

Without prejudice Draft Conditions of Consent

Premises: 16-18 John Street and 23 Church Avenue Mascot

DA No: DA-2019/359

Deferred Commencement

The consent shall not operate until you satisfy Council about the following matters:

Amended architectural plans/reports shall be submitted to the satisfaction of the Manager – Development Services which addresses the below:

1. Apartment B1204 (Building B – Level 12) and apartment B1304 (Building B – Level 13) shall be deleted. The solar panels currently shown on the Roof Plan shall be re-located to Level 12 (i.e. – within the footprint of apartment B1204).
2. A structural report prepared by a practising structural engineer shall certify the structural adequacy of the building on Church Avenue and its ability to withstand the proposed additional, or altered structural loads during all stages of construction (including any contamination remediation works required). The report must also include all details of the methodology to be employed in construction phases to achieve the above requirements without resulting in demolition of the building elements marked on the approved plans for retention.

The period of the deferred commencement is 12 months from the date of determination.

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

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

Drawing No.	Author	Date Received
DA-020 – Demolition Plan Issue E	Squillace	Dated: 28 August 2020 Received: 8 September 2020
DA-098 – Floor Plan Basement Level 3 & 4 Issue F		Dated: 28 August 2020 Received: 8 September 2020
DA-099 – Floor Plan Basement Level 1 & 2 Issue F		Dated: 28 August 2020 Received: 8 September 2020
DA-100 – Floor Plan Ground Level Issue G		Dated: 25 November 2020 Received: 30 November 2020
DA-102 – Floor Plan Level 2 Issue F		Dated: 28 August 2020 Received: 8 September 2020
DA-103 – Floor Plan Level 3 -6 Issue F		Dated: 28 August 2020 Received: 8 September 2020

DA – 107 – Floor Plan Level 7 Issue B		Dated: 28 August 2020 Received: 8 September 2020
DA – 108 – Floor Plan Level 8 Issue F		Dated: 28 August 2020 Received: 8 September 2020
DA-109 – Floor Plan Level 9 Issue D		Dated: 28 August 2020 Received: 8 September 2020
DA – 110 – Floor Plan Level 10 Issue D		Dated: 28 August 2020 Received: 8 September 2020
DA -111 – Floor Plan Level 11 Issue F		Dated: 28 August 2020 Received: 8 September 2020
DA-112 – Floor Plan Level 12 Issue F		Dated: 28 August 2020 Received: 8 September 2020
DA-113 – Floor Plan Level 13 Issue F		Dated: 28 August 2020 Received: 8 September 2020
DA – 114 – Roof Plan Issue F		Dated: 28 August 2020 Received: 8 September 2020
DA – 201 – North and South Elevations BLD A Issue E		Dated: 28 August 2020 Received: 8 September 2020
DA – 202 – North and South Elevations BLD B Issue E		Dated: 28 August 2020 Received: 8 September 2020
DA – 203 – East Elevation Issue E		Dated: 28 August 2020 Received: 8 September 2020
DA – 204 – West Elevation Issue E		Dated: 28 August 2020 Received: 8 September 2020
DA – 301 – Section 1 Issue F		Dated: 25 November 2020 Received: 30 November 2020
DA – 302 – Section 2 Issue F		Dated: 25 November 2020 Received: 30 November 2020
DA – 800 – Warehouse Floor Plan Issue A		Dated: 28 August 2020 Received: 8 September 2020
DA – 801 – Warehouse Elevation Issue A		Dated: 25 November 2020 Received: 30 November 2020
DA – 802 – Warehouse Section		Dated: undated Received: 30 November 2020
Landscape Plan Ground Floor 101 K	Site Image	Dated: 26 November 2020 Received: 30 November 2020

Landscape Plan Level 2 102 G		Dated: 28 August 2020 Received: 30 November 2020
Landscape Plan Level 3 – 6/Level 8 – 10 103 F		Dated: 28 August 2020 Received: 30 November 2020
Landscape Plan Level 12- 13 105 G		Dated: 28 August 2020 Received: 30 November 2020
Landscape Plan Communal Roof Terrace Building A 106 G		Dated: 28 August 2020 Received: 30 November 2020
Landscape Plan Communal Roof Terrace Building B 107 G		Dated: 28 August 2020 Received: 30 November 2020
Landscape Details 501 D		Dated: 17 September 2020 Received: 30 November 2020

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

2. This consent relates to land in Lot Z in DP 405064 and Lots A & B in DP 316950 and as such, building works must not encroach on to adjoining lands or other public places, except as otherwise permitted by this consent.
3. The term of this consent is limited to a period of five (5) years from the date the deferred commencement matters are satisfied. The consent will lapse if the development does not commence within this time.
4. The consent given does not imply that works can commence until such time that:
 - a) Detailed plans and specifications of the building have been endorsed with a Construction Certificate by:
 - (i) The consent authority; or,
 - (ii) An accredited certifier; and,
 - b) The person having the benefit of the development consent:
 - (i) Has appointed a principal certifying authority; and
 - (ii) Has notified the consent authority and the Council (if the Council is not the consent authority) of the appointment; and,
 - (iii) The person having the benefit of the development consent has given at least 2 days notice to the council of the persons intention to commence the erection of the building.
5. All building work must be carried out in accordance with the provisions of the Building Code of Australia.

6. All costs associated with these development conditions shall be borne by the applicant. If, when actioning these conditions Council's solicitor is required to act on behalf of Council, then Council's solicitor's fees and charges shall also be borne by the Applicant.
7. The materials and façade details approved under condition 1 and any other relevant condition of this consent shall not be altered at the construction certificate stage without a prior S4.55 application and approved under the EP&A Act 1979.
8. A separate approval shall be attained for the specific use/uses of the retail tenancies.
9. Parking provision and allocation

The car parking must be allocated in accordance with the minimum rates provided in the table below. This parking must be reflected in any subsequent strata subdivision of the development.

Dwelling Size / Development type	Required
Studio / 1 bedroom residential dwellings	0.6 space per unit
2 bedroom residential dwellings	0.9 space per unit
3 or more bedroom residential dwellings	1.4 space per unit
Residential Visitor	25 spaces
Restaurant	40 spaces
Retail shops	1 space per 25m ² (11 spaces)
Carwash Bay (residential)	2 Car Wash Bays (1 dedicated and 1 shared with visitor parking)
Loading Bay (shared)	2 SRV Loading Bays
Bicycle (residential)	35 spaces
Motorcycle (residential)	10 spaces

- All residential visitor spaces, car wash bays, loading bays, bicycle spaces and motorcycle spaces shall be labelled as common property on the final strata plan for the site.
- Any excess parking is to be allocated to residential apartments.

This parking allocation condition applies to any Strata Certificate issued with respect to a Consent issued in accordance with Section 81 (1)(A) of the Environmental Planning and Assessment Act 1979 or a Complying Development Certificate issued in accordance with Part 6 of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.

10. Pursuant to clause 97A(3) of the *Environmental Planning & Assessment Regulation 2000*, it is a condition of this development consent that all the commitments listed in the relevant BASIX Certificates (as referenced at Condition No. 1) for the development are fulfilled.

Note:

- a) Relevant BASIX Certificate means:
- i) A BASIX Certificate that was applicable to the development when this development consent was granted (or, if the development consent is modified under Section 96 of the Act, a BASIX Certificate that is applicable to the development when this development consent is modified); or
 - ii) If a replacement BASIX Certificate accompanies any subsequent application for a construction certificate, the replacement BASIX Certificate.
- b) BASIX Certificate has the meaning given to that term in the *Environmental Planning and Assessment Regulation 2000*.

CONDITIONS IMPOSED BY AN EXTERNAL AUTHORITY

Where relevant, the following external authority conditions apply:

11. The following conditions are imposed by **Department of Infrastructure, Transport, Cities and Regional Development**:

- a) The building must not exceed a maximum height of 53.31 metres AHD, this includes all lift over-runs, chimneys, aerials, antennas, lightning rods, any roof top garden plantings, exhaust flues etc
- b) Building B must be obstacle lit by low intensity steady red lighting during the hours of darkness at the highest point of the building. Obstacle lights are to be arranged to ensure the building can be observed in a 360 degree radius, as per subsection 9.4.3 of the Civil Aviation Safety Regulations 1998 Manual of Standards Part 139 Aerodromes (the MOS). Characteristics for low intensity lights are stated in subsection 9.4.6 of the MOS.

If at any time after the heights of the building has reached 51 metres AHD, the crane(s) used to construct the building are removed and no other crane(s) are in place then the Proponent must arrange for the highest point of the building to be obstacle lit with low intensity steady red lighting during the hours of darkness. The obstacle lights must be arranged to ensure the lighting can be observed in a 360 degree radius as per subsection 9.4.3 of the MOS. Characteristics for low intensity lights are stated in subsection 9.4.6 of the MOS.

- c) The Proponent must ensure obstacle lighting is maintained in serviceable condition, is monitored and any outage immediately notified to SACL.
- d) Following completion of the building, the Proponent must advise SACL, in writing:
- That the future owner(s)/manager(s) of the building have been informed of their obligation to maintain the obstacle lighting in accordance with conditions of this approval; and

- The contact details of the person/position responsible for the maintenance of the obstacle lighting. These details must be reviewed regularly and kept up to date.
- e) Separate approval must be sought under the Regulations for any equipment (i.e cranes) required to construct the building. Construction cranes may be required to operate at a height significantly higher than that of the proposed controlled activity and consequently, may not be approved under the Regulations. Therefore, it is advisable that approval to operate construction equipment (i.e. cranes) be obtained prior to any commitment to construct.
 - f) The Proponent must advise Airservices Australia at least three business days prior to the controlled activity commencing by emailing <ifp@airservicesaustralia.com> and quoting YSSY-CA-252.
 - g) On completion of construction of the building, the Proponent must provide the airfield design manager with a written report from a certified surveyor on the finished height of the building.

12. The following conditions are imposed by **Sydney Water**:

- a) A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water.

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

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

- b) The approved plans must be submitted to the Sydney Water **Tap in™** online service to determine whether the development will affect any Sydney Water sewer or water main, stormwater drains and/or easement, and if further requirements need to be met. *The Sydney Water Tap in™ online self-service replaces our Quick Check Agents as of 30 November 2015.*

13. The following General Terms of Approval are imposed by **Water NSW**:

- a) Groundwater shall not be pumped or extracted for any purpose other than temporary construction dewatering at the site identified in the development application.
- b) An authorisation under the relevant water legislation, such as a Water Access Licence (WAL), shall be obtained for the take of groundwater as part of the activity. For avoidance of doubt, these terms 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 WAL.
- c) An authorisation under the relevant water legislation, such as an Approval, is also required for the works involved in extracting the groundwater. For avoidance of doubt, these terms do not represent any authorisation for the construction or installation of such works.

- d) The relevant works must not be carried out, installed or operated until a specialist hydrogeological assessment has been completed by the Department of Planning Industry and Environment, which concludes that adequate arrangements are in force to ensure that no more than minimal harm will be done to any water source, or its dependent ecosystems, as a consequence of the construction or use of the proposed water management work.
- e) The design and construction of the building must prevent any take of groundwater after the authorisation has lapsed 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.
- f) Sufficient permanent drainage shall be provided beneath and around the outside of the watertight structure to ensure that natural groundwater flow is not impeded and:
 - a. any groundwater mounding at the edge of the structure shall be at a level not greater than 10 % above the level to which the water table might naturally rise in the location immediately prior to the construction of the structure; and
 - b. any elevated water table is more than 1.0 m below the natural ground surface existent at the location immediately prior to the construction of the structure; and
 - c. where the habitable part of the structure (not being footings or foundations) is founded in bedrock or impermeable natural soil then the requirement to maintain groundwater flows beneath the structure is not applicable.
- g) Construction methods and material used in and for construction shall be designed to account for the likely range of salinity and pollutants which may be dissolved in groundwater, and shall not themselves cause pollution of the groundwater.
- h) The Applicant is bound by the above terms and any other terms and conditions of the subsequent authorisation(s) required for the extraction of groundwater and the associated works under the relevant water legislation.
- i) Following cessation of the dewatering operations and prior to the surrender of any associated authorisation, the applicant shall submit to WaterNSW the completion report which shall include:
 - a. detail of the volume of water taken, the precise periods and location of water taken, the details of water level monitoring in all of the relevant bores; and
 - b. The location and construction of groundwater extraction works that are decommissioned
 - c. a water table map depicting the aquifer's settled groundwater condition and a comparison to the baseline conditions; and
 - d. a detailed interpreted hydrogeological report identifying all actual resource and third party impacts, including an assessment of altered groundwater flows and an assessment of any subsidence or excessive settlement induced in nearby buildings and property and infrastructure.
- j) All required monitoring and reporting arrangements are to be designed to demonstrate the activity meets due diligence with respect to the Water Management Act 2000, the relevant water sharing plan(s) and the NSW Aquifer Interference Policy during construction and occupation phases of the building.
- k) At the time of application for a Construction Certificate, the developer must be able to demonstrate to the consent authority that an authorisation for the pumping of groundwater for temporary construction dewatering has been obtained for the relevant groundwater source from which water is being taken.

- l) A specialist Site Hydrogeology Report prepared and certified by a qualified, experienced and practising hydrogeologist must be provided to enable the Department of Planning Industry and Environment to carry out the assessment that includes, but is not limited to, the following:
- a. pre-development (existing) conditions in the form of a baseline monitoring record and comprehensive groundwater system description:
 - i. site and neighbouring area stratigraphy, formation description, site groundwater levels, groundwater flow paths, site aquifer and aquitard (if relevant) hydraulic characterisation
 - ii. groundwater quality and specific consideration of groundwater potentially affected by contamination from surrounding land uses or acid sulfate soils where they are found to exist
 - iii. neighbouring users, groundwater dependent ecosystems, water bodies and other relevant features within a one kilometre radius of the subject site
 - iv. the above site information must not date more than six months prior to the date of lodgement of the development application to account for climate trends and maintain the currency of groundwater data
 - b. excavation phase (during dewatering), in the form of a comprehensive impact prediction description as well as a monitoring and management strategy:
 - i. predicted impacts (extent, magnitude and duration) that are developed through numerical groundwater modelling
 - ii. corresponding trigger levels (levels, quality, flow, volume and ground surface settlement) to manage any potential impacts
 - iii. construction techniques and approaches that will be used to prevent any ongoing groundwater pumping at the same time as not causing any obstruction to natural groundwater behaviour
 - iv. details of monitoring (groundwater levels, quality as required, rate of inflows, metered pumping)
 - v. where a risk of ground settlement is identified due to the proposed dewatering, the proponent is to provide a program of monitoring, trigger and responses to Council (Note while it is the Proponent's responsibility to identify the risk, the Department recommends that Council enforce this requirement for all applications in all high risk areas which includes sand formations or other unconsolidated ground).
 - c. post-excavation phase (during aboveground construction) in the form of a comprehensive post-dewatering impact review:
 - i. collation of monitoring records,
 - ii. analysis of actual impacts compared to predicted impacts, noting that some impacts may be delayed,
 - iii. magnitude and extent of potential long-term effects from the completed structure
 - iv. arrangements for reporting (measurements, technical analysis and future predictions) to the relevant authority
 - d. occupational phase (after building completion) in the form of an annual groundwater monitoring plan:
 - i. monthly monitoring to demonstrate the magnitude of groundwater pumping after construction, either through satisfactory photographic and documented evidence of no visible seepage into the building or, if inflows cannot be prevented, measured flow rates into all pump-out sumps
 - ii. recording arrangements to document ongoing compliance, event-based notification of unexpected groundwater take to the relevant authority and annual reporting arrangements.
- m) At the time of application for an Occupation Certificate, the developer must be able to demonstrate to the consent authority that any unexpected groundwater pumping (resulting from poor construction methods, materials or inadequate waterproofing) has been authorised by a water access licence purchased for the relevant groundwater source from which water is being taken (unless an exemption exists) and must be able to demonstrate no impact on neighbouring sites or the integrity of the aquifer.
- n) Measurement and monitoring arrangements to the satisfaction of WaterNSW are to be implemented. Weekly records of the volumes of all groundwater pumped and the quality of any water discharged are to be kept and a completion report provided after dewatering has ceased. Records of daily groundwater levels are to be kept and a summary showing daily or weekly levels in all monitoring bores provided in the completion report.

- o) All monitoring data collected for the development and all monitoring and management reports must be provided in electronic format (including summarised, tabulated and raw corrected data) to WaterNSW and the Department of Planning, Industry and Environment-Water.

PRIOR TO COMMENCEMENT OF ANY WORKS

14. Community Reference Group

- a) Prior to the commencement of any works, a Community Reference Group (CRG) should be appointed to meet monthly with the developer (or its representative) on site to obtain updates on construction and timeframes and to provide feedback.
- b) The CRG should be no more than 10-12 members and include at least one member from each of the surrounding developments, with at a minimum a representative from 27 Church Avenue/22 John Street, 19-21 Church Street/10-14 John Street and 222-228 Coward Street Mascot.
- c) The CRG members will be selected at an open meeting held on site with interested parties nominated from each development, and, if excess interested parties, final CRG members drawn from a hat.
- d) The developer (or its representative) is to issue letters to each of the surrounding developments at least 7 days before the meeting is to be held to nominate the final CRG members.

15. Prior to the commencement of any works, 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 must include, but not be limited to, the following properties:

- a) 27 Church Avenue, and
- b) 19-21 Church Avenue, and
- c) 22 John Street, and
- d) 10-14 John Street., and
- e) All other buildings located within 50m of the boundary of the proposed excavation.

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 8.00 am and 6.00 pm.

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

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

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

The reports are to be supplied in electronic format in Word. Photographs are to be in colour, digital and date stamped. The liability for any damage to public infrastructure 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 during the course of this development.

17. Prior to the commencement of any works, a Construction Management Program (CMP) shall be submitted to, assessed and approved by the Principal Accredited Certifier. The program must detail, but not be limited to, the following:

- a) The proposed method of access to and egress from the site for construction vehicles, including access routes through the Council area and the location and type of temporary vehicular crossing for the purpose of minimising traffic congestion and noise in the area, with no access across public parks or public reserves being allowed,
- b) The proposed phases of construction works on the site and the expected duration of each construction phase,
- c) The proposed order in which works on the site will be undertaken, and the method statements on how various stages of construction will be undertaken,

- d) The proposed manner in which adjoining property owners will be kept advised of the timeframes for completion of each phase of development/construction process,
 - e) The proposed method of loading and unloading excavation and construction machinery, excavation and building materials, formwork and the erection of any part of the structure within the site. Wherever possible mobile cranes should be located wholly within the site,
 - f) The proposed areas within the site to be used for the storage of excavated materials, construction materials and waste containers during the construction period,
 - g) The proposed method/device to remove loose material from all vehicles and/or machinery before entering the road reserve, any run-off from the washing down of vehicles shall be directed to the sediment control system within the site,
 - h) The proposed method of support to any excavation adjacent to adjoining properties, or the road reserve. The proposed method of support is to be designed and certified by an Accredited Certifier (Structural Engineering), or equivalent,
 - i) Proposed protection for Council and adjoining properties,
 - j) How construction activities on the site will be managed with respect to adjoining property owners and their operations to ensure negative impacts are minimised during construction of the development,
 - k) The location and operation of any on site crane. Please note that a crane may require prior approval from Sydney Airports Corporation,
 - l) The location of any Construction Work Zone (if required) approved by Council's Traffic Committee, including a copy of that approval, and
 - m) Obtain Permits required under this consent, and
 - n) Ensure the CMP and its construction methodologies are in accordance with the structural, geotechnical and hydrogeological engineers requirements.
18. 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.
19. Prior to the commencement of any works, a detailed Traffic Management Plan for the pedestrian and traffic management of the site during construction shall be prepared and submitted to the Principal Accredited Certifier for assessment and approval. The plan shall:
- a) be prepared by a RMS/TfNSW accredited consultant,
 - b) address, but not be limited to, the following matters:
 - o ingress and egress of vehicles to the site;
 - o loading and unloading, including construction zones;
 - o predicted traffic volumes, types and routes; and
 - o pedestrian and traffic management methods.
 - c) nominate a contact person who is to have authority without reference to other persons to comply with instructions issued by Council's Traffic Engineer or the Police, and

- d) if required, implement a public information campaign to inform any road changes well in advance of each change. The campaign may be required to be approved by the Traffic Committee.

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

20. Prior to commencement of any works, application(s) shall be made to Council's Customer Services Counter and obtained the following approvals and permits on Council's property/road reserve under Road Act 1993 and Local Government Act 1993: -

(It should be noted that any works shown within Council's road reserve or other Council Lands on the development approval plans are indicative only and no approval for these works is given until this condition is satisfied.)

- Permit to erect hoarding on or over a public place, including Council's property/road reserve,
- Permit to construction works, place and/or storage building materials on footpaths, nature strips,
- Permit to install temporary ground anchors in public land,
- Permit to discharge ground water to Council's stormwater drainage system,
- Permit for roads and footways occupancy (long term/ short term),
- Permit to construct vehicular crossings, footpaths, kerbs and gutters over road reserve,
- Permit to open road reserve area, including roads, footpaths, nature strip, vehicular crossing or for any purpose whatsoever, such as relocation / re-adjustments of utility services,
- Permit to place skip/waste bin on footpath and/or nature strip, and
- Permit to use any part of Council's road reserve or other Council lands.
- Permit to stand mobile cranes and/or other major plant on public roads and all road reserve area. It should be noted that the issue of such permits may involve approval from RMS and NSW Police. In some cases, the above Permits may be refused and temporary road closures required instead which may lead to longer delays due to statutory advertisement requirements.

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

22. The applicant must submit a Geotechnical Report, prepared by a professional engineer specialising in geotechnical engineering who holds the relevant Certificate of accreditation as required under the Building Professionals Act 2005 in relation to

dilapidation reports, all site works and construction. This is to be carried out and submitted to the Principal Accredited Certifier prior to commencement of works, and is to include:

- a. Investigations certifying the stability of the site and specifying the design constraints to be placed on the foundation, any earthworks / stabilisation works and any excavations, and
- b. Dilapidation Reports, and
- c. On-site guidance by a vibration specialist during the early part of excavation, and
- d. Measures to minimise vibration damage and loss of support to other buildings.

Sides of the excavation are to be supported to the satisfaction of a geotechnical and structural engineer registered with the National Engineering Register (NER) prior to any excavation occurring, to reinforce the walls of the excavation to prevent any subsidence to neighbouring sites. All excavation and subsurface construction is to be supervised by geotechnical and structural engineers registered with the National Engineering Register.

23. Prior to commencement of any works, a Safe Work Method Statement shall be prepared by a licensed builder/contractor who is registered with the Safe Work NSW to the satisfaction of the Principal Certifying Authority and a copy sent to Council (if it is not the PCA) and Safe Work NSW. The statement must be in compliance with *AS 2601-1991 Demolition of Structures*, the requirements of Safe Work NSW and conditions of this approval. This Plan must include provisions for:

- a) Enclosing and making the site safe, any temporary protective structures must comply with the "Guidelines for Temporary Protective Structures (April 2001)";
- b) Induction training for on-site personnel;
- c) Inspection and removal of asbestos, contamination and other hazardous materials (by appropriately licensed contractors under Work Health & Safety Act 2011(NSW) and the Work Health & Safety Regulation 2011 (NSW) unless specified in the Act and/or Regulation that a license is not required). Any asbestos removal work shall be undertaken in accordance with the How to Safely Remove Asbestos: Code of Practice published by Safe Work Australia;
- d) Dust control – dust emission must be minimised for the full height of the building. A minimum requirement is that the perimeter scaffolding, combined with chain wire and shade cloth must be used, together with continuous water spray. Compressed air must not be used to blow dust from the building site;
- e) Disconnection of relevant utility services, including Gas and Electrical Supply;
- f) Fire Fighting – Fire fighting services on site are to be maintained at all times during any work. Access to fire services in the street must not be obstructed;
- g) Access and Egress – No activity shall cause damage to or adversely affect the safe access and egress of this building;
- h) Waterproofing of any exposed surfaces of adjoining buildings;
- i) Control of water pollution and leachate and cleaning of vehicles tyres – Proposals shall be in accordance with the Protection of the Environmental Operations Act 1997;

- j) Working hours, in accordance with this Development Consent;
 - k) Proposed truck routes, in accordance with this Development Consent (where applicable);
 - l) Location and method of waste disposal and recycling in accordance with the Waste Minimisation and Management Act 1995;
 - m) Sewer – common sewerage system;
 - n) On site monitoring both during asbestos removal and hazardous materials.
 - o) Identification of any hazardous materials including surfaces coated with lead paint, and the disposal methods for hazardous materials.
 - p) Erosion and Sedimentation Controls are in place and in accordance with the approved plan.
24. A sign must be erected in a prominent position on any site on which building work or any other work is being carried out:
- a) Showing the name, address and telephone number of the principal certifying authority 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 working hours, and
 - c) stating that unauthorised entry to the work site is prohibited.
 - d) Any such sign is to be maintained while the building work is being carried out, but must be removed when the work has been completed.
25. A copy of the Construction Certificate and the approved plans and specifications must be kept on the site at all times and be available to Council officers upon request.
26. Prior to the commencement of any works, the applicant must inform Council, in writing, of:
- (a) The name of the contractor, and licence number of the licensee who has contracted to do, or intends to do, the work: or
 - (b) The name and permit number of the owner-builder who intends to do the work;
 - (c) The Council also must be informed if: -
 - (i) A contract is entered into for the work to be done by a different licensee; or
 - (ii) Arrangements for the doing of the work are otherwise changed.
27. If an excavation associated with the proposal extends below the level of the base of the footings of a building on an adjoining allotment of land or the common boundary fence the person causing the excavation to be made:
- a) Must preserve and protect the building/ fence from damage; and,
 - b) If necessary, underpin and support such building in an approved manner;
 - c) Must at least be 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of the intention to do so to the owner of the adjoining allotment of land and, furnish

particulars of the excavation to the owner of the building being erected or demolished;

- d) Existing structures and or services on this and adjoining properties are not endangered during any excavation or construction work associated with the above project. The applicant is to provide details of any shoring, piercing, or underpinning prior to the commencement of any work. The construction shall not undermine, endanger or destabilise any adjacent structures.
- e) If the soil conditions required it:
 - (i) Retaining walls associated with the erection of a building (swimming pool) or other approved methods of preventing movement or other approved methods of preventing movement of the soil must be provided and:-
 - (ii) Adequate provision must be made for drainage.

28. All contractors shall comply with the following during all stages of works on site:

- a) A Waste Container on Public Road Reserve Permit must be obtained prior to the placement of any waste container or skip bin in the road reserve (i.e. road or footpath or nature strip). Where a waste container or skip bin is placed in the road reserve without first obtaining a permit, the Council's fees and penalties will be deducted from the Footpath Reserve Restoration Deposit. Permits can be obtained from Council's Customer Service Centre.
- b) A Road Opening Permit must be obtained prior to any excavation in the road reserve (i.e. road or footpath or nature strip). Where excavation is carried out on the road reserve without first obtaining a permit, the Council's fees and penalties will be deducted from the Footpath Reserve Restoration Deposit. Permits can be obtained from Council's Customer Service Centre.
- c) A Hoarding Permit must be obtained prior to the erection of any hoarding (Class A or Class B) in the road reserve (i.e. road or footpath or nature strip). Where a hoarding is erected in the road reserve without first obtaining a permit, the Council's fees and penalties will be deducted from the Footpath Reserve Restoration Deposit. Permits can be obtained from Council's Customer Service Centre.
- d) A Crane Permit must be obtained from Council prior to the operation of any activity involving the swinging or hoisting of goods across or over any part of a public road by means of a lift, hoist or tackle projecting over the footway. Permits can be obtained from Council's Customer Service Centre.
- e) A Permit to Dewater or Pump Out a site must be obtained prior to the discharge of pumped water into the road reserve, which includes Council stormwater pits and the kerb and gutter. Permits can be obtained from Council's Customer Service Centre.

29. A Soil and Water Management Plan shall be prepared in accordance with Soil and Water Management for Urban Development Guidelines produced by the Southern Sydney Region Organization of Councils. A copy of the plan must be submitted to Council. The Plan must include details of the proposed erosion and sediment controls to be installed on the building site. A copy of the Soil and Water Management Plan must be kept on-site at all times and made available on request.

30. Council's warning sign for soil and water management must be displayed on the most prominent point on the building site, visible to both the street and site workers. The sign must be displayed throughout construction. A copy of the sign is available from Council.
31. Soil and sedimentation controls are to be put in place prior to commencement of any work on site. The controls are to be maintained in effective working order during construction. The controls are to be designed and installed in accordance with the Soil and Water Management for Urban Development Guidelines produced by the Southern Sydney Regional Organisation of Council. Copies of the guidelines are available from Council.
32. Where any shoring is to be located on or is supporting Council's property, or any adjoining private property, engineering drawings certified as being adequate for their intended purpose by an appropriately qualified and practising engineer, showing all details, including the extent of encroachment and the method of removal (or any other method) and de-stressing of shoring elements, shall be submitted with the Construction Certificate to the Principle Certifying Authority along with Council's (or other) consent if the works intrude on Council's (or other) property.
33. Should any hazardous materials be identified a Work Management Plan completed in accordance with AS2601 – Demolition of Buildings shall be submitted to the Principal Certifying Authority prior to the any works for the building or structure. The report shall contain details regarding the type of hazardous material and the proposed methods of containment and disposal.
34. Prior to commencement of any works, the applicant shall contact "Dial Before You Dig" to obtain a utility service diagram for, and adjacent to the property. The sequence number obtained from "Dial Before You Dig" shall be forwarded to Principal Certifying Authority. All utilities within the work zone shall be protected during construction. Any adjustments or damage to public utilities/services as a consequence of the development and associated construction works shall be restored or repaired at the applicant's expense.
35. Prior to the commencement of demolition work a licensed demolisher who is registered with WorkCover NSW must prepared a Work Method Statement to the satisfaction of the Principal Certifying Authority (Council or an accredited certifier) and a copy shall be sent to Council (if it is not the PCA). A copy of the Statement shall also be submitted to WorkCover NSW.

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

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

- f) Fire Fighting – Fire fighting services on site are to be maintained at all times during demolition work. Access to fire services in the street must not be obstructed;
 - g) Access and Egress – No demolition activity shall cause damage to or adversely affect the safe access and egress of this building;
 - h) Waterproofing of any exposed surfaces of adjoining buildings;
 - i) Control of water pollution and leachate and cleaning of vehicles tyres – Proposals shall be in accordance with the “Protection of the Environmental Operations Act 1997”;
 - j) Working hours, in accordance with this Development Consent;
 - k) Confinement of demolished materials in transit;
 - l) Proposed truck routes, in accordance with this Development Consent;
 - m) Location and method of waste disposal and recycling in accordance with the “Waste Minimisation and Management Act 1995”.
 - n) Sewer – common sewerage system ad08.
36. The demolisher shall comply with Australian Standard 2601-2001 “Demolition of Structures”.
37. Hazardous or intractable wastes arising from the excavation and construction process shall be removed and disposed of in accordance with the requirements of Safe Work Australia and the Department of Environment and Climate Change and Water and with the provisions of:
- a) New South Wales Occupational Health and Safety Act, 2000;
 - b) The Occupational Health and Safety (Hazardous Substances) Regulation 2001;
 - c) The Occupational Health and Safety (Asbestos Removal Work) Regulation 2001;
 - d) Protection Of the Environment Operations Act 1997 (NSW); and
 - e) Department of Environment and Climate Change Waste Classification Guidelines (2008).

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

38. The applicant must prior to the issue of the construction certificate, pay the following fees:
- a) Environmental Enforcement Fee 0.26% of the cost of works (with an estimated cost of works capped at \$10 million)
 - b) Footpath Crossing Deposit \$25,585.00
 - c) Section 7.11 Contributions \$2,593,982.79
39. The required Long Service Levy payable under Section 34 of the Building and Construction Industry Long Service Payments Act 1986 has to be paid. The Long Service Levy is payable at 0.35% of the total cost of the development, however this is a State Government Fee and can change without notice.

40. Prior to the issue of any Construction Certificate, the applicant shall lodge a Builder's Damage Deposit of **\$25,585.00** (GST Exempt) by way of cash deposit or unconditional bank guarantee to Bayside Council against possible damage to Bayside Council's asset during the course of the building works. The deposit will be refunded subject to inspection by Council after the completion of all works relating to the proposed development and Final Occupational Certificate has been issued.
41. Bayside Council being satisfied that the proposed development will increase the demand for public amenities within the area, and in accordance with Council's Section 94 Contributions Plans, a contribution of **\$2,593,982.79** is payable as calculated below:

City of Botany Bay Section 7.11 Contributions Plan 2016

The 7.11 contributions for the development is as follows:

a)	Community Facilities	\$212,338.29
b)	Recreation and Open Space	\$2,190,726.63
c)	Transport Facilities	\$172,030.58
d)	Administration	\$18,887.28

The total Section 7.11 Contribution of **\$2,593,982.79** is to be paid to Council prior to the issue of any Construction Certificate.

Note: The Section 7.11 Contributions are subject to annual review and the current rates are applicable for the financial year in which your consent is granted. If you pay the contribution in a later financial year you will be required to pay the fee applicable at the time.

In accordance with the ministerial directions of 25 June 2020 by the NSW State Government relating to the deferral of payment of contributions, a monetary contribution that is required to be paid under the conditions of this consent must be paid before the issue of the first occupation certificate in respect of any building to which this consent relates.

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

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

lighting requirements and any other requirements as specified by Council and any other service provider,

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

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

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

43. Prior to issue of the Construction Certificate, details of the approved street awning over John Street, including plans and sections, must be provided to the Principal Accredited Certifier (PCA). The awning shall be consistent with the approved development application plans unless specifically varied below. The details must include:

- a) A minimum setback of 600mm from the face of the kerb, maximum fascia height 600mm, minimum soffit height 3.50m and a maximum step of 900mm for sloping sites. The awnings must be entirely self-supporting; posts are not permitted, and
- b) All stormwater is to be collected and connected to Council's street gutter. In this regard awning downpipes for drainage are to be fully concealed within or recessed into the ground floor frontage of the building. Awning gutters are to be constructed so that they are not visible from the footpath or are integral to the awning structure, and
- c) The design and certification by a Structural Engineer registered with the National Engineering Register (NER) for Roof Category R1 in accordance with AS/NZS 1170.1: 2002, AS/NZS 1170.0: 2002, and AS/NZS 1170.3: 2011. The design must incorporate all loads including dead loads, live loads, wind load (lateral, uplift, and downward pressure), and potential impact load, and
- d) The awning(s) must be constructed of non-combustible materials, and
- e) Lighting is required and must comply with AS/NZS 1158.3.1: 2005 and AS/NZS 1158.0: 2005. Lighting must be recessed into the awning and be integral to its structure with all wiring and conduits concealed.

Subject to compliance with the requirements above, Bayside Council grants approval pursuant to Section 138 of the Roads Act 1993. Council's approval remains whilst the structure is in place and the structural stability of the awning is not compromised. Maintenance of the awning is the responsibility of the owner of the land.

44. Prior to the issue of any Construction Certificate, tertiary qualified practicing chartered professional geotechnical, structural and hydrogeological engineer registered with the National Engineering Register (NER) must:

- (a) Review and ensure that the recommendations, construction methodologies and engineering assessment in the following reports are implemented into the detailed design of the proposal;
 - i. Additional geotechnical investigation report prepared by Aargus Pty Ltd, Report No. GS8023-3A, dated 17/11/2020, and
 - ii. Groundwater well Installation Report prepared by Aargus Pty Ltd, Aargus ref: GS8023-4A, dated 17th November 2020, and
 - iii. Structural Report – Proposed Basement Design prepared by Northrop, ref: SY200476-SR02: Carmela & Vito Apartments, rev 4, 24.11.2020 including associated WALLAP outputs, and
 - iv. Conceptual Structural Drawings prepared by Northrop, Job Number SY200474, rev 1, 29.10.20, and
 - v. Hydrogeological assessment prepared by CMW Geosciences, ref: SYD2020-0153AB Revision 0, dated 23 November 2020, and
 - vi. Implementation plan prepared by CMW Geosciences, ref: SYD2020-0153AC Revision 1, dated 25 November 2020, and
- (b) Ensure all above mention reports listed in point (a) above are peer reviewed by external consultants with equivalent qualifications registered with the NER and take their comments/assessment into consideration, and
- (c) Conduct any further testing and assessment of the site and surrounding locality/structures as required by the engineers to ensure the appropriate recommendations and requirements are implemented into the construction certificate plans and documentation, and
- (d) Provide final detailed recommendations and requirements to ensure the satisfactory implementation of the works required to excavate and construct the proposal;
 - i. Determine and detail the appropriate means of excavation/shoring in light of 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. Detail the proposed method to temporarily and permanently support the excavation for the basement adjacent to adjoining property, structures and road reserve (full support to be provided within the subject site),
 - iv. Determine the existing groundwater levels
 - v. Prepare an implementation program along with a suitable monitoring program including control levels for vibration, shoring support, ground level, structure 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, and
- (e) Certify the proposed method to temporarily and permanently support all excavation associated with the proposal, and
- (f) Accurately determine the design of nearby building structure foundations and assess the impacts of the proposal on those structures, ensuring the proposed works will not compromise the structural stability of those structures, and
- (g) Demonstrate that there will be no adverse impact on surrounding adjacent properties and infrastructure as a result of hydrogeological changes associated with the construction of the development;
 - i. As a result of changes in the local hydrogeology (behaviour of groundwater) created by the required method of construction and excavation, and
 - ii. From changes to the permanent hydrogeology (behaviour of groundwater) of the surrounding area, created by the nature of the required “fully tanked” constructed subsurface structure form, and
 - iii. The cumulative impact will require hydrogeological modelling to demonstrate no adverse impact on the surrounding property or infrastructure. The extent of

- modelling must consider the potential for future development to extend the damming effect and must, as a minimum, extend between street blocks, and
- (h) Provide details of temporary dewatering method (with required licences and permits) and details of volume and flow rates of extracted groundwater, and
 - (i) Demonstrate and certify that the permanent changes to the groundwater level as a result of construction will not exceed 0.10m or negatively impact surrounding building structures within 50m of the proposed development, and
 - (j) Where below-ground structures are in close proximity to each other (typically less than 3m) ensure no allowance for natural ground flow through these narrow corridors has been included in the design of perimeter or through drainage, and
 - (k) 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
 - (l) Prepare a detailed final Implementation Plan including a Geotechnical and Hydrogeological Monitoring Program and Contingency Plan for the course of construction of the development, and
 - (m) Ensure that the sequence of subsurface and basement construction is strictly followed as per Northrop Structural Report - Proposed Basement Design with appropriate "Hold Points" created to ensure previous step has been completed and accepted before moving to next step. Such Hold Points shall be reviewed and inspected by tertiary qualified Structural and Geotechnical Engineers registered with the (NER) to confirm the release of the Hold Point. An appropriate monitoring plan is recommended in order to monitor impact on surrounding structures and assets and verify design predictions. All works are to be inspected as they progress at frequencies determined by the engineers. An inspection schedule is to be prepared reflecting the above, and
 - (n) Ensure all aspects required by the above points are implemented into the final construction certificate drawings, documentation and construction methodologies, and
 - (o) Certify that all final construction certificate plans, documentation, and construction methodologies are satisfactory from a geotechnical, structural and hydrogeological perspective.

The above points are to be assessed and approved by the Principal Accredited Certifier.

Copies of all documentation provided to satisfy this condition shall be forwarded to Council.

Note: A failure by contractors to adequately assess and seek professional engineering 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.

45. 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 pump-out is permitted to be used to drain and discharge seepage from the subsurface structures and no groundwater is permitted to enter the subsurface structures. The design of subsurface structure, tanking, waterproofing and subsoil drainage shall be undertaken by Engineer(s)

registered with the National Engineering Register (NER). Design details, construction specifications and design certification shall be included in the documentation accompanying the Construction Certificate.

46. Prior to issue of any Construction Certificate, an application for Frontage Works (Public Domain Frontage Works Construction Application) shall be made to Council's Customer Service Centre. All boundary frontage works, egress paths, driveways and fences shall comply with the approval. A fee is payable to Council. If payment is made after the end of the financial year, the amount shall be adjusted in accordance with Council's adopted fees and charges.

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

Public domain frontage works shall include, but not be limited to, civil, drainage, landscaping, undergrounding of services, lighting, traffic signage, line marking, parking and traffic devices. The plans prepared are to detail compliance with all external works required under this development consent and must be submitted to Council with the frontage works application for assessment.

A public domain performance bond will be required to be paid prior to the release of the approved public domain plans and commencement of any required public domain frontage works (performance bond based upon the cost of the public domain works), the 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 period).

Note: Preliminary consultation with Council's Public Domain and Referrals team is highly recommended.

47. Prior to the issue of any Construction Certificate and the commencement of any works on the site, details of the approved factory warehouse façade structure, including plans, sections, certification and associated documents, prepared by a structural engineer registered with the National Engineering Register (NER, must be provided to the Principal Accredited Certifier (PCA) for assessment and approval. The factory warehouse façade structure shall be consistent with the approved development application plans. The details must include:

- a) A minimum setback of 600mm from the face of the kerb (future kerb alignment) and a minimum soffit height 3.3m must be provided for. The factory warehouse façade structure must be entirely self-supporting; posts are not permitted, and
- b) All stormwater is to be collected and connected to Council's street gutter. In this regard awning downpipes for drainage are to be fully concealed within or recessed into the ground floor frontage of the building. Awning gutters are to be constructed so that they are not visible from the footpath or are integral to the factory warehouse façade structure, and
- c) The design and certification by a Structural Engineer registered with the National Engineering Register (NER) in accordance with AS/NZS 1170.1: 2002, AS/NZS 1170.0: 2002, and AS/NZS 1170.3: 2011. The design must incorporate all loads including dead loads, live loads, wind load (lateral, uplift, and downward pressure), and potential impact load, and
- d) The structure must be certified as being non-combustible, and

- e) The structure must be designed to ensure that is it not integral to, or reliant upon, the structural design of the primary building, it shall be entirely self-supporting. This is to ensure that in the future the structure can be completely removed from the road reserve (if necessary) without impacting the structural stability or damaging the primary building, and
- f) A construction/demolition management plan shall be prepared by the structural engineer for all works required to the factory warehouse structure to ensure that structural stability of the factory warehouse façade is preserved, and
- g) Lighting is required for the factory warehouse façade structure to illuminate the entire area and must comply with AS/NZS 1158.3.1: 2020, AS/NZS 1158.0: 2020 and AS 4282-1997 "Control of the Obtrusive Effects of Outdoor Lighting". Lighting must be recessed into the roof and be integral to its structure with all wiring and conduits concealed. All lighting 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, and
- h) The structure must be certified by a qualified structural engineer registered with the National Engineering Registered (NER) as being in accordance with the above requirements and being structurally sound.

Subject to compliance with the requirements above, Bayside Council grants approval for the structure to remain within the road widening corridor (future road reserve) pursuant to Section 138 of the Roads Act 1993. Council's approval remains whilst the structure is in place and the structural stability is not compromised. Maintenance of the structure is the responsibility of the owner(s) of the land.

48. Prior to the issue of any Construction Certificate, detailed drainage design plans for the management of stormwater are to be submitted to the Principal Accredited Certifier for assessment and approval. Design certification and drainage design calculations are to be submitted with the plans. Botany Bay DCP Part 10 - Stormwater Management Technical Guidelines (SMTG) sets out the minimum documentation requirements for detailed design plans. Stormwater management requirements for the site, including the final discharge/end connection point, must comply with Botany Bay DCP Part 10 - Stormwater Management Technical Guidelines. All drawings must correspond with the approved architectural plans.

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

- The stormwater management provisions and plans generally made in the STORMWATER MANAGEMENT PLAN REPORT prepared by Webber Design Pty Ltd., Project No: wd19058, Issue; Version 6, dated 21 August 2020 along with the provisions/revisions detailed below:
 - All stormwater management drawings shall be updated to correspond with the approved architectural plans and other relevant conditions of consent, and
 - The On-Site Detention System (OSD) shall be designed according to Part 6 of the SMTG. It should be noted that OSD systems shall be designed to detain the stormwater runoff from the site for all storm events up to and including 1 in 100 year ARI storm and permissible site discharge (PSD) shall be based on 1 in 5 year ARI peak flow generated from the site under the "State of Nature" condition (i.e. the site is totally grassed/turfed), rather than pre-development condition, and
 - Safe emergency overflow shall be provided for within the OSD design, and
 - The stormwater discharge from the site shall connect via gravity discharge to a new kerb inlet pit on Church Avenue to Bayside Council infrastructure specifications as part of the development, and
 - Heavy duty drainage grates shall be provided on the driveway at the boundary, and

- A minimum capacity 10000L of Rainwater Tank(s) shall be provided for the site. Only roof water shall be directed to the rainwater tank. Overflow from the rainwater tank shall be directed to the site drainage system. The rainwater tank(s) must be designed to be connected to all outdoor landscape irrigation along with all ground floor toilets and car wash bays within the development, and
- All subsurface structures must be designed in accordance with Botany Bay DCP part 10 stormwater management technical guidelines section 7, and
- All subsurface structures must be designed with a waterproof retention system (i.e. full structural tanking and waterproofing). No groundwater is permitted to enter any subsurface structure, and
- A pump-out system is to be provided for the basement, with a minimum capacity of 3000L, and
- No pump-out shall be used to drain seepage from the basement due to the elevated water table level. That is the basement structure must be designed as a “fully tanked” structure. The pump-out can only be utilized to dispose stormwater runoff that may enter the basement carpark from driveway access to the basement. The pump out system from the basement carpark proposed shall discharge to the on-site stormwater detention system, and
- All surface runoff in the basements and the ground floor internal driveways shall be directed through a propriety oil and sediment filtration system prior to discharge. Details of the pit type, location, performance and manufacturer’s maintenance and cleaning requirements shall be submitted, and
- Incorporate a Stormwater Quality Improvement system to ensure compliance with Section 16 of Botany Bay’s SMTG, and
- The water quality improvement system and WSUD strategy proposal shall be designed to capture and treat at least 85% flows generated from the site, and
- A WSUD Strategy and MUSIC model must be prepared and submitted for the development. The MUSIC model must be prepared in line with the Draft NSW MUSIC Modelling Guidelines (Sydney Metro CMA). Sydney’s Water’s requirements are that the water quality improvement should meet or exceed the target as described in the “Botany Bay & Catchment Water Quality Improvement Plan” which was prepared by the Sydney Metropolitan Catchment Management Authority in April 2011, and
- Detailed calculations including computer modelling supporting the proposal.

49. Prior to the issue of any Construction Certificate, a certificate from a practicing Structural Engineer, registered with the NER, must be submitted to the Principal Accredited Certifier stating that the subsurface structural components located on the boundary of the public road and neighbouring properties, including but not limited to the slabs, walls and columns, have been designed in accordance with all SAA Codes for the design loading from truck and vehicle loads. An engineering design certificate is required to be submitted for the design of the shoring wall. The certificate shall be issued by a Chartered Professional Engineer competent in Structural engineering.

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

50. Prior to the issue of any 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 or the relevant road authority 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 a suitably qualified engineer, with supporting details addressing the following issues:

- Demonstrate that any structures will not adversely affect public infrastructure, and the proposed supports within the road reserve are of an 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.

51. 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 rooftop. Detailed design for the photovoltaic cells systems is to be provided, the provision of photovoltaic cells is to be at a rate that maximises the use of available non-trafficable space on the rooftop. The cells shall not exceed the applicable height limit for the site as prescribed by the Botany Bay LEP 2013.
- b) Sensor controlled and zoned internal lighting and air conditioning.
- c) Maximisation of non-potable stormwater re-use throughout the development.
- d) Provision of Electric Vehicle (EV) charging car parking spaces. A minimum of twenty (20) EV charging spaces must be provided as part of the development, shared evenly between the residential visitor car parking spaces and commercial car parking spaces.

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

52. Adequate ambient lighting is to be provided along the western side of the proposed development in the ground floor through site link to provide improved safety and illumination for residents and pedestrians traversing through the development, designed in accordance with the AS/NZS 1158 lighting series and AS 4282-1997 "Control of the Obtrusive Effects of Outdoor Lighting". All lighting 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. The construction certificate plans and documentation shall reflect this requirement.

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

Compliance with AS2890 Car, Bicycle and Motorcycle Parking:

- a) The longitudinal profile(s) of the access driveway and any ramps within the parking facilities must comply with the Ground Clearance, Gradient (%) and Length requirements of the 2890 Australian Standards Series. Physical protection via a crest to RL 8.830m AHD shall be incorporated in the design of the driveway profile from the vehicular entrance to John Street, and

- b) The provision of accessible car parking spaces shall be in accordance with the relevant disability legislation. Accessible car parking spaces shall be designed and located having regard to the means of access from the parking spaces to adjacent buildings, to other areas within the building and to footpaths and roads. All accessible parking spaces shall be located within close proximity and easy access to the lift systems proposed for the building. The design of accessible car parking spaces shall be in accordance with the Building Code of Australia, Australian Standard 2890.6: Parking facilities – Off-street parking for people with disabilities and Australian Standard 1428.1: Design for access and mobility – General requirements for access – New building work, and
- c) The gate for the basement shall be located in order to permit the queuing of two (2) vehicles when waiting to enter the basement garage. Details shall be provided prior to the issue of the Construction Certificate, and
- d) Parking facilities (including parking spaces, ramps, aisles, vehicular crossings etc.) must comply in full with AS/NZS 2890.1, and
- e) Sightlines are to comply with AS2890.1 and convex mirrors shall be provided at blind corners within, and leading to, the car parking levels to provide increased sight distance for vehicles, and
- f) All vehicles are to enter and exit the site in a forward direction, and
- g) A minimum of 35 bicycle parking spaces must be provided as part of the development and designed in accordance with AS2890.3:2015, and
- h) Include the required Electric Vehicle (EV) charging spaces for sustainability reasons. EV spaces that are publicly accessible are to be designed to facilitate fast charging, and
- i) Two car wash bays are required, one dedicated and one shared with visitor car parking space number V03.

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

- j) Loading and unloading within the site shall be designed and be restricted to commercial vehicles not exceeding the size and mass description of the SRV from AS2890.2:2018. Commercial vehicles greater in size and mass than the SRV are not permitted to enter the site, and
- k) All driveways/access ramps/vehicular crossings shall conform with Australian Standards AS2890.2:2018 along the travel path of the service vehicles, and
- l) All service vehicles shall enter the property front in front out, and
- m) Demonstrate a safe headroom clearance of 3.5m is achieved along the along the entire travel path, parking and manoeuvring areas of the Small Rigid Vehicle (SRV) within the development, and
- n) A longitudinal section plotting headroom clearance along the travel path is to be provided for assessment, and
- o) Swept path analysis shall be provided for manoeuvring of SRV commercial vehicles, depicting a forward entry and forward exit manoeuvre to/from the loading dock proposed within the development, and
- p) All waste collection must be collected on-site via a private waste collection service. No bins or waste are permitted to be presented or collected from the street frontage, and
- q) Sight distances throughout the development must be in accordance with Australian standards.

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.

54. The parking bays for the residential component of the development shall be clearly designated (e.g. line-marked and/or signposted) and incorporate suitable secure access control measures (e.g. fencing, roller door or boom gates) so that it is not accessible to the visitors / occupants of the non-residential component. Details demonstrating compliance shall be submitted to the satisfaction of the Principal Certifier prior to the issue of any Construction Certificate.
55. Prior to the issue of the Construction Certificate, two (2) car wash bays are to be provided for the development and detailed on the plans, one dedicated and one shared with visitor car parking space number V03. A tap shall be provided along with a sign fixed to the wall saying 'Car Wash Bay'. The car wash bays must be bunded in accordance with AS1940 – 1993 and AS/NZS 4452 – 1997 with direct connection to the sewer in accordance with a Sydney Water trade waste agreement.
56. Prior to the issue of the Construction Certificate, the design of the mechanical parking facility system(s) proposed (mechanical truck turntable systems) must address the following criteria:
 - a. Ensure operating noise and vibration levels are limited to acceptable levels in accordance with appropriate standards and any plant equipment is housed in noise attenuating housing as required/appropriate;
 - b. Provide detailed design and manufacturer specifications for the mechanical turntable;
 - c. Provide operational details/management plan of the entire facility; demonstrating safe and functional access for all users, including details of safety protection systems for users and non-users;
 - d. The mechanical turntables must be designed to accommodate a Small Rigid Vehicle (SRV as per AS2890.2.) at minimum.

The design must be certified by an engineer registered with the National Engineering Register (NER).

57. Prior to the issue of the Construction Certificate, an engineer registered with the National Engineering Register (NER) is to certify that the structure can withstand the forces of floodwater, scour, debris and buoyancy up to 1% AEP flood event. All building materials shall be flood resistant, or flood compatible to a height of 500mm above the 1% AEP flood event, or flow level. All internal electrical switches, power points or similar utilities liable to flood damage shall be set at a minimum of 500mm above the 1% AEP flood level.
58. Prior to the issue of the Construction Certificate, a Flood Risk Management Plan, prepared by a qualified practicing Civil Engineer, must be provided for the development. The flood impacts on the site and surrounding area shall be assessed for the 1% AEP and PMF storm events. The Plan must make provision for the following:
 - (a) Recommendations on all precautions to minimise risk to personal safety of occupants and the risk of property damage for the total development.
 - (b) Flood warning signs/depth indicators for areas that may be inundated.

- (c) A flood evacuation strategy.
 - (d) A flood awareness strategy.
 - (e) On site response plan to minimise flood damage, demonstrating that adequate storage areas are available for hazardous materials and valuable goods above the flood level.
59. All proposed habitable floor levels, ground floor levels and basement car park entry levels within the site shall be set to the following levels:
- a) RL 8.830m AHD for the basement crest level on the driveway and pedestrian entrance to the parking facility from John Street.
 - b) RL 8.840m AHD for the Habitable/Commercial/Lobby B floor levels to John Street.
 - c) RL 6.900m AHD for the Habitable/Commercial/Lobby A floor levels to Church Avenue.

The underground basement and substructures, access stair wells, lift wells, windows, pedestrian entry / exit points etc. shall be flood proofed and physically protected to the required flood planning level. A design certification report for floor levels of buildings and structures prepared by an engineer registered with the National Engineering Register (NER) shall be submitted to the Accredited Certifier prior to the issue of any Construction Certificate.

60. Prior to the issue of any Construction Certificate, the applicant shall contact “Dial Before You Dig” to obtain a utility service diagram for, and adjacent to the property. The sequence number obtained from “Dial Before You Dig” shall be forwarded to Principal Certifying Authority. All utilities within the work zone shall be protected during construction. Any adjustments or damage to public utilities/services as a consequence of the development and associated construction works shall be restored or repaired at the applicant’s expense.
61. 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, the Principal Certifying Authority 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 processes include an appropriate level of detail to demonstrate compliance with the NCC as proposed and as built.
62. Prior to the issue of any Construction Certificate, the approved plans must be submitted to Sydney Water Tap in™ online service to determine whether the development will affect any Sydney Water sewer or water main, stormwater drains and/or easement, and if further requirements need to be met. Sydney Water's Tap in™ online service is available at: <https://www.sydneywater.com.au/SW/plumbing-building-developing/building/sydney-water-tap-in/index.htm>
63. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained. Application must be made through an authorised Water Servicing Coordinator. Please refer to “Your Business” section of Sydney Water’s web site at www.sydneywater.com.au then the “e-developer” icon or telephone 13 20 92.

- i) Following application a “Notice of Requirements” will detail water and sewer extensions to be built and charges to be paid. Please make early contact with the Co-ordinator, since building of water/sewer extensions can be timed consuming and may impact on other services and building, driveway or landscape design. The Section 73 Notice of Requirements must be submitted to the Principal Certifying Authority prior to the issue of any Construction Certificate.
64. Prior to the issue of a Construction Certificate, a design verification statement shall be submitted to the PCA from a qualified designer certifying that the development achieves or improves the design quality of the development as shown in the plans and specifications in respect of which the construction certificate was issued, having regard to Schedule 1 of *State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development*.
65. A boundary survey of the subject site is to be undertaken by a Registered Surveyor. It must be demonstrated that the proposed development can be undertaken entirely within the allotment boundaries. Details demonstrating compliance with this condition must be submitted to the Principal Certifier prior to the issue of a Construction Certificate.
66. Prior to the issue of the Construction Certificate, the recommendations made within the Wind Report prepared by Windtech dated 5 August 2020 must be incorporated into the development. Details of the recommendations/provisions must be provided on the Construction Certificate plans submitted to the Principal Certifier prior to the release of a Construction Certificate.
67. Prior to the issue of the Construction Certificate, the recommendations made within the Acoustic Report prepared by Acouras consultancy dated 26/09/2019 must be incorporated into the development. Details of the recommendations/provisions must be provided on the Construction Certificate plans submitted to the Principal Certifier prior to the release of a Construction Certificate.
68. The Principal Certifying Authority 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 air conditioners which meet the NSW EPA Noise Policy for Industry (2017) and Protection Of Environment Operations Act 1997 noise emission criteria for residential air conditioners has been carried out.

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

- a) the name and qualifications or experience of the person(s) preparing the report
- b) the project description, including proposed or approved hours of operation, all mechanical plants (ventilation systems, exhaust fans, ventilation fans and condenser units) and equipment including air conditioners for the premises
- c) relevant guideline or policy that has been applied
- d) results of background and any other noise measurements taken from most noise affected location at the boundary line
- e) meteorological conditions and other relevant details at the time of the measurements
- f) details of instruments and methodology used for noise measurements (including reasons for settings and descriptors used, calibration details)

- g) a site map showing noise sources, measurement locations and potential noise receivers
- h) noise criteria applied to the project
- i) noise predictions for the proposed activity
- j) a comparison of noise predictions against noise criteria
- k) a discussion of proposed mitigation measures, the noise reduction likely and the feasibility and reasonableness of these measures
- l) 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 Australian Acoustical Consultants). It shall be submitted to the Principal Certifying Authority. All recommendations and/or noise mitigation measures (If applicable) shall be complied with.

69. An Acid Sulfate Soils Management Plan, that has been prepared by a suitably qualified and experienced environmental/geotechnical consultant, must be submitted to the Council and the Principal Certifying Authority (if the Council is not the Principal Certifying Authority), prior to the issue of any Construction Certificate. This plan must include any site specific procedures and mitigation measures required to address acid sulfate soil onsite and must include a site analysis from a NATA registered laboratory. The plan must provide details of the following:

- a) Acid sulfate soils management during dewatering and/or during groundwater remediation (if required);
- b) Site specific mitigation measures to both minimise the disturbance of acid sulfate soils as well as any measures relating to acid generation and acid neutralisation of the soil;
- c) Management of acid sulfate soil affected excavated material;
- d) Measures required to neutralise the acidity of any acid sulfate soil affected material including groundwater; and
- e) Run-off control measures for the acid sulfate affected soil.

This report must be provided prior to the issue of any construction certificate and all recommendations of the report must be implemented during works on site.

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

71. To ensure that the soil and groundwater investigations and the Remediation Action Plan (RAP) proposed for the site are sufficient to enable the land to be made suitable for the proposed use, an Interim Site Audit Advice must be completed by the Site Auditor (Contaminated Land) and must be submitted to Council clearly demonstrating that the land can be made suitable for the proposed use. All measures to be undertaken to enable this must be outlined. This must be provided to the Council prior to the issue of any construction certificate.

72. Prior to the issue of a Construction certificate, the applicant shall submit a Frontage Works Application. Public domain landscape improvements plan shall be submitted for approval by Council. The Plan shall be undertaken by a suitably experienced Landscape Architect and shall include but not be limited to new street tree planting, footpath paving (segmental/other), street tree pit treatments and tree guards, street furniture, in ground landscaping, irrigation, lighting. The Plan shall be in accordance with Council's City Identity Program, Landscape DCP and any other Council specification or requirement. Civil drawings shall be included detailing levels and detailed footpath construction sections in accordance with Council's Engineering Services requirements. Contact Council's Landscape Architect for further details of specific requirements in preparation of the plan.
73. All public domain landscape improvements will be detailed in Frontage Works Public Domain Brief after Frontage Works Application is submitted to Bayside Council prior issue of any Construction Certificate.
74. The final Landscape Plan shall be generally in accordance with the approved Landscape Plan (Refer to Condition 1) and comprise detailed landscape construction documentation (plans and specifications) to be submitted to, and approved by Director City Futures of Bayside Council prior to the issue of the Construction Certificate. The landscape documentation shall include, but not be limited to:
- i) A planting plan at 1:100 showing all plant locations/groupings and plant centres/species. Specifications detailing soil and mulch finishes, root barriers, irrigation, edging and other landscape handworks such as retaining walls, steps, planter walls, feature walls, skateboard restrictions, tree pits, tree grates, tree guards, tree pit treat
 - ii) Areas of paving, schedule of materials, edge treatments, tactile and sectional construction details. Details of all fencing, privacy screening, arbors and the like-elevations and materials, impacting or visible to public domain areas.
 - iii) Details of all other hardscape landscape elements such as street furniture, pedestrian amenity lighting, bins, bollards. Location to be clearly identified on plan. Provide sectional construction details and elevations.
 - iv) Labelling of all existing trees to be removed and retained, including neighbouring trees and street trees;
 - v) A Landscape Maintenance Schedule to cover a 12 month period to provide a guide to the landowner or occupier on how to best maintain the constructed landscaped areas; and include the following information: shrub pruning/trimming (frequency, plant requirements); Fertilising and pest control (soil testing, types, rate, frequency); Mulching, weeding and soil improvement (frequency, materials); Irrigation (checks, adjustments); tree maintenance (fertilising, mulching, tree stakes adjustments, special tree requirements); Maintenance of hard landscape elements (paving, edges, walls, pergolas, seats, and planter box walls); and planter boxes/roof gardens/green wall (specialised maintenance requirements).

DURING WORKS

75. All remediation work must be carried out in accordance with:
- a) NSW Office of Environment and Heritage (OEH) 'Contaminated Sites – Guidelines for Consultants Reporting on Contaminated Sites';
 - b) NSW Environment Protection Authority (NSW EPA) guidelines under the Contaminated Land Management Act 1997;
 - c) State Environmental Planning Policy 55 (SEPP55) – Remediation of Land; and
 - d) 'Remediation Action Plan, 23-25 Church Avenue & 16-18 John Street, Mascot NSW', (Report E24340.E06_Rev0), by EI Australia, dated 8 October 2019, or as amended.
76. Any material containing asbestos found on site during the demolition, excavation and construction must be removed and disposed of in accordance with:
- a) SafeWork NSW requirements. An appropriately licensed asbestos removalist must complete all asbestos works if they consist of the removal of more than 10m² of bonded asbestos and/or any friable asbestos.
 - b) Protection of the Environment Operations Act 1997.
 - c) Protection of the Environment Operations (Waste) Regulation 2014.
 - d) NSW Environment Protection Authority Waste Classification Guidelines 2014.
77. Any new information that comes to light during demolition or construction which has the potential to alter previous conclusions about site contamination and remediation must be notified to the Site Auditor (Contaminated Land), the Council and the Principal Certifying Authority (if the Council is not the Principal Certifying Authority) immediately. All work on site must cease until the council is notified and appropriate measures to assess and manage the contamination in accordance with any relevant NSW EPA adopted guidelines is completed by an appropriately qualified and experienced environmental consultant and reviewed and approved by the Site Auditor (Contaminated Land).
78. All required engineering inspections, hold points and monitoring for the subsurface construction shall be undertaken and recorded throughout the course of construction by the required engineers registered with the national engineering register, as per the approved construction certificate documentation.
79. For any water from temporary site dewatering to be permitted to go to the stormwater system, the water must meet the relevant default guideline values (DGVs) in Australian & New Zealand Guidelines for Fresh & Marine Water Quality (ANZG 2018). All testing must be completed by a NATA accredited laboratory. All laboratory results must be accompanied by a report prepared by a suitably qualified and experienced person indicating the water 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 must be provided to council prior to discharge of any groundwater to the stormwater system.
80. To ensure that relevant engineering and water quality provisions are met during the period of temporary dewatering for construction, prior to any water from site dewatering to be permitted to go to council's stormwater system, a permit to discharge

to the stormwater must be obtained from council. Temporary dewatering must not commence until this is issued by council. Permanent dewatering is not permitted.

81. 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.
82. To prevent contaminated soil being used onsite and to ensure that it is suitable for the proposed land use, all imported fill must be appropriately certified material and must be validated in accordance with the:
 - a) NSW Environmental Protection Authority (EPA) approved guidelines;
 - b) Protection of the Environment Operations Act 1997; and
 - c) Protection of the Environment Operations (Waste) Regulation 2014.

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

83. Results of the monitoring of any field parameters such as soil, groundwater, surface water, dust or noise measurements must be made available to Council Officers on request throughout the remediation and construction works.
84. The following existing trees shall be retained and protected as identified in the Arborist report prepared by Birds Tree Consultancy dated 17 September 2019: Tree 1 (Corymbia maculate), Tree 2 (Corymbia maculate), Tree 3 (Ulmus spp) and Tree 5 (Ulmus parvifolia).

In order to ensure that the trees noted above are protected during construction, an Arborist shall prepare a suitable tree protection plan which must be complied with.

Tree 4 (Cupaniopsis anacardiodes) is permitted to be removed.

85. Community Reference Group
 - a) Meetings are to be held once a month between the developer/representative and community members.
 - b) The developer (or its representative) is to issue letters to each of the surrounding developments at least 7 days before the meeting is to be held.
 - c) Meetings are to generally run in accordance with the NSW Community Consultative Committee Guidelines provided by the Department of Planning, Industry and Environment.
 - d) Details of the developer/operator are to be provided to the community members in the instance there are complaints during the construction and post construction process.
 - e) All meetings are to be minuted and minutes are to be distributed to all community committee members who will be responsible for distributing or making available to their respective buildings/owners

86. The land to which this Consent relates must be fenced and enclosed to protect the entry or access to the land and site by lawful persons. The fencing must be in place before any works commence.
87. During excavation and construction works, the applicant/builder is required to ensure the protection and preservation of all boundary fencing or boundary walls between the subject site and adjoining properties. Any damage caused as a result of such works will be at the full cost of the applicant/builder.
88. The Applicant shall conduct all construction and related deliveries wholly on site. If any use of Council's road reserve is required then separate applications are to be made at Council's Customer Services Department.
89. During Demolition, Excavation and Construction, care must be taken to protect Council's infrastructure, including street signs, footpath, kerb, gutter and drainage pits etc. Protecting measures shall be maintained in a state of good and safe condition throughout the course of demolition, excavation and construction. The area fronting the site and in the vicinity of the development shall also be made safe for pedestrian and vehicular traffic at all times. Any damage to Council's infrastructure (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub-contractors, concrete delivery vehicles) shall be fully repaired in accordance with Council's specification and AUS-SPEC at no cost to Council.
90. During Demolition, Excavation, Construction and Deliveries, access to the site shall be available in all weather conditions. The area shall be stabilised and protected from erosion to prevent any vehicles (including deliveries) tracking soil materials onto street drainage system/watercourse, Council's lands, public roads and road-related areas. Hosing down of vehicle tyres shall only be conducted in a suitable off-street area where wash waters do not enter the stormwater system or Council's land.
91. During construction, the applicant shall ensure that all works and measures have been implemented in accordance with approved Traffic Management Plan and Construction Management Plan at all times.
92. Vibration monitoring equipment must be installed and maintained, under the supervision of a professional engineer with expertise and experience in geotechnical engineering, between any potential source of vibration and any building identified by the professional engineer as being potentially at risk of movement or damage from settlement and/or vibration during the excavation and during the removal of any excavated material from the land being developed.

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

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

Where the event requires, in the opinion of the professional engineer, any change in work practices to ensure that vibration at the level of the footings of any adjacent building does not exceed the peak particle velocity adopted by the professional

engineer as the maximum acceptable peak particle velocity these changes in work practices must be documented and a written direction given by the professional engineer to the principal contractor and any sub-contractor clearly setting out required work practice. A copy of any written direction required by this condition must be provided to the Principal Certifier within 24 hours of any event.

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

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

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

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

93. To ensure that relevant engineering and water quality provisions are met during the period of any temporary dewatering associated with 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.
94. Separate permits are required to be obtained and approved by Council for all works including but not limited to road and footpath closure, stand and operate a registered vehicle or plant, occupy road with unregistered item, work zone, hoarding, shoring support (anchoring), tower crane operation, public land access, temporary dewatering, and any excavation and works proposed to be undertaken on public land.
95. In order to ensure the design quality excellence of the development is retained:
 - a) A registered architect is to have direct involvement in the design documentation, contract documentation and construction stages of the project;
 - b) The design architect is to have full access to the site and is to be authorised by the applicant to respond directly to the consent authority where information or clarification is required in the resolution of design issues throughout the life of the project;
 - c) Evidence of the design architect's commission is to be provided to Bayside Council prior to the issue of the Construction Certificate.
 - d) The design architect of the project is not to be changed without prior notice and approval of Bayside Council.

96. The approved Waste Management Plan shall be complied with at all times during excavation, construction and on-going use of the site.
97. During construction, the applicant shall ensure that all works and measures have been implemented in accordance with approved Traffic Management Plan and Construction Management Plan at all times.
98. If the land to which the application relates is served by a common sewerage system that is also used by others, then measures must be placed in effect and prior to the commencement of work to ensure the operation of the sewerage system is without disruption to other joint users.
99. If the work involved in the construction of a building:
 - a) likely to cause pedestrians or vehicular traffic in a public place to be obstructed or rendered inconvenient; or,
 - b) involves the enclosure of a public place:
 - (i) a hoarding or fence must be erected between the work site and the public place.
 - (ii) If necessary an awning is to be erected sufficient to prevent any substance from or in connection with the work falling into the public place.
 - (iii) The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to person(s) in the public place.
 - (iv) Any such hoarding, fence or awning is to be removed when the work has been completed.
 - c) Suitable consent shall be obtained from Council prior to the erection of any hoarding at the property.
100. Fire booster assemblies and electrical kiosks and the like are to be housed within the building structure or screened by a built screen enclosure so as not to reduce the visual amenity of the development or the streetscape and public domain.
101. Planter boxes constructed over a concrete slab shall be built in accordance with the following requirements:
 - a) Ensure soil depths in accordance with Council's Landscape DCP. The base of the planter must be screeded to ensure drainage to a piped internal drainage outlet of minimum diameter 90mm, with no low points elsewhere in the planter. There are to be no external weep holes.
 - b) A concrete hob or haunch shall be constructed at the internal join between the sides and base of the planter to contain drainage to within the planter.
 - c) Planters are to be fully waterproofed and sealed internally with a proprietary sealing agent and applied by a qualified and experienced tradesman to eliminate water seepage and staining of the external face of the planter. All internal sealed finishes are to be sound and installed to manufacturer's

directions prior to backfilling with soil. An inspection of the waterproofing and sealing of edges is required by the Certifier prior to backfilling with soil.

- d) Drainage cell must be supplied to the base and sides of the planter to minimize damage to the waterproof seal during backfilling and facilitate drainage. Apply a proprietary brand filter fabric and backfill with an imported lightweight soil suitable for planter boxes compliant with AS 4419 and AS 3743. Install drip irrigation including to lawns.
 - e) Finish externally with a suitable paint, render or tile to co-ordinate with the colour schemes and finishes of the building.
 - f) All planter boxes shall be irrigated, and shall have the required depth to sustain the proposed planting, as detail:
 - (i) Trees over 8 meters: Minimum soil depth 1.3 metre
 - (ii) Medium trees (8 metre canopy diameter at maturity): Minimum soil depth 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
 - g) Any subsurface drainage requirements are in addition to the minimum soil depths quoted above
102. All telecommunication and utility services (including all high and low voltage power lines) are to be placed underground along the entire development site frontages and the installation of underground supplied street lighting columns is to be completed. The extent of works required in order to achieve this outcome may involve works beyond the frontage of the development site. All works are to be completed prior to the issue of any occupation certificate.
103. 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.
104. To ensure that relevant engineering and water quality provisions are met during the period of any temporary dewatering associated with 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.

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

a) Level Restrictions

Construction period of 4 weeks and under:

the L₁₀ sound pressure level measured over a period of not less than 15 minutes when the construction site is in operating must not exceed the background level by more than 20 dB(A).

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

the L₁₀ sound pressure level measured over a period of not less than 15 minutes when the construction site is in operating must not exceed the background level by more than 10 dB(A).

b) Time Restrictions

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

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

Saturday: 08:00 am to 01:00 pm

No Construction to take place on Sundays or Public Holidays.

c) Silencing

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

106. Toilet facilities are to be provided at or in the vicinity of the work site on which work involves:

- a) construction of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site;
- b) Each toilet provided:
- i) must be standard flushing toilet; and,
 - ii) must be connected:
 - 1 to a public sewer; or
 - 2 if connection to a public sewer is not practicable to an accredited sewerage management facility approved by the Council; or,
 - 3 if connection to a public sewer or an accredited sewerage management facility is not practicable to some other sewerage management facility approved by the Council.
- c) The provisions of toilet facilities in accordance with this condition must be in place before work commences.

107.

- a) 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.
- b) Building operations such as brickcutting, washing tools or paint brushes, and mixing mortar shall not be performed on the roadway or public footway or any other locations which could lead to the discharge of materials into the stormwater drainage system.
- c) All disturbed areas shall be stabilised against erosion within 14 days of completion, and prior to removal of sediment controls.
- d) The vehicular entry/exits to the site must be protected from erosion and laid with a surface material which will not wash into the street drainage system or watercourse.
- e) During, 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 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, such as concrete slurry, clay and soil shall not be washed from vehicles onto roadways, footways or into the stormwater system. Drains, gutters, roadways and access ways shall be maintained free of sediment. Where required, gutters and roadways shall be swept regularly to maintain them free from sediment.

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

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

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

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

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

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

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

110. All applications associated with works on Council's land must be made at least 7-10 days prior to the programmed completion of works and all construction must be completed and approved by Council.
111. Prior to the issue of any Occupation Certificate, a Chartered Professional Geotechnical Engineer and Structural Engineer registered with the National Engineering Register (NER) shall certify that the construction works have been constructed in accordance with the approved construction engineering report/recommendations/requirements and include an evaluation of the completed works and the condition of surrounding properties. A copy of the certificate shall be supplied to the Principal Certifying Authority.
112. Prior to the issue of any Occupation Certificate, the following must be provided to the satisfaction of the principal certifier (and Council where it is not the certifier):
 - a) A record of inspections and monitoring as required by the Implementation Plan and Geotechnical and Hydrogeological Monitoring Program.
 - b) Certification from the geotechnical and hydrogeological engineers registered with the National Engineering Register (NER) confirming that all works have been undertaken in accordance with applicable consent conditions, applicable standards and the recommendations and requirements of the geotechnical and hydrogeological reports.
113. 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.
114. A post Construction Dilapidation Report, addressing the public infrastructure within 50m of the site as identified in condition(s) of this consent, including a CCTV survey, must be prepared, and a copy of this Report must be lodged with Bayside Council and the Principal Certifier. 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.
115. Prior to the issue of an Occupation Certificate, the underground placement of any low and/or high voltage street electrical mains in the street/s adjacent to the development, and associated services and the installation of underground supplied street lighting columns, shall be carried out at the applicant's expense, to the satisfaction of the asset owner. Appropriate and suitable street lighting shall be provided in accordance with Council's Specification to the Church Ave and John Street frontage of the site as necessary, so as to provide safety and illumination for residents of the development and pedestrians in the area. The works shall be completed in accordance with Ausgrid's requirements and approved electrical design.
116. Prior to the issue of any Occupation Certificate, the applicant shall carry out the following works, at no cost or expense to Council:
 - a) On John Street and Church Avenue, adjacent to development, remove redundant driveway crossovers and provide required tree planting and public domain improvements as specified by Council in accordance with Council's Landscape Architect, Mascot Station Precinct Masterplan and Bayside Council Infrastructure Specifications, and

- b) On John Street and Church Avenue, adjacent to development, demolish existing kerb and gutter and construct new kerb & gutter for the full length of the property in accordance with the Mascot Station Precinct Masterplan and Bayside Council Infrastructure Specifications, and
- c) On John Street and Church Avenue, adjacent to development, demolish existing footpath and construct new paved footpath as per Bayside Council's Infrastructure, Landscape Architect and Mascot Station Precinct Public Domain Specifications, and
- d) On John Street and Church Avenue, adjacent to development, construct new asphalt sheeting of half road width including construction of new road pavement and reconstruction of any damaged road pavement along the entire frontages of the development site in accordance with Bayside Council's Infrastructure specifications, and
- e) On John Street and Church Avenue, adjacent to development, construct new underground supplied Ausgrid lighting poles to provide suitable street lighting to the frontages of the site, so as to provide safety and illumination for residents of the development and pedestrians in the area. All street lighting shall comply with relevant electricity authority guidelines and requirements, and
- f) On Church Avenue, adjacent to development, construct new kerb inlet pit, junction pit and associated stormwater pipe, connecting to existing stormwater infrastructure in Church Avenue to Bayside Council infrastructure specifications, and
- g) On John Street, adjacent to development, construct new driveway crossing layback to Bayside Council infrastructure specifications, and
- h) On Church Avenue, remove a portion of landscaping and replace with paved footpath along the frontage of 19-21 Church Avenue to facilitate pedestrian movements to the satisfaction of Bayside Council Public Domain and Referrals Team.

The public footpaths on John Street and Church Avenue shall be constructed in accordance with the approved Public Domain Plan and Bayside Council specifications. The footpath dimensions, location, paver type and construction methods shall be in accordance with these specifications. Pavers 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 constructed to the satisfaction of Bayside Council prior to the issue of any Occupation Certificate.

- 117. Prior to completion of the building works, a new full width vehicular entry is to be constructed to service the property. All obsolete vehicular entries are to be removed and reconstructed as per Council requirements.
- 118. The applicant is responsible for the protection of all regulatory / parking / street signs fronting the property. Any damaged or missing street signs as a consequence of the development and associated construction works shall be replaced at full cost to the applicant.
- 119. Prior to the issue of any Occupation Certificate(s), inspection reports for the works on the road reserve shall be obtained from Bayside Council's engineer and submitted to the Principal Certifying Authority attesting that this condition has been appropriately satisfied.
- 120. On completion of the development construction and prior to the issue of the Occupation Certificate, a report(s) shall be submitted to the satisfaction of Bayside Council in accordance with Bayside Council's Contributed Asset Procedure for all constructed assets in the ownership of Bayside Council. Works-As-Executed (WAE)

plans and design certification shall be submitted to the satisfaction of Bayside Council. WAE plans shall be prepared by a registered surveyor.

121. Prior to the issue of any Occupation Certificate, at no expense to the Council and generally in accordance with approved plans (refer to Condition 1), dedicate the portion of land to Bayside Council for the purpose of widening John Street and Church Avenue. The areas of the land to be dedicated shall be the full length of the John Street and Church Avenue frontages of the development site and as detailed in the Botany Bay Development Control Plan 2013. The Plan of Dedication shall be lodged with Bayside Council and registered with Land & Property Information prior to the issue of any Occupation Certificate. Bayside Council requires proof of lodgement of the signed Subdivision Certificate and 88B Instrument with the Land Titles Office. A copy of the registered document must be submitted to Bayside Council for record purposes prior to occupation.
122. Prior to the issue of any 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.

123. Prior to the issue of any Occupation Certificate, the Principal Certifier must ensure that the vehicle access and off street parking facilities have been constructed in accordance with the approved construction plans, AS/NZS 2890.1, AS2890.2, AS2890.3 and AS/NZS 2890.6, line marked and all signage relating to car parking erected. The car parking area is to be clearly and appropriately marked/signposted indicating all the vehicular movements on the site. The internal road network, pedestrian facilities and parking facilities (including visitor parking and parking for persons with disabilities) shall be clearly designated, sign posted and line marked prior to the issuing of an Occupation Certificate. Certification must be provided by a suitably qualified traffic engineer registered with the NER, certifying the design of the completed works. Convex mirrors shall be provided at blind corners within, and leading to, the car parking levels to provide increased sight distance for vehicles. The convex mirrors shall be designed and installed at locations to the satisfaction of a suitably qualified traffic engineer.
124. 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 vehicular entrance to the site approved by the Principal Certifying Authority, stating the following: "All vehicles shall enter and exit the site in a forward direction at all times".
125. Prior to the issue of an 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, use of off-peak/night-time deliveries, methods to avoid congestion of service vehicles, how the vicinity will be managed, driver safety training, pedestrian safety management, safe vehicular manoeuvres for the loading dock, forward entry and exit requirement for the site and general mitigation measures

to prevent amenity impacts to neighbouring properties. The plan shall be prepared by a suitably qualified professional traffic engineer and shall be submitted to the Principal Accredited Certifier for assessment and approval.

126. 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 SRV vehicle (as denoted by AS2890.2:2018). The company engaged must ensure that all recycling is collected separately from waste. Council must be advised in writing within seven (7) days of a private contractor being engaged for waste collection services.
127. Prior to the issue of any Occupation Certificate, a Chartered Professional Engineer shall certify that the stormwater system has been constructed in accordance with the approved plans and as required by Botany Bay DCP Part 10 Stormwater Management Technical Guidelines. The certificate shall include an evaluation of the completed drainage works. A works-as-executed drainage plan shall be prepared by a registered surveyor based on a survey of the completed works. A copy of the certificate and works-as-executed plan(s) shall be supplied to the Principal Certifying Authority. A copy shall be provided to Council if Council is not the Principal Certifying Authority.
128. Prior to the issue of any Occupation Certificate, a registered plumber's certification that the Rainwater Tank Re-use system(s) have connected for non-potable stormwater re-use including all toilet flushing and landscape irrigations on the ground floor and car wash bays in the basement must be provided.
129. Prior to the issue of the Occupation Certificate, Easement(s), Restriction(s) on Use of Land and Positive Covenant(s) shall be imposed on the development. The following covenants shall be imposed under Section 88(E) of the Conveyancing Act 1919 and lodged with the NSW Land and Property Information:
 - a) Positive Covenant for on-site waste collection by private commercial waste collection service, and
 - b) Easement for public right of footway over the entire through site link and Positive Covenant for the operation of the through site link so that it is only open during the approved hours of operation of the commercial tenancies, and
 - c) Positive Covenant for maintenance of the factory warehouse façade structure retained within the road reserve by the owners of the development, and
 - d) Positive Covenant and Restriction on Use of Land for On-Site Detention System, and
 - e) Positive Covenant and Restriction on Use of Land for Stormwater Quality Improvement Device.

The terms of the instruments are to be submitted to Bayside Council for review and approval. The easements and covenants shall be in favour of Bayside Council and be covered by a Section 88B Instrument, which may only be varied or extinguished with the consent of Bayside Council. Proof of registration at the Lands and Property Information Office shall be submitted to the Principal Certifying Authority and Bayside Council prior to occupation.

130. The approved flood risk management plan and all recommendations from the flood awareness strategy are to be implemented within the development prior to the issue of the Occupation Certificate. A copy of the flood risk management plan is to be kept in the lobby and in each dwelling/tenancy of the development. Details & evidence are to be provided to the satisfaction of the principal certifier prior to occupation.

131. *Commercial premises (retail shops and restaurant):*
A maximum of fifty one (51) off-street car spaces shall be provided in accordance with the submitted plans for the commercial premises component of the development (11 spaces shall be allocated to the retail shops and 40 spaces shall be allocated to the restaurant). Such spaces shall be paved, line marked and made freely available at all times during business hours of the site for staff and visitors of the commercial premises.

Residential:

A maximum of one hundred and thirty five (135) off-street car parking spaces (inclusive of 110 residential spaces, 25 visitor parking spaces and 1 dedicated car wash space), 10 motorcycle parking spaces and 35 bicycle parking spaces shall be provided for the residential component of the development. Such spaces shall be paved, line marked and made freely available at all times for residents and visitors of the residential component of the development

132. Street numbers shall be clearly displayed with such numbers being of contrasting colour and adequate size and location for viewing from the footway and roadway. Details of street numbering shall be submitted to Council for approval.
133. A Stage 4 – Site Validation Report (SVR) must be prepared by a suitably qualified contaminated land consultant and must be in accordance with:
- a) NSW Office of Environment and Heritage (OEH) ‘Contaminated Sites – Guidelines for Consultants Reporting on Contaminated Sites’;
 - b) NSW Environment Protection Authority (NSW EPA) approved guidelines under the Contaminated Land Management Act 1997; and
 - c) State Environmental Planning Policy 55 (SEPP55) – Remediation of Land.

The site validation report must provide a notice of completion of remediation works, whether there are any ongoing site management requirements and a clear statement on the suitability of the proposed site use. The report must be submitted to the Site Auditor (Contaminated Land), the Council and the Principal Certifying Authority (if the Council is not the Principal Certifying Authority). The report is to be submitted after completion of remediation works and prior to the issue of any occupation certificate.

134. To ensure that the site is suitable for the proposed use, a Site Audit Statement (SAS) completed by an Accredited Site Auditor under the *Contaminated Land Management Act 1997* must be submitted to the Council and the Principal Certifying Authority (if the Council is not the Principal Certifying Authority) clearly demonstrating that the site is suitable for the proposed development. This must be provided prior to the release of any Occupation Certificate.

Any conditions imposed on the SAS must form part of this consent. The Site Auditor (Contaminated Land) must provide Council with a copy of the Site Audit Report (SAR) and Site Audit Statement (SAS) prior to the issuing of any Occupation Certificate. In circumstances where the SAS conditions (if applicable) are not consistent with the consent, a Section 4.55 (formally Section 96) application pursuant to the *Environmental Planning & Assessment Act 1979* must be submitted to ensure that they form part of the consent conditions.

135. Prior to issue of Occupation Certificate the applicant shall submit to the Principal Certifying Authority (PCA) an acoustic compliance report to verify that the measures stated in the Acoustic report prepared by Acouras consultancy dated 26/9/2019 have been carried out and certify that the construction meets the above requirements. If Council is not the PCA, a copy shall be submitted to Council concurrently. 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 Australian Acoustical Consultants).

136. Prior to issue of an Occupation Certificate for the development an application for Property Address Allocation and associated fee are required to be submitted to Council. All determination of address numbers are in accordance with AS/NZS 4819:2011 Rural and Urban Addressing Standard and NSW Address Policy and User Manual. The form is available for download at Bayside Council website.
137. Prior to issue of any Occupation Certificate, the following must be complied with:
 - a) All landscape works are to be carried out in accordance with the approved Construction Certificate landscape plans by Council for the approved development. The landscaping is to be maintained to the approved standard at all times.
138. A Landscape Architect shall provide a report to the certifying authority (with a copy provided to Council, if Council is not the principal certifier) stating that the landscape works have been carried out in accordance with the approved plans and documentation.
139. The Landscape works within the Public Domain / Street Verges shall comply with specification detailed in Public Domain Frontage Works Brief, including the following:
 - i) All new trees to be planted in public domain shall be at least 200litres. At time of inspection trees will have a minimum height above container of 3.5meters, calliper at 300mm greater than 60mm, with a clear trunk height of 1.5 meters.
 - ii) New street trees shall be supplemented with the installation of structural support soils (SSS). The extent of SSS shall target to achieve an area of 35m² around the nominated tree pit unless otherwise is specified by Council Public Domain Officer.
 - iii) Council landscape Officer shall inspect all landscape works for final approval. For site inspections allow two weeks from the day inspection is requested.
140. The applicant is to submit payment of a **Street Tree Maintenance Bond** of \$10,000.00.
 - a) The duration of the Bond shall be limited to a period of 12 months after planting of the new street trees and a satisfactory inspection from Council.
 - b) At the completion of the Bond period the Bond shall be refunded pending an inspection of the trees by Council. If a tree is found to be dead, pruned or dying and will not recover Council will forfeit all or part of the bond to replace or maintain the tree/s, unless the Applicant undertakes this work under instruction from Council.
 - c) The bond may be applied by Council to the establishment and maintenance of the landscaping in accordance with the plan and Council should be entitled to recover any monies expended in excess of the bond in establishing, re-establishing, or maintaining the landscape in accordance with the plan.
 - d) The applicant is to note that the bond specified under this condition must be remitted to Council, either in the form of monies held in trust, or as a certified banker's guarantee, together with a sum of \$618.- (cash or cheque) for disbursements associated with the preparation of the agreement, prior to the issue of an Occupation Certificate by the Principal Certifying Authority.

141. A separate application must be made for a subdivision certificate to consolidate Lot Z in DP 405064, Lot A in DP 316950 and Lot B in DP 316950. The application is to be accompanied by:
- a) Linen plans with six (6) copies and appropriate fees. The linen plans must include details of any easement or encroachments and include a Section 88B Instrument under the Conveyancing Act, 1919.
 - b) Documentary evidence demonstrating full compliance with all conditions of this Development Consent No.2019/385 and all pertinent Development Consent(s) and Section 4.55 Application(s) related to the subject allotment.
142. Prior to the issue of any Occupation Certificate for occupation or use of residential flat development, a design verification statement shall be submitted to the PCA from a qualified designer certifying that the development achieves the design quality of the development as shown in the plans and specifications in respect of which the construction certificate was issued, having regard to Schedule 1 of *State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development*.

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

143. Adopt and implement all recommendations contained in the acoustic report prepared by Acouras consultancy dated 26/09/2019.
144. The gates either side of the pedestrian through site link shall be locked to the general public at the closing time of the latest retail/commercial tenancy on the ground floor plan.
145. All tenants and occupiers of the development are not eligible to participate in any on-street parking schemes.
146. No garbage collection associated with the development is permitted between 10pm and 6am.
147. The Operation and Management Plan for the mechanical parking facility (turntable), approved with the Occupation Certificate, must be implemented and kept in a suitable location on site at all times. The turntable system shall be regularly cleaned, maintained and repaired to ensure the efficient operation of the system from time to time and at all times.
148. The factory warehouse façade structure and awning within the road reserve adjacent to the development site shall be maintained and kept in a structurally sound and safe condition at all times by the Owner / Owner's Corporation of the building. The factory warehouse façade structure must be inspected and regular maintenance be carried out to ensure the awning's structural integrity, aesthetic and functional qualities are maintained.
149. The stormwater drainage system (including all pits, pipes, absorption, detention structures, treatment devices, infiltration systems and rainwater tanks) shall be regularly cleaned, maintained and repaired to ensure the efficient operation of the system from time to time and at all times. The system shall be inspected after every rainfall event to remove any blockage, silt, debris, sludge and the like in the system. All solid and liquid waste that is collected during maintenance shall be disposed of in

a manner that complies with the appropriate Environmental Guidelines. The water from the rainwater tank should not be used for drinking, the rainwater tank shall be routinely de-sludged and all contents from the de-sludging process disposed: Solids shall be disposed to the waste disposal and de-sludged liquid shall be disposed to the sewer.

150. The operation of the development and movements of vehicles shall comply with the following requirements:
- a) All vehicles (including deliveries and garbage collection) shall enter and exit the site in a forward direction;
 - b) All commercial vehicles (including deliveries and garbage collection) shall enter and exit the loading bay in a forward direction;
 - c) Loading and unloading activities associated with the delivery shall take place wholly within the dedicated loading areas;
 - d) All garbage collection activities shall take place and be wholly undertaken within the site in the dedicated loading areas by a private commercial waste collection service;
 - e) All manoeuvring movements of vehicles shall be carried out wholly within the site and vehicle manoeuvring area shall be kept clear at all times;
 - f) The maximum size of vehicle accessing the site shall be limited to a 6.4m long Small Rigid Vehicle (SRV) (as denoted in AS2890.2:2018).
151. The use of the premises shall not give rise to any of the following when measured or assessed at “sensitive” positions within any other property. These “sensitive” positions should be selected to reflect the typical use of a property (ie any outdoor areas for day and evening but closer to the façade at night time), unless other positions can be shown to be more relevant.
- (a) The operation of all plant and equipment shall not give rise to an equivalent continuous (LAeq) sound pressure level at any point on any residential property greater than 5dB(A) above the existing background LA90 level (in the absence of the noise under consideration).
 - (b) The operation of all plant and equipment when assessed on any residential property shall not give rise to a sound pressure level that exceeds LAeq 50dB(A) day time and LAeq 40 dB(A) night time.
 - (c) The operation of all plant and equipment when assessed on any neighbouring commercial/industrial premises shall not give rise to a sound pressure level that exceeds LAeq 65dB(A) day time/night time.
 - (d) For assessment purposes, the above LAeq sound levels shall be assessed over a period of 10-15 minutes and adjusted in accordance with EPA guidelines for tonality, frequency weighting, impulsive characteristics, fluctuations and temporal content where necessary.