Sydney Water Tap-in

Prior to the issue of the relevant Crown Certificate, the approved plans must be submitted to Sydney Water Tap in TM 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 TM online service is available at:

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

26. Retaining Walls Over 600mm

Retaining walls over 600mm in height shall be designed and specified by a structural engineer registered with the National Engineering Register (NER).

27. Detailed Design Stormwater Management Plan

Prior to the issue of the relevant Crown Certificate, detailed drainage design plans for the management of stormwater are to be submitted to the Crown Certifier for assessment and approval. Design certification and drainage design calculations are to be submitted with the plans. Botany Bay DCP Part 10 - Stormwater Management Technical Guidelines sets out the minimum documentation requirements for detailed design plans. Stormwater management requirements for the site, including the final discharge/end connection point, must comply with Botany Bay DCP Part 10 - Stormwater Management Technical Guidelines. The detailed drainage plans shall incorporate the provisions made in the stormwater management report prepared by BG&E, document NO S21006-RPT-ST-0001, Rev A, dated 2/03/2022 and the stormwater concept plans prepared by BG&E, project number S21006, dated 24.08.2021, revision D along with the revisions/documentation/measures detailed below:

- a) The 20,000L rainwater tank shall be designed to be connected to and all external taps/landscape irrigations for non-potable stormwater re-use.

28. Building/Driveway within Proximity of On-Site Detention / Absorption System

Prior to the issue of the relevant Crown Certificate, any part of the proposed building within three (3) metres of the proposed detention tank, underground rainwater tank or absorption system shall be constructed on a pier and beam foundation with piers extending no less than 300mm below the bottom of the tank or trench base.

Any driveway over the absorption system shall be either constructed on a pier and beam foundation with piers extending no less than 300mm below the bottom of the trench base or constructed as a structural slab so that no load is transferred to the plastic trench. These requirements shall be reflected on the relevant Crown Certificate plans and supporting documentation.

29. Driveway Width at the Boundary

The driveway width at the property boundary shall comply with the following:

- The width of the single driveway shall be 7.0 metres

Details shall be shown on the relevant Crown Certificate plans.

30. Traffic and Parking Design

The relevant Crown Certificate plans shall demonstrate that the design of the off-street parking facility complies in full with the Australian Standard 2890 parking series. The pedestrian sight distances for vehicles exiting the site must comply with AS/NZS2890.1:2004.

Prior to issue of the relevant Crown Certificate, a longitudinal driveway profile shall be submitted to Crown certifier for assessment and approval. The profile shall start in the centre of the road and be along the critical edge (worst case) of the driveway. Gradients and transitions shall be in accordance with AS/NZS2890.1:2004. The profile shall be drawn to a scale of 1 to 25 and shall include all relevant levels, grades (%) and lengths.

31. Public Domain Frontage Works

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

A copy of the final package is to be submitted to Bayside Council for their records.

32. Geotechnical Certification

Prior to the issue of the relevant Crown Certificate, a Geotechnical Engineer registered with the National Engineering Register (NER) must:

- a) Review and ensure the construction methodology, parameters, and recommendations in the geotechnical report prepared by STS Geotechnical PTY LTD, Project No: 30923/5271D-G, Report No. 21/2105, dated July 2021, have been implemented and relied upon during the preparation of the construction plans and documentation, and
- b) Provide detailed recommendations to allow the satisfactory implementation of the works, and
- c) Prepare a Construction Methodology report demonstrating that the proposed construction methods (including any excavation, and the configuration of the built structures) will have no adverse impact on any surrounding property and infrastructure, and
- d) Certify that the construction plans and supporting documentation are satisfactory from a geotechnical perspective, and
- e) Inspect the works as they progress. The Inspections are to occur at frequencies determined by the geotechnical engineer and be outlined in an inspection schedule.

The professional recommendations of the report shall be implemented in full during the relevant stages of excavation and construction. Note: A failure by contractors to adequately assess and seek professional engineering (geotechnical) advice to ensure that appropriate

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

PRIOR TO THE COMMENCEMENT OF ANY WORK (INCLUDING DEMOLITION AND EXCAVATION)

33. Hazardous Building Material Assessment

A Hazardous Building Material Assessment (HBMA) must be carried out and a report provided to council to ensure that any hazardous materials that may have been used within the structural components of buildings and infrastructure are adequately addressed to protect site personnel and the public from the risk of exposure. This must be undertaken by an appropriately qualified consultant and must be submitted to the Crown Certifier and Bayside Council prior to the demolition of any building or structure.

Should any hazardous materials be identified a Work Management Plan completed in accordance with AS2601 – Demolition of Buildings must be submitted to the Crown certifier prior to the demolition of any building or structure. The report must contain details regarding the type of hazardous material and the proposed methods of containment and disposal.

34. Tree Protection and Management

Permission is granted to remove the trees identified for removal on the Existing Conditions/Demolition Plan prepared by WMK Architecture. Consent is also granted for the removal of Tree 46 to facilitate the construction of the footpath and new pram ramp.

All trees identified for retention shall be established with a **TPZ** as per the Arborist Impact Statement Plan, Revision D. Compliance with the Tree Protection Specifications shall be observed at all times.

35. Erosion and sediment controls in place

Before the commencement of any site or building work, the Crown certifier must be satisfied the erosion and sediment controls in the erosion and sediment control plan, (as approved by the Crown certifier) are in place until the site is rectified (at least 70% ground cover achieved over any bare ground on site).

REASON

To ensure runoff and site debris do not impact local stormwater systems and waterways.

36. Tree protection measures

Before the commencement of any site or building work, the Crown certifier must ensure the measure for tree protection detailed in the construction site management plan are in place.

REASON

To protect and retain trees.

37. DPE - Construction Site Management Plan

The applicant must prepare and submit a construction site management plan to the Crown certifier for approval prior to the issue of the relevant Crown Certificate. The plan must include the following matters:

- Location and materials for protective fencing and hoardings to the perimeter on the site.
- Provisions for public safety.
- Pedestrian and vehicular site access points and construction activity zones.
- Details of construction traffic management, including proposed truck movements to and from the site and estimated frequency of those movements, and measures to preserve pedestrian safety in the vicinity of the site.
- Protective measures for on-site tree preservation (including in accordance with AS 4970-2009 Protection of trees on development sites and Council's DCP, if applicable) and trees in adjoining public domain (if applicable).
- Details of any bulk earthworks to be carried out.
- Location of site storage areas and sheds.
- Equipment used to carry out all works.
- A garbage container with a tight-fitting lid.
- Dust, noise and vibration control measures.
- Location of temporary toilets.

The applicant must ensure a copy of the approved construction site management plan is kept on-site at all times during construction.

REASON

To require details of measures that will protect the public, and the surrounding environment, during site works and construction.

38. Dilapidation Report – Private Land

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

- (a) 4 Dalley Avenue PAGEWOOD
- (b) 210 Banksia Street PAGEWOOD

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

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

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

39. Soil & Sedimentation Controls in Place

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

Soil and sedimentation controls are to be put in place prior to commencement of any work on site. The controls are to be maintained in effective working order during construction. Council's warning sign for soil and water management must be displayed on the most prominent point on the building site, visible to both the street and site workers. The sign shall be erected prior to commencement of works and shall be displayed throughout construction.

40. Dilapidation Report – Public Domain

At the proposed point of construction site entry, a full photographic survey showing the existing conditions of Bayside Council's infrastructure shall be submitted to Bayside Council and the Crown certifier. The survey shall detail the physical conditions and identify any existing damages to the road, kerb, gutter, footpath, driveways, street trees, street signs and any other Council assets fronting the property and extending to a distance of 20m from the development. Failure to do so will result in the applicant being liable for any construction related damages to these assets. Any damage to Bayside Council's infrastructure during the course of this development shall be restored at the applicant's cost.

41. Vibration Monitoring

Vibration monitoring equipment must be installed and maintained, under the supervision of a professional engineer registered with the National Engineering Register (NER) 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 Crown 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 Engineer registered with the National Engineering Register (NER), 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 Engineer registered with the National Engineering Register (NER) to prevent any further damage and restore support to the supported land.

DURING ANY WORKS (INCLUDING DEMOLITION, EXCAVATION AND CONSTRUCTION)

42. Additional information – contamination

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 Crown certifier immediately.

43. Waste Classification – Excavated Materials

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

44. Monitoring

Results of the monitoring of any field parameters for soil, groundwater, surface water, air or noise must be made available to Council Officers on request throughout the remediation and construction works.

45. Approved Plans Kept on Site

A copy of the relevant Crown Certificate, the Development Consent and the approved and current stamped Crown Certificate plans and specifications must be kept on the site at all times and be available to Council officers upon request.

46. Hours of work

The Crown certifier must ensure that building work, demolition or vegetation removal is only carried out between 7:00am to 5:00pm Monday to Saturday.

The Crown certifier must ensure building work, demolition or vegetation removal is not carried out on Sundays and public holidays, except where there is an emergency.

Unless otherwise approved within a construction site management plan, construction vehicles, machinery, goods or materials must not be delivered to the site outside the approved hours of site works.

Note: Any variation to the hours of work requires Council's approval.

REASON

To protect the amenity of the surrounding area.

47. Procedure for critical state inspections

While building work is being carried out, any such work must not continue after each critical stage inspection unless the Crown certifier is satisfied the work may proceed in accordance with this consent and the relevant Crown certificate.

REASON

To require approval to proceed with building work following each critical stage inspection.

48. Implementation of the site management plans

While vegetation removal, demolition and/or building work is being carried out, the applicant must ensure the measures required by the approved construction site management plan and the erosion and sediment control plan are implemented at all times.

The applicant must ensure a copy of these approved plans are kept on site at all times and made available to Council officers upon request.

REASON

To ensure the required site management measures are implemented during construction.

49. Implementation of BASIX commitments

While building work is being carried out, the applicant must undertake the development strictly in accordance with the commitments listed in the BASIX certificates(s) approved by this consent, for the development to which the consent applies.

REASON

To ensure BASIX commitments are fulfilled in accordance with the BASIX certificate (prescribed condition under clause 97A(2) EP&A Regulation).

50. Site Management - Crown certifier Inspections

Upon inspection of each stage of construction, the Crown certifier (or other suitably qualified person on behalf of the Crown certifier) is also required to ensure that adequate provisions are made for the following measures (as applicable), to ensure compliance with the terms of Council's approval:

- a) Sediment control measures, and
- b) Provision of secured perimeter fences or hoardings for public safety to restrict access to building sites, and

Maintenance of the public place free from unauthorised materials, waste containers or other obstructions.

51. Surveys by a registered surveyor

While building work is being carried out, a registered surveyor is to measure and mark the positions of the following and provide them to the Crown certifier –

- (a) All footings/ foundations.
- (b) At other stages of construction – any marks that are required by the Crown certifier.

REASON

To ensure buildings are sited and positioned in the approved location.

52. Construction noise

A noise and vibration management plan must be prepared by the applicant and a copy submitted to Council to ensure that any noise caused by demolition, vegetation removal or construction does not unreasonable impact on neighbouring and nearby properties.

REASON

To protect the amenity of the neighbourhood.

53. Tree protection

While site or building work is being carried out, the applicant must maintain all required tree protection measures in good condition in accordance with the construction site management plan required under this consent, the relevant requirements of *AS 4970-2009 Protection of trees on development sites* and any arborist's report approved under this consent. This includes maintaining adequate soil grades and ensuring all machinery, builders refuse, spoil and materials remain outside tree protection zones.

REASON

To protect trees during construction.

54. Responsibility for changes to public infrastructure

While building work is being carried out, the applicant must pay any costs incurred as a result of the approved removal, relocation or reconstruction of infrastructure (including ramps, footpaths, kerb and gutter, light poles, kerb inlet pits, service providers pits, street trees or any other infrastructure in the street footpath area).

REASON

To ensure payment of approved changes to public infrastructure.

55. Shoring and adequacy of adjoining property

If the development involves an excavation that extends below the level of the base of the footings of a building, structure or work on adjoining land (including any structure or work within a road or rail corridor), the person having the benefit of the development consent must, at the person's own expense –

- (a) Protect and support the building, structure or work from possible damage from the excavation, and
- (b) Where necessary, underpin the building, structure or work to prevent any such damage.

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

REASON

Prescribed condition – EP&A Regulation clause 98E

56. Construction Activities – Minimise Pollution

The following conditions are necessary to ensure minimal impacts during construction:

- a) Building, demolition and construction works not to cause stormwater pollution and being carried out in accordance with Council's stormwater pollution control requirements. Pollutants such as concrete slurry, clay and soil shall not be washed from vehicles onto roadways, footways or into the stormwater system. Drains, gutters, roadways and access ways shall be maintained free of sediment. Where required, gutters and roadways shall be swept regularly to maintain them free from sediment, and
- b) Stormwater from roof areas shall be linked via a temporary downpipe to an approved stormwater disposal system immediately after completion of the roof area, and
- c) All disturbed areas shall be stabilised against erosion within 14 days of completion, and prior to removal of sediment controls, and
- d) Building and demolition operations such as brick cutting, washing tools or paint brushes, and mixing mortar shall not be performed on the roadway or public footway or any other locations which could lead to the discharge of materials into the stormwater drainage system, and
- e) Stockpiles are not permitted to be stored on Council property (including nature strip) unless prior approval has been granted. In addition, stockpiles of topsoil, sand, aggregate, soil or other material shall be stored clear of any drainage line or easement, natural watercourse, kerb or road surface, and
- f) Wind blown dust from stockpile and construction activities shall be minimised by one or more of the following methods:
 - (i) spraying water in dry windy weather, and
 - (ii) cover stockpiles, and
 - (iii) fabric fences
- g) All vehicles transporting soil, sand or similar materials and demolition material to or from the site shall cover their loads at all times, and
- h) The applicant shall conduct all construction works and any related deliveries/activities wholly within the site, and
- i) During the construction works, the Council nature strip shall be maintained in a clean and tidy state at all times and shall be suitably repaired and/or replaced in accordance with Council Specifications at the completion of construction works, and

- j) Access to the site shall be restricted to no more than two 3m driveways. Council's footpath shall be protected at all times. Within the site, provision of a minimum of 100mm coarse crushed rock is to be provided for a minimum length of two metres to remove mud from the tyres of construction vehicles, and
- k) An All-Weather Drive System or a vehicle wheel wash, cattle grid, wheel shaker or other appropriate device, shall be installed prior to commencement of any site works or activities, to prevent mud and dirt leaving the site and being deposited on the street. Vehicular access is to be controlled so as to prevent tracking of sediment onto adjoining roadways, particularly during wet weather or when the site is muddy. Where any sediment is deposited on roadways it is to be removed by means other than washing and disposed of appropriately.

57. Site Fencing

The site shall be secured by an 1800mm (minimum) high temporary fence for the duration of the work. Gates shall be provided at the opening points and open and secured in such a way as to not obstruct the public footway. Such protection work, including fences, is to be constructed, positioned and maintained in a safe condition to the satisfaction of the Crown certifier, prior to the demolition of the existing structures and commencement of building operations.

58. DPE – Waste management

While building work, demolition or vegetation removal is being carried out, the Crown certifier must be satisfied all waste management is undertaken in accordance with the approved waste management plan.

Upon disposal of waste, the applicant is to compile and provide records of the disposal to the Crown certifier, detailing the following:

- The contact details of the person(s) who removed the waste.
- The waste carrier vehicle registration.
- The date and time of waste collection.
- A description of the waste (type of waste and estimated quantity) and whether the waste is expected to be reused, recycled or go to landfill.
- The address of the disposal location(s) where the waste was taken.
- The corresponding tip docket/receipt from the site(s) to which the waste is transferred, noting date and time of delivery, description (type and quantity) of waste.

Note: If waste has been removed from the site under an EPA Resource Recovery Order or Exemption, the applicant is to maintain all records in relation to that Order or Exemption and provide the records to the Crown certifier and Council.

REASON

To require records to be provided, during construction, documenting that waste is appropriately handled.

59. Remediation Works – Specific RAP

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', and
- b) NSW Environment Protection Authority (NSW EPA) guidelines under the Contaminated Land Management Act 1997, and
- c) State Environmental Planning Policy 55 (SEPP55) – Remediation of Land, and

The Remedial Action Plan, Reference No. 30012830.007.2, prepared by SMEC and dated 9 March 2022.

60. DPE – Cut and fill

While building work is being carried out, the Crown certifier must be satisfied all soil removed from or imported to the site is managed in accordance with the following requirements:

- (a) All excavation material removed from the site must be classified in accordance with the EPA's Waste Classification Guidelines before it is disposed of at an approved waste management facility and the classification and the volume of material removed must be reported to the Crown certifier.
- (b) All fill material imported to the site must be Virgin Excavated Natural Material as defined in Schedule 1 of the Protection of the Environment Operations Act 1997 or a material identified as being subject to a resource recovery exemption by the NSW EPA.

REASON

To ensure soil removal from the site is appropriately disposed of and soil imported to the site is safe for future occupants.

61. Excavation Below Base of Footings

All excavation and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards and guarded and protected to prevent them from being dangerous to life or property.

When excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building or an adjoining allotment of land, you shall:

- i. preserve and protect the building from damage and
- ii. underpin and support the building in an approved manner, if necessary and
- iii. give notice of intention to excavate below the level of the base of the footings of a building on an adjoining allotment of land to the owner at least 7 days prior to excavation and furnish particulars of the excavation to the owner of the building being erected or demolished.

Note: The owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this clause, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

In this conditions allotment of land includes a public road and any other public place.

Works shall not encroach onto or over adjoining properties, including retaining walls, fill material or other similar works. Soil shall not be lost from adjoining sites due to construction techniques employed on the subject site.

When soil conditions require it:

- i. retaining walls associated with the erection or demolition of a building or other approved methods of preventing movement of the soil shall be provided, and
- ii. adequate provision shall be made for drainage.

62. Pollutants Not Washed Into Stormwater System

The following conditions are necessary to ensure minimal impacts during construction:

- i. 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.
- ii. Stormwater from roof areas shall be linked via a temporary downpipe to an approved stormwater disposal system immediately after completion of the roof area.
- iii. All disturbed areas shall be stabilised against erosion within 14 days of completion, and prior to removal of sediment controls.
- iv. Building and demolition operations such as brickcutting, washing tools or paint brushes, and mixing mortar shall not be performed on the roadway or public footway or any other locations which could lead to the discharge of materials into the stormwater drainage system.
- v. Stockpiles are not permitted to be stored on Council property (including nature strip) unless prior approval has been granted. In addition stockpiles of topsoil, sand, aggregate, soil or other material shall be stored clear of any drainage line or easement, natural watercourse, kerb or road surface.
- vi. Wind blown dust from stockpile and construction activities shall be minimised by one or more of the following methods:
 - a. spraying water in dry windy weather
 - b. cover stockpiles
 - c. fabric fences
- vii. Access to the site shall be restricted to no more than two 3m driveways. Council's footpath shall be protected at all times. Within the site, provision of a minimum of 100mm coarse crushed rock is to be provided for a minimum length of 2 metres to remove mud from the tyres of construction vehicles.
- viii. An all weather drive system or a vehicle wheel wash, cattle grid, wheel shaker or other appropriate device, shall be installed prior to commencement of any site works or activities, to prevent mud and dirt leaving the site and being deposited on the street. Vehicular access is to be controlled so as to prevent tracking of sediment onto adjoining roadways, particularly during wet weather or when the site is muddy. Where any sediment is deposited on roadways it is to be removed by means other than washing and disposed of appropriately.
- ix. In addition builders / demolishers are required to erect a 1.5m high fence along the whole of the street alignment other than at the two openings. Such protection work, including fences, is to be constructed, positioned and maintained in a safe condition to the satisfaction of the Crown certifier, prior to the demolition of the existing structures and commencement of building operations.

- x. Any noise generated during construction of the development shall not exceed limits specified in any relevant noise management policy prepared pursuant to the Protection of the Environment Operations Act, 1997 or exceed approved noise limits for the site.

63. Soil & Water Management Sign Displayed

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

PRIOR TO OCCUPATION

64. Section 73 Certificate - Sydney Water

Prior to the occupation of the development, a Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water.

It is recommended that applicants apply early for the Certificate, as there may be water and sewer pipes to be built and this can take some time. This can also impact on other services and building, driveway or landscape design.

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

65. Consolidation of Lots

All allotments involved in this proposal must be consolidated into one allotment. Details demonstrating compliance with the requirements of this condition and evidence of registration are to be submitted to the satisfaction of the Crown Certifier prior to occupation of the development.

66. BASIX / Energy Efficiency Commitments

A Compliance Certificate must be provided to the Crown certifier confirming that the development has been constructed in accordance with the commitments contained within the approved BASIX Certificate listed in Condition 2 prior to the occupation of the development.

67. SEPP (Housing for Seniors) 2004

The approved Seniors Housing development must not be owned, operated or managed by any other entity than a social housing provider as defined in the SEPP.

68. Location of mechanical ventilation

During occupation and ongoing use of the building, the applicant must ensure all subsequently installed noise generating mechanical ventilation system(s) or other plant and equipment that generates noise are in an appropriate location on the site (including a soundproofed area where necessary) to ensure the noise generated does not exceed 5dBA at the boundary adjacent to any habitable room of an adjoining residential premises.

REASON

To protect the residential amenity of neighbouring properties.

69. Acoustic Measures Validation

A report prepared by a suitably qualified Acoustic Consultant, must be submitted to Council certifying that the development complies with the requirements of:

- (a) recommendations of Acoustic Assessment prepared by PWNA dated 23 August 2021.

The report shall include post construction validation test results. Details demonstrating compliance with the requirements of this condition is to be submitted to the satisfaction of the Crown certifier prior to the occupation of the development.

70. Removal of waste upon completion

Prior to the occupation of the development, the Crown certifier must ensure all refuse, spoil and material unsuitable for use on-site is removed from the site and disposed of in accordance with the approved waste management plan. Written evidence of the removal must be supplied to the satisfaction of the Crown certifier.

REASON

To ensure waste material is appropriately disposed or satisfactorily stored.

71. Landscaping

Prior to the occupation of the development, the following must be complied with:

- a) All landscape works are to be carried out in accordance with the final landscape plans prepared in accordance with Condition No. 24 Final Landscape Plan.
- b) A Landscape Architect shall provide a report to the Crown certifier (with a copy provided to Council, if Council is not the Crown certifier) stating that the landscape works have been carried out in accordance with the approved plans and documentation.
- c) Landscape Maintenance Specifications, Landscape Maintenance Schedule and all relevant manuals (irrigation manuals and any other specific to the development) shall be submitted to the landowner prior Occupation.

72. Bayside Council's Reserve Damaged During Construction

Where Bayside Council's land / road reserve is damaged as a result of building work or vehicular building traffic, this area shall be restored by Bayside Council or the applicant, at the applicant's expense. Any damage not shown in the photographic survey submitted to Bayside Council before site works have commenced will be assumed to have been caused by the site works (unless evidence to prove otherwise). All damages as a result from site works shall be rectified at the applicant's expense to Bayside Council's satisfaction, prior to the occupancy of the development and release of the damage deposit.

73. Public Domain Works

Prior to the occupation of the development, the following works will be required to be undertaken in the road reserve at the applicant's expense:

- i. Construction of a new footpath and landscaping (grass verge/street tree planting as required) along all frontages of the development site;
- ii. Construction of a new fully constructed concrete vehicular entrance/s;
- iii. Removal of the existing concrete vehicular entrance/s, and/or kerb laybacks and other damaged public domain improvements which will no longer be required;
- iv. Reconstruction of selected areas of the existing concrete footpath/vehicular entrances and/or kerb and gutter;
- v. Construction of new kerb and gutter along the frontage of the development site.
- vi. To satisfy clause 26 of the Seniors Housing SEPP, a complying access pathway (less than 400m in length) shall be provided between the site and both bus stops in Page Street. This requires the construction of kerb ramps on Dalley Avenue (at the intersection of Dalley Avenue and Bay Street) and, an upgrade to the existing kerb ramps on Page Street (at the intersection of Page Street and Wentworth Avenue) along with any other public domain improvements as required by an access consultant to ensure compliance with clause 26 of the Seniors Housing SEPP.

Inspection reports for the works on the road reserve shall be obtained from Bayside Council's authorised officer and submitted to the Crown certifier attesting that this condition has been appropriately satisfied prior to the occupation of the development.

74. Certification of New Stormwater System

Prior to the occupation of the development, a Civil Engineer must 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 constructed stormwater drainage system shall be inspected, evaluated, and certified. The certification shall demonstrate compliance with the approved plans, relevant Australian Standards, Codes and Council Specifications. A works-as-executed (WAE) drainage plan shall be prepared by a registered surveyor based on a survey of the completed works. The WAE plan must clearly illustrate dimensions and details of all site drainage including aspects. The certification and works-as-executed plan(s) shall be supplied to the Crown certifier and Bayside Council.

75. Positive Covenant Application

Within 3 months of occupation a restriction on Use of Land and Positive Covenant(s) pursuant to the Conveyancing Act 1919 are to be registered on the title of the lots on which the following systems are present:

(a) Stormwater Detention System

The terms of the instruments to be in favour of Bayside Council and are to be submitted to Bayside Council for review and approval. . Bayside Council must be provided with the relevant fees and all supporting information required (such as works-as-executed drainage plans and certification) prior to Bayside Council endorsing the Instrument. Bayside Council and the Crown certifier are to be provided with proof of registration of the covenants within 3 months of occupation.

76. Rainwater Tank - Plumbing Certification

Prior to the occupation of the development, a registered plumber shall certify that the 20,000L rainwater tank has been connected to all lower ground level and ground level toilet flushing and all external taps/landscape irrigations for non-potable stormwater re-use.

77. Geotechnical Certification

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

78. Parking Facility Certification

Prior to the occupation of the development a Civil Engineer registered with the National Engineering Register (NER) shall certify that the vehicular access and off street parking facilities have been constructed in accordance with the approved construction plans, AS/NZS 2890.1, AS2890.2, AS2890.3 and AS/NZS 2890.6, line marked, all signage relating to car parking erected and that the car parking area is clearly and appropriately marked/signposted indicating all the vehicular movements on the site. The internal road network, pedestrian facilities, and parking facilities (including visitor parking and parking for persons with disabilities) shall be clearly designated, sign posted, and line marked prior to Occupation. Signage and line marking shall comply with AS1742 - Manual of Uniform Traffic Control Devices and NSW Road Transport (Safety and Traffic Management) Regulations.

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

- Wheel stops shall be installed in all car parking spaces.
- Bollards shall be erected for all accessible parking spaces designed in accordance with AS/NZS 2890.6.
- Convex mirrors are to be installed throughout the parking facility to provide increased sight distance for vehicles at all corners and bends. The design of the convex mirror(s) is to ensure sight distances are maximised.

The certification must be submitted to the Crown certifier.

79. Vehicles Enter & Exit in Forward Direction:

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

PRIOR TO ISSUE OF A SUBDIVISION CERTIFICATE

80. Consolidation of Lots

The following Lots shall be consolidated into one allotment: Lots 39,40,41 and 42 in DP 35159 and Lot 37 in DP 35160. A copy of the plan of consolidation shall be submitted to Council.

DEVELOPMENT CONSENT ADVICE

1. Lapsing of Consent

This consent will lapse five (5) years from the date of consent, unless the building, engineering or construction work relating to the building, subdivision or work is physically commenced on the land to which the consent applies before the date on which the consent would otherwise lapse.

2. Consult with Utility Provider

You are advised to consult with your utility providers (i.e. Ausgrid, Telstra, etc.) in order to fully understand their requirements before commencement of any work.

3. Dial Before You Dig

Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets, please contact *Dial Before You Dig* at www.1100.com.au or telephone on 1100 before excavating or erecting structures (This is the law in NSW).

If alterations are required to the configuration, size, form or design of the development upon contacting the *Dial Before You Dig* service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets.

It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the *Dial Before You Dig* service in advance of any construction or planning activities.

4. Dividing Fences Act 1991

This approval is not to be construed as a permission to erect any structure on or near a boundary contrary to the provisions of the Dividing Fences Act 1991.

5. Asbestos

All asbestos fibre demolition material and asbestos dust shall be handled, stored and removed in accordance with the relevant legislation and guidelines including:

- (a) Work Health and Safety Act 2011, and
- (b) Work Health and Safety Regulation 2011, and
- (c) Code of Practice for the Safe Removal of Asbestos [NOHSC: 2002 (2005)], and
- (d) Code of Practice for the Management and Control of Asbestos in Workplaces [NOHSC: 2018 (2005)], and
- (e) Protection of the Environment Operations (Waste) Regulation 2005

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

2005.

6. Hazardous Waste

Hazardous and/or intractable wastes arising from the demolition process shall be removed and disposed of in accordance with the requirements of the relevant statutory authorities (NSW WorkCover Authority and the NSW Environment Protection Authority), together with the relevant regulations, including:

- (a) Work Health and Safety Act 2011
- (b) Work Health and Safety Regulation 2011
- (c) Protection of the Environment Operations (Waste) Regulation 2005.

7. Lead-Based Paint

The removal, cleaning and disposal of lead-based paint shall conform with the requirements of the NSW Environment Protection Authority's Guideline - "Lead Alert – The Six Step Guide to Painting Your Home (2014)".

8. Noise Minimisation during Demolition and Construction

Demolition and construction shall minimise the emission of excessive noise and prevent "offensive noise" as defined in the Protection of the Environment Operations Act, 1997.

Noise reduction measures shall include, but are not limited to, the following strategies:

- (a) choosing quiet equipment, and
- (b) choosing alternatives to noisy activities, and
- (c) relocating noise sources away from affected neighbours, and
- (d) educating staff and contractors about quiet work practices, and
- (e) informing neighbours of potentially noise activities in advance, and

equipment such as de-watering pumps, that are needed to operate on any evening or night between the hours of 8.00 pm and 7.00 am, or on any Sunday or Public Holiday, shall not cause a noise nuisance to neighbours of adjoining or nearby residences.

Where the emitted noise exceeds 5 dB(A) [LAeq(15m)] above the background sound level [LA90] at the most affected point on the nearest residential boundary, at any time previously stated, the equipment shall be acoustically insulated, isolated or otherwise enclosed so as to achieve the sound level objective.