

15 December 2022

Our Ref: DA-2021/627 PAN-177895  
Contact: Fiona Prodromou 9562 1672

Karimbla Properties (No 39) Pty Ltd  
Level 11, 528 Kent Street  
SYDNEY NSW 2000

## NOTICE OF DETERMINATION

Issued in accordance with section 4.16(1)(a) of the *Environmental Planning and Assessment Act, 1979*

**Application No:** DA-2021/627  
**Property:** 120 Banks Avenue, EASTGARDENS NSW 2035  
(Lot 24 DP 1242288)  
**Proposal:** BATA Stage II - Integrated Development - Construction of two (2) mixed use buildings of 18 and 20 storeys accommodating 372 apartments, communal recreational facilities, child care centre (use subject to future application), four (4) levels of basement car parking, associated landscaping and construction and embellishment of a private road.  
**Authority:** Sydney Eastern City Regional Planning Panel

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### Determination

**Date of determination:**

**Date consent commences:**

**Date consent lapses:**

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Your application is Approved subject to the following conditions:

### GENERAL CONDITIONS

1. This consent lapses five (5) years from the date of that it operates, unless physically commenced under section 4.53 of the Environmental Planning and Assessment Act 1979.

2. The development shall be undertaken in accordance with the documentation listed below and endorsed with Council's stamp, except where amended by other conditions of this consent.

<b>Document</b>	<b>Author</b>	<b>Dated</b>
<b>Architectural Plans</b>		
Cover Sheet Rev J DA-0-001	Dickson Rothschild Design Pty Ltd	04/11/2022
Site Plan Rev E DA-0-102	Dickson Rothschild Design Pty Ltd	04/11/2022
Site Elevations Rev F DA-0-103	Dickson Rothschild Design Pty Ltd	04/11/2022
Basement 4 Plan Rev B DA-0-201	Dickson Rothschild Design Pty Ltd	04/11/2022
Basement 3 Plan Rev G DA-0-202	Dickson Rothschild Design Pty Ltd	04/11/2022
Basement 2 Plan Rev F DA-0-203	Dickson Rothschild Design Pty Ltd	04/11/2022
Basement 1 Plan Rev J DA-0-204	Dickson Rothschild Design Pty Ltd	04/11/2022
Ground Floor Plan Rev M DA-0-211	Dickson Rothschild Design Pty Ltd	04/11/2022
Level 1 Floor Plan Rev L DA-0-212	Dickson Rothschild Design Pty Ltd	04/11/2022
Level 2 Floor Plan Rev L DA-0-213	Dickson Rothschild Design Pty Ltd	04/11/2022
Level 3 Floor Plan Rev G DA-0-214	Dickson Rothschild Design Pty Ltd	04/11/2022
Level 4 Floor Plan Rev N DA-0-215	Dickson Rothschild Design Pty Ltd	04/11/2022
Level 5-15 Floor Plan Rev H DA-0-216	Dickson Rothschild Design Pty Ltd	04/11/2022
Level 16 & 17 Floor Plan Rev G DA-0-217	Dickson Rothschild Design Pty Ltd	04/11/2022
Level 17-19 Floor Plan Rev G DA-0-219	Dickson Rothschild Design Pty Ltd	04/11/2022
Roof Level Plan Rev M DA-0-221	Dickson Rothschild Design Pty Ltd	04/11/2022
Tower B & A North Rendered Elevation Rev J DA-0-401	Dickson Rothschild Design Pty Ltd	04/11/2022
Tower A & B South Rendered Elevation Rev J DA-0-402	Dickson Rothschild Design Pty Ltd	04/11/2022
Tower A West Rendered Elevation Rev H DA-0-403	Dickson Rothschild Design Pty Ltd	04/11/2022
Tower B West Rendered Elevation Rev G DA-0-404	Dickson Rothschild Design Pty Ltd	04/11/2022

Tower B East Rendered Elevation Rev J DA-0-405	Dickson Rothschild Design Pty Ltd	04/11/2022
Tower A East Rendered Elevation Rev G DA-0-406	Dickson Rothschild Design Pty Ltd	04/11/2022
Tower B & A North Elevation Rev C DA-0-407	Dickson Rothschild Design Pty Ltd	04/11/2022
Tower B & A North Elevation Internal Rev B DA-0-408	Dickson Rothschild Design Pty Ltd	04/11/2022
Tower A & B South Elevation Rev B DA-0-409	Dickson Rothschild Design Pty Ltd	04/11/2022
Tower A & B South Elevation Internal Rev B DA-0-410	Dickson Rothschild Design Pty Ltd	04/11/2022
Tower A West Elevation Rev B DA-0-411	Dickson Rothschild Design Pty Ltd	04/11/2022
Tower B West Elevation Rev B DA-0-412	Dickson Rothschild Design Pty Ltd	04/11/2022
Tower B East Elevation Rev B DA-0-413	Dickson Rothschild Design Pty Ltd	04/11/2022
Tower A East Elevation Rev B DA-0-414	Dickson Rothschild Design Pty Ltd	04/11/2022
Section 1 Rev F DA-0-501	Dickson Rothschild Design Pty Ltd	04/11/2022
Section 2 Rev E DA-0-502	Dickson Rothschild Design Pty Ltd	04/11/2022
Section 3 Rev D DA-0-503	Dickson Rothschild Design Pty Ltd	04/11/2022
Project Material Board Rev E DA-0-601	Dickson Rothschild Design Pty Ltd	04/11/2022
Pre / Post Adaptable Apartments 01 Rev D DA-0-1001	Dickson Rothschild Design Pty Ltd	04/11/2022
Pre / Post Adaptable Apartments 02 Rev D DA-0-1002	Dickson Rothschild Design Pty Ltd	04/11/2022
Pre / Post Adaptable Apartments 03 Rev D DA-0-1003	Dickson Rothschild Design Pty Ltd	04/11/2022
Pre / Post Adaptable Apartments 04 Rev D DA-0-1004	Dickson Rothschild Design Pty Ltd	04/11/2022
Wall Sections Sheet 2	Dickson Rothschild	04/11/2022

Rev C DA-0-4202	Design Pty Ltd	
Wall Sections Sheet 3 Rev C DA-0-4203	Dickson Rothschild Design Pty Ltd	04/11/2022
Wall Sections Sheet 4 Rev C DA-0-4204	Dickson Rothschild Design Pty Ltd	04/11/2022
Child Care Centre Fence Detail Rev B DA-0-4224	Dickson Rothschild Design Pty Ltd	04/11/2022
<b>Landscape Plans</b>		
Pagewood Phase 3 Eastgardens Landscape Design Report Urbis LA_001 Revision 04	Urbis	27/10/2022
Landscape Cover Page L000 Rev D	Urbis	27/10/2022
Ground Level Planting Plan L500 Rev D	Urbis	27/10/2022
Ground Level Planting Plan L501 Rev D	Urbis	27/10/2022
Level 1 Planting Plan L502 Rev D	Urbis	27/10/2022
Level 4 Planting Plan L503 Rev D	Urbis	27/10/2022
Level 16 Planting Plan L504 Rev C	Urbis	27/10/2022
24.0 Typical Details Figure 4 – Shrubs / Grasses / Groundcovers on Grade Figure 5 - Shrubs / Grasses / Groundcovers on Podium Figure 6 – Tree on Grade Figure 7 – Tree on Podium Figure 8 – Typical Tree Bay Rain Garden Figure 9 – Typical BBQ Pergola	Urbis	27/10/2022
25.0 Typical Section Figure 10 – Typical Building to Streetscape Interface (Banks Ave) Figure 11 – Typical Building to Streetscape Interface (North South Street) Figure 12 – Typical Building to Streetscape Interface (Tingwell Boulevard) Figure 13 – Section A – Through Site Link Figure 14 – Section B – Through Site Link Figure 15 – Typical Podium Detail	Urbis	27/10/2022

<b><u>Document</u></b>	<b><u>Author</u></b>	<b><u>Dated</u></b>
Wind Report	SLR Consulting	November 2022
Environmental Glare and Reflectivity Assessment	SLR Consulting	November 2022
CPTED Assessment	APP Corporation Pty Limited	December 2021
Energy Efficiency and ESD Report	SLR Consulting	4 November 2022
Green Travel Plan	ARUP	3 December 2021
Traffic and Transport Report Issue 2	ARUP	4 November 2022
Arborist Report	Naturally Trees	October 2021
Detailed Site Investigation [DSI] for Contamination Pagewood Green Stage 2	Douglas Partners Pty Ltd	11 September 2020
Remediation Action Plan [RAP] Pagewood Green Stage 2 (Draft A)	Douglas Partners Pty Ltd	25 August 2020
Contamination Correspondance	Douglas Partners Pty Ltd	28 October 2022
Report on Validation of Remediation Area 1	Douglas Partners Pty Ltd	17 November 2022
Easements Plan	JBW Surveyors Pty Ltd	12/11/2020
Site Flood Assessment Report	WMA Water	2 December 2021
Geotechnical Assessment	Tetra Tech Coffey	8 December 2021
Access Report	ABE Consulting	10 December 2021
Acoustic Report Rev 01	Acoustic Logic	24 November 2021
Waste Management Plan	MRA Environmental	December 2021

3. No construction works (including excavation) shall be undertaken prior to the issue of a Construction Certificate.
4. This Consent relates to land in Lot 24 DP 1242288 and, as such, building works must not encroach on to adjoining lands or the adjoining public place.
5. All costs associated with these development conditions shall be borne by the applicant.

6. Planning Agreement

- a) This consent must be read in conjunction with the executed Planning Agreement entered into by Karimbla Properties Pty Ltd and Bayside Council for the subject site on 28 October 2021.
- b) This consent shall operate in tandem with the Planning Agreement executed for the subject site.

7. Lapsing of Consent

Approval of the Concept Plan shall lapse 5 years after the determination date shown, unless a development application is submitted to carry out a project or development for which concept approval has been given.

8. Inconsistencies

In the event of any inconsistency between conditions identified in this document and drawings/documents referred to above, the conditions of this consent shall prevail.

9. Public Art / Wayfinding Signage

No consent is expressed nor implied for the construction or erection of any wayfinding signage and/or public art within Lot A of the subject site. All wayfinding signage and/or public art is subject to the lodgement and approval of a future development application as required by Conditions 33 & 34 of DA-2019/386.

10. Signage / Branding

No consent is expressed nor implied for the construction or erection of any signage or branding upon the development in any location.

11. Staging and Timing of Works / Delivery of Open Space 1

The redevelopment of the subject site, including construction, embellishment and registration of public access easements relating to open space 1 shall be completed to the satisfaction of Bayside Council prior to the issue of any Occupation Certificate for the relevant building.

12. All new building work must be carried out in accordance with the provisions of the Building Code of Australia (BCA).

13. Materials / Finishes

The treatments, materials, colours and façade details approved under condition 2 and any other relevant condition of this consent shall not be altered or amended at the construction certificate stage (except as required by a conditions of this consent) without a modification of this consent under the EP&A Act.

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

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

14. **A Construction Certificate must be obtained from Council or an Accredited Certifier prior to the erection of the building commencing.**

15. BASIX

The development must be implemented and all BASIX commitments thereafter maintained in accordance with BASIX Certificate Number 1259834M\_04 other than superseded by any further amended consent or BASIX certificate.

Note: For further information please see <http://www.basix.nsw.gov.au>.

16. Balconies, pergolas or car parking spaces on site, shall not be enclosed at any future time without prior development consent.
17. Mail boxes must be installed in accordance with Australia Post requirements.
18. This approval is not to be construed as permission to erect any structure on or near a boundary contrary to the provisions of the Dividing Fences Act.
19. Parking Allocation

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

Use	Number of Spaces Allocated
<b><i>Residential</i></b>	
Residential apartments (372) Studio/One bedroom Two bedrooms Three or more bedrooms	<p>A total of 498 residential car parking spaces. 50% (249) of these residential car parking spaces shall be permanently allocated to residential apartments in the following manner:</p> <ul style="list-style-type: none"> <li>• 1 &amp; 2 bedroom apartments – Maximum 1 space per apartment</li> <li>• 3 or more bedroom apartments – Maximum 2 spaces per apartment</li> </ul> <p>The remainder 50% of the residential car parking spaces shall be provided as 'unbundled' residential parking spaces (see note (i) below).</p>
Residential Visitor Car Parking Spaces	1 space per 20 apartments (19 spaces total)
Car wash bay	3 spaces shared with visitor car parking

<b><i>Non-Residential</i></b>	
Childcare (16 staff and 75 children)	16 spaces (8 staff parking spaces and 8 pick-up/drop-off spaces)
<b><i>Other</i></b>	
Car share space	6 spaces (6 shared with visitor car parking spaces on the ground floor level)
<b><i>Motorcycle parking</i></b>	
Residential	38 motorcycle spaces
<b><i>Bicycle parking</i></b>	
Residential	248 Residential Bicycle Parking Spaces and 4 Residential Visitor Bicycle Parking Spaces
Non-Residential	4 non-residential (childcare.) bicycle parking spaces and 1 non-residential visitor bicycle parking spaces.
Publicly accessible	10 publicly accessible bicycle parking spaces on the ground level in open space 1
<b><i>Loading/Unloading</i></b>	
Shared between residential and non-residential	1 MRV & 1 SRV space

## NOTES:

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

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

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

- ii) An 88B instrument or other required covenant shall be imposed on the Utility Lot to ensure that they are only used by occupiers within the development. The terms of the instrument/covenant are to be to the satisfaction of Bayside Council.
- iii) All residential visitor spaces, car wash bays, loading bays, car share bays, motorcycle spaces and residential bicycle parking spaces shall be common property on the strata plan.
- iv) Any stacked parking spaces shall be allocated to a single residential unit only.



- v) This parking allocation condition applies to any Strata Certificate issued with respect to a Consent issued in accordance with Section 4.18(1)(a) of the *Environmental Planning and Assessment Act 1979* or a Complying Development Certificate issued in accordance with Part 6 of *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*.

## **DEVELOPMENT SPECIFIC CONDITIONS**

The following conditions are specific to the Development Application proposal.

### 20. Child Care Centre

#### A) Use

A separate development application shall be submitted for the specific use of the premises for the purposes of a Child Care Centre. Additional conditions may be imposed on any such consent.

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

#### B) Hours of Operation

The hours of operation of the child care centre shall be restricted to between 7.00am and 7.00pm Monday to Friday.

#### C) Northern and Western Facades

- i. Glazing to the northern and western facades of the child care centre shall be kept free of shelves, fixtures and the like and shall remain transparent to ensure passive surveillance is maintained.

#### D) Fencing

- i. Fencing to the northern and western periphery of the outdoor play area shall not exceed 1.8m in height above finished ground level.
- ii. Periphery fencing shall incorporate a solid element no greater than 1.5m in height, with any portion above, to a maximum height of 1.8m, being constructed of visually permeable materials, to minimum 50% transparency.
- iii. The colour of fencing shall be consistent with the finishes / materials of the development. Coloring of the rendered components as depicted in precedent images on DA-0-4224 Rev B is not permitted. Colours of fencing shall be submitted to and approved by Bayside Council Director City Futures (or his delegate) prior to the issue of any Construction Certificate.

#### E) Signage / Advertising

No advertising, signage, graphics or otherwise to the periphery fencing or entrance awning of the child care centre component of the development forms part of this consent.

21. Hydrant Booster Assembly and Gas Meters

Gas meters and fire hydrant boosters shall be provided as exposed pipework within landscaped planters at ground level. The enclosure of the aforementioned service structures is not permitted unless otherwise approved in writing by Bayside Council Director City Futures (or delegate) prior to the issue of any Construction Certificate.

22. Design Excellence

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

- a) A registered architect (the design architect) is to have direct involvement in the implementation and construction of the project (which, subject to any change under this condition is to be Dickson Rothschild Architects);
- b) The design architect is to have full access to the site and is to be authorised by the applicant to respond directly to the consent authority where information or clarification is required in the resolution of design issues throughout the life of the project;
- c) Evidence of the design architect's commission is to be provided to Bayside Council prior to issue of the Construction Certificate.

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

23. Vehicles on Site

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

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

24. Maintenance of Stormwater Drainage System

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

25. Green Travel Plan and Transport Access Guide

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

26. Loading / Unloading

- a) The provided loading facilities located at the ground floor level shall be available for use by the occupiers of the residential component of the proposed structure as well as the occupiers of the commercial component.
- b) All loading, unloading and transfer of goods to and from the loading bay and premises shall take place wholly within the property.
- c) Loading areas are to be used only for the loading and unloading of goods, materials etc. not for any other purpose.
- d) All loading and unloading activities for the ground level retail tenancies within the development shall be limited to between 8am - 6pm Monday to Sunday. No loading and/or unloading for the child care centre tenancy is permitted beyond these times.
- e) The loading bay is to be maintained and coordinated by the building manager so as to ensure there is no conflict with respect to the collection of waste or loading/unloading of retail goods and residential vehicle movements.
- f) The loading / unloading bay on site is to be made available for use by the child care centre tenancy and residential uses on site (including removalist vans).

27. Waste Disposal & Garbage Rooms

- a) Services or utility systems shall not be located in the garbage room. Hot and cold water hose cocks shall be installed within garbage rooms.
- b) All waste shall be collected from within the subject site within the approved loading / unloading bay. The building manager shall ensure that the scheduling of all loading/unloading activities enables a minimum of one (1) of the two dedicated truck spaces on site be vacant during waste collection time.

28. Waste Management

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

29. Maintenance of Wastewater and Stormwater Treatment Device

During occupation and ongoing use of the building, the applicant must ensure all wastewater and stormwater treatment devices (including drainage systems, sumps and traps, and on-site detention) are regularly maintained, to remain effective and in accordance with any positive covenant (if applicable).

30. Staging and Timing of Works / Delivery of Public Open Space

The redevelopment of the subject site, including construction, embellishment, and land dedication of the future park (open space 1) is to be completed to the satisfaction of Bayside Council prior to the issue of any Occupation Certificate for the relevant building.

31. Landscaping

- a) 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 twelve (12) months after final inspection by Council. Maintenance includes twice weekly watering within the first 6 months then weekly thereafter, biannual feeding, weed, removal round the base, mulch replenishment at 3 monthly intervals (to 75mm depth) and adjusting of stakes and ties; to sustain adequate growth and health. Maintenance does not include trimming or pruning of the trees under any circumstances.
- c) Planter boxes constructed over a concrete slab shall be built in accordance with the following requirements:
  - i. Soil depths must be in accordance with Council's DCP and associated Technical Specifications. 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.
  - ii. 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.
  - iii. 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.

- iv. Drainage cell must be supplied to the base 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.
  - v. Planter boxes must be an external finish that is consistent with the character of the colour schemes and finishes of the building (e.g. with a suitable paint, render or tile to match the character of the approved building).
  - vi. All planter boxes shall be provided with a fully automated drip irrigation system. All planter boxes shall have the required depth to sustain the proposed planting, as detailed below:
    - Trees over 8 meters: Minimum soil depth 1.3m.
    - Medium trees (8 metre canopy diameter at maturity): Minimum soil depth 1m.
    - Small trees (4 metre canopy diameter at maturity): Minimum soil depth 800mm.
    - Shrubs: Minimum soil depths 500mm - 600mm.
    - Groundcover: Minimum soil depths 300mm - 450mm.
  - vii. Any subsurface drainage requirements are in addition to the minimum soil depths quoted above
- d) Landscape Maintenance Schedule to cover 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); Fertilizing and pest control (soil testing, types, rate, frequency); Mulching, weeding and soil improvement (frequency, materials); Irrigation (checks, adjustments); tree maintenance (fertilizing, 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 (specialized maintenance requirements).
- e) Irrigation. To ensure satisfactory growth and maintenance of the landscaping, a fully automatic drip irrigation system is required in all landscaped areas. The system shall be installed by a qualified landscape contractor and provide full coverage of planted areas with no more than 300mm between drippers, automatic controllers and backflow prevention devices, and should be connected to a recycled water source. Irrigation shall comply with both Sydney Water and Council requirements as well as Australian Standards, and be maintained in effective working order at all times.
- f) Any proposed play equipment shall be in accordance with Australian Standards for Play Equipment and Surfacing, set out in AS 4422:2016 and AS 4685:2017.
32. Signs or goods shall not be displayed or placed on the public footpath or any other part of the public road at any time without Council's consent.
33. Parking spaces shall not be enclosed without further approval of Bayside Council or further development consent. The enclosure of car spaces is not permitted unless the enclosure complies with the design requirements of AS2890.1.

34. The use of the premises, building services, equipment, machinery and, ancillary fittings shall not give rise to an "offensive noise" as defined under the provisions of the Protection of the Environment Operations Act, 1997.
35. The use of mechanical plant including air conditioners, fans, compressors, condensers, freezers, swimming pool or spa pumps (whether, commercial or domestic) shall not cause sound pressure levels in excess of the criteria given in the NSW Industrial Noise Policy — 2000.
36. Residential air conditioners shall not cause 'offensive noise' as defined by the Protection of the Environment Operations Act 1997 or contravene provisions of the Protection of the Environment (Noise Control) Regulation 2008 where emitted noise from a residential air conditioner can be heard within a habitable room in any other residential premises at night.
37. The visible light reflectivity from building materials used on the façade of the building shall not exceed 20% and shall be designed so as not to result in glare that causes any nuisance or interference to any person or place. A statement demonstrating compliance with these requirements shall be submitted to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate for the relevant stage of works.
38. All lights shall comply with the Australian Standard AS4282 – 2019 "Control of the Obtrusive Effects of Outdoor Lighting". In this regard, the lighting of the premises shall be directed so as not to cause nuisance to the owners or occupiers of adjacent/adjoining premises or to motorists on adjoining or nearby roads.
39. Retaining walls over 600mm in height shall be designed and specified by a suitably qualified structural engineer.
40. Cladding

The external walls of the building including attachments must comply with the relevant requirements of the National Construction Code (NCC). Prior to the issue of the external cladding works Construction Certificate and Occupation Certificate the Certifying Authority and Principal Certifying Authority must:

- a) Be satisfied that suitable evidence is provided to demonstrate that the products and systems (including installation) proposed for use or used in the construction of external walls, including finishes and claddings such as synthetic or aluminium composite panels, comply with the relevant requirements of the NCC; and
  - b) Ensure that the documentation relied upon in the approval processes include an appropriate level of detail to demonstrate compliance with the NCC as proposed and as built.
41. Bicycle and motorbike spaces within the development shall be depicted as common property within any future subdivision plan for the development.

## Prior to Issue of the relevant Construction Certificate

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

### 42. Design Excellence

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

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

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

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

### 43. Street Furniture

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

### 44. Architectural Plan Amendments

Plans submitted with the Construction Certificate shall demonstrate compliance with the following prior to the issue of the relevant Construction Certificate, to the satisfaction of Bayside Council Director City Futures (or his delegate).

- A) Fencing to the child care centre component of the development must be setback a minimum of 6m to Banks Avenue.
- B) Private open space areas of south facing units AG.01 / AG.02 / AG.03 at ground level shall not protrude into the 2m deep soil landscaped zone to Tingwell Boulevard. Fencing, hard paving and any other structures within the 2m landscaped zone to Tingwell Boulevard shall be deleted.
- C) Private open space area of unit BG.02 at ground level shall not protrude into the 4m deep soil landscaped zone to the northern and eastern internal roadway. Fencing, hard paving and any other structures within this setback shall be deleted.
- D) Private open space area of unit AG.04 at ground level shall not protrude into the 6m deep soil landscaped zone to Banks Avenue. Fencing, hard paving and any other structures within the 6m landscaped zone to Banks Avenue shall be deleted.
- E) Balustrading / fencing to the periphery of balconies / courtyards of all residential units at ground level shall not exceed 1.5m in height above finished floor level. The masonry component of the aforementioned fencing shall not exceed 1m in height. Fencing above 1m shall be open form.
- F) The recommendations of the Qualitative Environmental Wind Assessment prepared by SLR Consulting dated 7 November 2022 are to be illustrated upon construction certificate drawings and implemented on site.
- G) Wind Amelioration screening / balustrades as recommended in the report referred to in (F) above, to the perimeter of communal open space areas within the development shall be clear Perspex, glass or the like only. Detail shall be annotated upon Construction Certificate drawings.
- H) The installation of solar panels are to be maximised upon all non-trafficable roof areas. Details and specifications of selected solar panels shall be prepared and provided to the PCA for approval prior to issue of the Construction Certificate for the roof of the development. The extent of solar panels must be consistent with those nominated in the approved BASIX Certificate and within Part 9 - Statement of Commitments in ESD Report Issue B dated 4/11/2022, prepared by Efficient Living. All ESD commitments nominated by this consent shall be detailed on Construction Certificate plans.
- I) All hot water and / or air conditioning systems/units which are located on the balcony of a dwelling/unit must be encased in a recessed box on the balcony with the lid/cover of the box designed to blend in with the building. All associated pipe work is to be concealed.
- J) All vertical plumbing, other than roof water heads and downpipes, shall be concealed within the brickwork of the building.
- K) Acoustic Attenuation - The noise reduction measures specified in the acoustic report prepared by Acoustic Logic Rev 01 dated 24 November 2021 shall be shown on construction plans and implemented on site.



- L) The recommendations of the Accessibility Review Report prepared by ABE Consulting dated 04/11/2022 are to be illustrated upon construction certificate drawings and implemented on site.
- M) A single antenna shall be provided to the building for use of all residents

45. Fees / Bonds

Before the commencement of any works on the site or the issue of a construction certificate, the applicant must make all of the following payments to Bayside Council and provide written evidence of these payments to the Principal Certifier:

Soil and Water Management Sign Fee	\$22.00
Section 7.11 Contributions	\$7,440,000.00
Builders Damage Deposit (Security Deposit)	\$77,061.00

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

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

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

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

**Note:** The timing and / or adjustment to the payment of the Section 7.11 Contribution is detailed under condition 7.11 Contributions of this consent.

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

46. Landscape Amendments

Prior the issue of the Construction Certificate, amended landscape plans must be submitted to, and approved by, the Director City Futures (or delegate) of Bayside Council.

1. Stormwater Plans shall be modified as follows:
  - a) Onsite detention tanks 2 shall allow at least 1.2 soil provision from top of structures to natural finished level to include trees; structures shall be located elsewhere in the development site or an alternative stormwater solution shall be provided.

2. Architectural plans shall be modified as follows:

- a) The 2 meters landscape setbacks along Tingwell Boulevard shall be deep soil at natural ground level treated with soft landscape and include trees. Units AG01, AG02 and AG03, shall remove all hard stand proposed within the 2 meters landscape setback.
- b) Fences of all units and childcare shall not be located within the landscape setbacks, 2 meters along Tingwell Boulevard, 6 meters along Banks Avenue, and 4 meters along the internal roads.
- c) The 4 meters landscape setback along internal streets shall be deep soil with soft landscape treatment. Terrace of unit BG02 shall be redesigned to exclude the 4 meters landscape setback.
- d) All landscape setbacks shall be deep soil and structures shall be limited to required access to the development. Proposed setbacks are to be consistent with conditions of consent of DA2019/386. Landscape setbacks with structures below, along internal roads shall be maximum 400 mm from finished level of adjacent public domain paved area, and have a soil depth of minimum 1.2 meters to allow canopy trees. If required basement structures below or stormwater structures are to be redesigned to accommodate soil depths for canopy trees along the frontages.
- e) All setbacks are to be of communal ownership dedicated to provide a green buffer.

3. Landscape Plan

Amended plans shall be generally in accordance with the approved Landscape Plan listed in Condition 1 and must comprise detailed landscape construction documentation (plans and specifications). The detailed plan shall include, but not be limited to, the following:

- a) A planting plan at 1:100 showing all plant locations/groupings and plant centres/species. There is to be a dense layered planting scheme consisting of trees, shrubs and groundcovers in all of these areas.
- b) All deep soil areas to include canopy trees where feasible to mitigate the loss of existing mature trees on site and to provide a level of amelioration to the buildings.
  - Each setback shall maximise canopy trees. CPTED principles shall be followed in the design. Trees shall be in scale with the proposal. Where space allows and suitable the setbacks shall include a two or three tier planting buffer of trees, small medium and large trees.
  - 4m and 6m setbacks to internal roads and Banks Avenue, shall include large canopy trees capable to reach a minimum mature height of 15 meters in local conditions.
  - All new trees within the landscape setbacks shall be supplied and planted at minimum 200 litres.

- Planting distance of trees shall be decreased to deliver a green buffer.
- c) Indicate the location of all basement structures, stormwater structures and other relative to the landscape areas.
- d) Planting proposed along the external faces of the building to ensure the planting provides some softness of the built form on this level 1 is required.
- e) Architectural and landscape plans are to indicate soil depths in all planting areas on the podium level.
- f) All deep soil areas shall include native or indigenous species, and only provide deciduous tree species where sun access is required or desired. Trees shall be large to be in scale with the proposed built form.
- g) Specifications detailing soil and mulch finishes, root barriers, irrigation, edging and other landscape handworks such as retaining walls, steps, planter walls, feature walls, skateboard restrictions, tree pits, tree grates, tree guards, tree pit treat, areas of paving, schedule of materials, edge treatments, tactile and sectional construction details.
- h) Details of all fencing, privacy screening, arbors and the like elevations and materials, impacting or visible to public domain areas. 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.
- i) Conflict between landscaped beds, existing/proposed trees or landscaped areas and underground utilities (including stormwater structures) are to be avoided. Where there is a conflict, this shall be resolved with Bayside Council.

#### 4. Open Space 1 (Link Park)

- a) WSUD elements integrated into the public space and the streetscape design in the link shall be provided.
- b) Design of the link open space shall include but not limited to high quality materials, elements to bring delight and interest, integrated public art, wayfinding signage.
- c) Provide details of all signage required in link Park as well as in other public spaces and frontages related to this Development Application. Signage shall be based on Bayside Council Sign Manual
- d) Reduce hard stand areas to allow larger canopy trees. Generally, the paved areas shall be limited to cater for pedestrians only. Northern pedestrian link is overly wide and bare. Some movement instead of a straight line can be adequate, dynamic circulation can be integrated to seating areas.
- e) The entrance of the link park presents a hardstand area, a welcome plaza, and depicts bicycle racks. Though the larger extend of paving area will provide the sense of entry to the linkway, this can be still achieve with planting, and with a smaller hardstand area. Bike racks can be in a side of the entry plaza, to avoid

being so prominent, and give more presence to planting, and pavement design to read the area as an entrance.

- f) Planting scheme shall also include large canopy trees (minimum 15 meters in local conditions), to provide buffer between buildings and for environmental reasons. Number of trees as indicated in approved plans shall not be diminished.
- g) Tress shall be supplied at minimum 200 litres in all of Open Space 1. If Raised planters or retaining walls are required these will not exceed 400mm from finished floor levels, or seating height.

#### 47. Long Service Levy

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

#### 48. Securities, Deposits and Bonds - Major

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

##### a) Builders Damage Deposit - \$77,061.00

A Builder's Damage Deposit of \$77,061.00 (GST Exempt) shall be lodged by the applicant by way of cash deposit or unconditional bank guarantee (any proposed bank guarantee must not have an expiry date) in favour of Bayside Council as security for repairing any damage to the public domain and councils assets in the vicinity of the site, including defective public domain works. This includes construction, removal, or repair as required to all aspects of the public domain and council owned land such as: kerb and guttering, driveways, paved areas and footpaths, road pavement, stormwater infrastructure, signage, landscaping etc.

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

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

#### 49. Construction Site Management Plan

Before the issue of the relevant construction certificate, or the commencement of any works on site, whichever occurs first, the applicant must ensure a construction site management plan is prepared before it is provided to and approved by the Principal Certifier. 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.

50. Sydney Water Tap-in

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

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

51. Car Parking Details

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

52. Utilities and Services

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

- (a) a letter of consent from Ausgrid demonstrating that satisfactory arrangements can be made for the installation and supply of electricity.
- (b) a response from Sydney Water as to whether the plans proposed to accompany the

application for a construction certificate would affect any Sydney Water infrastructure, and whether further requirements need to be met.

- (c) other relevant utilities or services – that the development as proposed to be carried out is satisfactory to those other service providers, or if it is not, what changes are required to make the development satisfactory to them.

#### 53. Erosion and Sediment Control Plan

Before the issue of a construction certificate or the commencement of any works on site, whichever occurs first, the applicant is to ensure that an erosion and sediment control plan is prepared in accordance with the following documents before it is provided to and approved by the Principal Certifier:

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

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

#### 54. Detailed Design Stormwater Management Plan

Prior to the issue of the relevant Construction Certificate, detailed drainage design plans prepared by a civil engineer registered with the National Engineering Register (NER) for the management of stormwater are to be submitted to Bayside Council for assessment and approval. Engineering design certification and drainage design calculations are to be submitted with the plans. Botany Bay DCP Part 10 - Stormwater Management Technical Guidelines sets out the minimum documentation requirements for detailed design plans. Stormwater management requirements for the site, including the final discharge/end connection point, must comply with Botany Bay DCP Part 10 - Stormwater Management Technical Guidelines.

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

- a) An on-site detention (OSD) system shall be provided for the development with a minimum volume of 745m<sup>3</sup> that incorporates a high early discharge design. The design of the OSD shall comply with Botany Bay DCP Part 10 – Stormwater Management Technical Guidelines section 6. Gravity discharge must be provided from the orifice of the OSD to the stormwater system constructed as part of DA-2019/387. Stormwater discharge from the OSD must connect underground to a stormwater pit. Safe emergency overflow shall be provided for within the stormwater system design, and
- b) The design of the OSD tank within the private road is to allow for street tree planting and provide a sufficient number of access pits for maintenance entry into the OSD tank. If open space 1 is to be dedicated into Council ownership, no part of the OSD tank can be located within open space 1. However, if it is to remain in private ownership, part of the OSD tank can be located within open space 1 subject to Council assessment.

- c) A minimum capacity of 20m<sup>3</sup> of rainwater tank(s) shall be provided for the site. Only roof water shall be directed to the rainwater tank(s). Overflow from the rainwater tank(s) shall be directed to the site drainage system. The rainwater tank(s) must be designed to be connected to all ground level + level 1 landscape irrigation, all ground floor level + level 1 toilet flushing, and all car wash bays within the development for non-potable stormwater re-use. Details demonstrating compliance with this shall be provided on the hydraulic and civil plans, and
- d) All surface runoff from the parking facility shall be directed through a propriety oil and sediment filtration system prior to discharge. Details of the pit type, location, performance and manufacturer's maintenance and cleaning requirements shall be submitted, and
- e) The stormwater system shall incorporate a Stormwater Quality Improvement system to ensure compliance with Section 16 of Botany Bay's SMTG. The water quality improvement system shall be designed to capture and treat at least 85% flows generated from the site.
- f) The design of open space 1 needs to include a bioretention system.
- g) A MUSIC model must be prepared and submitted for this development. The MUSIC model must be prepared in line with the Draft NSW MUSIC Modelling Guidelines (Sydney Metro CMA). Sydney's Water's requirements are that the water quality improvement shall meet or exceed the target as described in the "Botany Bay & Catchment Water Quality Improvement Plan" which was prepared by the Sydney Metropolitan Catchment Management Authority in April 2011, and
- h) All subsurface structures below the ground water table level of RL 14.50m AHD must be designed with a waterproof retention system (i.e., tanking, and waterproofing). A pump-out system is to be provided for the basement designed as per AS3500.3:2018 with a minimum volume of 3m<sup>3</sup>. No groundwater is permitted to enter and be pumped out of the basement, and
- i) The provision for safe emergency overflow needs to be provided for in the design of the OSD that does not result in the inundation of stormwater into habitable areas, dwellings, commercial premises, apartments above the OSD tank or the basement/loading dock. This is to be clearly demonstrated on the construction certificate plans and be certified accordingly by the civil engineer.

55. Tanking and Waterproofing of Structures Located Below the Design Groundwater Level.

Prior to the issue of the Construction Certificate, all subsurface structures located below the design ground water table level of RL 14.50m AHD must be designed with a waterproof retention system (i.e., tanking and waterproofing). This design ground water level includes the provision for future fluctuation of the water table in accordance with the Ground water Monitoring Report prepared by CMW Geosciences dated 26 March 2021 SYD2020-0053AI Rev 1. All subsurface structures are required to be designed with consideration of uplift due to water pressure and "flotation" (buoyancy) effects. Subsoil drainage around the subsurface structures must allow free movement of groundwater around the structure but must not be connected to the internal drainage system. The design of subsurface structures, tanking and waterproofing, and subsoil drainage must be undertaken by a suitably experienced Chartered Professional Engineer(s) registered with the National Engineering Register (NER). Design details, engineering design certification and construction specifications must be included in the documentation accompanying the Construction Certificate.

## 56. Detailed Traffic and Parking Design Requirements and Certification

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

### Compliance with AS2890 Car, Bicycle and Motorcycle Parking:

- a) The longitudinal profile(s) of the access driveway and ramps within the parking facilities must comply with the Ground Clearance, Gradient (%) and Length requirements of the 2890 Australian Standards Series, and
- b) The provision of accessible car parking spaces shall be in accordance with the relevant disability legislation. The design and construction of accessible car parking spaces shall be in accordance with the Australian Standard 2890.6: Parking facilities – Off-street parking for people with disabilities and AS4299, and
- c) Parking facilities (including parking spaces, ramps, aisles, vehicular crossings etc.) must comply in full with AS/NZS 2890.1. All vehicles are to enter and exit the site in a forward direction, and
- d) Pedestrian sightlines are to comply with AS2890.1 and convex mirrors shall be provided at blind corners within, and leading to, the car parking levels to provide increased sight distance for vehicles, and
- e) 257 bicycle parking spaces must be provided as part of the development. The 257 bicycle parking spaces shall be allocated as per the below:
  - i. 248 residential bicycle parking spaces, and
  - ii. 4 residential visitor parking spaces, and
  - iii. 4 non-residential (childcare) bicycle parking spaces. End of trip facilities are to be provided and located near these bicycle parking spaces. The end of trip facilities must include toilets, a minimum of one (1) locker per bicycle space, a minimum of 2 change room and 2 shower facilities per 20 bicycle parking spaces, or part thereof, and
  - iv. 1 non-residential visitor bicycle parking space, and
  - v. 10 publicly accessible bicycle parking spaces located within the design of open space 1 which forms part of the ground floor of this development.

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

- f) 533 car parking spaces shall be provided for the development. The 533 car parking spaces shall be allocated as per the below:
  - i. 498 residential parking spaces.
  - ii. 19 residential visitor parking spaces (inc. 3 car wash bays and 6 car share space shared with visitor car parking spaces).
  - iii. 16 childcare car parking spaces (8 for staff and 8 for pick-up/drop-off). The pick-up/drop-off spaces shall be 2.6m wide
- g) The car wash bays are each to have a width of 3.5m and length of 5.5m.



### Compliance with AS2890.2 Commercial (Service) Vehicle Parking.

- h) Loading and unloading within the site shall be designed and be restricted to commercial vehicles not exceeding the size and mass description of the Medium Rigid Vehicle (MRV) from AS2890.2:2018 and Council's garbage truck. Commercial vehicles greater in size and mass than the MRV and Council's garbage truck are not permitted to enter the site, and
- i) All driveways/access ramps/vehicular crossings/sight distances shall conform with Australian Standards AS2890.2:2018 along the travel path of the service vehicles, and
- j) All service vehicles shall enter the property front in front out, and
- k) Swept path analysis shall be provided for the manoeuvring of MRV commercial vehicle and Council's garbage truck. The swept path analysis shall depict a forward entry and forward exit manoeuvre to/from the loading dock proposed within the development for all vehicles.
- l) A longitudinal section plotting headroom clearance along the travel path is to be provided for assessment, and
- m) It must be demonstrated on the construction certificate plans that a safe headroom clearance of 4.5m is achieved along the entire travel path, parking, and manoeuvring areas of the MRV within the development (with no services or other structures reducing headroom clearance), and
- n) Waste collection must be undertaken internally within the development. No bins are permitted to be presented to the street for collection, and

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

### 57. Use of Neighbouring Properties and Roadways for Support

Prior to the issue of the Construction Certificate, if neighbouring properties or roadway are to be utilised for excavation support, the legal rights of any adjoining properties must be respected including for permanent and temporary excavation supports. In this regard the written permission of the affected property owners must be obtained and a copy of the owner's consent for excavation support or other material in adjacent lands must be lodged to the Principal Certifier.

Where excavation support materials are proposed to be used in public land, an application must be made to Council for approval under Section 138 of the *Roads Act 1993*, via a permit application. The submission would need to be supported by an engineering report prepared by an Engineer registered with the National Engineering Register (NER), with supporting details addressing the following issues:

- a) Demonstrate that any structures will not adversely affect public infrastructure, and the proposed supports within the road reserve are of adequate depth to ensure no adverse impact on existing or potential future service utilities in the road reserve. All existing services must be shown on a plan and included on cross sectional details where appropriate.

The report must be supported by suitable geotechnical investigations to demonstrate the efficacy of all design assumptions.

### 58. Geotechnical Certification

Prior to the issue of the relevant Construction Certificate, a Geotechnical Engineer

registered with the National Engineering Register (NER) must:

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

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*.

#### 59. Frontage Works Application

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

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

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

#### 60. Landscape Frontage Works Application

Prior to the issue of the relevant Construction Certificate, the applicant must submit a Frontage Works Application (Public Domain Construction – Frontage / Civil Works Application) to Bayside Council. Prior to the commencement of public domain works, a public domain landscape improvements plan shall be submitted to Bayside Council for assessment and approval. The plans 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 and irrigation. The landscape plan must indicate locations of lighting poles, underground services, stormwater infrastructure etc. The design shall be in accordance with Council's City Identity Program, Landscape DCP and any other Council specification or requirement. Contact Council's Landscape Architect for further details of specific requirements in preparation of the plan. New street trees shall be supplied and planted at minimum 200 litres pot size. Tree planting and general landscape and civil improvements of Tingwell Boulevard adjacent to the site will be included as part of the frontage works. Details of this will be included in Public Domain Frontage Works Brief.

Note: Only one frontage works application needs to be submitted for the development consent.

#### 61. Sustainability

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

- a) Provision of photovoltaic cell systems on the rooftops. Detailed design for the photovoltaic cells systems is to be provided, the provision of photovoltaic cells is to be at a rate that maximises the coverage of available non-trafficable space on the rooftop. This solar power shall be utilised in communal areas and other suitable areas within the development to reduce the developments demand for electricity from the grid.

- b) Provision of a 20,000L rainwater tank connected to all ground level + level 1 landscape irrigation, all ground floor level + level 1 toilet flushing, and all car wash bays within the development for non-potable stormwater re-use.
- c) Sensor controlled and zoned internal lighting within the building's car park and common areas.
- d) Separate circuiting for temporary power to minimal stair and corridor lighting.
- e) Use of LEDs and other low energy flicker free lighting resources.
- f) Provision for EV charging designed in accordance with the below requirements.
  - a. All residential car parking spaces must be 'EV-Ready'. An 'EV-Ready' car space requires the provision of a backbone cable tray and a dedicated spare 15A circuit within an EV Distribution Board enabling future installation of a smart EV charger and cabling to the EV Distribution Board.
  - b. A minimum of one (1) non-residential commercial car space shall be 'EV-Equipped'
 

An 'EV-Equipped' car space is a car space equipped with EV fast charger that is ready to use on completion of the development (i.e., the space shall be fully equipped with the circuitry and charger directly for use).

This may be payment operated system. At minimum, the charger will need to be 'Level 2' fast charging charger – three-phase with 11-22kW power or greater as defined by NSW Electric and Hybrid Vehicle Plan.
  - c. Provide EV Distribution Boards of sufficient size to allow connection of all 'EV-Ready' car spaces.
  - d. Locate EV Distribution board(s) so that no future 'EV-Ready' car space will require a cable run greater than 55m from the parking bay to an EV distribution board and, ensure that no cables will obstruct vehicular circulation aisles. Development shall provide cable trays, electrical cabinets, and conduits sufficient to accommodate the electric circuitry to each 'EV-Ready' and 'EV Equipped' car space.
  - e. EV Distribution Boards are to be dedicated to EV charging that is capable of supplying not less than 50% of EV connections at full power (full power being each individual connection being provided with not less than 2kW power and preferably 7kW power) at any one time during off-peak periods, to minimize impacts to maximum demand loads. To deliver this, an EV Load Management System and an active suitably sized connection to the main switchboard is required.
  - f. EV Load Management System is to be capable of:
    - Reading real time current and energy from the EV chargers under management via ethernet connection;
    - Determining, based on known installation parameters and real time data, the appropriate behaviour of each EV charger to minimise building peak power demand whilst ensuring electric vehicles connected are fully recharged;
    - Scale for residents to engage an EV Load Management provider to provide additional smart chargers to residential car spots over time.

- Ensuring each multi-unit residential 'EV-Ready' car parking spaces be metered separately to their individual account as part of the 'EV-Ready' system.

Detailed EV Charging designs prepared by a suitably qualified professional are to be submitted prior to the issue of the relevant construction certificate.

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

62. Design of Private Road to be Assessed by Council

Prior to the issue of the relevant Construction Certificate, the detailed design of the private road (shared by Lot A and Lot D) and landscaping is to be assessed and approved by Bayside Council.

63. Provision of Car Wash Bays

The Construction Certificate plans must show the provision of three (3) car wash bays. Each car wash bay shall be 3.5 metres wide and 5.5 metres in length. A cold-water tap (typically connected to the rainwater tank) and waterproof power outlet shall be provided along with a sign fixed to the wall saying, 'Visitor Car Space & Car Wash Bay'. The car wash bay must be fully bunded in accordance with AS1940 and AS/NZS 4452 with direct connection to the sewer in accordance with a Sydney Water trade waste agreement.

64. Separation of Parking in Mixed Use Residential Developments

The parking bays for the residential component of the development shall incorporate suitable secure access control measures (e.g., fencing, roller door or boom gates) so that it is not accessible to the visitors / occupants of the non-residential component (i.e., childcare and car share spaces are to be separated from the residential spaces by access control measures). Details demonstrating compliance shall be submitted to the satisfaction of the Principal Certifier prior to the issue of a Construction Certificate.

65. Flood Planning

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

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

The design of the development is to be certified by a civil engineer registered with the National Engineering Register (NER) as being in accordance with the Lot A (Phase 3) No 128 Bunnerong Road Eastgardens – Site Flood Assessment prepared by WMAwater, Ref:120066 and dated 2 December 2021.

66. Service Diagram

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

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

68. Residential Acoustics

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

- 3 Star for tiled areas within kitchens, balconies, bathrooms and laundries.
- 4 Star for timber flooring in any area.
- 5 Star for carpet in any area.

The development shall comply with the Building Code of Australia requirement for walls dividing occupancies. A report shall be submitted to the Principal Certifying Authority for approval prior to the issue of the internal fitout Construction Certificate of residential units.

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

69. Ausgrid

The applicant shall confer with Ausgrid to determine if:

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

Written confirmation of Ausgrid's requirements shall be obtained prior to the issue of the ground floor fit out construction certificate.

70. Sydney Water

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

71. Sydney Water Tap In

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

72. Design Verification

Prior to the issue of a construction certificate, a design verification statement shall be submitted to the PCA from a qualified designer certifying that the development achieves or improves the design quality of the development as shown in the plans and specifications in respect of which the construction certificate was issued, having regard to Schedule 1 of State Environmental Planning Policy No 65—Design Quality of Residential Flat Development.

## **Prior to Commencement of Works**

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

### **73. Erosion and Sediment Controls in Place**

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

### **74. Vibration Monitoring**

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

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

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

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

A copy of any written direction required by this condition must be provided to the Principal Certifier within 24 hours of any event.

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

### **75. Dilapidation Report - Public Domain - Pre-Construction – Major**

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

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

The liability for any damage to public infrastructure in the vicinity of the site, where such damage is not accurately recorded by the requirements of this condition, will be borne by the Applicant. The Applicant shall bear the cost of all restoration works to Council's property damaged by the Applicant during this development.

76. Utility Services Adjustments

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

77. Construction Environment Management Plan

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

- (a) A plan view of the entire development site and frontage roadways along with a construction management report addressing the following:
  - (i) The proposed method of access to and egress from the site for construction vehicle, including the proposed method of traffic control, access routes through the Council area and the location and type of temporary vehicular crossing for the purpose of minimising traffic congestion and noise in the area. Access across public parks and open space reserves is prohibited. All loading and unloading associated with construction activity must be accommodated on site, and
  - (ii) Details of: hours of work; 24-hour contact details of site manager; management of dust and odour to protect the amenity of the neighbourhood; stormwater control and discharge; measures to ensure that sediment and other materials are not tracked onto the roadway by vehicles leaving the site; groundwater management plan including measures to prevent groundwater contamination; external lighting in compliance with AS 4282-2019 Control of the obtrusive effects of outdoor lighting; community consultation and complaints, and
  - (iii) The proposed phases of construction work on the site and the expected duration of each construction phase, and
  - (iv) The proposed method of loading and unloading excavation and construction machinery, excavation and building materials, plant/machinery, formwork, and



the erection of any part of the structure within the site. Wherever possible mobile cranes should be located wholly within the site. The storage location on the property during construction shall also be shown, and

- (v) The proposed areas within the site to be used for the storage of excavated materials, construction materials and waste containers during the construction period, and
  - (vi) The proposed method/device to remove loose material from all vehicles and/or machinery before entering the road reserve, any run-off from the washing down of vehicles shall be directed to the sediment control system within the site, and
  - (vii) The proposed method of support to any excavation adjacent to adjoining properties, or the road reserve. The proposed method of support is to be designed and certified by an Accredited Certifier (Structural Engineering), or equivalent, and
  - (viii) Proposed protection for Council and adjoining properties, and
  - (ix) The location and operation of any on site crane including a copy of Sydney Airport approval (if required), and
  - (x) The location of any Work Zone (if required) approved by Council's Traffic Engineering Section, including a copy of that approval.
- (b) A Construction Traffic and Pedestrian Management Plan for pedestrian and traffic management of the site during construction prepared by a TfNSW accredited consultant in accordance with the '*Traffic Control at Worksites Manual*'. The plan shall include construction vehicle routes, anticipated number of trucks per day, hours of construction, access arrangements and proposed traffic measures to minimise impacts of construction vehicles. The plan shall detail the measures that are to be implemented to ensure road safety and network efficiency during construction in consideration of potential impacts on general traffic, cyclists and pedestrians, bus services and detail heavy vehicle routes, access, and parking arrangements.
- (c) A Soil and Water Management Plan (SWMP) shall be prepared in accordance with the Landcom *Managing Urban Stormwater – Soils and Construction* 4th Edition (2004) to provide adequate erosion and sediment control measures during demolition, excavation, and construction on the site. A sufficient area shall be provided onsite (Soil Stockpile Area) to enable separate stockpiling of excavated materials for sampling and analysis prior to removal or re-use on site.
- (d) A Noise and Vibration Management Plan is to be prepared by a suitably qualified expert addressing the likely noise and vibration from demolition, excavation and construction works. The Plan is to identify amelioration measures to ensure the noise and vibration levels will be compliant with the relevant Australian Standards and *Assessing Vibration: A technical guideline* (available [www.environment.nsw.gov.au](http://www.environment.nsw.gov.au)). The report shall be prepared in consultation with any geotechnical report that itemises equipment to be used for excavation works.
- (e) A Construction Worker Transportation Strategy for the construction stages to the satisfaction of the Certifier. The Strategy must detail the provision of sufficient parking facilities or other travel arrangements for construction workers to minimise demand for parking in nearby public and residential streets or public parking facilities.

Details demonstrating compliance with the requirements of this condition are to be submitted to the satisfaction of the Principal Certifying Authority. A copy of the approved documents is to be submitted to Bayside Council. During construction, the applicant shall ensure that all works and measures have been implemented in accordance with approved Traffic Management Plan and Construction Management Plan at all times.

78. Soil and Water Management Plan

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

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

79. 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.
80. A sign must be erected at the front boundary of the property clearly indicating the Development Approval Number, description of work, builder's name, license number and house number before commencement of work. If owner/builder, the Owner/Builder Permit Number must be displayed.
81. A sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being carried out:
- i. stating that unauthorized entry to the work site is prohibited, and
  - ii. showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours. Any such sign is to be removed when the work has been completed.

This condition does not apply to:

- iii. building work carried out inside an existing building or
  - iv. building work carried out on premises that are to be occupied continuously (both during and outside working hours) while the work is being carried out.
82. The site shall be secured by a 1800 mm (minimum) high temporary fence for the duration of the work. Gates shall be provided at the opening points.
83. (a) A hoarding or fence shall be erected between the work site and the public place when the work involved in the erection or demolition of a building:
- i) is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or
  - ii) building involves the enclosure of a public place,
- (b) Where the development site adjoins a public thoroughfare, the common boundary between them must be fenced for its full length with a hoarding, unless, the least

horizontal distance between the common boundary and the nearest part of the structure is greater than twice the height of the structure. The hoarding must be constructed of solid materials (chain wire or the like is not acceptable) to a height of not less than 1.8m adjacent to the thoroughfare.

- (c) Where a development site adjoins a public thoroughfare with a footpath alongside the common boundary then, in addition to the hoarding required above, the footpath must be covered by an overhead protective structure, type B Hoarding, and the facing facade protected by heavy duty scaffolding unless either:
- (i) the vertical height above footpath level of the structure being demolished is less than 4m; or
  - (ii) the least horizontal distance between footpath and the nearest part of the structure is greater than half the height of the structure.

The overhead structure must consist of a horizontal platform of solid construction and vertical supports, and the platform must -

- (i) extend from the common boundary to 200mm from the edge of the carriageway for the full length of the boundary;
  - (ii) have a clear height above the footpath of not less than 2.1m;
  - (iii) terminate not less than 200mm from the edge of the carriageway (clearance to be left to prevent impact from passing vehicles) with a continuous solid upstand projecting not less than 0.5m above the platform surface; and
  - (iv) together with its supports, be designed for a uniformly distributed live load of not less than 7 kPa The '6' Class hoarding is to be lit by fluorescent lamps with anti vandalism protection grids. Any such hoarding, fence or awning is to be removed when the work has been completed.
- (d) The principal contractor or owner builder must pay all fees and rent associated with the application and occupation and use of the road (footway) for required hoarding or overhead protection.

84. Toilet facilities must be available or provided at the work site before works begin and must be maintained until the works are completed at a ratio of one toilet plus one additional toilet for every 20 persons employed at the site.
85. Consultation with Ausgrid is essential prior to commencement of work. Failure to notify Ausgrid may involve unnecessary expense in circumstances such as:
- A) where the point of connection and the meter board has been located in positions other than those selected by Ausgrid or
  - B) where the erection of gates or fences has restricted access to metering equipment.
86. Where clearances to any existing overhead High Voltage mains are affected, the builder shall make arrangements with Ausgrid for any necessary modification to the electrical network in question. These works shall be at the applicant's expense. Ausgrid's requirements under Section 49 Part 1 of the Electricity Supply Act 1995 shall be met prior to commencement of works or as agreed with Ausgrid.

## During Demolition / Excavation / Construction

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

87. A copy of the Construction Certificate and the approved plans and specifications must be kept on the site at all times and be available to Council officers upon request.

88. 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.

89. Site Management - Principal Certifier Inspections

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

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

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

90. 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).

91. Implementation of Soil and Water Management Plan

All management measures recommended and contained within the Soil and Water Management Plan (SWMP) shall be implemented prior to commencement of any site works or activities. All controls in the plan shall be maintained at all times throughout the entire demolition, excavation and construction phases of the development and for a minimum three (3) month period after the completion of the project, where necessary. The plan is to be available to Council Officers, on request.

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.

## 92. 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.

93. 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 Principal Certifier, prior to the demolition of the existing structures and commencement of building operations.

94. Site Fencing and Hoarding

A hoarding or fence shall be erected between the work site and the public place when the work involved in the erection or demolition of a building:

- a) is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or
- b) building involves the enclosure of a public place.

Where the development site adjoins a public thoroughfare, the common boundary between them must be fenced for its full length with a hoarding, unless, the least horizontal distance between the common boundary and the nearest part of the structure is greater than twice the height of the structure. The hoarding must be constructed of solid materials (chain wire or the like is not acceptable) to a height of not less than 1.8m adjacent to the thoroughfare.

Where a development site adjoins a public thoroughfare with a footpath alongside the common boundary then, in addition to the hoarding required above, the footpath must be covered by an overhead protective structure, type B Hoarding, and the facing facade protected by heavy duty scaffolding unless either:

- a) the vertical height above footpath level of the structure being demolished is less than 4m, or
- b) the least horizontal distance between footpath and the nearest part of the structure is greater than half the height of the structure.

The overhead structure must consist of a horizontal platform of solid construction and vertical supports, and the platform must:

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

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

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

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

95. Protection of Council's Property

During Demolition, Excavation and Construction, care must be taken to protect Council's infrastructure, including street signs, footpath, kerb, gutter, and drainage pits etc. Protecting measures shall be maintained in a state of good and safe condition throughout the course of demolition, excavation, and construction. The area fronting the site and in the vicinity of the development shall also be made safe for pedestrian and vehicular traffic at all times. Any damage to Council's infrastructure (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub-contractors, concrete delivery vehicles) shall be fully repaired in accordance with Council's specification and AUS-SPEC at no cost to Bayside Council.

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

During all stages of demolition and construction, application(s) shall be made to Bayside Council (upon payment of a fee in accordance with Bayside Council's adopted fees and charges) to obtain the necessary approvals and permits for any and all works/activities on Bayside Council land or road reserve pursuant to the Roads Act 1993 and Local Government Act 1993. All applications associated with works and activities on Bayside Council's land must be made at least 7-10 days prior to the programmed completion of works and all construction must be completed and approved by Bayside Council. Refer to Bayside Council "Work Activities on Council Sites Application Form" and "Road Opening Application" to obtain permits/approvals for the following:

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

structures to enclose a work area within the public domain. These include site fencing, types A & B hoarding, type A & B hoarding with scaffolding and type B hoarding plus site sheds.

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

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

#### 97. Vibration During Demolition Works

Vibration levels induced by the demolition activities must not exceed levels listed in Standard DIN 4150-3 (1999-02), *Structural vibration Part 3 – Effects of vibration on structures Table 12-7*.

The operation of plant and equipment must not give rise to the transmission of vibration nuisance or damage to other premises.

Prior to commencement a specific vibration monitor must be set up to monitor and record the vibration levels affecting surrounding buildings.

#### 98. Temporary Dewatering Permit - Water Quality Requirements

To ensure that relevant engineering and water quality provisions are met during the period of temporary dewatering for construction, a permit must be obtained from Council to



permit discharge to the stormwater system. Temporary dewatering shall not commence until this permit is issued by Council. The permit must be current and valid at all times during dewatering operations.

The water quality must meet ANZECC 2000 Water Quality Guidelines for Fresh and Marine Water for the 95% protection trigger values for marine water. The results of all testing must be completed by a NATA accredited laboratory.

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

Reports shall be provided to Council prior to discharge of any groundwater to the stormwater system.

99. The following shall be complied with during construction and demolition:

a. Construction Noise

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

b. Level Restrictions

Construction period of 4 weeks and under:

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

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

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

c. Time Restrictions

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

d. Silencing

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

100. Additional information – Contamination

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

environmental consultant and reviewed and approved by the Site Auditor (Contaminated Land).

101. Importation of Fill (General)

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

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

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

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

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

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

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

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

104. Monitoring

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

105. All waste generated on site shall be disposed of in accordance with the submitted Waste Management Plan.
106. When soil conditions require it:
- a. retaining walls associated with the erection or demolition of a building or
  - b. other approved methods of preventing movement of the soil shall be provided, and
  - c. adequate provision shall be made for drainage.
107. All contractors shall comply with the following during all stages of demolition and construction:
- A Waste Container on Public Road Reserve Permit must be obtained prior to the placement of any waste container or skip bin in the road reserve (i.e. road or footpath or nature strip). Where a waste container or skip bin is placed in the road reserve without first obtaining a permit, the Council's fees and penalties will be deducted from the Footpath Reserve Restoration Deposit. Permits can be obtained from Council's Customer Service Centre.
  - A Road Opening Permit must be obtained prior to any excavation in the road reserve (i.e. road or footpath or nature strip). Where excavation is carried out on the road reserve without first obtaining a permit, the Council's fees and penalties will be deducted from the Footpath Reserve Restoration Deposit. Permits can be obtained from Council's Customer Service Centre.
  - A Hoarding Permit must be obtained prior to the erection of any hoarding (Class A or Class B) in the road reserve (i.e. road or footpath or nature strip). Where a hoarding is erected in the road reserve without first obtaining a permit, the Council's fees and penalties will be deducted from the Footpath Reserve Restoration Deposit. Permits can be obtained from Council's Customer Service Centre.
  - A Crane Permit must be obtained from Council prior to the operation of any activity involving the swinging or hoisting of goods across or over any part of a public road by means of a lift, hoist or tackle projecting over the footway. Permits can be obtained from Council's Customer Service Centre.
  - A current Permit to Dewater or Pump Out a site must be obtained prior to the discharge of pumped water into the road reserve, which includes Council stormwater pits and the kerb and gutter. Permits can be obtained from Council's Customer Service Centre.
108. 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.
109. The approved elements including driveways, stormwater connections, (etc.) prevail over the location of existing utility services and power poles. All services shall be adjusted at the applicant's cost to suit the construction of approved design elements. Applicants must seek approval from the relevant public utility, state authority or service provider.

## Prior to issue of the relevant Occupation Certificate or Commencement of Use

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

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

111. 7.11 Contributions

A Section 7.11 contribution of \$7,440,000.00 shall be paid to Council. Such contributions are only used towards the provision or improvement of the amenities and services identified below. The amount to be paid is adjusted at the time of payment, in accordance with the contribution rates contained in Council's current Adopted Fees and Charges.

The contribution is to be paid prior to the issue of the first occupation certificate in respect of any building to which this consent relates. The contribution is calculated from Council's adopted Section 7.11 contributions plan in the following manner:

Community Facilities	\$ 609,126.50
Recreation and Open Space	\$ 6,283,194.94
Transport Facilities	\$ 493,497.35
Administration	\$ 54,181.21
Total in 2022/23	\$ 7,440,000.00

Copies of Council's Section 94 (Section 7.11) Contribution Plans may be inspected at Council's Customer Service Centre, Administration Building, 444-446 Princes Highway, Rockdale. This condition is subject to the provisions of any executed Planning Agreement. To the extent of any inconsistency, the executed Planning Agreement applies.

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

112. Site Audit Statement and Site Audit Report

A copy of the Section A Site Audit Statement (SAS) and Site Audit Report (SAR) shall be submitted to Council, prior to the issue of the first Occupation Certificate in respect of any building to which this consent relates.

113. Open Space 1 to be completed prior to Occupation.

Open Space 1 which forms part of the BATA 2 Concept Plan approval (DA-2019/386) must be constructed and completed to the written satisfaction of Bayside Council and be publicly accessible prior to the issue of the first Occupation Certificate for Lot A.

114. Landscape

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

- A) All relevant landscape works are to be carried out in accordance with the approved final landscape plans by Bayside Council for the approved development.

- B) A Landscape Architect shall provide a report to the certifying authority (with a copy provided to Council, if Council is not the principal certifier) stating that the landscape works have been carried out in accordance with the approved plans and documentation.
- C) Landscape Maintenance Specifications, Landscape Maintenance Schedule and all relevant manuals (irrigation manuals, green walls and any other specific to the development) shall be submitted to the landowner/ Strata prior to the relevant Occupation Certificate.

#### 115. Landscaping

Prior to the issue of the relevant Occupation Certificate, the following must be complied with to the satisfaction of Bayside Councils Landscape Architect.

- a) All landscape works are to be carried out in accordance with the approved landscape plans prior Construction Certificate by Bayside Council for the approved development.
- b) Landscape areas with deep soil as indicated in approved plans shall not be diminished or include further structures.
- c) A Landscape Architect shall provide a report certifying that landscape works have been carried out in accordance with the approved plans and documentation.
- d) Prior to the issue of the relevant Occupation Certificate, a maintenance plan is to be submitted and approved by the Principal Certifying Authority. A copy of the maintenance plan is to be kept on site at all times during construction and shall be produced to Council on request following completion. The Maintenance Manual shall include as a minimum:
  - i. A 12 months Landscape Maintenance Schedule to provide a guide to the landowner or occupier on how to best maintain the constructed landscaped areas; and include the following information: shrub pruning/trimming (frequency, plant requirements); Fertilising and pest control (soil testing, types, rate, frequency); Mulching, weeding and soil improvement (frequency, materials); Irrigation (checks, adjustments); maintenance of plants (fertilising, mulching, tree stakes adjustments, special plants requirements, alternative plants replacements if required); Maintenance of hard landscape elements (planters, waterproofing, irrigation, paving, edges, pergolas, seats, and any specialised maintenance requirements);
  - ii. Frequency and methodology of different maintenance requirements including the removal of green waste; irrigation system tests, waterproofing inspections.
  - iii. Details of safety procedures;
  - iv. Laminated copies of 'As Built' Landscape drawings;
  - v. Manufacturer's contact details and copies of manufacturers' typical details and specification;
  - vi. Copies of warranties and guarantees relating to all materials and plant used in

construction.

#### 116. Public Domain Landscape

Prior the issue of the relevant Occupation Certificate, the Landscape works within the Public Domain shall comply with the following:

- a) Works to be completed in public space owned by Council and TfNSW, will be of no cost to Council or the TfNSW, including the following: Landscaping and embellishment of all Street frontages to the development site, including footpaths, paving, street trees, tree pits/grates and other planting, and street furniture, etc.
- b) All street trees have to 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.

#### 117. Preservation of Survey Marks

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

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

#### 118. Safer by Design

To maximise security in and around the development the following shall be incorporated into the development. Details for the following are to be approved by the Principal Certifying Authority, implemented prior to issue of the relevant Occupation Certificate, and maintained for the lifetime of the development:

- a) Monitored CCTV facilities shall be implemented throughout the development. Areas of focus include the basement car park (including entry and exits), main entry areas to the development and garbage/storage areas.
- b) A lighting maintenance policy shall be established for the development. Lighting shall be designed to the Australian and New Zealand Lighting Standards. Australia and New Zealand Lighting Standard 1158.1 - Pedestrian, requires lighting engineers and designers to consider crime risk and fear when selecting lamps and lighting levels.
- c) Security mirrors shall be installed within corridors and on blind corners to enable users to see around blind corners.
- d) Intercom facilities shall be installed at all vehicular and pedestrian entry/exit points to enable residents to communicate and identify with people prior to admitting them to the development.

#### 119. Photovoltaic Cells

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

120. Appropriate signage and tactile information indicating accessible facilities shall be provided at the main entrance directory, or wherever directional signage such as lifts or building directories or information is provided to those buildings where access and facilities for people with disabilities has been provided. Such signage shall have regard to the provisions of AS1428.1 and AS1428.2
121. Tactile differentiation on floor surfaces indicating change of gradient shall be provided to those buildings where access and facilities for people with disabilities has been provided. This includes the external parts of the building, eg. access walkways and ramps. Such differentiation shall have regard to the provisions of AS1428.4.
122. All excess excavated material, demolition material, vegetative matter and builder's rubbish shall be removed to the Waste Disposal Depot or the Regional Tip prior to final inspection. Note: Burning on site is prohibited.

#### 123. By Laws

If the owner intends to strata subdivide the building, a by-law shall be registered together with the first registration of the strata and maintained for the life of the development, which requires that:

- a. balconies are not to be used as clothes drying areas, storage of household goods and air-conditioning units that would be visible from the public domain;
- b. an owner of a lot must ensure that all floor space within the lot complies with the acoustic conditions for floors specified in this consent;
- c. Notwithstanding subclause (b), in the event that a floor covering in the lot is removed, the newly installed floor covering shall have a weighted standardized impact sound pressure level not greater than L'nT,w 45 measured in accordance with AS ISO 140.7 and AS ISO 717.2, A test report from a qualified acoustic engineer employed by a firm eligible to membership of the Association of Australian Acoustical Consultants shall be submitted to the Owners Corporation within 14 days of the installation of the new floor covering demonstrating compliance with that standard. In the event that the standard is not complied with, the floor covering shall be removed and replaced with a floor covering that conforms to that standard in accordance with any directions given by the Owners Corporation.

Proof of registration of the By Law shall be submitted to Council prior to the issue of the relevant Occupation Certificate.

#### 124. Substation

Where an electricity substation is required by Ausgrid, a final film survey plan shall be endorsed with an area having the required dimensions as agreed with Ausgrid over the location of the proposed electricity distribution substation site. The substation must be

located within the building as depicted upon the approved plans, subject to compliance with the BCA. Ausgrid's requirements shall be met prior to release of the issue of the relevant Occupation Certificate.

#### 125. Repair of Infrastructure

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

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

#### 126. Release of Securities / Bonds

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

#### 127. Certification of New Stormwater System

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

#### 128. Completion of Public Utility Services

Before the issue of the relevant Occupation Certificate, the Principal Certifier must ensure any adjustment or augmentation of any public utility services including gas, water, sewer, electricity, street lighting and telecommunications, required as a result of the development, is completed to the satisfaction of the relevant authority.

Before the issue of the Occupation Certificate, the Certifier must request written confirmation from the relevant authority that the relevant services have been completed.

#### 129. Works-As-Executed Plans and Any Other Documentary Evidence

Before the issue of the relevant Occupation Certificate, the Applicant must submit, to the satisfaction of the Principal Certifier, works-as-executed plans, any compliance certificates and any other evidence confirming the following completed works:

- a) All stormwater drainage systems and storage systems.



- b) The through site link and private roadway.

The Principal Certifier must provide a copy of the plans to Council with the Occupation Certificate.

130. Positive Covenant Application

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

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

The terms of the instruments to be in favour of Bayside Council and are to be submitted to Bayside Council for review and approval. All instrument wording is to be to the satisfaction of Bayside Council. An application must be lodged with, and approved by, Bayside Council prior to issue of the Strata Subdivision Certificate. Bayside Council must be provided with the relevant fees and all supporting information required (such as works-as-executed drainage plans and certification) prior to Bayside Council endorsing the Instrument. Bayside Council and the Principal Certifying Authority are to be provided with proof of registration of the covenants prior to occupation.

131. Certification of Tanking and Waterproofing

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

132. Geotechnical Certification

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

133. Rainwater Tank – Plumbing Certification

Prior to the issue of the Occupation Certificate for the units and areas which require plumbing connection to a rainwater tank, a registered plumber shall certify that the rainwater tank re-use system (minimum 20kl capacity) has been connected to all ground level + level 1 landscape irrigation, all ground floor level + level 1 toilet flushing, and all car wash bays within the development for non-potable stormwater re-use.

#### 134. Parking Facility Certification

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

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

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

The certification must be submitted to the Principal Certifier.

#### 135. Erection of Signage

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

- Vehicles Enter & Exit in Forward Direction from basement:

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 basement, approved by the Principal Certifier, stating the following: "All vehicles shall enter and exit the site in a forward direction at all times".

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

#### 136. Private Waste Collection

Waste and recycling for the childcare centre must be collected by a private waste contractor within the site. A contract for waste and recycling collection must be entered into prior to issue of the relevant Occupation Certificate for the child care centre. The company engaged must ensure that all recycling is collected separately from waste. Council must be advised in writing within seven (7) days of a private contractor being engaged for waste collection services.

#### 137. Flood Risk Management Plan – Minor

Prior to the issue of the relevant Occupation Certificate, a Flood Management Plan is to be prepared for the development to ensure adequate flood awareness is provided. The Flood Management Plan shall be laminated and permanently attached to a prominent location within each dwelling of the development to the satisfaction of the Principal Certifier.

138. Loading Dock Management Plan

Prior to the issue of the relevant Occupation Certificate, the applicant shall prepare a detailed loading and servicing management plan for the development which includes, but shall not be limited to, operation hours, methods to avoid congestion of service vehicles, off-street waste collection and general mitigation measures to prevent amenity impacts to neighboring properties. The plan shall be prepared by a suitably qualified professional and submitted to the Principal Certifier. The management plan is to be implemented for the lifetime of the development.

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

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

- a) Construction of a new footpath and planting of required street trees/landscaping along all frontages of the development site.
- b) Construction of vehicular entrance/s designed to accommodate the largest vehicle entering the site.
- c) Construction of new kerb and gutter along the frontage of the development site.
- d) Removal of the existing concrete vehicular entrance/s, kerb laybacks and other damaged/redundant public domain improvements which will no longer be required.
- e) Reconstruction of selected areas of the existing footpath, vehicular entrances, road, kerb, and gutter as required.
- f) Planting of street trees in the central median of Tingwell Boulevard.
- g) Construction of the new private road.
- h) Construction of a kerb inlet pit and minimum 375mm diameter stormwater pipe in the streets adjacent to this site (where necessary).
- i) Construction of a roundabout and speed humps at the intersection of Tingwell Boulevard and Banks Avenue along with associated regulatory traffic signage.

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

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

Final inspection reports for the works on the road reserve shall be obtained from Bayside Council's authorised officer and submitted to the Principal Certifier attesting that this condition has been satisfied prior to the issue of the relevant Occupation Certificate.

140. Dilapidation Report – Public Domain – Post-Construction – Major

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

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

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

141. Car Share Space

The six (6) car share car parking spaces must be operated by a recognized commercial car share operator within the site. A contract for the operation of a car share spaces by the commercial car share provider must be entered into prior to issue of the relevant Occupation Certificate and the maximum size of the car share vehicle shall be equal to, or smaller than, a B99 vehicle (as denoted by AS/NZS2890.1:2004). The car share space must be made available to car share operators without a fee or charge. The car share space must be appropriately line marked and signposted to indicate its usage to be exclusively as a car share space. The car share space is to be fully operational, and the chosen car share scheme operator is to confirm its operation to the Principal Certifier prior to the issue of the relevant Occupation Certificate.

142. Modification of DA-2019/387 – Civil Works

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

- a) Certain internal road footpath pavement types (within the public domain) require modification from plain concrete to paved finish (Sydney Black Granite from United stone and appropriate bandings or as otherwise agreed to by Bayside Council's landscape Architect and Public Domain Team).
- b) The provision of paved vehicular entrances in the internal road network as shown on the approved public domain masterplan.

- c) Any other changes associated with amending the plans to be in alignment with the approved public domain masterplan that forms part of development consent number DA-2019/386.

143. Bicycle Parking

Prior to the issue of the relevant Occupation Certificate, at least 257 bicycle parking spaces are to be provided within the building and 10 bicycle parking spaces are to be provided in open space.

144. Bayside Local Traffic Committee Approvals - Intersection Upgrade - Banks Avenue / Tingwell Boulevard

Prior to the issue of the relevant Occupation Certificate, the applicant shall obtain the required approvals and undertake the following works to the satisfaction of Bayside Council:

- a) Prior the issue of the relevant Occupation Certificate, a roundabout shall be constructed at the intersection of Banks Avenue and Tingwell Boulevard. This roundabout shall be designed to ensure no road widening is necessary and use the space already available at the intersection of Tingwell Boulevard and Banks Avenue. The location and design of the roundabout shall minimise impacts upon the north-south pedestrian movements along Banks Avenue. The roundabout must be designed to accommodate a 12.5m long HRV vehicle (as denoted in AS2890.2:2018) and the applicable sized bus. The detailed design drawings are to be undertaken and certified by a civil engineer registered with the National Engineering Register (NER) and the design is to be in accordance with the applicable Australian Standards, Bayside Council Infrastructure Specifications and Bayside Council Engineer requirements. The final design is to be to the satisfaction of Bayside Council. All required regulatory signage and public domain improvements associated with the construction of this roundabout shall be undertaken by the developer at the cost of the developer. Approval must be obtained from the Bayside Local Traffic Committee, and subsequently endorsed at Bayside Council meeting, for the construction of this roundabout prior to the issue of the relevant Occupation Certificate. The roundabout is to be constructed to the satisfaction of Bayside Council prior to the issue of the relevant Occupation Certificate. (NOTE: This condition is imposed as per condition 36 b) of DA-2019/386/A).
- b) As part of the roundabout design, speed humps are to be installed on approach to the roundabout to act as a further traffic calming devices.

Bayside Council's Director of City Futures (or delegate) must advise in writing that the works have been completed to their satisfaction, prior to the issue of the relevant Occupation Certificate.

NOTE: The satisfaction of this condition can be time consuming and as such, the process of obtaining the required regulatory approvals should be started as soon as possible to avoid delays towards the end of the project.

145. Green Travel Plan

Prior to the issue of the relevant Occupation Certificate, a Green Travel Plan shall be developed by a suitably qualified traffic consultant to encourage people (including any and all residents, staff and visitors) to make good use of public transport, cycling, walking and car sharing to reduce car-based travel demand. The Green Travel Plan shall be in

accordance with Bayside Council requirements and include, but not be limited to, the following:

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

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

146. Certification of Height Clearance for Loading Bay - No Overhead Obstructions

Prior to the issue of the relevant occupation certificate, evidence must be provided from a suitably qualified traffic engineer and registered surveyor demonstrating that travel path and associated maneuvering area of service vehicles (trucks) within the ground floor of the development (between the street and the loading dock) does not contain any overhead obstructions such as ducting, piping and the like which obstruct the required 4.50m of headroom clearance.

147. Parking and Shared Private Access Road

533 off-street car parking spaces shall be provided and line marked to the satisfaction of a Civil Engineer. The entirety of the new access road that permits vehicular access to the development from the public road network (shared with Lot D) is to be constructed as a whole and be appropriately paved prior to the issue of the relevant occupation certificate.

148. Bayside Council's Reserve Damaged During Construction

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

Bayside Council's Director of City Futures (or delegate) must advise in writing that the works have been completed to their satisfaction, prior to the issue of the relevant Occupation Certificate. Further, Bayside Council will use this report to determine whether or not to refund the Damage Deposit.

149. Dilapidation Report of Public Land - Major

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

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

The reports are to be supplied in both paper copy and electronic format in Word. Photographs are to be in colour, digital and date stamped. Bayside Council must advise, in writing, that the works have been completed to their satisfaction, prior to the issue of the relevant Occupation Certificate. Further, Bayside Council will use this report to determine whether or not to refund the damage deposit.

150. Provision of Right of Footway over Open Space 1

The provision of a Right of Footway, in favour of Bayside Council, shall be provided over the entirety of the through site link adjacent to open space 1. The terms of the covenants are to be to the satisfaction of Bayside Council. The Right of Footway and positive covenant is to be covered by a Section 88B Instrument, which may only be varied or extinguished with the consent of Bayside Council. Bayside Council requires proof of lodgement and registration of the signed Subdivision / Strata Certificate and 88B Instrument with the Land Titles Office. A written acknowledgment shall be obtained from Bayside Council (attesting to this condition being appropriately satisfied) and submitted to the Principal Certifier.

151. EV Charging Points - Installation & Certification

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

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

152. Electric Bicycle Charging Facilities

Prior to the issue of the relevant Occupation Certificate, all bicycle parking areas are to be provided with electrical outlets at a rate of 1 power point per 20 bicycle spaces.

153. Forward Entry and Exit

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

- A plaque with minimum dimensions 300mm x 200mm shall be permanently fixed to a prominent place near the primary vehicular entrance to the site and to a prominent place within the loading dock, approved by the principal certifier, stating the following: "All vehicles shall enter and exit the site in a forward direction at all times". The owners shall preserve the plaques in a good condition and keep it visible.

154. ESD Certification

The installation of sustainability commitments within the development, as required by the ESD Report Issue B dated 4/11/2022, prepared by Efficient Living and as specified in this consent shall be certified in writing, with a copy of such certification to be submitted to Council.

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

156. S73 Certificate

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

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

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

157. Acoustic Certification

The noise reduction measures specified in the Acoustic Report prepared by Acoustic Logic Rev 01 dated 24 November 2021 shall be validated by a Certificate of Compliance prepared by the acoustic consultant and submitted to the Principal Certifying Authority (PCA) prior to the issue of the relevant Occupation Certificate. If Council is not the PCA, a copy shall be submitted to Council concurrently.

158. A certificate is to be provided to Council that all wet areas have been effectively waterproofed (prior to tiling) in accordance with AS3740 and the product manufacturer's recommendations.
159. Prior to occupation or use of a given part of the premises, a qualified mechanical engineer shall certify that any relevant mechanical ventilation/air conditioning system complies in all respects with the requirements of Australian Standard 1668, Part 1 & 2.



#### 160. Design Verification

Prior to the issue of the relevant Occupation Certificate, a design verification statement shall be submitted to the PCA from a qualified designer certifying that the development achieves the design quality of the development as shown in the plans and specifications in respect of which the relevant construction certificate was issued, having regard to Schedule 1 of State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development. The design verification statement shall be in accordance with the Environmental Planning and Assessment Regulation 2021.

#### 161. Address

Prior to the issue of the relevant Occupation Certificate for the development, an application for Property Address Allocation and associated fee are required to be submitted to Council. All new addresses will be allocated in accordance with AS/NZS 4819:2011 Rural and Urban Addressing Standard and Section 5.2 of the NSW Address Policy. The form is available for download at:

<https://www.bayside.nsw.gov.au/guides/developing-building-or-renovating/building-construction-and-development-forms>

The general principles of addressing in NSW are described in the NSW Addressing User Manual, Ch.6 Addressing Principles. The manual is available for download at:

[http://www.gnb.nsw.gov.au/data/assets/pdf\\_file/0007/199411/NSW\\_AUM\\_July2018\\_Final](http://www.gnb.nsw.gov.au/data/assets/pdf_file/0007/199411/NSW_AUM_July2018_Final)

The numbering (sub-addresses) of the individual units in multi-level sites should be consistent with Australian Standards AS/NZS 4819:2011 Rural and Urban Addressing Standard & NSW Addressing User Manual.

Developers of multi-level buildings are required to submit their schedule of addresses to the Council for addressing approval prior to registration of the strata subdivision plan. Finalised architectural and survey plans of the site, identifying the location and nature of the development have to be submitted to Council. The applicant can suggest new street number allocation for the new development.

### **EXTERNAL AGENCIES**

#### 162. Telstra

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

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

#### 163. Sydney Airport Corporation Limited (SACL)

- i. The building must not exceed a maximum height of 91metres AHD, including all lift over-runs, vents, chimneys, aerials, antennas, lightning rods, any roof top garden plantings, exhaust flues etc.
- ii. Separate approval must be sought under the Regulations for any equipment (i.e. cranes) required to construct the building. Construction cranes may be required to operate at a height significantly higher than that of the proposed controlled activity and consequently, may not be approved under the Regulations. Therefore, it is advisable that approval to operate construction equipment (i.e. cranes) be obtained prior to any commitment to construct.
- iii. The Proponent must advise Airservices Australia at least three business days prior to the controlled activity commencing by emailing [ifp@airservicesaustralia.com](mailto:ifp@airservicesaustralia.com) and quoting YSSY-CA-516.
- iv. On completion of construction of the building, the Proponent must provide the SACL airfield design manager with a written report from a certified surveyor on the finished height of the building.

#### 164. Ausgrid

##### a. Proximity to Existing Network Assets Overhead Powerlines

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

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

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

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

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

##### b. Underground Cables

Special care should also be taken to ensure that driveways and any other construction activities within the footpath area do not interfere with the existing cables in the footpath. Ausgrid cannot guarantee the depth of cables due to possible changes in ground levels from previous activities after the cables were installed. Hence it is recommended that the

developer locate and record the depth of all known underground services prior to any excavation in the area.

Should ground anchors be required in the vicinity of the underground cables, the anchors must not be installed within 300mm of any cable, and the anchors must not pass over the top of any cable.

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

c. Substation

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

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

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

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

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

165. Sydney Water

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

166. Transport for NSW

- a) The developer shall be responsible for all public utility adjustment/relocation works, necessitated by the above work and as required by the various public utility authorities and/or their agents.

- b) The layout of the proposed car parking areas associated with the subject development (including, driveways, grades, turn paths, sight distance requirements in relation to landscaping and/or fencing, aisle widths, aisle lengths, and parking bay dimensions) should be in accordance with AS 2890.1-2004, AS2890.6-2009 and AS 2890.2-2018 for heavy vehicle usage.
- c) Bicycle Parking should be provided in accordance with AS2890.3.
- d) All demolition and construction vehicles are to be contained wholly within the site and vehicles must enter the site before stopping.
- e) A Construction Pedestrian Traffic Management Plan (CPTMP) detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control should be submitted to Council for approval prior to the issue of a construction certificate.
- f) A Road Occupancy Licence (ROL) should be obtained from Transport Management Centre for any works that may impact on traffic flows on the surrounding state classified road network during construction activities. A ROL can be obtained through <https://myrta.com/oplinc2/pages/security/oplincLogin.jsf>.

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## ADDITIONAL INFORMATION

- To confirm the date upon which this consent becomes effective, refer to Section 4.20 of the *Environmental Planning and Assessment Act, 1979*. Generally, the consent becomes effective from the determination date shown on the front of this notice. However, if unsure applicants should rely on their own enquiries.
  - To confirm the likelihood of consent lapsing, refer to Section 4.53 of the Act. Generally, consent lapses if the development is not commenced within five years of the date of approval. However, if a lesser period is stated in the conditions of consent, the lesser period applies. If unsure applicants should rely on their own enquiries.
  - Division 8.2 allows Council to reconsider your proposal. Should you wish to have the matter reconsidered you should make an application under that section with the appropriate fee.
  - Under Division 8.3 of the Act, applicants who are dissatisfied with the outcome of a consent authority have a right of appeal to the Land and Environment Court. This right must be exercised within the timeframe specified by Clause 8.10 (1) of the EP&A Act, from the date of this notice. The Court's Office is situated at Level 1, 225 Macquarie Street, Sydney (Telephone 9228 8388), and the appropriate form of appeal is available from the Clerk of your Local Court.
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