

DEFERRED COMMENCEMENT CONDITIONS

Your Development Application has been approved under section 4.16(3) of the Environmental Planning Assessment Act, 1979 as a Deferred Commencement consent.

This consent is not to operate until the Applicant/Developer satisfies the Council, within 12 months of the date of this consent, that it has obtained approval/certification from Sydney Trains as to the following matters and the approval/certification has been forwarded to the Council:

1. The Applicant/Developer shall prepare and provide to Sydney Trains for review, comment, and written endorsement the following final version items in compliance with the relevant ASA Standards (<https://www.transport.nsw.gov.au/industry/asset-management-branch>).
 - i. Geotechnical and Structural report/drawings that meet Sydney Trains' requirements. The Geotechnical Report must be based on actual borehole testing conducted on the site closest to the rail corridor.
 - ii. Construction methodology with construction details pertaining to structural support during excavation. The Applicant is to be aware that Sydney Trains will not permit any rock anchors/bolts (whether temporary or permanent) within its land or easements.
 - iii. Cross sectional drawings showing the rail corridor, sub soil profile, proposed basement excavation and/or structural design of sub ground support adjacent to the rail corridor. All measurements are to be verified by a Registered Surveyor.
 - iv. Detailed Survey Plan showing the relationship of the proposed development with respect to Sydney Trains' easement and rail corridor land.
 - v. If required by Sydney Trains, an FE analysis which assesses the different stages of loading-unloading of the site and its effect on the rock mass surrounding the rail corridor.
 - vi. If required by Sydney Trains, a Monitoring Plan.

Any conditions issued as part of Sydney Trains' endorsement of the above documents will also form part of the consent conditions that the Applicant/Developer is required to comply with.

The period of the Deferred Commencement is twelve (12) months from the date of determination.

Note: The consent may lapse if the information is not submitted within the specified time frame.

Upon receiving written notification from Council that the above requirements have been satisfied, your consent will become operable and will be subject to the following conditions.

GENERAL CONDITIONS

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

1. DPIE - Approved plans and supporting documentation

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

Plan No	Revision	Plan Title	Drawn By	Dated
Architectural Plans				
DA1000	C	Site Plan	Allen Jack & Cottier	12/08/2022
DA1100	C	Demolition Plan		
DA2000	C	Basement Plan		
DA2100	D	Ground Level Plan		
DA2101	D	Level 1 Plan		
DA2102	D	Level 2 Plan		
DA2103	D	Level 3 Plan		
DA2104	D	Level 4 Plan		
DA2105	D	Level 5 Plan		
DA2106	D	Level 6 Plan		
DA2107	D	Level 7 Plan		
DA2108	D	Level 8 Plan		
DA2109	D	Level 9 Plan		
DA2110	D	Level 10 Plan		
DA2111	D	Roof Plan		
DA3100	C	North / South Elevations		
DA3101	C	East / West Elevations		
DA3200	C	Sections 1 & 2		
DA3301	C	Materials Board		
DA5100	C	Adaptable & Silver Level Apartments		
Landscape Plans				
LA-RD-000	F	Cover Sheet	Nguluway DesignInc	16/08/2022
LA-RD-010	F	Site Plan		
LA-RD-020	F	Masterplan		
LA-RD-100	F	Hardworks & Grading 01		
LA-RD-101	F	Hardworks & Grading 02		
LA-RD-200	F	Softworks 01		

LA-RD-300	F	Sections 01		
LA-RD-301	F	Sections 02		
LA-RD-400	F	Planting Schedule		
LA-RD-401	F	Material Schedule		
LA-RD-500	F	Details 01		
Civil Plans				
CV-0100	02	Erosion & Sediment Control Plan		
CV-0150	02	Erosion & Sediment Control Details		

Document Title	Version No.	Prepared By	Dated
Amended Clause 4.6 Exceptions to development standards	-	Urbis	10/08/2022
L002 Interim Audit Advice (0503-2101-002)		JBS&G	03/06/2022
BCA Design Assessment Report	P221_446-3 (BCA) LB	Design Confidence	9 February 2022
Arboricultural Impact Assessment & Tree Protection Specification	Rev B	Tree IQ	31 January 2022
Access Review	2	Morris Goding Access Consulting	07/02/2022
Acoustic Report	TM236-01F02 Acoustic Assessment for DA (r2)	Renzo Tonin & Associates	17/12/2021
Wind Impact & Wind Tunneling Emulation Assessment Report	-	ANA Civil Pty Ltd	14/12/2021
Geotechnical Report	-	Douglas Partners	20 December 2021

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

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

REASON

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

2. Amendments Require Modification Application

Further alterations and/or additions to the subject building, including the relocation of the fire booster valves and/or provision of an electricity substation, the fitting of any form of doors and/or walls, or modifications to the car share arrangement within the development, shall not be undertaken without first obtaining approval from Council under Section 4.55 of the EP&A Act.

REASON

To avoid changes that may result in adverse impacts without proper assessment.

3. Construction Certificate Required

A Construction Certificate must be obtained from Council or a Principal Certifier prior to any building work commencing. Building work is defined under the *EPA Act Part 6*.

4. Affordable Housing

- a) This approval incorporates a minimum of sixty four (64) units within the development to be used strictly for the purposes of '*Affordable Housing*' as defined in Chapter 2, Section 13 of State Environmental Planning Policy (Housing) 2021.
- b) Any variation to the minimum approved number of '*Affordable*' dwellings within the development, beyond that specified above, will require the submission to Council of a modification application.
- c) The '*Affordable Housing*' component of the development must be used strictly for the purposes of affordable housing for a minimum period of 15 years, commencing on the day an occupation certificate is issued for the development.
- d) The affordable housing component of the development must be managed by a registered community housing provider. Details of the provider must be submitted to Council prior to the issue of any Occupation Certificate. Should the provider be changed at any time, details shall subsequently be provided to Council of the updated provider.

REASON

To ensure affordable housing is constructed and operated in accordance with the approved plans and documentation.

5. Certification of External Wall Cladding

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

- a) Be satisfied that suitable evidence is provided to demonstrate that the products and systems 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 process include an appropriate level of detail to demonstrate compliance with the NCC as proposed and as built.

6. BASIX Certificate

The development must be implemented in accordance with the commitments contained within BASIX Certificate Number 1266391M_04. Any proposed changes to the BASIX commitments after the Construction Certificate has been issued will require an updated BASIX Certificate and a new Construction Certificate.

7. Enclosure of Structures

Balconies and/or car spaces shall not be enclosed at any future time without prior development consent.

8. Earthworks Not Shown on Plans

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

9. Mailboxes

Mailboxes must be installed along the street frontage of the property boundary in accordance with Australia Post Guidelines. Prominent house numbers are to be displayed, with a minimum number size of 150 mm in height for each number and letter in the alphabet.

10. Approved Materials and Finishes

The finishes, materials and colours of the development, as approved under condition 1 and any other relevant condition(s) of this consent must not be altered or amended at the construction certificate stage without a separate Section 4.55 approval.

11. Parking Allocation

Parking spaces and associated facilities shall be provided and allocated in accordance with the following table:

Use	Number of Spaces Allocated
<i>Residential</i>	
Market Residential units	12 spaces
Affordable Residential units	16 spaces (including 6 car share spaces)
<i>Others</i>	
Loading Bay	1 low height SRV loading bay (shared by both residential and commercial)
<i>Motorcycle parking</i>	
Residential (affordable and market combined)	6 spaces
<i>Bicycle parking</i>	

Residential (affordable and market combined)	40 spaces
Commercial	4 spaces

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

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

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

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

The affordable housing residential units and the parking spaces associated with them are not permitted to be subdivided.

REASON

To ensure that car parking is provided and allocated in accordance with the approved plans and documentation.

12. Landscape Maintenance

- a) The landscaping shall be maintained for the life of the development. All soft landscape areas are to be maintained in accordance with the approved Maintenance Schedule provided as part of the landscape documentation. Where vegetation approved as part of this consent dies, it must be replaced with new landscaping that achieves a similar height and form to that approved under the landscape plan.
- b) New street trees shall be maintained by the Applicant / Owner / Strata Corporation for a period of 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 and sides of the planter to minimize damage to the waterproof seal during backfilling and facilitate drainage. Apply a proprietary brand filter fabric and backfill with an imported lightweight soil suitable for planter boxes compliant with AS 4419 and AS 3743. Install drip irrigation including to lawns.
- 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.
- vii. All planter boxes shall have the required depth to sustain the proposed planting, as detailed below:
 - i. Trees over 8 meters: Minimum soil depth 1.3 metre.
 - ii. Medium trees (8 metre canopy diameter at maturity): Minimum soil depth one (1) metre.
 - iii. Small trees (4 metre canopy diameter at maturity): Minimum soil depth 800mm.
 - iv. Shrubs: Minimum soil depths 500-600mm.
 - v. Groundcover: Minimum soil depths 300-450mm.

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

- d) 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.

REASON

To ensure ongoing maintenance of approved landscaping.

13. Stormwater Maintenance

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

REASON

To ensure the appropriate maintenance of stormwater systems on site.

14. Loading / Unloading

- a) All loading, unloading and transfer of goods to and from the loading bay and premises shall take place wholly within the property.
- b) Loading areas are to be used only for the loading and unloading of goods, materials etc. not for any other purpose.
- c) The loading bay is to be maintained and coordinated by the building manager so as to ensure there is no conflict with respect to the collection of waste or loading/unloading of goods.
- d) The loading / unloading bay on site is to be made available for use by all uses on site (including removalist vans).
- e) Loading and unloading within the site shall be restricted to commercial vehicles not exceeding the size and mass description of a low height Small Rigid Vehicle (SRV), or similar, generally in accordance with AS2890.2:2018, but with a height less than or equal to 2.70m. Commercial vehicles greater in size and mass than the low height SRV are not permitted to enter the site.
- f) The Loading Dock Plan of Management as required by conditions of this consent shall be implemented on site at all times.
- g) The ground floor loading bay can be used by other delivery vehicles, such as small vans and B99 Design Cars [AS2890.1-2004 compliant], under an approved Loading Bay Management Plan that permits use of the bay on a detailed time share arrangement for residents outside of the times required for the use of the loading bay by waste collection vehicles and commercial vehicles. At all times, the use of the loading bay must not be used by vehicles that exceed the dimensions of the approved waste collection vehicle outlined in part (e) of this condition. Building management shall advise all residents of this requirement within both a Building/strata Management Plan and Loading Dock Management Plan, which must include the restriction that deliveries or removal of household furniture / white goods / large TV screens (and other large sized goods) shall not occur on public streets.

REASON

To ensure the functionality of the loading / unloading bay on site.

15. OSD Tank

The area above the OSD tank (where the overflow grated pits are located) is to be common property on any strata subdivision plan for the site.

REASON

To ensure OSD is identified as common property at the subdivision of the development.

16. Vehicular Access

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

- a) All vehicles must enter and exit the basement in a forward direction.
- b) All commercial vehicles (including deliveries and garbage collection) shall enter the loading bay in a reverse direction and exit the site in a forward direction.

- c) All loading/unloading and garbage/waste collection activities shall take place on-site wholly within the dedicated loading areas and not from public places, public streets, or any road related area (e.g., footpath, nature strip, road shoulder, road reserve).
- d) The maximum size of vehicle accessing the ground level loading bay of this site shall be limited to a low height Small Rigid Vehicle (SRV), or similar, generally in accordance with AS2890.2:2018, but with a height less than or equal to 2.70m.
- 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) Parking spaces must not be enclosed without further approval of Bayside Council. The enclosure of car spaces is not permitted unless the enclosure complies with the design requirements of AS/NZS2890.1.
- g) All vehicles shall be parked in the marked parking bays. All parking bays on-site shall be set aside for parking purpose only and shall not be used for storage of goods or machinery.
- h) The residents of this development are not able to participate in any on-street resident parking schemes.
- i) The six (6) car share spaces are to remain operated by a commercial car share operator for the lifetime of the development.

REASON

To manage site operations so that adverse impacts are minimised.

17. Carrying out of works wholly within the Site

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

18. Waste Management – Private Waste Collection

The Owner / Owner's Corporation / Operator must comply with the following at all times during operations:

- a) Waste and recycling must be collected by a private waste contractor within the loading bay on the ground level of the site. No bins are permitted to be presented to the street for collection, all waste collection must be undertaken within the loading bay.
- b) The loading bay and travel path between Waines Crescent and the loading bay on the ground level of the approved garbage truck must always kept free of overhead obstructions to maintain the required 2.70m headroom clearance. No "Front End" bin loading mechanisms are permitted.
- c) The company engaged must ensure that all recycling is collected separately from waste.
- d) A contract for waste and recycling collection that complies with the requirements of this condition and this development consent must be in place for the lifetime of the development. Six months prior to the end of any private waste removal contract the owner's corporation must take steps to enter into a new contract so as to ensure that there is always a private contract in place for the waste collection as required by this consent.
- e) Compliance with the approved Waste Management Plan as referred to in this consent, at all times during use and operation of the premises, and

- f) The operator shall ensure that a commercial contract for the collection of trade / commercial waste and recyclables arising from the premises is in place at all times during operations. A copy of all contracts and receipts shall be kept on the premises and made available to Council Officers on request.

19. Waste Management – Comply with Approved WMP

- a) The approved Waste Management Plan, shall be complied with at all times during use and operation of the premises, and
- b) A sign shall be erected within or adjacent to the garbage room encouraging residents to recycle and not place recyclables into waste bins. Details demonstrating compliance with the requirements of this condition are to be submitted to the satisfaction of the Principal Certifier prior to the issue of the Occupation Certificate.

20. Design Architect Involvement

- a) In order to ensure the design excellence of the development is retained:
 - i) A Registered Architect is to have direct involvement in the design documentation, contract documentation and construction stages of the project, and
 - ii) The Design Architect is to have full access to the site and is to be authorised by the applicant to respond directly to the consent authority where information or clarification is required in the resolution of design issues throughout the life of the project, and
 - iii) Evidence of the Design Architect's commission is to be provided to the Council prior to release of the Construction Certificate.
- b) The Design Architect of the project is not to be changed without prior notice and approval of the Council.

21. DPIE – Maintenance of Wastewater and Stormwater Treatment Device (if applicable)

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).

REASON

To protect sewerage and stormwater systems.

22. Health

- a) The use of the premises shall not give rise to an environmental health nuisance to the adjoining or nearby premises and environment. There are to be no emissions or discharges from the premises, which will give rise to a public nuisance or result in an offence under the Protection of the Environment Operations Act 1997 and Regulations. The use of the premises and the operation of plant and equipment shall not give rise to the transmission of a vibration nuisance or damage other premises.

- b) 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, and
- c) 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 Noise Policy for Industry (NSW EPA 2017).

REQUIREMENTS OF CONCURRENCE, INTEGRATED AND OTHER AUTHORITIES

These conditions have been imposed by other NSW Government agencies either through their role as referral bodies, concurrence authorities or by issuing General Terms of Approval under the Integrated provisions of the *Environmental Planning and Assessment Act 1979*:

23. General Terms of Approval

The development shall be carried out in accordance with the requirements of the General Terms of Approval (GTA) outlined below.

Dewatering

- | | |
|--------------|---|
| GT0115-00001 | Groundwater must only be pumped or extracted for the purpose of temporary construction dewatering at the site identified in the development application. For clarity, the purpose for which this approval is granted is only for dewatering that is required for the construction phase of the development and not for any dewatering that is required once construction is completed. |
| GT0116-00001 | Before any construction certificate is issued for any excavation under the development consent, the applicant must: 1. apply to WaterNSW for, and obtain, an approval under the Water Management Act 2000 or Water Act 1912, for any water supply works required by the development; and 2. notify WaterNSW of the programme for the dewatering activity to include the commencement and proposed completion date of the dewatering activity Advisory Note: 3. An approval under the Water Management Act 2000 is required to construct and/or install the water supply works. For the avoidance of doubt, these General Terms of Approval do not represent any authorisation for the take of groundwater, nor do they constitute the grant or the indication of an intention to grant, any required Water Access Licence (WAL). A WAL is required to lawfully take more than 3ML of water per water year as part of the dewatering activity. 4. A water use approval may also be required, unless the use of the water is for a purpose for which a development consent is in force. |
| GT0117-00001 | A water access licence, for the relevant water source, must be obtained prior to extracting more than 3ML per water year of water as part of the construction dewatering activity. Advisory |

Notes: 1. This approval is not a water access licence. 2. A water year commences on 1 July each year. 3. This approval may contain an extraction limit which may also restrict the ability to take more than 3ML per water year without further information being provided to WaterNSW. 4. Note that certain water sources may be exempted from this requirement - see paragraph 17A, Schedule 4 of the Water Management (General) Regulation 2018.

- GT0118-00001 If no water access licence is obtained for the first 3ML / year (or less) of water extracted, then, in accordance with clause 21(6), Water Management (General) Regulation 2018, the applicant must: (a) record water taken for which the exemption is claimed, and (b) record the take of water not later than 24 hours after water is taken, and (c) make the record on WAL exemption form located on WaterNSW website "Record of groundwater take under exemption", and (d) keep the record for a period of 5 years, and (e) give the record to WaterNSW either via email to Customer.Helpdesk@waterNSW.com.au or post completed forms to - PO Box 398 Parramatta NSW 2124 (i) not later than 28 days after the end of the water year (being 30 June) in which the water was taken, or (ii) if WaterNSW directs the person in writing to give the record to WaterNSW on an earlier date, by that date.
- GT0119-00001 All extracted groundwater must be discharged from the site in accordance with Council requirements for stormwater drainage or in accordance with any applicable trade waste agreement.
- GT0120-00001 The design and construction of the building must prevent: (a) any take of groundwater, following the grant of an occupation certificate (and completion of construction of development), by making any below-ground levels that may be impacted by any water table fully watertight for the anticipated life of the building. Waterproofing of below-ground levels must be sufficiently extensive to incorporate adequate provision for unforeseen high water table elevations to prevent potential future inundation; (b) obstruction to groundwater flow, by using sufficient permanent drainage beneath and around the outside of the watertight structure to ensure that any groundwater mounding shall not be greater than 10 % above the pre-development level; and (c) any elevated water table from rising to within 1.0 m below the natural ground surface.
- GT0121-00001 Construction phase monitoring bore requirements GTA: a) A minimum of three monitoring bore locations are required at or around the subject property, unless otherwise agreed by WaterNSW. b) The location and number of proposed monitoring bores must be submitted for approval, to WaterNSW with the water supply work application. c) The monitoring bores must be installed and maintained as required by the water supply work approval. d) The monitoring bores must be protected from construction damage.

- GT0122-00001 Construction Phase Monitoring programme and content: a) A monitoring programme must be submitted, for approval, to WaterNSW with the water supply work application. The monitoring programme must, unless agreed otherwise in writing by WaterNSW, include matters set out in any Guide published by the NSW Department of Planning Industry and Environment in relation to groundwater investigations and monitoring. Where no Guide is current or published, the monitoring programme must include the following (unless otherwise agreed in writing by WaterNSW): i. Pre-application measurement requirements: The results of groundwater measurements on or around the site, with a minimum of 3 bore locations, over a minimum period of 3 months in the six months prior to the submission of the approval to WaterNSW. ii. Field measurements: Include provision for testing electrical conductivity; temperature; pH; redox potential and standing water level of the groundwater; iii. Water quality: Include a programme for water quality testing which includes testing for those analytes as required by WaterNSW; iv. QA: Include details of quality assurance and control v. Lab assurance: Include a requirement for the testing by National Association of Testing Authorities accredited laboratories. b) The applicant must comply with the monitoring programme as approved by WaterNSW for the duration of the water supply work approval (Approved Monitoring Programme)
- GT0123-00001 (a) Prior to the issuing of the occupation certificate, and following the completion of the dewatering activity, and any monitoring required under the Approved Monitoring Programme, the applicant must submit a completion report to WaterNSW. (b) The completion report must, unless agreed otherwise in writing by WaterNSW, include matters set out in any guideline published by the NSW Department of Planning Industry and Environment in relation to groundwater investigations and monitoring. Where no guideline is current or published, the completion report must include the following (unless otherwise agreed in writing by WaterNSW): 1) All results from the Approved Monitoring Programme; and 2) Any other information required on the WaterNSW completion report form as updated from time to time on the WaterNSW website. c) The completion report must be submitted using "Completion Report for Dewatering work form" located on WaterNSW website www.waternsw.com.au/customer-service/water-licensing/dewatering
- GT0150-00001 The extraction limit shall be set at a total of 3ML per water year (being from 1 July to 30 June). The applicant may apply to WaterNSW to increase the extraction limit under this condition. Any application to increase the extraction limit must be in writing and provide all information required for a hydrogeological assessment. Advisory note: Any application to increase the extraction limit should include the following: - Groundwater investigation report describing the groundwater conditions beneath and around the site and subsurface conceptualisation - Survey plan showing ground surface elevation across the site - Architectural drawings showing basement dimensions - Environmental site assessment report

	for any sites containing contaminated soil or groundwater (apart from acid sulphate soils (ASS)) - Laboratory test results for soil sampling testing for ASS - If ASS, details of proposed management and treatment of soil and groundwater. Testing and management should align with the NSW Acid Sulphate Soil Manual
GT0151-00001	Any dewatering activity approved under this approval shall cease after a period of two (2) years from the date of this approval, unless otherwise agreed in writing by WaterNSW (Term of the dewatering approval). Advisory note: an extension of this approval may be applied for within 6 months of the expiry of Term.
GT0152-00001	This approval must be surrendered after compliance with all conditions of this approval, and prior to the expiry of the Term of the dewatering approval, in condition GT0151-00001. Advisory note: an extension of this approval may be applied for within 6 months of the expiry of Term.
GT0155-00001	The following construction phase monitoring requirements apply (Works Approval): a. The monitoring bores must be installed in accordance with the number and location shown, as modified by this approval, unless otherwise agreed in writing with WaterNSW. b. The applicant must comply with the monitoring programme as amended by this approval (Approved Monitoring Programme). c. The applicant must submit all results from the Approved Monitoring Programme, to WaterNSW, as part of the Completion Report

24. Sydney Trains

B1. If required by Sydney Trains, prior to the commencement of works or at any time during the excavation and construction period deemed necessary by Sydney Trains, a joint inspection of the rail infrastructure and property in the vicinity of the project is to be carried out by representatives from Sydney Trains and the Applicant. These dilapidation surveys will establish the extent of any existing damage and enable any deterioration during construction to be observed. The submission of a detailed dilapidation report will be required within 10 days following the undertaking of the inspection, unless otherwise notified by Sydney Trains.

B2. If required by Sydney Trains, prior to the issue of the Occupation Certificate, or at any time during the excavation and construction period deemed necessary by Sydney Trains, a joint inspection of the rail infrastructure and property in the vicinity of the project is to be carried out by representatives from Sydney Trains and the Applicant. These dilapidation surveys will establish the extent of any existing damage and enable any deterioration during construction to be observed. The Principal Certifying Authority is not to issue the final Occupation Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.

B3. Prior to the issue of an Occupation Certificate (whether an interim or final Occupation Certificate), a report must be prepared and submitted to the Certifying Authority, Council and Sydney Trains certifying that the completed development meets the requirements of State Environmental Planning Policy (Infrastructure) 2007 and with the Department of Planning and Infrastructure's Development Assessment Guideline titled "Development Near Rail Corridors and Busy Roads - Interim Guidelines" as set down in the subject condition of this consent. Such a report must include external and internal noise levels to

ensure that the external noise levels during the test are representative of the typical maximum levels that may occur at this development, and that internal noise levels meet the required dB(A) levels. Where it is found that internal noise levels are greater than the required dB(A) level, necessary corrective measures must be carried out to ensure that internal noise levels are compliant with the requirements of this consent.

B4. Prior to the issue of a Construction Certificate the Applicant is to engage an Electrolysis Expert to prepare a report on the Electrolysis Risk to the development from stray currents. The Applicant must incorporate in the development all the measures recommended in the report to control that risk. A copy of the report is to be provided to the Principal Certifying Authority with the application for a Construction Certificate. The Principal Certifying Authority must ensure that the recommendations of the electrolysis report are incorporated in the construction drawings and documentation prior to the issuing of the relevant Construction Certificate.

B5. Given the possible likelihood of objects being dropped or thrown onto the rail corridor from balconies, windows, and other external features (e.g., roof terraces and external fire escapes) that are within 20 metres of, and face, the rail corridor, the development must have measures installed, to the satisfaction of Sydney Trains (e.g., awning windows, louvres, enclosed balconies, window restrictors etc.) which prevent the throwing of objects onto the rail corridor. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.

B6. The design, installation and use of lights, signs, and reflective materials, whether permanent or temporary, which are (or from which reflected light might be) visible from the rail corridor must limit glare and reflectivity to the satisfaction of the rail operator. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.

B7. If required by Sydney Trains, prior to the issue of a Construction Certificate a Risk Assessment/Management Plan and detailed Safe Work Method Statements (SWMS) for the proposed works are to be submitted to Sydney Trains for review and comment on the impacts on rail corridor. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.

B8. No metal ladders, tapes, and plant, machinery, or conductive material are to be used within 6 horizontal metres of any live electrical equipment. This applies to the train pantographs and catenary, contact and pull-off wires of the adjacent tracks, and to any aerial power supplies within or adjacent to the rail corridor.

B9. Prior to the issuing of a Construction Certificate the Applicant must submit to Sydney Trains a plan showing all craneage and other aerial operations for the development and must comply with all Sydney Trains' requirements. If required by Sydney Trains, the Applicant must amend the plan showing all craneage and other aerial operations to comply with all Sydney Trains' requirements. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from the Sydney Trains confirming that this condition has been satisfied.

B10. During all stages of the development the Applicant must take extreme care to prevent any form of pollution entering the rail corridor. Any form of pollution that arises as

a consequence of the development activities shall remain the full responsibility of the Applicant.

B11. Excess soil is not allowed to enter, be spread, or stockpiled within the rail corridor (and its easements) and must be adequately managed/disposed of.

B12. The Applicant must ensure that all drainage from the development is adequately disposed of and managed and not allowed to be discharged into the rail corridor unless prior written approval has been obtained from Sydney Trains.

B13. Prior to the commencement of any works appropriate fencing must be in place along the rail corridor to prevent unauthorised access to the rail corridor during construction works. Details of the type of fencing and the method of erection are to be to the satisfaction of Sydney Trains prior to the fencing work being undertaken.

B14. The development shall have appropriate fencing fit for the future usage of the development site to prevent unauthorised access to the rail corridor by future occupants of the development. Prior to the issuing of an Occupation Certificate the Applicant shall liaise with Sydney Trains regarding the adequacy of any existing fencing along the rail corridor boundary or design and construction of new fencing. Details of the type of new fencing to be installed and the method of erection are to be to the satisfaction of Sydney Trains prior to the fencing work being undertaken.

B15. No work is permitted within the rail corridor or any easements which benefit Sydney Trains/TAHE (Transport Asset Holding Entity), at any time, unless the prior approval of, or an Agreement with, Sydney Trains/TAHE (Transport Asset Holding Entity) has been obtained by the Applicant. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.

B16. No scaffolding is to be used facing the rail corridor unless prior written approval has been obtained from Sydney Trains. To obtain approval the Applicant will be required to submit details of the scaffolding, the means of erecting and securing this scaffolding, the material to be used, and the type of screening to be installed to prevent objects falling onto the rail corridor. Unless agreed to by Sydney Trains in writing, scaffolding shall not be erected without isolation and protection panels.

B17. Prior to the issuing of a Construction Certificate, the following rail specific items are to be submitted to Sydney Trains for review and endorsement:

1. Machinery to be used during excavation/construction.
2. Demolition, excavation and construction methodology and staging

B18. The Principal Certifying Authority is not to issue the Construction Certificate until it has received written confirmation from Sydney Trains that this condition has been complied with.

B19. Sydney Trains or Transport for NSW (TfNSW), and persons authorised by those entities for the purpose of this condition, must be permitted to inspect the site of the development and all structures to enable it to consider whether those structures have been or are being constructed and maintained in accordance with the approved plans and the requirements of this consent, on giving reasonable notice to the principal contractor for the development or the owner or occupier of the part of the site to which access is sought.

B20. If required, prior to the issue of a Construction Certificate the Applicant is to contact Sydney Trains External Interface Management team to determine the need for public liability insurance cover. If insurance cover is deemed necessary, this insurance must be for a sum as determined by Sydney Trains and shall not contain any exclusion in relation to works on or near the rail corridor and rail infrastructure, and must be maintained for the duration specified by Sydney Trains. The Applicant is to contact Sydney Trains External Interface Management team to obtain the level of insurance required for this particular proposal. Prior to issuing the Construction Certificate the Principal Certifying Authority must witness written proof of this insurance in conjunction with Sydney Trains' written advice to the Applicant on the level of insurance required.

B21. If required, prior to the issue of a Construction Certificate the Applicant is to contact Sydney Trains External Interface Management team to determine the need for the lodgement of a Bond or Bank Guarantee for the duration of the works. The Bond/Bank Guarantee shall be for the sum determined by Sydney Trains. Prior to issuing the Construction Certificate the Principal Certifying Authority must witness written advice from Sydney Trains confirming the lodgement of this Bond/Bank Guarantee.

B22. Copies of any certificates, drawings, approvals/certification, or documents endorsed by, given to, or issued by Sydney Trains or TAHE (Transport Asset Holding Entity) must be submitted to Council for its records prior to the issuing of the applicable Construction Certificate or Occupation Certificate.

B23. Any conditions issued as part of Sydney Trains' approval/certification of any documentation for compliance with the Sydney Trains conditions of consent, those approval/certification conditions will also form part of the consent conditions that the Applicant is required to comply with.

B24. Where a condition of consent requires Sydney Trains or Transport for NSW endorsement the Principal Certifying Authority is not to issue a Construction Certificate or Occupancy Certificate, as the case may be, until written confirmation has been received from those entities that the particular condition has been complied with. The issuing of staged Construction Certificates dealing with specific works and compliance conditions can be issued subject to written agreement from those entities to which the relevant conditions applies.

confirmation has been received from those entities that the particular condition has been complied with. The issuing of staged Construction Certificates dealing with specific works and compliance conditions can be issued subject to written agreement from those entities to which the relevant conditions applies.

B25. The Applicant must ensure that at all times they have a representative (which has been notified to Sydney Trains in writing), who:

1. oversees the carrying out of the Applicant's obligations under the conditions of this consent and in accordance with correspondence issued by Sydney Trains;
2. acts as the authorised representative of the Applicant; and
3. is available (or has a delegate notified in writing to Sydney Trains that is available) on a 7 day a week basis to liaise with the representative of Sydney Trains, as notified to the Applicant.

B26. Without in any way limiting the operation of any other condition of this consent, the Applicant must, during demolition, excavation and construction works, consult in good faith with

Sydney Trains in relation to the carrying out of the development works and must respond or provide documentation as soon as practicable to any queries raised by Sydney Trains in relation to the works

B27. Without in any way limiting the operation of any other condition of this consent, the Applicant must, during demolition, excavation and construction works, consult in good faith with Sydney Trains in relation to the carrying out of the development works and must respond or provide documentation as soon as practicable to any queries raised by Sydney Trains in relation to the works.

B28. Where a condition of consent requires consultation with Sydney Trains, the Applicant shall forward all requests and/or documentation to the relevant Sydney Trains External Interface Management team. In this instance the relevant interface team is Illawarra and they can be contacted via email at Illawarra_Interface@transport.nsw.gov.au.

B29. All plans/documentation(s) provided and endorsed by Sydney Trains as part of the Sydney Trains Deferred Commencement Conditions will form part of this Consent, unless said plans/documentation(s) are otherwise superseded and confirmed in writing by Sydney Trains as a result of compliance with any Sydney Trains related conditions of consent. All recommendations, final findings, and subsequent requirements (including where specified in the written endorsement letter from Sydney Trains) of such plans/documentation(s) are to be reflected in the Construction Certificate construction plans/documentation(s) where relevant, and compliance with those plans/documentation(s) must be certified prior to the issue of any Occupation Certificate.

25. Roads and Maritime Services (RMS)

The following conditions are imposed by Roads and Maritime Services and must be complied with:

- i. The closure of the median openings on Princes Highway at Waines Crescent are to be actioned by the proponent of whichever of the following properties requires an Occupation Certificate first (constructed under a 'Works Authorisation Deed' with TfNSW):
 - a. 1-2 Waines Crescent, Rockdale (DA-2018/63)
 - b. 427-429 Princes Highway, Rockdale (DA-2022/46).
- ii. All buildings and structures, together with any improvements integral to the future use of the site are to be wholly within the freehold property (unlimited in height or depth), along the Princes Highway boundary.
- iii. The redundant driveways on the Princes Highway boundary shall be removed and replaced with kerb and gutter to match existing. The design and construction of the kerb and gutter on the Princes Highway shall be in accordance with TfNSW requirements. Details of these requirements should be obtained by email to DeveloperWorks.Sydney@transport.nsw.gov.au.
- iv. Detailed design plans of the proposed kerb and gutter are to be submitted to TfNSW for approval prior to the issue of a Construction Certificate and commencement of any road works. Please send all documentation to development.sydney@transport.nsw.gov.au.

- v. A plan checking fee and lodgement of a performance bond is required from the applicant prior to the release of the approved road design plans by TfNSW.
- vi. Detailed design plans and hydraulic calculations of any changes to the stormwater drainage system that impact upon the Princes Highway are to be submitted to TfNSW for approval, prior to the commencement of any works. Please send all documentation to development.sydney@transport.nsw.gov.au

A plan checking fee will be payable and a performance bond may be required before TfNSW approval is issued.

- vii. The developer is to submit design drawings and documents relating to the excavation of the site and support structures to TfNSW for assessment, in accordance with Technical Direction GTD2020/001.

The developer is to submit all documentation at least six (6) weeks prior to commencement of construction and is to meet the full cost of the assessment by TfNSW. Please send all documentation to development.sydney@transport.nsw.gov.au

If it is necessary to excavate below the level of the base of the footings of the adjoining roadways, the person acting on the consent shall ensure that the owner/s of the roadway is/are given at least seven (7) day notice of the intention to excavate below the base of the footings. The notice is to include complete details of the work.

- viii. A Road Occupancy Licence (ROL) shall be obtained from Transport Management Centre for any works that may impact on traffic flows on the Princes Highway during construction activities. A ROL can be obtained through <https://myrta.com/oplinc2/pages/security/oplinclLogin.jsf>
- ix. The owner/developer shall be responsible for all public utility adjustment/relocation works, etc necessitated by the above/approved work and as required by the various public utility authorities and/or their agents

26. Sydney Airport

The following conditions are imposed by the Sydney Airport Corporation Limited (SACL) in their letter dated XXXX and must be complied with.

The approved height of XXX AHD and is inclusive of all vents, chimneys, aerials, TV antennae and construction cranes etc. No permanent or temporary structure is to exceed this height without further approval from Sydney Airport Corporation Limited.

Note: Under Section 186 of the Airports Act 1996, it is an offence not to give information to the Airport Operator that is relevant to a proposed “controlled activity” and is punishable by a fine of up to 50 penalty units.

For further information on Height Restrictions please contact SACL on 9667 9246.

27. Sydney Water

Water Servicing

- Potable water servicing should be available via a DN150 CICL watermain (laid in 1963) on the Princes Highway.
- Amplifications, adjustments, and/or minor extensions may be required.

Wastewater Servicing

- Wastewater servicing should be available via a DN150 VC wastewater main (laid in 1910) on the Princes Highway.
- Amplifications, adjustments, and/or minor extensions may be required.

28. Ausgrid

The following conditions are imposed by Ausgrid and must be complied with:

Overhead Powerlines

Safe work 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

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.

Underground Cables

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

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. Phone: 13 13 65 Should you have any enquiries, please contact Ausgrid at development@ausgrid.com.au

PRIOR TO ISSUE OF A CONSTRUCTION CERTIFICATE

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

29. DPIE – Design Amendments

Prior to the issue of a construction certificate, notwithstanding any other condition of consent, the certifier must ensure the approved construction certificate plans (and specifications) detail the following required amendments to the approved plans and supporting documentation stamped by Council.

- a) The layout and allocation of parking spaces on basement level 1 are to be revised to comply with the following:
 - i. Motorcycle parking space MC:03 is to be relocated elsewhere in the basement and an additional car parking space for the affordable housing component of the development is to be provided in its place.
 - ii. Three commercial car parking spaces are to be reallocated as affordable housing residential parking spaces.
 - iii. The total parking allocation on basement level 1 is to be 16 affordable housing spaces (6 accessible, 4 non accessible & 6 car share spaces) and 12 market housing parking spaces (2 accessible and 10 non accessible)
 - iv. One additional motorcycle parking space is to be provided in the basement for a total of 6 motorcycle parking spaces.
 - v. 4 of the 44 bicycle parking spaces are to be allocated to the commercial component of the development.
- b) The design of the publicly accessible area adjacent to Waines Crescent is to be in accordance with Bayside Councils Public Domain requirements and shall provide an appropriate and accessible connection to the existing footpath / public domain to the Princes Highway. Details shall be submitted to the satisfaction of Bayside Council prior to the issue of a Construction Certificate.
- c) Fencing adjoining the loading dock and northern side boundary of the site with 1-2 Waines Crescent shall be limited in height to a maximum of 1.8m and shall remain open form.
- d) Fencing along the rear (Western) boundary of the site shall be limited in height to a maximum of 1.8m and shall remain open form.
- e) Unit 3.07 / 4.07 / 5.07 / 6.07 / 7.07 – Glazing to the north facing living room window below a height of 1.8m above finished floor level must be fixed obscure glazing (not film).
- f) Unit 3.07 - Louvres to the balcony of this unit shall be obscure and fixed to an angle which mitigates direct overlooking of the adjoining dwelling A304 within 1-2 Waines Crescent.
- g) A planter suitable for planting to provide a green element to the streetscape shall be provided adjoining unit 3.09 and fronting the Princes Highway. Planting provided shall be of low water and maintenance requirements.
- h) Conceal all drainage pipes within the floor slabs and walls so that they do not appear in the exterior of the building, including balconies and driveway entrances.
- i) Any air conditioning or hot water systems/units which are located on the balcony of a dwelling must be encased in a recessed box with the lid/cover of the box designed to blend in with the building and all associated pipe work to be concealed.

- j) Finish the internal entrance area of the car park that is visible from the public domain in a manner that is consistent with the overall façade design.
- k) The recommendations of the Acoustic Report, prepared by Renzo Tonin & Associates dated 22 December 2021 shall be Illustrated upon construction certificate drawings and implemented on site.
- l) The recommendations of the Access Report prepared by Morris Goding Access Consulting dated 07/02/2022 shall 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.
- n) Landscape plans shall be revised as required by conditions of this consent and to ensure consistency with approved architectural plans.

Details shall be submitted to the satisfaction of the Principal Certifier prior to the issue of a Construction Certificate.

REASON

To require minor amendments to the approved plans and supporting documentation following assessment of the development.

30. Design Excellence

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

- a) Two 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 are to be submitted and stamped as approved by the Director City Futures (or delegate) prior to the issue of any Construction Certificate

entailing any works above basement levels. The Construction Certificate shall be precisely consistent with these approved materials.

Any modifications to the approved materials under this condition require submission and approval of a S4.55 application.

31. DPIE – Payment of Building and Construction Industry Long Service Levy

Before the issue of a construction certificate, the applicant is to ensure that the person liable pays the long service levy of \$295,265.00 as calculated at the date of this consent to the Long Service Corporation or Council under section 34 of the *Building and Construction Industry Long Service Payments Act 1986* and provides proof of this payment to the certifier.

REASON

To ensure the long service levy is paid.

32. Construction Environment Management Plan (CEMP)

A Construction Environmental Management Plan (CEMP) must be prepared for the excavation, waste classification and handling of all soils within the site. This may be incorporated into a wider CEMP for the development. The CEMP must include provisions for the management of waste soils including:

- a. Classification of waste soils for offsite disposal in accordance with the NSW EPA (2014) Waste Classification Guidelines;
- b. The assessment of any soil materials proposed for importation to the site to be utilised as backfill or for landscaping; and
- c. An Unexpected Finds Protocol to address any unexpected contingencies that may arise

This must be provided to the Principal Certifying Authority and Bayside Council prior to the issue of any Construction Certificate.

33. Landscape Frontage Works Application

Prior to the issue of any 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. Specifications shall be as follow unless otherwise is specified by Council:

- a) New street trees shall be supplemented with the installation of Structural soil modules stratavault or equivalent. Structural installation shall cover a minimum of 10sqm. for each new tree.

- b) All trees shall be maintained by a qualified Horticulturist or Arborist (AQF Level 2 or 3) for a minimum period of twelve (12) months commencing on the planting date. Maintenance includes, but is not limited to, watering, weeding, removal of rubbish from tree base, pruning, fertilizing, pest and disease control and any other operations to maintain a healthy robust tree.
- c) At the end of the twelve (12) month maintenance period, written approval must be obtained from Council before hand-over of any street tree to Council.
- d) All street trees have to be supplied in a pot size not less than 200 Litre, height above container 3.5meters, calliper at 300mm greater than 60mm, with a clear trunk height of 1.5 meters. Trees supplied shall be healthy and vigorous, free of pest and disease, free from injuries. Trees provided shall conform to NATSPEC guide. The number of street trees shall be maximised, to deliver a green buffer along the façade of the proposed building, and mitigate wind effects in the area.
- e) Each new Street tree shall include a 50mm diameter slotted watering pipe with geotextile sleeve around rootball connected to watering grate (or kerb hole if WSUD option used) Root Rain Urban or equivalent
- f) Root barriers shall be specified to be installed in all street trees along both kerb and footpaths as required.

Contact Council's Landscape Architect for further details of specific requirements in preparation of the plan. *Note: Only one frontage works application needs to be submitted for the development consent.*

REASON

To ensure compliance with landscape requirements from relevant policies

34. Detailed Landscape Plan

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.

The 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. Elevated planter box sectional details and drainage details. All planter box depths and dimensions shall be capable to sustain the growth of proposed planting.
- c. Maximise the proposed planting in planter boxes, 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.
- d. Location of existing and proposed structures on the site including, but not limited to proposed planting, paved areas, planted areas on slab, planted areas in natural ground, lighting and other features.
- e. Location, numbers, type and supply of plant species, with reference to NATSPEC (if applicable);
- f. Maximise planting along Princes highway frontage and rear of the site. Trees within Princes Highway frontage shall be planted in super advanced form, with a

minimum pot size of 200 litres; all other trees within the side (in deep soil or above structures) are to be supplied and planted at minimum 100 litres pot size.

- g. If any retaining wall is required along the interface with the public space, this shall not exceed the height of a public seat, 400 to 500mm, from the public domain level. If deep soil is available natural ground levels are preferred to maximise lateral root growth.
- h. Areas of paving, schedule of materials, edge treatments, tactile and sectional construction details.
- i. A planter suitable for planting to provide a green element to the streetscape shall be provided adjoining unit 3.09 and fronting the Princes Highway. Planting provided shall be of low water and maintenance requirements.
- j. Details of all fencing, privacy screening, arbours and the like- elevations and materials, impacting or visible to public domain areas.

REASON

To ensure compliance with landscape requirements from relevant policies.

35. Mechanical Plant Acoustic Assessment

The Principal Certifying Authority (PCA) shall not issue a Construction Certificate until a detailed acoustic assessment /report of all mechanical plants (ventilation systems, exhaust fans, ventilation fans and condenser units) and equipment including use of air conditioners which meet the Noise Policy for Industry (NSW EPA) and Protection of Environment Operations Act 1997 noise emission criteria for air conditioners as specified in the acoustic report '427 – 429 Princes Highway, Rockdale Acoustic Assessment for DA' (Ref: TM23601F02 Acoustic Assessment for DA r2) prepared by Renzo Tonin & Associates dated 24 December 2021 has been carried out.

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

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

The report shall be prepared by a suitably qualified and experienced acoustic engineer (who is a member of either the Australian Acoustical Society or the Association of Australia Acoustical Consultants). It shall be submitted to the Principal Certifying

Authority. All recommendations and/or noise mitigation measures (if applicable) shall be complied with.

36. DPIE – Payment of Security Deposits

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 Council and provide written evidence of these payments to the certifier:

Soil and Water Management Sign Fee	\$22.00
Section 7.11 Contributions	\$786,516.20
Builders Damage Deposit (Security Deposit)	\$56,859.90
Street Tree Bond	\$6,000.00

The 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.

REASON

To ensure any damage to public infrastructure is rectified and public works can be completed.

37. Builders Damage Deposit Bond

Prior to the issue of any construction certificate or the commencement of any works, whichever occurs first, a builder's damage deposit of \$56,859.90 (GST Exempt) shall be lodged with Bayside Council 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.

This security deposit is to cover the repair of any damages, or other works to be done, by Bayside Council. This includes construction, removal, or repair as required to all aspects of the public domain and Council owned land such as: kerb and guttering, existing or new driveways, paved areas and footpaths, road pavement, stormwater infrastructure, signage, landscaping etc.

This security deposit will be refunded in full, upon completion of all works relating to the development consent and following the issue of the Final Occupation Certificate, where no damage occurs and where Bayside Council is satisfied with the completion of works (subject to inspection by Bayside Council). Alternatively, the security deposit will be forfeited or partly refunded based on the damage incurred.

38. DPIE - Construction Site Management Plan

Before the issue of a 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.

REASON

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

39. Sydney Water Tap-in

Prior to the issue of the 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>

REASON

To ensure compliance with Sydney Water requirements.

40. Retaining Walls Over 600mm

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

41. DPIE – Payment of Section 7.11 Contributions

- a) Before the issue of the first occupation certificate in respect of any building to which this consent relates, a section 7.11 contribution calculated in accordance with subclause (3) must be paid, except as provided by subclause (2).
- 2) If no construction certificate in respect of the erection of any building to which the consent relates has been issued on or before 25 September 2022, the monetary contribution must be paid before the issue of the first construction certificate after that date for any such building.
- 3) The applicant must pay the following contributions to Council for:
 - i) Rockdale City Council Section 94 Contributions Plan 2004 (Amendment 5):

Regional Open Space Fund	\$ 65,359.58
City Wide Open Space Fund	\$ 103,456.30
Rockdale Local Open Space Fund	\$ 257,704.64
Rockdale Local Car Parking Fund (retail only)	\$236,596.30
City Wide Town Centre & Streetscape Fund	\$ 11,618.84
Rockdale Local Town Centre & Streetscape Fund	\$ 9,106.96
Pollution Control Contribution	\$ 59,797.58
Child care services	\$ 2,435.74
Community services	\$ 2,610.20
Library services	\$ 35,274.44
Administration & Management Contribution	\$ 2,555.62

The total contribution payable to Council under this condition is \$786,516.20 as calculated at the date of this consent.

The amount to be paid is to be adjusted at the time of payment, in accordance with the review process contained Contributions Plan. The contribution is to be paid prior to the issue of any compliance certificate; subdivision certificate or construction certificate. The contributions will be used towards the provision or improvement of the amenities and services identified below. Copies of the Contribution Plan can be inspected at the Council's Customer Services Centre, Administration Building, 444-446 Princes Highway, Rockdale.

A copy of the development contributions plan is available for inspection at Bayside Council.

REASON

To ensure development contributions are paid to address the increased demand for public amenities and services resulting from the approved development.

42. Design Verification Statement

Prior to the issue of a Construction Certificate, a statement from a qualified designer (Registered Architect) is to be submitted verifying that the plans and specifications achieve or improve the design quality of the development for which development consent was granted, having regard to the design quality principles, in accordance with the requirements of section 29 of the *Environmental Planning and Assessment Regulation 2021*.

43. Materials and Finishes

The building shall be constructed of a masonry or brick wall construction with select coloured finishes as per the approved schedule of finishes. This requirement shall be reflected on the Construction Certificate plans and supporting documentation.

44. Dilapidation Council Infrastructure

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, including the condition of the road reserve (including footpath, nature strip, landscaping, trees, kerb and gutter, pits, pipes, traffic devices, signs and road pavement) and other adjacent Bayside Council properties.

The report must include, but not be limited to, the following:

- a) Photographs showing the condition of the road pavement fronting the site and within 50m of the site, and
- b) Photographs showing the condition of the kerb and gutter fronting the site and within 50m of the site, and
- c) Photographs showing the condition of the footpath pavement and landscaping fronting the site and within 50m of the site, and
- d) Photographs showing the condition of retaining walls within the footway or road fronting the site and within 50m of the site, and
- e) The full name, accreditation, professional registration, and signature of the professional engineer.

The report is to be supplied in an electronic format. Photographs are to be in colour, digital and date stamped. The report must be provided 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.

45. Safer by Design Requirements

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 Certifier prior to the issue of the Construction Certificate, implemented prior to issue of the Occupation Certificate, and maintained for the lifetime of the development:

- a) Monitored CCTV facilities shall be implemented throughout the development. Areas of focus include the basement car park (including entry and exits), main entry areas to the development and garbage/storage areas, and
- 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, and
- c) Security mirrors shall be installed within corridors and on blind corners to enable users to see around blind corners, and
- d) Graffiti resistant materials shall be used to ground level external surfaces, and
- e) Intercom facilities shall be installed at all vehicular and pedestrian entry/exit points to enable residents to communicate and identify with people prior to admitting them to the development, and
- f) The ceiling of the basement car park shall be finished in light colour in order to maximise visibility.

46. Encroachment of Structures not Permitted

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

The vehicular access gate must not open onto public footway. The access gate is to open inwards onto private property. Details are to be provided on the Construction Certificate plans.

47. DPIE – Adaptable units

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

REASON

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

48. Accessibility for Commercial Premises

The design and fit out of the commercial / retail areas must be in accordance with the current version of Australian Standard 1428.1 and the relevant Council Development Control Plan.

Note: Compliance with the relevant Council Development Control Plan and the Building Code of Australia does not necessarily guarantee that the development meets the full requirements of the Commonwealth Disability (Access to Premises – Buildings) Standards 2010 (the Premises Standard).

It is the responsibility of the applicant to make the necessary enquiries to ensure that all aspects of the DDA legislation are met.

REASON

To ensure that adverse impacts from wind are minimised in accordance with specified performance measures.

49. DPIE – 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 certifier's satisfaction, that it complies with the relevant parts of AS 2890 *Parking Facilities – Off-Street Carparking* and Council's development control plan.

REASON

To ensure parking facilities are designed in accordance with the Australian Standard and Council's DCP.

50. Glazing Reflectivity

The reflectivity index of glazing and finishing materials used on the facades and roof of the building shall not exceed 20%. Details demonstrating compliance with the above requirement shall be submitted to the satisfaction of the Principal Certifier prior to the issue of a Construction Certificate for the relevant stage of works.

51. Lighting

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

52. Waste Management

- a) Services or utility systems shall not be located in the garbage rooms.
- b) Hot and cold water hose cocks shall be installed to the garbage rooms.
- c) All waste shall be collected from within the subject site within the approved loading / unloading bay by a private waste collection service.
- d) The building manager is to ensure that the scheduling of all loading/unloading activities enables the dedicated loading / unloading bay on site be vacant during waste collection time.

Details demonstrating compliance shall be provided to the satisfaction of the Principal Certifier, prior to the issue of a Construction Certificate.

53. Commercial Waste

For the Commercial portion of the building appropriate waste and recycling containers and facilities will need to be provided for all specific end use businesses in accordance with the following waste generation rates:

- a. Retail Trading - shops, to 100 square metres - 0.1-0.2 cubic metres per 100 square metres of floor area per day, and
- b. Restaurants / Food Shops - 0.3-0.6 square metres per 100 meals, plus up to 0.15 cubic metres of beverage containers per 100 meals, and
- c. Office - 0.01-0.03 cubic metres per 100 square metres of floor area per day.

REASON

To manage waste in accordance with Council's Waste Management Technical Specifications.

54. Waste Storage

Plans shall include details of the waste storage area. The waste storage area shall not be visible from the street. The waste storage area shall be located within the lot / building in accordance with the approved plans.

The waste storage area shall be large enough to accommodate the required number of bins for the development and located in an area to suitably facilitate servicing on waste collection day.

The path to the bin room is to be at least 1.0 metres wide and kept clear and unobstructed at all times.

REASON

To manage waste in accordance with Council's Waste Management Technical Specifications.

55. Residential Waste

The development will require the provision of the following waste and recycling facilities:

- a. Domestic Waste - 1 x 120 / 1,100 litre mobile bins per unit / dwelling. Usually provided as a 240 litre or 660 litre bin using this ratio, and
- b. Domestic Recycling - 1 x 240 / 1,100 litre mobile bin per 3 units / dwellings, and
- c. Green Waste - 1 to 2 x 240 litre mobile bins per unit block, and
- d. Bulk Waste Storage Area - Minimum 8m², and

Larger 1,100 litre mobile bins may be used as an alternative, but an equivalent amount of space will need to be provided.

REASON

To manage waste in accordance with Council's Waste Management Technical Specifications.

56. DPIE – 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.

REASON

To ensure relevant utility and service providers requirements are provided to the certifier.

57. Aircraft Noise – Compliance with Submitted Report

Prior to issue of the Construction Certificate, the measures required in the acoustical assessment report prepared by Renzo Tonin dated 22 December 2021 shall be included in the construction drawings and in accordance with the provisions of AS 2021 - 2015: Acoustics - Aircraft Noise Intrusion - Building Siting and Construction.

REASON

To minimise adverse amenity impacts to residents within the building.

58. Rail and/or Road Noise

The development must be constructed to ensure compliance with the recommendations of the approved acoustic report and to meet the relevant provisions of Australian Standard AS 2107:2000 Recommended design sound levels and reverberation times for building interiors. Compliance with this condition must be achieved within the approved building envelope, form and design. Any variations to the approved plans externally to achieve compliance must be the subject of a Section 4.55 application to modify the approved plans. Details of the provisions must be provided on the Construction Certificate plans submitted to the Principal Certifier prior to the release of a Construction Certificate.

REASON

To minimise adverse amenity impacts to residents within the building.

59. Road Traffic Noise and Vibration

The building shall be designed to minimise impacts from noise and vibration in accordance with *State Environmental Planning Policy (Transport and Infrastructure) 2021*, the relevant provisions of *Australian Standard AS 2107:2000* Recommended design sound levels and reverberation times for building interiors and the Department of Planning Interim Guideline - Development Near Rail Corridors and Busy Roads.

Appropriate measures shall be incorporated to ensure that the following LAeq levels are not exceeded:

- a) in any bedroom in the residential accommodation - 35 dB(A) at any time between 10.00 pm and 7.00 am, and

- b) anywhere else in the residential accommodation (other than a garage, kitchen, bathroom or hallway) - 40 dB(A) at any time.

Details shall be submitted to Principal Certifier prior to the release of the Construction Certificate.

60. DPIE - Erosion and Sediment Control Plan

Prior to the issue of a Construction Certificate, the Applicant is to ensure that an erosion and sediment control plan is prepared in accordance with the following documents before it is provided to and approved by the certifier:

- Council's Development Control Plan,
- The guidelines set out in the 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.

REASON

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

61. Remediation Works

Remediation of the site can proceed with the following requirements from the Interim Audit Advice L002 (0503-2101-002 Rev 0), prepared by Andrew Lau, NSW EPA Accredited Site Auditor, Accreditation Number 0503, JBS&G Australia Pty Ltd dated 3 June 2022.

- a. The environmental consultant must be onsite during pavement removal and associated sub-surface works. The absence of USTs or otherwise must be confirmed using exploratory test pits.
- b. If bioremediation of soils is required during the remediation, detail on the proposed bioremediation method and validation must be provided to the Auditor for review prior to any bioremediation.
- c. Where unexcepted finds are encountered during remediation, the Auditor must be notified.
- d. The Auditor must review an Asbestos Management Plan (AMP) prior to commencement of any asbestos remediation.
- e. The WHS plan and EMP must be reviewed by the Auditor.
- f. The validation must consider the limitations in the sampling methods for asbestos during the previous investigations.
- g. The validation report must include site photos, tabulated results, field monitoring notes, figures, material tracking documentation, waste disposal documentation, copies of relevant notifications and licenses, survey plans (including final survey levels of the excavation / basement), well construction details and borehole logs.

REASON

To ensure the suitability of the site for residential purposes.

62. DPIE – Waste Management Plan

Before the issue of a Construction Certificate, the Applicant is to ensure that a Waste Management Plan is prepared in accordance with the EPA's Waste Classification Guidelines and the following requirements before it is provided to and approved by the Certifier:

- a) Council's Waste Management Development Control Plan

OR

- b) details the following:

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

The Applicant must ensure the Waste Management Plan is referred to in the Construction Site Management Plan and kept on-site at all times during construction.

REASON

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

63. Detailed Design Stormwater Management Plan

Prior to the issue of any Construction Certificate, detailed drainage design plans for the management of stormwater (prepared by a civil engineer registered with the NER) are to be submitted to the Bayside Council director of city futures (or delegate) for assessment and approval. Engineering detailed design certification and drainage design calculations are to be submitted with the plans. Rockdale Technical Specification Stormwater Management sets out the minimum documentation requirements for detailed design plans. Stormwater management requirements for the site, including the final discharge/end connection point, must comply with Rockdale Technical Specification Stormwater Management.

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

- a) An on-site detention (OSD) system shall be provided for the site and designed strictly in accordance with section 6 of Rockdale Technical Specification Stormwater Management. A catchment plan is to be provided for the site. The design of the OSD tank is to comply with section 6.8.2 of Rockdale Technical Specification Stormwater Management.
- b) A 10,000L rainwater tank shall be provided and designed to be connected for all ground and first floor level toilet flushing, the cold water tap that supplies all ground floor and first floor clothes washing machine and landscape irrigation for non-potable stormwater re-use. Only non-trafficable roof water shall be directed to the rainwater tank.
- c) The OSD tank and rainwater tank shall not be located in the deep soil area. These tanks must be located below the driveway/loading dock.
- d) The stormwater plans are to show how water is managed in the basement level. Basement is to be designed as a fully "tanked" structure to prevent groundwater seepage being permanently pumped out. The pump-out system can only be utilized

to dispose of stormwater runoff that may enter the basement carpark from driveway access to the basement.

- e) All basement surface runoff 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.
- f) Heavy duty drainage grates shall be provided on the driveway at the boundary.
- g) MUSIC modelling shall be provided demonstrating that the pollutant reduction targets set out in section 7.5.2 of Rockdale Technical Specification Stormwater Management are achieved in the design of the stormwater system. At least 85% of flows shall be directed through the water quality improvement system prior to discharging from the site. Stormwater quality improvement devices (filtration cartridges & pit baskets) shall be included within the stormwater design.
- h) The final discharge point shall be into Council underground stormwater system in Waines Crescent which may need to be upgraded to suit the stormwater design. Provide surveys of the pit and pipe system in Waines Crescent and Princes Highway including depth of pipe/pit, invert levels, pipe size etc.
- i) Provide a HGL model for the entire site including downstream council drainage system demonstrating that section 3.1.3 of Rockdale Technical Specification Stormwater Management has been complied with. The tailwater condition of top of kerb is to be adopted.

REASON

To ensure compliance with Council's Stormwater Management Technical Guidelines / Specifications

64. Tanking and Waterproofing Basement Intercepting Groundwater Table

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

REASON

To ensure that subsurface structures are designed to prevent ingress of groundwater.

65. Low Level Driveway Prevent Inflow of Water

The low level driveway must be designed to prevent inflow of water from the road reserve. The assessment of flows and design of prevention measures shall be in accordance with the requirements of section 8.2 of Rockdale Technical Specification Stormwater Management. Details shall be included in the documentation presented with the Construction Certificate application.

REASON

To protect property and structures from water ingress

66. Detailed Parking Facility Design Requirements and Certification

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

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

- i. The parking facility (including parking spaces, ramps, aisles, vehicular crossing etc.) must comply in full with AS2890.1. The longitudinal profile(s) of the access driveway and any ramps within the parking facilities must comply with the Ground Clearance, Gradient (%) and Length requirements of the 2890 Australian Standards Series, and
- ii. All vehicles are to enter and exit the site in a forward direction, and
- iii. That the design of the gate location for the basement is located to permit the queuing of one (1) vehicle when waiting to enter the basement parking area (without obstructing the future public footpath), and
- iv. The minimum number of accessible car parking spaces shall be in accordance with the relevant disability legislation. The design and construction of accessible car parking spaces shall be in accordance with AS2890.6, and
- v. Pedestrian sightlines for vehicles existing the site are to comply with AS2890.1 figure 3.3 with the “property boundary” being the southern edge of the proposed publicly accessible right of footway easement adjacent to Waines Crescent, and
- vi. A minimum of 44 bicycle parking spaces and 5 motorcycle parking spaces must be provided as part of the development and designed in accordance with AS2890.3:2015 and AS2890.1 respectively, and

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

- i. That the loading and unloading within the site has been designed and is restricted to commercial vehicles not exceeding the size and mass description of the Small Rigid Vehicle (SRV), or similar, generally in accordance with AS2890.2:2018, but with a height less than or equal to 2.70m.
- ii. That the design of the loading facility (including driveways/access ramps/vehicular crossings etc.) complies with Australian Standards AS2890.2:2018 along with the width and height of the travel path for the restricted height and length of adopted design service vehicles for the development, and
- iii. All service vehicles shall enter the loading dock in a reverse direction and exit the loading dock in a forward direction, and
- iv. Swept path analysis shall be provided for manoeuvring of SRV commercial vehicle(s), depicting a reverse entry and forward exit manoeuvre to/from the site via the loading dock(s) proposed within the development, and
- v. That the longitudinal section plotting headroom clearance along the travel path of the service vehicle(s) has been assessed as part of the certification. It must be demonstrated and endorsed with the certification that a safe headroom clearance of 2.70m is achieved along the entire travel path, parking, and manoeuvring areas of the low height SRV within the development, and

- vi. All waste collection must be undertaken on-site, no bins/waste are permitted to be presented to the street for collection.
- vii. Pedestrian sightlines for vehicles exiting the site are to comply with AS2890.2.

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.

REASON

To ensure compliance with the relevant Australian Standard.

67. 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.

REASON

To ensure landowner's legal rights are protected and that damage to adjoining land is minimised.

68. Geotechnical Certification

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

- a. Conduct a thorough geotechnical investigation of the site in line with geotechnical industry standards. The type and extent of substrata formations 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*.

REASON

To ensure that structural designs are adequate and that damage to adjoining land is minimised.

69. Frontage Works Application

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

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

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

maintenance of landscaping & street trees. Bayside Council is entitled to recover any monies expended more than the bond amount in undertaking such works.

REASON

To ensure that public domain works are designed and constructed in accordance with relevant requirements and standards.

70. Undergrounding of All Overhead Services

All above ground utilities and services (including all overhead high and low voltage electricity reticulation cables plus any telecommunication cables) along the entire length of all frontages of the development site must be relocated underground. The existing Ausgrid lighting and power poles will need to be decommissioned and new underground supplied lighting poles shall be constructed along the entire frontage of the development site satisfying the relevant lighting requirements. The works must be completed and Ausgrid's approval for the works must be met to the satisfaction of Bayside Council prior to the issue of any Occupation Certificate. The location of the new electrical pillars, new lighting poles, any new pits and trenches for utilities shall be confirmed with Bayside Council. The applicant is responsible for all relocation costs, including costs associated with other cabling such as telecommunications cables.

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

In the event that further undergrounding of utilities is required beyond the frontages of the development site (e.g. across a road) to support the required undergrounding along the site frontage(s), these works must also be carried out at no cost or expense to Bayside Council.

REASON

To improve the public domain.

71. Sustainability

Prior to the issue of the 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. A storage battery is to be provided. 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 10,000L rainwater tank connected to all ground floor toilet flushing, the cold water tap that supplies the ground floor clothes washing machines and the landscape irrigation system for non-potable stormwater re-use.
- c) Sensor controlled and zoned internal lighting within the building's car park and common areas.
- d) Electric hot water and electric appliances are to be utilised instead of gas.
- e) Use of admixtures in concrete to minimise cement and reduce embodied carbon.
- f) Separate circuiting for temporary power to minimal stair and corridor lighting.

- g) Use of LEDs and other low energy flicker free lighting resources.
- h) Provision for EV charging in accordance with the below requirements;
- i. 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.
 - ii. One (1) car share 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.
 - iii. Provide EV Distribution Boards of sufficient size to allow connection of all 'EV-Ready' car spaces.
 - iv. 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.
 - v. 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.
 - vi. 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.

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

72. Design of Private Land to Form Part of Public Domain via Easement

Prior to the issue of the relevant Construction Certificate, the detailed design of the future public footpath and landscaping adjacent to Waines Crescent is to be assessed and approved by the director of City Futures (or delegate) at Bayside Council. The design is to be consistent with the Rockdale Town Centre masterplan and any future/approved

modifications to Waines Crescent. The design of the publicly accessible footpath is to appropriately link up with the proposed footpath in front of 1-2 Waines Crescent and the existing footpath along the Princes Highway frontage of the site.

73. Removal of Easement

Prior to the issue of any Construction Certificate, the two lots that form part of this proposal are to be consolidated into one lot and the existing easement (A) "right of carriageway 2.8m wide" is to be extinguished to the satisfaction of Bayside Council.

74. Boundary Fencing

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.

75. Property Address Allocation

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

The form is available for download at:

<https://www.bayside.nsw.gov.au/services/development-construction/building-or-altering-property/commonly-used-forms>

Derivation and production of address data components is governed by the NSW Addressing User Manual to ensure consistency of application.

http://www.gnb.nsw.gov.au/_data/assets/pdf_file/0007/199411/NSW_Address User Manual.pdf

76. Soil Water Management Plan

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

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

Council's warning sign for soil and water management must be displayed on the most prominent point on the building site, visible to both the street and site workers. The sign shall be erected prior to commencement of works and shall be displayed throughout construction.

77. Utility Services Adjustments

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

78. Soil & Sedimentation Controls in Place

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

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

Council's warning sign for soil and water management must be displayed on the most prominent point on the building site, visible to both the street and site workers. The sign shall be erected prior to commencement of works and shall be displayed throughout construction.

79. Construction Management Plan

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

- a) A plan view of the entire development site and frontage roadways along with a construction management report addressing the following:
 - i) The proposed method of access to and egress from the site for construction vehicle, including the proposed method of traffic control, access routes through the Council area and the location and type of temporary vehicular crossing for the purpose of minimising traffic congestion and noise in the area. Access across public parks and open space reserves is prohibited. All loading and unloading associated with construction activity must be accommodated on site, and
 - ii) Details of: hours of work; 24-hour contact details of site manager; management of dust and odour to protect the amenity of the neighbourhood; stormwater control and discharge; measures to ensure that sediment and other materials are not tracked onto the roadway by vehicles leaving the site; groundwater management plan including measures to prevent groundwater contamination; external lighting in compliance with AS 4282-2019 Control of the obtrusive effects of outdoor lighting; community consultation and complaints, and
 - iii) The proposed phases of construction work on the site and the expected duration of each construction phase, and
 - iv) The proposed method of loading and unloading excavation and construction machinery, excavation and building materials, plant/machinery, formwork, and the erection of any part of the structure within the site. Wherever possible mobile cranes should be located wholly within the site. The storage location on the property during construction shall also be shown, and
 - v) The proposed areas within the site to be used for the storage of excavated materials, construction materials and waste containers during the construction period, and
 - vi) The proposed method/device to remove loose material from all vehicles and/or machinery before entering the road reserve, any run-off from the washing

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

80. DPIE – Dilapidation Report

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

- a) 1-2 Waines Crescent, Rockdale
- b) 431 & 431A Princes Highway Rockdale
- c) 425 Princes Highway Rockdale

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

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

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

REASON

To establish and document the structural condition of adjoining properties and public land for comparison as building work progresses and is completed.

PRIOR TO THE COMMENCEMENT OF ANY WORK (including demolition and excavation)

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

81. Soil Stockpile Area

A sufficient area shall be provided onsite to enable separate stockpiling and treatment of excavated materials for sampling and analysis prior to removal or reuse on site. Details of this area shall be provided in the Erosion and Sediment Control Plan (ESCP) prior to commencement of works.

This plan shall incorporate and reference the construction environmental management plan (CEMP) and address site limitations.

82. DPIE – 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).

REASON

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

83. DPIE – Tree Protection Measures

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

REASON

To protect and retain trees.

84. DPIE – Signs on site

A sign must be erected in a prominent position on any site on which building work or demolition work is being carried out:

- a) showing the name, address and telephone number of the Principal Certifier for the work, and
- b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside work hours, and
- c) stating that unauthorised entry to the work site is prohibited.

Any such sign is to be maintained while the building work or demolition work is being carried out, but must be removed when the work has been completed.

Note: This does not apply in relation to building work or demolition work that is carried out inside an existing building that does not affect the external walls of the building.

REASON

Prescribed condition EP&A Regulation, Section 70 (2) and (3).

85. 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.

REASON

To advise Council of, and provide Council with, the required dilapidation report.

86. DPIE – Compliance with Home Building Act

In the case of residential building work for which the *Home Building Act 1989* requires there to be a contract of insurance in force in accordance with Part 6 of that Act, that such a contract of insurance is in force before any building work authorised to be carried out by the consent commences.

REASON

Prescribed condition EP&A Regulation, Section 69(2).

87. DPIE – Home Building Act requirements

Residential building work within the meaning of the *Home Building Act 1989* must not be carried out unless the Principal Certifier for the development to which the work relates (not being the Council) has given the Council written notice of the following information –

- a) In the case of work for which a principal contractor is required to be appointed:
 - i) the name and licence number of the principal contractor, and
 - ii) the name of the insurer by which the work is insured under Part 6 of that Act,
- b) In the case of work to be done by an owner-builder:
 - i) the name of the owner-builder, and
 - ii) if the owner-builder is required to hold an owner-builder permit under the Act, the number of the owner-builder permit.

If arrangements for doing the residential building work are changed while the work is in progress so that the information notified becomes out of date, further work must not be carried out unless the Principal Certifier for the development to which the work relates (not being the Council) has given the Council written notice of the updated information.

REASON

Prescribed condition EP&A Regulation, Section 71(1), (2) and (3).

88. Ausgrid

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
- b) other than those selected by Ausgrid or
- c) where the erection of gates or fences has restricted access to metering
- d) equipment.

- 89.** 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

90. DPIE – Notice regarding Dilapidation Report

Before the commencement of any site or building work, the Principal Certifier must ensure the adjoining building owner(s) is provided with a copy of the Dilapidation Report for their properties no less than 7 days before the commencement of any site or building works and provide a copy of the report to Council at the same time.

REASON

To advise neighbours and Council of any Dilapidation Report.

91. 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 etc.) and any other adjacent Bayside Council properties.

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

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

DURING ANY WORKS (including Demolition, Excavation and Construction)

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

92. Approved Plans kept on Site

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

93. Compliance with the Building Code of Australia

Building work must be carried out in accordance with the requirements of the BCA.

REASON

Prescribed condition – EP&A Regulation, Section 69(1).

94. DPIE – Hours of Work

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

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

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

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

REASON

To protect the amenity of the surrounding area.

95. DPIE – Construction Noise

While building work is being carried out, and where a Noise and Vibration Management Plan is approved under this consent, the Applicant must ensure that any noise generated from the site is controlled in accordance with the requirements of that plan.

OR

While building work is being carried out and where no Noise and Vibration Management Plan is approved under this consent, the Applicant is to ensure that any noise caused by demolition, vegetation removal or construction does not exceed an LAeq (15 min) of 5dB(A) above background noise, when measured at any lot boundary of the property where the construction is being carried out.

REASON

To protect the amenity of the neighbourhood.

96. DPIE – Compliance with the Building Code of Australia

Building work must be carried out in accordance with the requirements of the BCA.

REASON

Prescribed condition – EP&A Regulation, Section 69(1).

97. Remediation Works – General

Remediation must be conducted by a consultant suitably experienced in the assessment and management of soil and groundwater contamination issues, and applicable consultant personnel must be Certified Environmental Practitioners (Site Contamination Specialist), or equivalent.

All remediation work must be carried out in accordance with:

- NSW Office of Environment and Heritage (OEH) 'Contaminated Sites – Guidelines for Consultants Reporting on Contaminated Sites', and
- NSW Environment Protection Authority (NSW EPA) guidelines under the *Contaminated Land Management Act 1997*, and
- State Environmental Planning Policy Resilience & Hazards 2021 (Chapter 4 – Remediation of Land), and

- Remediation Action Plan, 427 and 429 Princes Hwy, Rockdale, New South Wales (Rev 2 Final), 10 December 2021, Edison Environmental and Engineering (Edison 2021a).

REASON

To ensure compliance with relevant guidelines and legislation.

98. DPIE – Procedure for Critical Stage Inspections

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

REASON

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

99. DPIE – Implementation of the Site Management Plans

While vegetation removal, demolition and/or building work is being carried out, the Applicant must ensure the measures required by the approved Construction Site Management Plan and the Erosion and Sediment Control Plan are implemented at all times.

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

REASON

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

100. DPIE – Implementation of BASIX Commitments

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

REASON

To ensure BASIX commitments are fulfilled in accordance with the BASIX certificate (prescribed condition under Section 75 EP&A Regulation).

101. Vibration Monitoring

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

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

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

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

A copy of any written direction required by this condition must be provided to the 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 Engineer registered with the National Engineering Register (NER), Principal Contractor and any Sub-Contractor responsible for such work must immediately cease all work, inform the owner of that supported land and take immediate action under the direction of the Engineer registered with the National Engineering Register (NER) to prevent any further damage and restore support to the supported land.

102. 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.

103. 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.

REASON

To ensure appropriate permits are applied for and comply with the Roads Act 1993.

104. Temporary Dewatering 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.

REASON

To ensure any ground water encountered during works is appropriately treated and disposed of.

105. Waste Classification – Excavated Materials

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

106. 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:

- NSW Environment Protection Authority (EPA) approved guidelines; and
- Protection of the Environment Operations Act 1997; and
- 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.

107. Monitoring

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

108. Tree Protection

- a) Any pruning of branches or roots of trees growing from within adjoining properties requires the prior written consent of the tree's owners and the prior written consent of Council in the form of a Permit issued under Council's Development Control Plan

2011. The work must be carried out in accordance with AS4373:2007 by an experienced Arborist with minimum AQF Level 2 qualifications in Arboriculture.

- b) Where drainage or paving works are proposed to be constructed in the area below the dripline of trees, the proposed works and construction methods must not damage the tree. Where either the trees or works were not shown in detail on the approved plans, then Council approval must be obtained by contacting Council's Tree Management Officer.
- c) Underground Services such as pipelines or cables to be located close to trees, must be installed by boring or by such other method that will not damage the tree rather than open trench excavation. The construction method must be approved by Council's Tree Management Officer.
- d) Existing soil levels within the drip line of trees to be retained shall not be altered without reference to Council's Tree Management Officer.
- e) Building materials, site residue, machinery and building equipment shall not be placed or stored under the dripline of trees required to be retained.
- f) All tree retention and protection recommendations contained in the Arborist's report prepared by Tree IQ dated 31 January 2022, revision B, shall be implemented and complied with.

109. Trees

Trees 1, 7, 14 on site are to be removed and replaced.

Trees 2, 3, 6, 8 on site shall be retained and protected during construction.

Development Impacts: AS4970-2009 section 3 requires a Tree Protection Zone (TPZ) setback of 2.5 metres (m) from centre of trunk (COT).

In accordance with AS4970-2009 protective fences consisting of chain wire mesh temporary fence panels with a height 1.8m shall be erected outside the drip line. The fence panels must be securely mounted and braced to prevent movement. The area within the fenced area is to be mulched with leaf mulch to a depth of 100mm and a weekly deep watering program undertaken.

The protective fence shall consist of para-webbing or chain wire mesh mounted on star pickets or similar metal posts, shall be placed prior to the commencement of any work on site and shall remain until the completion of all building and hard landscape construction.

Or alternatively.

Fencing shall be erected to ensure that the public footway is unobstructed. If there is insufficient space to erect fencing, then the trees are to be physically protected by wrapping the trunk with hessian or carpet underlay to a height of 2.5 metres or to the tree's first lateral branch, whichever is greater, and affix timber palings around the tree with strapping or wire (not nails).

Prior to the commencement of any work the applicant is to submit payment for a Tree Preservation Bond of \$2,000.00 per street tree to ensure protection of the retained trees.

The duration of the Bond shall be limited to a period of 12 months after the occupation certificate is issued. At completion of the bond period of twelve months (12 months) the Bond shall be refunded pending an inspection of the tree by council. If a tree is found to be dead, pruned or dying and will not recover the applicant will forfeit all or part of the bond to replace or maintain the trees.

110. Support of Adjoining Structures (Prescribed Condition – Cl. 98E of EPA Regulations)

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

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

111. 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
- c) Maintenance of the public place free from unauthorised materials, waste containers or other obstructions.

112. DPIE – Surveys by a Registered Surveyor

While building work is being carried out, a registered Surveyor is to measure and mark the positions of the following and provide them to the Principal Certifier:

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

REASON

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

113. Excavation Requirements

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

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

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

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

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

114. DPIE – Responsibility for changes to Public Infrastructure

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

REASON

To ensure payment of approved changes to public infrastructure.

115. DPIE – Shoring and Adequacy of Adjoining Property

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

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

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

REASON

Prescribed condition – EP&A Regulation, Section 74.

116. 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.

117. Toilet Facilities

- a) 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, and
- b) Each toilet must:
 - i) Be a standard flushing toilet connected to a public sewer, or
 - ii) Have an on-site effluent disposal system approved under the *Local Government Act 1993*, or
 - iii) Be a temporary chemical closet approved under the *Local Government Act 1993*.

118. 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.

119. 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.

REASON

To protect the amenity of the neighbourhood and ensure public safety.

120. Site Fencing & 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:

the vertical height above footpath level of the structure being demolished is less than 4m, or 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 obtain a permit from Bayside Council and pay all fees and rent associated with the application and occupation and use of the road (footway) for required hoarding or overhead protection.

121. DPIE – Waste Management

While building work, demolition or vegetation removal is being carried out, the Principal Certifier must be satisfied all waste management is undertaken in accordance with the approved Waste Management Plan. Upon disposal of waste, the Applicant is to compile and provide records of the disposal to the Principal Certifier, detailing the following:

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

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

REASON

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

122. Demolition Requirements During Works

Demolition is to be carried out in the accordance with the following:

- a) The approved Safe Work Method Statement required by this consent, and
- b) Demolition is to be carried out in accordance with *Australian Standard 2601:2001: Demolition of structures*, *Work Health & Safety Act 2011 (NSW)*, *Work Health & Safety Regulation 2011 (NSW)* and the requirements of the NSW WorkCover Authority, and
- c) The hours of demolition work are limited to between 7:00am and 6.00pm on weekdays. No demolition work is to be carried out on Saturdays, Sundays and public holidays, and
- d) Vibration monitors must be placed at the footings of the nearest residential and/or commercial property(s) boundaries prior to any demolition commencing; and
- e) Hazardous or intractable wastes arising from the demolition process must be removed and disposed of in accordance with the requirements of WorkCover New South Wales and the Environmental Protection Authority, and
- f) Dust control - dust emission must be minimised for the full height of the building. Compressed air must not be used to blow dust from the building site, and
- g) Demolition procedures must maximise the reuse and recycling of demolished materials in order to reduce the environmental impacts of waste disposal, and
- h) During demolition, public property (footpaths, roads, reserves etc) must be clear at all times and must not be obstructed by any demolished material or vehicles. The footpaths and roads must be swept (not hosed) clean of any material, including clay, soil and sand. On the spot fines may be levied by Council against the demolisher and/or owner for failure to comply with this condition, and
- i) All vehicles leaving the site with demolition materials must have their loads covered and vehicles must not track soil and other materials onto public property (footpaths, roads, reserves etc) and the footpaths must be suitably protected against damage when plant and vehicles access the site, and
- j) The burning of any demolished material on site is not permitted and offenders will be prosecuted. The demolition by induced collapse and the use of explosives is not permitted, and
- k) Care must be taken during demolition to ensure that existing services on the site (ie, sewer, electricity, gas, phone) are not damaged. Any damage caused to existing services must be repaired by the relevant authority at the Applicant's expense. *Dial*

Before You Dig website: www.1100.com.au should be contacted prior to works commencing, and

- l) Suitable erosion and sediment control measures in accordance with the Soil and Water Management Plan must be erected prior to the commencement of demolition works and must be maintained at all times, and
- m) Any material containing asbestos found on site during the demolition process shall be removed and disposed of in accordance with WorkCover NSW requirements. *Protection of the Environment Operations Act 1997, Protection of the Environment Operation (Waste) Regulation and 'Waste Classification Guidelines 2014'* prepared by the NSW Office of Environment and Heritage. Following completion, an Asbestos Clearance Certificate is to be provided to Council following the final asbestos clearance inspection.

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.

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.

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 unauthorized materials, waste containers or other obstructions.

123. Demolition Requirements

All demolition work shall be carried out in accordance with AS2601 – 2001. The Demolition of Structures and with the requirements of the Work Cover Authority of NSW.

REASON

To comply with relevant Australian Standard and Work Cover requirements

124. DPIE – Cut and Fill

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

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

REASON

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

125. 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.

PRIOR TO ISSUE OF AN OCCUPATION CERTIFICATE

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

126. Occupation Certificate

An Occupation Certificate must be obtained prior to any use or occupation of the building/development or part thereof. The Principal Certifier must ensure that all works are completed in accordance with this consent, including all conditions.

127. DPIE – Preservation of Survey Marks

Before the issue of an Occupation Certificate, a registered Surveyor must submit documentation to the Principal Certifier which demonstrates that:

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

REASON

To protect the State's survey infrastructure.

128. Affordable Housing

Prior to the issue of an Occupation Certificate for the development.

- a) An 88E restriction registered, in accordance with the [Conveyancing Act 1919](#), ensuring the below is adhered to.
 - i. A total of sixty four (64) of the dwellings to which the development consent relates must be used for affordable housing (the **affordable housing dwellings**), and
 - ii. that affordable housing dwellings be managed by a registered community housing provider, and
 - iii. notice of a change in the registered community housing provider must be given to the Registrar of Community Housing and the consent authority no later than 3 months after the change, and
 - iv. the registered community housing provider who manages the affordable housing dwellings must apply the Affordable Housing Guidelines.
- b) Evidence of an agreement with a registered community housing provider for the management of the development be given to the Registrar of Community Housing, including the name of the registered community housing provider, and
- c) Evidence that the above has been met be given to the consent authority.

REASON

To ensure compliance with State Environmental Planning (Housing) 2021.

129. Restrictions on Use of Land (Affordable Housing)

Prior to the issue of an Occupation Certificate, the following restriction on Use of Land shall be imposed under Section 88E of the *Conveyancing Act 1919* on the title of the land and lodged with the NSW Land and Property Information:

- a) **Affordable Rental Housing**
"For a continuous period of fifteen (15) years from the date of issue of any Occupation Certificate (being an Interim or Final Occupation Certificate) the following Restrictions on the Use of the Land will apply:

- *A total of sixty four (64) of the eighty (80) residential dwellings within the development will be used for the purpose of affordable rental housing.*
Affordable dwellings shall not be used for any other purpose other than for the purposes of affordable housing, as defined in State Environmental Planning Policy (Housing) 2021, and
- *The sixty four (64) affordable dwellings shall not be occupied unless managed by a registered community housing provider."*

Bayside Council is to be nominated as the Authority to release, vary or modify this restriction on the use of land. This Restriction shall burden each lot of the Strata Scheme (where relevant) and benefit Bayside Council. The Restriction is to be submitted to Council for approval prior to lodgement with NSW Land and Property Information. Proof of registration shall be submitted to the Principal Certifier prior to the issue of an Occupation Certificate.

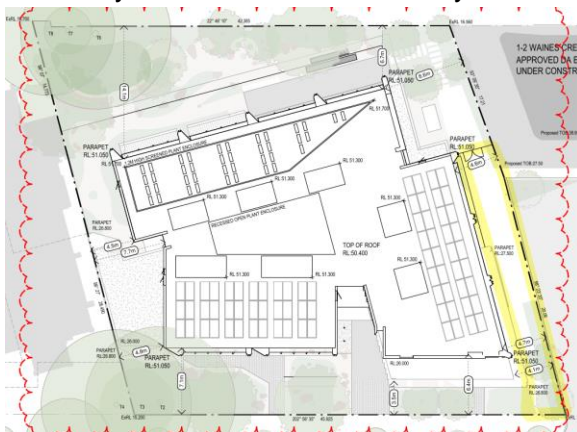
REASON

To ensure compliance with State Environmental Planning (Housing) 2021.

130. Public Access Easement

Prior to the issue of any Occupation Certificate, a public positive covenant, easement or other appropriate instrument is to be established on site, to;

- Facilitate and enable public pedestrian access along a portion of the northern boundary of the site as outlined in yellow below.



- Retain deep soil landscaping and tree, shrub and ground cover planting, as approved in the location referred to in (a) above.
- Restrict development and/or the erection of structures within the area referred to in (a) above.
- Retain the Green Gateway and restrict development and/or the erection of structures in this area, along the entire frontage of the site to the Princes Highway at all times.

The terms of the instrument shall be approved by Bayside Council, prior to the issue of any Occupation Certificate for the site. Council shall be nominated in the instrument as the only party to authorize release, vary or modify the instrument.

REASON

To maintain the green gateway & facilitate public pedestrian access along the southern side of Waines Crescent.

131. Provision of Right of Footway

Prior to the issue of the Occupation Certificate, a 3.0 metre wide Right of Footway easement, in favour of Bayside Council, along the boundary with Waines Crescent is to be provided. This easement is to be covered by a Section 88B Instrument, which may only be varied or extinguished with the consent of Bayside Council. A works as executed (WAE) plan prepared by a registered surveyor is to be provided, surveying the completed works within the area(s) subject to this easement. Council requires proof of lodgement and registration of the signed Subdivision Certificate and 88B Instrument with the NSW Land Registry Services. A written acknowledgement shall be obtained from Bayside Council (attesting to this condition being appropriately satisfied) and submitted to the Principal Certifier.

REASON

To ensure the through site link is publicly accessible.

132. Landscape

Prior to the issue of the Occupation Certificate, the following must be complied with to the satisfaction of the Principal Certifier:

- 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 landscape plan are not to be diminished or include further structures within.
- c) A Landscape Architect shall provide a report to the principal certifier (with a copy provided to Council, if Council is not the principal certifier) certifying that the landscape works have been carried out in accordance with the approved plans and documentation.
- d) Prior to the issue of an Occupation Certificate, a maintenance plan is to be submitted and approved by the Principal Certifying Authority. A copy of the maintenance plan is to be kept on site at all times during construction and shall be produced to Council on request following completion. The Maintenance Manual shall include as a minimum:
 - 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;

REASON

To ensure the approved landscaping works have been completed before occupation, in accordance with the approved landscaping plan(s).

133. Public Domain Landscape

Prior the issue of the 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.

REASON

To ensure the approved landscaping and public domain works have been completed before occupation, in accordance with the approved plan(s), and will be maintained for the lifetime of the development.

134. Release of Securities / Bonds

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

REASON

To allow release of securities and authorize Council to use the security deposit to complete works to its satisfaction.

135. Design Verification Statement

Prior to the issue of an Occupation Certificate for occupation or use of residential flat development, a statement from a qualified designer certifying that the development achieves the design quality of the development as shown in the plans and specifications in respect of which the construction certificate was issued, having regard to Part 2 of *State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development*.

136. Section 73 Certificate - Sydney Water

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

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

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

137. ESD Certification

Prior to the issue of the Occupation Certificate, the photovoltaic cells systems as required by this consent are to be installed onto the rooftops of the development and be operational.

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

138. BASIX / Energy Efficiency Commitments

A Compliance Certificate must be provided to the Principal Certifier confirming that the development has been constructed in accordance with the commitments contained within the approved BASIX listed in conditions of this consent prior to the issue of any Occupation Certificate.

139. Certification

The recommendations of the following reports shall be validated by a Certificate of Compliance and submitted to the Principal Certifying Authority (PCA) prior to the issue of an Occupation Certificate. If Council is not the PCA, a copy shall be submitted to Council concurrently.

- Acoustic Report, prepared by Renzo Tonin & Associates dated 22 December 2021.
- Access Report prepared by Morris Goding Access Consulting dated 07/02/2022.

140. Waterproofing

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.

141. Ventilation / Air Conditioning

Prior to occupation or use of the premises, a qualified mechanical engineer shall certify that the mechanical ventilation/air conditioning system complies in all respects with the requirements of Australian Standard 1668, Part 1 & 2.

142. Anti-Graffiti Coating

Prior to issue of the Occupation Certificate, ground level surfaces are to be treated with anti-graffiti coating to minimise the potential of defacement.

143. Provision of Intercom System

Prior to the issue of the Occupation Certificate, the entry to the car park and each pedestrian entry at the ground floor level of the building shall be provided with an intercom system. The intercom system shall be connected to each dwelling unit and enable those units to provide access to the car park for visitors.

144. DPIE – Post-Construction Dilapidation Report

Before the issue of any Occupation Certificate, a suitably qualified Engineer must prepare a post-construction dilapidation report, to the satisfaction of the Principal Certifier, detailing whether:

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

Before the issue of an Occupation Certificate, the Principal Certifier is to provide a copy of the post-construction dilapidation report to Council (where Council is not the Principal Certifier) and to the relevant adjoining property owner(s).

REASON

To identify damage to adjoining properties resulting from building work on the development site.

145. DPIE – Location of Mechanical Ventilation

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

REASON

To protect the residential amenity of neighbouring properties.

146. DPIE – Annual Fire Safety Certificate

During occupation and ongoing use of the building, the applicant must provide an annual fire safety statement to Council and the Commissioner of Fire and Rescue NSW in accordance with section 89 of the *EP&A (Development Certification and Fire Safety) Regulation 2021*.

REASON

To ensure annual checks on fire safety measures.

147. DPIE – Repair of Infrastructure

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

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

REASON

To ensure any damage to public infrastructure is rectified.

148. DPIE – 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.

REASON

To ensure required changes to public utility services are completed, in accordance with the relevant agency requirements, before occupation.

149. DPIE – 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 publicly accessible footpath adjacent to Waines Crescent.

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

REASON

To confirm the location of works once constructed that will become Council assets.

150. Certification of New Stormwater System

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

REASON

To ensure that the stormwater system is constructed as approved and in accordance with relevant standards.

151. Positive Covenant Application

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

- (a) On-Site Detention System
- (b) Maintenance of the publicly accessible areas of the development located adjacent to Waines Crescent (covered by an easement).

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

REASON

To ensure that the approved stormwater system is maintained in good working condition.

152. Parking Facility Certification

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

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

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

The certification must be submitted to the Principal Certifier.

REASON

To ensure compliance with the relevant standards.

153. Erection of Signage

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

- a) 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".

b) Trucks reverse to enter loading dock & exit in a forward direction:

All service vehicles shall enter the loading dock in a reverse direction and exit the loading dock 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 vehicular entrance to the loading dock, approved by the Principal Certifier, stating the following: "All service vehicles shall enter the loading dock in a reverse direction and exit the loading dock in a forward direction at all times".

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

REASON

To ensure that signposting occurs where required to advise people of restrictions or hazards.

154. Car Share

The six (6) car share car parking spaces must be operated by a recognised commercial car share operator within the site for the lifetime of the development. A contract for the operation of the car share spaces by the commercial car share provider must be entered into prior to issue of the 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 spaces must be made available to car share operators without a fee or charge. The car share spaces must be appropriately line marked and signposted to indicate its usage to be exclusively as a car share space. The car share spaces must be publicly accessible at all times. The car share spaces are 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 Occupation Certificate.

All residents in the affordable housing component of the scheme are to be provided access to the use of the car share spaces without any fee (i.e., the developer is to provide complimentary memberships with the commercial car share operator for all residents in affordable housing).

155. Residents are not permitted to participate in the on-street parking scheme

Prior to the issue of the final Occupation Certificate:

- a. Before entering a purchase/lease/occupancy agreement, or individual units are on-sold, all tenants and occupiers of the development are to be advised by the owner of the building in writing that residents are not eligible to participate in on-street resident parking schemes;
- b. A sign to this effect shall be located in a prominent place, to Council's satisfaction, such as a directory board or notice board, where it can easily be observed and read by persons entering the building; and
- c. Where a building is to be Strata subdivided, a condition shall be placed in the by-laws advising residents that they are not eligible to participate in on-street resident parking schemes.

156. Private Waste Collection

Waste and recycling must be collected by a private waste contractor within the site. A contract for waste and recycling collection must be entered into prior to issue of the Occupation Certificate and the maximum size of the waste collection vehicle shall be equal to or smaller than a low height Small Rigid Vehicle (SRV), or similar, generally in accordance with AS2890.2:2018, but with a height less than or equal to 2.70m.

An example waste collection vehicle that is acceptable is as follows:

Mini-Rear Loader Waste Collection Vehicle Specifications –

Overall Length - 6.345m

Body Width – 1.700m

Overall Body Height – 2.080m

Min Body Ground Clearance – 0.205m

Track Width – 1.670m

Lock to Lock Time – 4.00sec

Curb to Curb Turning Radius – 6.450m

Max Height of Rear Loader – 2.400m

The company engaged must ensure that a suitably sized waste collection vehicle (with a size that allows the vehicle to enter the loading bay) is used for waste collection, that all recycling is collected separately from waste and that all waste is collected within the loading bay. Council must be advised in writing within seven (7) days of a private contractor being engaged for waste collection services.

REASON

To ensure the waste can be collected on site in accordance with the approved development.

157. Certification of height clearance for garbage truck/ no overhead obstructions

Prior to the issue of any occupation certificate, evidence must be provided from a suitably qualified traffic engineer and registered surveyor demonstrating that loading bay and travel path between Waines Crescent and the loading bay on the ground level does not contain any overhead obstructions which obstructs the required 2.70m of headroom clearance.

158. Green Travel Plan

Prior to the issue of the Occupation Certificate, a “Green” Travel Plan shall be developed by a suitably qualified traffic consultant in order to encourage people (including any and all residents, staff and visitors) to make good use of public transport, cycling, walking and car sharing to reduce car based travel demand. The Green Travel Plan shall be prepared in accordance the relevant standards and include, but not be limited to, the following:

- a) Encourage people to cycle, use public transport and/or walk to the workplace;
- b) Adopt car sharing and /or car pool scheme;
- c) Provide bike storage area and end-of-trip facilities in the convenient locations;

- d) Include clear and time bound targets, actions, measurements and monitoring framework;
- e) Develop Transport Access Guides (TAGs) to Roads and Maritime Services (RMS) requirements for staff and visitors about information on how to reach the site via public transport, walking or cycling.

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

REASON

To ensure sustainable transport alternatives are used.

159. Loading Dock Management Plan

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

REASON

To ensure that loading docks are operated in a manner that minimises amenity impacts to residents within the site and surrounding properties.

160. Consolidation of Lots

All allotments involved in this proposal must be consolidated into one allotment. Details demonstrating compliance with the requirements of this condition and evidence of registration are to be submitted to the satisfaction of the Principal Certifier prior to the issue of an Occupation Certificate.

REASON

To encourage the orderly and economic use of the land.

161. Certification of Mechanical Systems

Prior to occupation or use of the premises, a qualified Mechanical Engineer shall certify that the mechanical ventilation / air conditioning system has been installed, inspected, commissioned, tested and performs in accordance with Australian Standard 1668, Parts 1 and 2.

REASON

To ensure compliance with Australian Standard 1668.

162. Contaminated Land – Site Validation Reporting

The validation report, and if required long-term environmental management plan, must be reviewed, and approved by the auditor. A Site Audit Statement (SAS) and Site Audit Report (SAR) must be provided to Council prior to the issue of an Occupation Certificate.

REASON

To ensure that land is remediated in accordance with relevant legislation and that the site is suitable for the proposed use.

163. Completion of Landscape and Tree Works

Before the issue of an Occupation Certificate, the Principal Certifier must be satisfied that all landscape and tree-works, including pruning in accordance with AS 4373-2007 Pruning of amenity trees and the removal of all noxious weed species, have been completed in accordance with the approved plans and any relevant conditions of this consent.

REASON

To ensure the approved landscaping works have been completed before occupation, in accordance with the approved landscaping plan(s).

164. Certification of New Stormwater System

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

165. Geotechnical Certification

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

REASON

To ensure that the construction works have been completed in accordance with the approved construction geotechnical report/recommendations.

166. Rainwater Tank – Plumbing Certification

Prior to the issue of any Occupation Certificate, a registered Plumber shall certify that the rainwater tank has been connected to all ground floor toilet flushing, the cold water tap that supplies the ground floor clothes washing machines and the landscape irrigation system for non-potable stormwater re-use.

REASON

To ensure that the rainwater will be reused within the site in accordance with this approval.

167. Certification of Tanking and Waterproofing

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

REASON

To ensure that subsurface structures are designed to prevent ingress of groundwater.

168. Undergrounding of Overhead Services and Installation of Lighting

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

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

REASON

To ensure that overhead services are placed underground to achieve required public domain outcomes.

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

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

- a) Construction of a new 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, kerb inlet pits, stormwater pipes, road, kerb, and gutter as required.
- f) Provide landscaping and public domain improvements within the road carriageway of Waines Crescent adjacent to the site as assessed and required by Council.
- g) Construction of any other public domain improvements associated with the requirements of the Rockdale Town Centre Public Domain Plan (if necessary).

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

All works within the road reserve, which are subject to approval pursuant to Section 138 of the *Roads Act 1993*, shall be completed to the satisfaction of Bayside Council at the Applicant's expense. A report shall be submitted in accordance with Bayside Council's Contributed Asset Procedure for all constructed assets in the ownership of Bayside

Council. Works-As-Executed plans prepared by a registered surveyor and engineering certification shall be submitted.

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

REASON

To ensure that required public domain outcomes are achieved.

170. 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 Final Occupation Certificate.

REASON

To identify damage to adjoining properties resulting from building work on the development site.

171. DPIE – Post-Construction Dilapidation Report (if relevant)

Before the issue of any Occupation Certificate, a suitably qualified Engineer must prepare a post-construction dilapidation report, to the satisfaction of the Principal Certifier, detailing whether:

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

Before the issue of an Occupation Certificate, the Principal Certifier is to provide a copy of the post-construction dilapidation report to Council (where Council is not the Principal Certifier) and to the relevant adjoining property owner(s).

REASON

To identify damage to adjoining properties resulting from building work on the development site.