

GENERAL CONDITIONS

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

1. Approved Plans and Supporting Documentation

Development must be carried out in accordance with the following approved plans and documents, except where the conditions of this consent expressly require otherwise.

Approved Plans				
Plan No.	Revision No.	Plan Title.	Drawn By.	Date of Plan
DA004	C	Site Analysis	Plus Architecture	8 March 2023
DA012	D	Demolition Plan	Plus Architecture	8 March 2023
DA099	F	Floor Plan-Lower Ground	Plus Architecture	8 March 2023
DA100	H	Floor Plan-Ground	Plus Architecture	8 March 2023
DA101	E	Floor Plan-Level 1	Plus Architecture	8 March 2023
DA102	E	Floor Plan-Roof	Plus Architecture	8 March 2023
DA200	C	Ministry Building Elevations	Plus Architecture	8 March 2023
DA202	C	Childcare Building Elevations	Plus Architecture	8 March 2023
DA220	F	Sections	Plus Architecture	8 March 2023
DA270	C	Material Board	Plus Architecture	8 March 2023
SK0X	K	Coversheet	Umbaco Landscape Architects	March 2023
SK01	K	Landscape Concept Plan	Umbaco Landscape Architects	March 2023
SK02	K	Tree	Umbaco	March 2023

		Protection Plan	Landscape Architects	
SK03	K	Concept Planting Plan	Umbaco Landscape Architects	March 2023
SK04	K	Ministry Landscape Treatments	Umbaco Landscape Architects	March 2023
SK05	K	Childcare Landscape Treatments	Umbaco Landscape Architects	March 2023
SK06	K	Planting Material	Umbaco Landscape Architects	March 2023
SK07	K	Typical Landscape Sections and Details	Umbaco Landscape Architects	March 2023

Approved Documents			
Document Title.	Version No.	Prepared By.	Date of Document
Council RFI Responses	-	Plus Architecture	8 March 2023
Response to RFI	-	Ethos Urban	9 February 2023
Siteworks and Stormwater Management Plan	C3001 Rev 5	Nothrop	8 November 2022
Environmental Noise Impact Assessment	4	ADP Consulting: Engineering	10 November 2022
Ministry Plan of Management	1	St George North Anglican Church	9 November 2022
Civil Stormwater Management Report	3	Northrop	1 June 2022
Waste Management Plan	-	-	-
Transport Assessment	-	JMT Consulting	29 June 2022
Section J- DTS Assessment	S-R2022060700	Thermal Environmental	29 June 2022
Plan of Management	1	Dr Brenda Abbey (Childcare by Design Pty Ltd)	16 June 2022

Report: Early Education and Care Service	2	Dr Brenda Abbey (Childcare by Design Pty Ltd)	18 June 2022
Infrastructure Report	3	ADP Consulting: Engineering	29 June 2022
Hazardous Material Risk Assessment	C107271 : J175398	Greencap	November 2021
Heritage Impact Statement	J5212	Weir Phillips Heritage and Planning	June 2022
Geotechnical Investigation Report	0	Alliance Geotechnical Pty Ltd	8 April 2022
Preliminary and Detailed Site Investigation Report	1	Alliance Geotechnical Pty Ltd	11 May 2022
Remedial Action Plan	0	Alliance Geotechnical Pty Ltd	22 April 2022
BCA Design Assessment Report	P22_056-2(BCA) RD	Design Confidence	21 June 2022
Arboricultural Impact Assessment	5	Arborsaw	June 2022
DA Access Review	2	Moris Goding Access Consulting	22 June 2022

b) The development is to be undertaken generally in accordance with the following:

Staging Plans				
Plan No.	Revision No.	Plan Title.	Drawn By.	Date of Plan
DA005	B	Staging Plan – Stage 1	Plus Architecture	8 March 2023
DA006	B	Staging Plan – Stage 2	Plus Architecture	8 March 2023

In the event of any inconsistency between the approved plans and documents, the approved plans prevail.

In the event of any inconsistency with the approved plan and a condition of this consent, the condition prevails.

REASON

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

2. Construction Certificate Required

A Construction Certificate must be obtained from Council or a Principal Certifier prior to any building work commencing.

Building work is defined under the *EPA Act Part 6*.

REASON

To ensure that a Construction Certificate is obtained at the appropriate time.

3. Amendments Require Modification Application

Further alterations and/or additions to the subject building, including the relocation of the fire booster valves and/or provision of an electricity substation, the fitting of any form of doors and/or walls, shall not be undertaken without first obtaining approval from Council under Section 4.55 of the *EP&A Act* unless it is otherwise permitted as exempt and complying development

REASON

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

4. Compliance with the Building Code of Australia (BCA)

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

REASON

EP&A Regulation Clause 98(1)(a).

5. Earthworks Not Shown on Plans

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

REASON

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

6. Parking Allocation

Parking spaces and associated facilities shall be provided and allocated in accordance with the approved plans and this table following the completion of Stage 2 works:

Use	Minimum Number of Spaces Allocated
Childcare	9 spaces (6 spaces for employees and 3 spaces for pick-up/drop-off) <i>NOTE: When the childcare centre is not in operation these spaces can be used by the</i>

	<i>church.</i>
Church	20 spaces
Group homes (DA-2022/279)	2 spaces
Bicycle parking	12 spaces

The above allocation must be adhered to and complied with at all times.

REASON

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

7. Separate Approval for Signage

A separate consent must be obtained prior to the erection of any additional signage, (other than exempt and complying development).

Advisory Note: 'signage' is defined as follows:

'signage' means any sign, notice, device, representation or advertisement that advertises or promotes any goods, services or events and any structure or vessel that is principally designed for, or that is used for, the display of signage, and includes any of the following:

- a) an advertising structure, and
- b) building identification sign, and
- c) business identification sign.

REASON

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

8. Carrying out of works wholly within the Site

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

REASON

To avoid encroachment of the development beyond the site boundaries.

9. No Intensification of Activities

No intensification of activities shall occur on the premises without prior consent from Council.

REASON

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

10. General Noise

- a) No amplified/ stereo/music/ speakers/ assembly speeches/ TV/ megaphones are permitted in all outdoor play areas and any outdoor areas or outdoor settings. Music from a small speaker associated with the child care centre or mother's group and which will not create any adverse impact onto the neighbouring properties may be permissible.
- b) Adopt and implement all recommendations contained in the acoustic report prepared by ADP Consulting: Engineering – Bexley Christ Church Anglican Church – Environmental Noise Impact Assessment Project No: SYD2191 dated the 10 November 2022 Revision 04.
- c) Adopt and implement all recommendations contained in the Plan of Management prepared by Dr Brenda Abbey (Childcare by Design Pty Ltd) 1A-C Dunmore Street North and 38 Albyn Street Bexley NSW 2207 dated the 16 June 2022.
- d) Adopt and implement all recommendations contained in the Plan of Management prepared by St George North Anglican Church Plan of Management – Christ Church Anglican Bexley 1A, B & C Dunmore Street and 38 Albyn Street Bexley NSW 2207 dated the 9 November 2022 Revision 1.
- e) The multi-purpose hall during any use or services must close all windows and doors directly facing adjoining residential properties.
- f) The childcare centre activity rooms during any use or operation must close all windows facing East.
- g) The cumulative LAeq, 15 min noise level emitted from the mechanical plant and lower ground car park and traffic in the carpark shall not exceed the background noise level (LA90) by more than 5dB, at the boundary of any affected residence.
- h) The LAmax noise level emitted from any noise source on the site shall not exceed the background noise level (LA90) by more than 15dB, at the boundary of any affected residence.

REASON

To regulate noise emissions from the proposed development

REQUIREMENTS OF CONCURRENCE, INTEGRATED AND OTHER AUTHORITIES

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

11. Civil Aviation Safety Authority (CASA)

The following conditions are imposed by the Civil Aviation Safety Authority (CASA) in their letter dated 21 October 2022 and must be complied with:

- a) The building must not exceed a maximum height of 60.8 metres AHD, including all lift over-runs, vents, chimneys, aerials, antennas, lightning rods, any roof top garden plantings, exhaust flues etc
- b) Separate approval must be sought under the Regulations for any equipment (e.g. cranes, concrete pumps) required to construct the building. Construction cranes or concrete pumps 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 (e.g. cranes, concrete pumps) be obtained prior to any commitment to construct.
- c) 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-662.
- d) On completion of construction of the building, the Proponent must provide SACL with the surveyed height of the building.
- e) A separate assessment and approval under the Regulations will be required for any further addition to the height of the building (including the installation of antennas) as it will increase the penetration of the OLS.

REASON

To ensure compliance with requirements of Civil Aviation Safety Authority..

12. Ausgrid

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

- a) Ausgrid Underground Cables are in the vicinity of the development

Special care should be taken to ensure that driveways and any other construction activities do not interfere with existing underground cables located in the footpath or adjacent roadways.

It is recommended that the developer locate and record the depth of all known underground services prior to any excavation in the area. Information regarding the position of cables along footpaths and roadways can be obtained by contacting Dial Before You Dig (DBYD).

In addition to DBYD the proponent should refer to the following documents to support safety in design and construction:

SafeWork Australia – Excavation Code of Practice.

Ausgrid's Network Standard NS156 which outlines the minimum requirements for working around Ausgrid's underground cables.

The following points should also be taken into consideration.

Ausgrid cannot guarantee the depth of cables due to possible changes in ground levels from previous activities after the cables were installed.

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

b) Ausgrid Overhead Powerlines are in the vicinity of the development

The developer should refer to SafeWork NSW Document – Work Near Overhead Powerlines: Code of Practice. This document outlines the minimum separation requirements between electrical mains (overhead wires) and structures within the development site throughout the construction process. It is a statutory requirement that these distances be maintained throughout the construction phase.

Consideration should be given to the positioning and operating of cranes, scaffolding, and sufficient clearances from all types of vehicles that are expected be entering and leaving the site.

The “as constructed” minimum clearances to the mains must also be maintained. These distances are outlined in the Ausgrid Network Standard, NS220 Overhead Design Manual. This document can be sourced from Ausgrid’s website at www.ausgrid.com.au.

It is the responsibility of the developer to verify and maintain minimum clearances onsite. In the event where minimum safe clearances are not able to be met due to the design of the development, the Ausgrid mains may need to be relocated in this instance. Any Ausgrid asset relocation works will be at the developer’s cost.

Additional information can be found in the Ausgrid Quick Reference Guide for Safety Clearances “Working Near Ausgrid Assets - Clearances”. This document can be found by visiting the following Ausgrid website: www.ausgrid.com.au/Your-safety/Working-Safe/Clearance-enquiries

REASON

To ensure compliance with requirements of Ausgrid.

13. Sydney Water

The following conditions are imposed by Sydney Water in their letter dated 12 August 2022 and must be complied with:

a) **Section 73 Compliance Certificate**

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) **Building Plan Approval**

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

- I. building plan approvals
- II. • connection and disconnection approvals
- III. • diagrams
- IV. • trade waste approvals
- V. • pressure information
- VI. • water meter installations
- VII. • pressure boosting and pump approvals
- VIII. • changes to an existing service or asset, e.g. relocating or moving an asset.

Sydney Water's **Tap in™** online service is available at:

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

Sydney Water recommends developers apply for Building Plan approval early as in some instances the initial assessment will identify that an Out of Scope Building Plan Approval will be required.

c) **Out of Scope Building Plan Approval**

Sydney Water will need to undertake a detailed review of building plans:

1. That affect or are likely to affect any of the following:
 - Wastewater pipes larger than 300mm in size
 - Pressure wastewater pipes
 - Drinking water or recycled water pipes
 - Our property boundary
 - An easement in our favour
 - Stormwater infrastructure within 10m of the property boundary.
2. Where the building plan includes:
 - Construction of a retaining wall over, or within the zone of influence of our assets
 - Excavation of a basement or building over, or adjacent to, one of our assets
 - Dewatering – removing water from solid material or soil.

The detailed review is to ensure that:

- our assets will not be damaged during, or because of the construction of the development
- we can access our assets for operation and maintenance
- your building will be protected if we need to work on our assets in the future.

The developer will be required to pay Sydney Water for the costs associated with the detailed review.

d) **Tree Planting**

Certain tree species placed in close proximity to Sydney Water's underground assets have the potential to inflict damage through invasive root penetration and soil destabilisation. Sydney Water requires that all proposed or removed trees and vegetation included within the proposal adhere to the specifications and requirements within Section 46 of the Sydney Water Act (1994) and *Diagram 5 – Planting Trees* within our [Technical guidelines – Building over and adjacent to pipe assets](#). Please note these guidelines include more examples of potential activities impacting our assets which may also apply to your development.

If any tree planting proposed breaches our policy, Sydney Water may need to issue an order to remove every tree breaching the act, or directly remove every tree breaching the Act and bill the developer or Council for their removal.

REASON

To ensure compliance with requirements of Sydney Water.

PRIOR TO ISSUE OF A CONSTRUCTION CERTIFICATE

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

14. Payment of Fees and Security Deposits (if applicable)

Before the commencement of any works on the site or the issue of a Construction Certificate, the Applicant must make all of the following payments to Council and provide written evidence of these payments to the Certifier:

Soil and Water Management Sign Fee	\$22.00
Builders Damage Deposit (Security Deposit)	\$40,800.00
Tree Preservation Bond (Security Deposit)	\$8,000.00

The payments will be used for the cost of:

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

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

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

REASON

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

15. Long Service Levy

Before the issue of the relevant Construction Certificate, the long service levy of \$18,837.50 as calculated at the date of this consent, must be paid to the Long Service Corporation or Council under the *Building and Construction Industry Long Service Payments Act 1986*, section 34, and evidence of payment is to be provided to the Private Certifier.

REASON

To ensure the long service levy is paid.

16. Construction Site Management Plan

Before the issue of a Construction Certificate, a construction site management plan must be prepared, and provided to the Principal Certifier. The plan must include the following matters:

- (a) The location and materials for protective fencing and hoardings on the perimeter of the site;
- (b) Provisions for public safety;
- (c) Pedestrian and vehicular site access points and construction activity zones;
- (d) Details of construction traffic management including:
 - i. Proposed truck movements to and from the site;
 - ii. Estimated frequency of truck movements; and
 - iii. Measures to ensure pedestrian safety near the site;
- (e) Details of any bulk earthworks to be carried out;
- (f) The location of site storage areas and sheds;
- (g) The equipment used to carry out all works;
- (h) The location of a garbage container with a tight-fitting lid;
- (i) Dust, noise and vibration control measures;
- (j) The location of temporary toilets;
- (k) The protective measures for the preservation of trees on-site and in adjoining public areas including measures in accordance with:
 - i. AS 4970 - Protection of trees on development sites;
 - ii. An applicable Development Control Plan;
 - iii. An arborist's report approved as part of this consent.

A copy of the construction site management plan must be kept on-site at all times while work is being carried out.

REASON

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

17. Car Parking Details

Before the issue of the relevant Construction Certificate, written evidence prepared by a suitably qualified Engineer must be obtained that demonstrates, to the Certifier satisfaction, the plans for parking facilities comply with the relevant parts of AS 2890.1 *Parking Facilities – Off-Street Carparking* and Council's relevant development control plan (in force as at the date of the determination of this consent). Wheel stops must be provided for all car parking spaces to limit the travel of vehicles manoeuvring into the parking spaces.

REASON

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

18. Erosion and Sediment Control Plan

Before the issue of a Construction Certificate, an erosion and sediment control plan must be prepared by a suitably qualified person in accordance with the following documents and provided to Principal Certifier:

- (a) Council's relevant Development Control Plan,
- (b) the guidelines set out in the NSW Department of Housing Manual 'Managing Urban Stormwater: Soils and Construction Certificate' (the Blue Book), and
- (c) the 'Do it Right On-Site, Soil and Water Management for the Construction Industry' (Southern Sydney Regional Organisation of Councils and the Natural Heritage Trust) (as amended from time to time).

REASON

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

19. Dilapidation Report

Before any site work commences, a Dilapidation Report must be prepared by a suitably qualified Engineer detailing the structural condition of adjoining buildings, structures or works and public land, to the satisfaction of the Principal Certifier.

Where access has not been granted to any adjoining properties to prepare the Dilapidation Report, the Report must be based on a survey of what can be observed externally and demonstrate, in writing, to the satisfaction of Principal Certifier, that all reasonable steps were taken to obtain access to the adjoining properties.

REASON

To establish and document the structural condition of adjoining properties and public land for comparison as site work progresses and is completed and ensure neighbours and Council are provided with the Dilapidation Report.

20. Waste Management Plan Requirements

Before the issue of a Construction Certificate, a Waste Management Plan for the development must be prepared and provided to the Private Certifier. The plan must be prepared:

- (a) in accordance with:
 - i) the Environmental Protection Authority's Waste Classification Guidelines as in force from time to time, and
 - ii) a development control plan that provides for waste management that applies to the land on which the work or the clearing of vegetation is carried out, and
- (b) include the following information:
 - i) the contact details of the person removing the waste,
 - ii) an estimate of the type and quantity of waste,
 - iii) whether waste is expected to be reused, recycled or sent to landfill,
 - iv) the address of the disposal location for waste.

A copy of the Waste Management Plan must be kept on-site at all times while work approved under the development consent is being carried out.

REASON

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

21. Design Amendments

Before the issue of a Construction Certificate, the Certifier must ensure the approved Construction Certificate plans and specifications detail the following required amendments to the approved plans and documents:

- a) The architectural plans are to clearly show the allocation and design of car parking as per the following:
 - i) 9 car parking spaces allocated to the childcare (6 spaces for employees and 3 spaces for pick-up/drop-off). The 3 pick-up/drop-off spaces are to each be 2.6m in width and the staff parking spaces are to be 2.4m in width. A bollard shall be provided at the end parking spaces numbered 1-3 and 8 adjacent to the existing church building to ensure no vehicle overhangs into the pedestrian footpath adjacent to these parking spaces. Parking spaces numbered 4-9 shall have clear signage stating, 'Front to Kerb parking' (to provide further protection to pedestrians and children walking nearby). One of the childcare spaces is to be an accessible space.
 - ii) For the Stage 2 Construction Certificate, 20 car parking spaces allocated to the church.
 - iii) For the Stage 2 Construction Certificate, 2 parking spaces for the group homes as per development consent number DA-2022/279.

REASON

To require minor amendments to the plans endorsed by the consent following assessment of the development.

22. Payment of Security Deposits

Before the issue of the Stage 1 Construction Certificate, the Applicant must:

- (a) make payment of \$40,800.00 for a security deposit to the consent authority, and
- (b) if a Principal Certifier is required to be appointed for the development provide the Principal Certifier with written evidence of the payment and the amount paid.

REASON

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

23. Equal Access to Premises

Before the issue of a Construction Certificate, plans which demonstrate that adequate access to the premises will be provided for persons with disabilities in accordance with the *Commonwealth Disability (Access to Premises – Buildings) Standards 2010*. These plans must be submitted to the Certifier.

REASON

To ensure safe and easy access to the premises for people with a disability.

24. Sydney Water Tap-in

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

Sydney Water's Tap inTM online service is available at:

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

REASON

To ensure compliance with Sydney Water requirements.

25. Retaining Walls Over 600mm

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

REASON

To ensure the structural adequacy of new retaining walls.

26. Detailed Design Stormwater Management Plan

Prior to the issue of any Construction Certificate, detailed drainage design plans for the management of stormwater are to be submitted to Bayside Council for assessment

and approval. Engineering design certification and drainage design calculations are to be submitted with the plans. Rockdale Technical Specification Stormwater Management (RTSSM) sets out the minimum documentation requirements for detailed design plans. Stormwater management requirements for the site, including the final discharge/end connection point, must comply with Rockdale Technical Specification Stormwater Management (RTSSM).

The detailed design plans shall incorporate the provisions generally made in the stormwater concept plans prepared by NORTHROP, job number 212030, dated 8.11.22, revision 05 (including the associated civil stormwater management report ref SY212030-00-CV-RP1, rev 2, dated 23 June 2022) along with the revisions detailed below:

- a) The On-Site Detention (OSD) system design is to be revised to accommodate the entire site area of 38 Albyn Street + 1A, 1B & 1C Dunmore Street North (3435m²). The entire site area is to be used in the OSD storage volume and PSD calculations; no part of the site area is to be excluded. The OSD must be designed strictly in accordance with section 6 of RTSSM. The site is located in the Muddy Creek catchment.
- b) An OSD catchment plan is to be provided showing the impervious (roof and hardstand) and pervious area draining into the OSD system. Also, the OSD bypass area must be shown and the OSD storage volume is to be modified as per section 6.5. The OSD bypass is not to exceed 20%.
- c) The assumed tailwater level of the grate level of the existing council stormwater pit results in a drowned orifice being present and hence, the OSD storage volume shall be increased in accordance with section 6.6.3 of RTSSM.
- d) The calculation of OSD volume is to exclude the discharge control pit & overflow chamber.
- e) The OSD design is to incorporate “Nested Storages” which requires two orifices as per section 6.3 of RTSSM. Calculation of the orifice sizing for both the 2 year ARI and 50 year ARI is to be provided. The orifice discharge control is to be designed as per section 6.6 and 6.6.1 of RTSSM. A sump with seepage holes is to be provided adjacent to the orifice with a minimum depth of 250mm below the orifice centreline along with a maximesh screen.
- f) The OSD design shall comply in full with sections 6.7, 6.8.1 and 6.8.2 of RTSSM.
- g) The OSD system is not permitted to be located within the deep soil landscape areas.
- h) The minimum size of the discharge control pit is to be 900mmx900mm.
- i) A basement drainage plan is to be provided. The basement is to be provided with a pump-out tank designed as per RTSSM section 4.2.4.b. The basement drainage plan is to show the invert level (IL) of the inlet pipes draining into the pump out pit. The pump out pit section must show the surface level, invert level of the inlet pipes, base levels, top water level (TWL), and minimum 1% fall towards the pumps.
- j) Stormwater discharge from the site must connect to council’s underground stormwater drainage system fronting the site. A connection to the kerb and gutter is not permitted. Council does not have data of the existing pit and pipe system fronting this development and hence, a surveyor is to be engaged to determine

the exact location, depth and size of the Council stormwater pipe that connects to the existing kerb inlet pit fronting the site and, detail which kerb inlet pit in Forest Road the pipe connects to. This is required to address the data gaps in Council's systems.

- k) All car park surface runoff (both at ground level and basement level) shall be directed through an oil separator as per Section 7.5.4 of the RTSSM. Details of the pit type, location, performance and manufacturer's maintenance and cleaning requirements shall be submitted.
- l) The development requires the use of a Water Sensitive Urban Design Approach (WSUD) to the design of the drainage system. RTSSM section 7.5.2 requires the development to confirm the targets for the stormwater pollution reduction and to justify the target by an analysis using MUSIC. The MUSIC Model results are to be submitted along with the MUSIC model to Council for assessment. The stormwater system design must incorporate stormwater quality improvement devices.
- m) A WSUD catchment plan to be provided showing the impervious and pervious areas being treated by WSUD. The WSUD catchment plan to clearly show the survey and the architectural plan in the background. The WSUD catchment plan is to depict the catchment areas in the MUSIC Model.
- n) A minimum 18000 litre of rainwater tank(s) shall be provided for this development (Church and childcare). The rainwater tanks shall be designed to be connected to all proposed toilets and external taps/landscape irrigation for non-potable stormwater re-use. The rainwater tank is to drain only non-trafficable roof areas. Furthermore, a minimum of 11000L of rainwater tanks (2x5500L) are required to be provided for the group homes as part of DA-2022/279, this RWT volume can be accounted for in the MUSIC modelling and OSD volume calculations.
- o) A minimum cover of 0.3m in pits and 20mm drop is to be provided in pits (both surface and junction) between the inlet pipe and outlet pipe. The surface level and invert level of the grated trench drains and pits is to be show on the stormwater plans.
- p) Drainage plans are to be provided for all levels. The roof drainage plan is to indicate the downpipe sizes.
- q) Drainage grates shall be provided internally on the driveway to Dunmore Street North at the lowest point.
- r) A silt/litter arrestor pit shall be provided prior to discharge of stormwater from the site.
- s) A DRAINS Model is to be submitted for the HGL analysis and OSD design.
- t) The TWL for the OSD is to be designed as such that it does not result in OSD water entering the rainwater tank.
- u) Full details (including manufacturers details) and sections are to be provided for all elements of the stormwater system (e.g., rainwater tanks, pump-out tank, ACO stormbrixx cells, proprietary treatment devices, pits, swales, orifice etc.). Typical details for the underground rainwater tank, rainwater tank re-use, first flush, trash screen, geotextile filter and step iron are to be provided.

- v) The depth and size of services below the footpath/verge fronting the site are to be determined to ensure there is no conflict with the stormwater proposal.
- w) The stormwater drainage system is to be designed so that the development associated with development consent number DA-2022/279 can connect up to it.
- x) The detailed drainage design plans shall be accompanied by an updated civil stormwater management report.

REASON

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

27. Traffic and Parking Requirements Minor

Prior to issue of the Construction Certificate:

- a) Two longitudinal driveway profiles shall be submitted to the Principal Certifier for assessment and approval. The first longitudinal profile shall start in the centre of the road and be along the critical edge (worst case) of the driveway to Dunmore Street (existing boundary levels on this driveway profile must remain unchanged unless otherwise approved by Bayside Council). The second driveway profile shall be for the driveway ramp to the basement. All gradients and transitions shall be in accordance with AS/NZS 2890.1:2004. The profiles shall be drawn to a scale of 1 to 25 and shall include all relevant levels, grades (%), headroom clearances and lengths.

REASON

To ensure the development meets the relevant standards and to reduce impacts to on-street parking.

28. Use of Neighbouring Properties and Roadways for Support

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

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

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

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

REASON

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

29. Geotechnical Certification

Prior to the issue of any Construction Certificate, a Geotechnical Engineer must:

- a) Review and ensure the appropriate construction methodology, parameters, and recommendations in the geotechnical report prepared by Alliance Geotechnical Pty Ltd, report no. 13474-GR-1-1, dated 8 April 2022, have been implemented and relied upon during the preparation of the Construction Certificate plans and documentation.
- b) Provide detailed recommendations to allow the satisfactory implementation of the works.
- c) Prepare a Construction Methodology report demonstrating that the proposed construction methods (including any excavation, and the configuration of the built structures) will have no adverse impact on any surrounding property and infrastructure.
- d) Certify that the construction certificate plans and supporting documentation are satisfactory from a geotechnical perspective.
- e) Inspect the works as they progress at frequencies determined by the geotechnical engineer (where necessary).

The professional recommendations shall be implemented in full during the relevant stages of excavation and construction.

Note: A failure by contractors to adequately assess and seek professional engineering (geotechnical) advice to ensure that appropriate underpinning and support to adjoining land is maintained prior to commencement may result in damage to adjoining land and buildings. Such contractors are likely to be held responsible for any damages arising from the removal of any support to supported land as defined by section 177 of the *Conveyancing Act 1919*.

REASON

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

30. Frontage Works Application

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

Prior to the commencement of the public domain works, a Public Domain Frontage Design package must be prepared by suitably qualified professionals for all frontage works that are required to be constructed within the public domain that are subject to assessment and approval pursuant to Section 138 of the Roads Act 1993. Public domain frontage works can include, but not be limited to, civil, drainage, landscaping, ,

lighting, traffic signage, line marking, parking, and traffic devices to address and satisfy relevant development consent conditions. All frontage works shall be in accordance with Bayside Council technical manuals, specifications, master plans, town centre plans, Australian Standards, and standard design drawings.

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

REASON

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

31. Detailed Landscape Plan

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

The amended plans shall be generally in accordance with the approved Landscape Plan listed in Condition 1 and must comprise detailed landscape construction documentation (plans and specifications).

The detailed plan shall include, but not be limited to, the following:

- a) A planting plan at 1:100 showing all plant locations/groupings and plant centres/species. There is to be a dense layered planting scheme consisting of trees, shrubs and groundcovers in all of these areas.
- b) Trees within the site:
 - i) Two large canopy trees are to be planted along the front of the church, as replacement of the two Cupressus X Leylandii (trees 15 & 16). The replacement trees shall be capable to reach a minimum mature height of 10 meters in local conditions and shall be supplied and planted at minimum 500 litres pot size.
 - ii) All other trees within the site shall be supplied and planted at minimum 100 litres pot size.
- c) All areas nominated in landscape plans as planting areas shall include soft planting like groundcovers, shrubs, feature planting or trees. Areas proposed with turf or planning are not to be diminished.

- d) Indicate the location of all basement structures, stormwater structures (including pits and pipes), and other structures proposed relative to the landscape areas.
- e) Specifications detailing soil and mulch finishes, root barriers, irrigation, edging and other landscape handworks such as retaining walls, steps, planter walls, feature walls, skateboard restrictions, tree pits, tree grates, tree guards, tree pit treat, areas of paving, schedule of materials, edge treatments, tactile and sectional construction details.
- f) Details of all fencing, privacy screening, arbors and the like elevations and materials, impacting or visible to public domain areas.
- g) Planters proposed along the South Eastern boundary, adjacent to 3-7 Dunmore Street North private yards shall include automatic drip irrigation. Pots shall include drainage and shall be link with stormwater drainage system.
- h) Conflict between landscaped beds, existing/proposed trees or landscaped areas and underground utilities (including stormwater structures) are to be avoided. Where there is a conflict, this shall be resolved with Bayside Council.
- i) All trees shall be located within mulched landscaped beds except where this may interfere with the performance of an above ground stormwater system.
- j) 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).

REASON

To ensure compliance with landscape requirements from relevant policies.

32. General Landscape Conditions

- a) The landscaping shall be maintained for the life of the development. All soft landscape areas are to be maintained in accordance with the approved Maintenance Schedule provided as part of the landscape documentation. Where vegetation approved as part of this consent dies, it must be replaced with new landscaping that achieves a similar height and form to that approved under the landscape plan.
- b) New street trees shall be maintained by the Applicant / Owner / Strata Corporation for a period of twelve (12) months after final inspection by Council. Maintenance includes twice weekly watering within the first 6 months then weekly thereafter, biannual feeding, weed removal round the base, mulch replenishment at 3 monthly intervals (to 75mm depth) and adjusting of stakes

and ties; to sustain adequate growth and health. Maintenance does not include trimming or pruning of the trees under any circumstances.

- c) Soil depths of planter on slabs shall be in accordance with the requirements of Table 5 of Part 4P of the Apartment Design Guide.
- d) Podium landscaping and paved areas shall be drained into stormwater drainage system. All waterproofing for planters on slab shall be installed and certified by a licensed waterproofing contractor.
- e) A fully automated irrigation system, approved by Sydney Water, shall be installed and maintained to ensure adequate water is provided to the podium/roofing landscaping.
- f) Capture of rainwater for irrigation purposes as a sustainability measure shall be provided.
- g) A minimum of 80% of the proposed planting scheme is to consist of native or indigenous plants.
- h) All areas to be used at night shall be well lit (including pedestrian pathways, laneways, access routes and entrances).
- i) Any proposed play equipment shall be in accordance with Australian Standards for Play Equipment and Surfacing, set out in AS 4685:1:2021 and any other applicable part of the AS4685 series.

REASON

To ensure compliance with landscape requirements from relevant policies.

33. Landscape Frontage Works Application

Prior to the issue of any Construction Certificate, the applicant must submit a Frontage Works Application (Public Domain Construction – Frontage / Civil Works Application) to Bayside Council. Prior to the commencement of public domain works, a public domain landscape improvements plan shall be submitted to Bayside Council for assessment and approval. The plans shall be undertaken by a suitably experienced Landscape Architect and shall include, but not be limited to, new street tree planting, footpath paving (segmental/other), street tree pit treatments and tree guards, street furniture, in ground landscaping and irrigation. The landscape plan must indicate locations of lighting poles, underground services, stormwater infrastructure etc. The design shall be in accordance with Council's City Identity Program, Landscape DCP and any other Council specification or requirement. All required new street trees shall be supplied and planted at minimum 200 litres. Contact Council's Landscape Architect for further details of specific requirements in preparation of the plan.

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

REASON

To ensure compliance with landscape requirements from relevant policies.

34. Tree Removal

The Applicant has permission to remove existing site trees 1, 2, 3, 4, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23 located within the footprint of the building.

These trees must not be removed until a Construction Certificate has been issued, unless otherwise agreed to in writing by Council.

REASON

To ensure that the correct trees are to be removed.

35. Appointment of Site Auditor

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

Written evidence of this appointment must be provided to Bayside Council prior to the issue of any construction certificate.

REASON

To ensure that the site complies with the NSW Environment Authority Requirements.

36. Interim Site Audit Advice

To ensure that the soil investigations and any remedial action plan (RAP) proposed for the site are sufficient to enable the land to be made suitable for the proposed mixed-use development comprising a childcare facility, an Interim Site Audit Advice must be completed by the accredited site auditor under the Contaminated Land Management Act 1997 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 prior to the issue of any construction certificate.

REASON

To ensure that the site is suitable for the proposed development.

37. Trade Waste Agreement

Evidence of a Sydney Water permit or consent for discharge of wastewater to the sewer shall be submitted to the Principal Certifier prior to the issue of the Construction Certificate. Where a permit or consent may not be required from Sydney Water, certification shall be provided verifying that any discharges to the sewer will meet specific standards imposed by Sydney Water.

REASON

To protect the environment and comply with relevant Sydney Water requirements.

38. Acoustic Assessment of Mechanical Plant and Equipment

The Principal Certifying Authority shall not issue a Construction Certificate until a detailed acoustic assessment /report of all mechanical plants / plant room (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 as specified by ADP Consulting:

Engineering – Bexley Christ Church Anglican Church – Environmental Noise Impact Assessment Project No: SYD2191 dated the 10 November 2022 Revision 04 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
- 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.

REASON

To minimise amenity impacts resulting from the operation of mechanical plant and equipment including compliance with relevant standards.

39. Food Premises – Fit-Out Requirements

Details of the construction and fit out of food premises (childcare centre / multi-purpose hall) must be submitted to the Principal Certifier prior to issue of the Construction Certificate. The plans and specifications must demonstrate compliance with:

- a) An extraction system shall be provided where there is any dishwasher and other washing and sanitising equipment that vents steam into the area to the extent that there is or is likely to be condensation collecting on the walls and ceiling, and
- b) All walls within the multi purpose hall kitchen, food preparation storage and childcare centre shall be of solid construction. Walls in food preparation areas shall be finished with one or a combination of glazed tiles, stainless steel, aluminium sheeting, laminated thermosetting plastic sheeting, poly vinyl sheeting with welded seams or similar impervious material which is adhered directly to the wall. The finishing materials of the wall surfaces shall provide a smooth even surface free from buckles, ledges, fixing screws, picture rails, open joint spaces, cracks or crevices, and
- c) The intersection of walls and plinths with floors in the multi purpose hall kitchen, food preparation, storage and child care centre shall be coved with a minimal 25mm radius, and
- d) The floors within the multi-purpose hall kitchen, food preparation, storage and childcare centre shall be constructed of a suitable material which is non-slip, durable, resistant to corrosion, non-toxic, non-absorbent and impervious to moisture. Floors which drain to a floor waste shall be evenly graded (at least 1:100) so that water falls to the floor waste, and
- e) Plinths shall be of solid construction, at least 75mm high, have an impervious finish, be rounded at all exposed edges, coved at the intersection of the floor and wall to a minimum radius of 25mm, and
- f) The surface finish of the ceiling shall not be perforated and shall be finished in an impervious material which is free from open joints, cracks, crevices, (in accordance with AS 4674-2004, acoustic and decorative panels are not to be used in wet areas, food preparation areas, bin storage areas or other areas where open food is displayed or served). The ceiling over the food preparation, storage and display areas shall be painted with a washable paint of a light colour. The intersection of walls and the ceiling shall be tight jointed, sealed and dust-proof, and
- g) All food premises shall have natural or artificial lighting in accordance with the requirements of the Building Code of Australia. Where artificial lighting is provided to a food premises the lighting levels shall comply with the requirements of AS1680 and ASNZS 1680.2.4, and
- h) In areas where open food is handled or stored, light fittings whether they are intended to provide light or heat or as part of equipment, shall be designed and constructed to prevent the contamination of food should the globe or tube shatter and free from any features which would harbour any dirt, dust or insects or make the fitting difficult to clean, and
- i) There shall be no surfaces constructed which permit the accumulation of dirt, dust or grease or the harbourage of pests, and
- j) All service pipes conduits and electrical wiring shall be either:

- i. Concealed in floors, walls, ceilings or concrete plinths, or
- ii. Fixed with brackets so as to provide at least 25mm clearance between the pipe and the adjacent vertical surface and 100mm between the pipe or conduit and the adjacent horizontal surface, and
- k) All openings in the walls, floors and ceilings through which service pipes and electrical conduits pass through shall be designed and constructed so as to prevent the access of vermin, and
- l) All shelving being provided for the storage of food, equipment and containers shall have the lowest shelf at least 150mm above the floor level, and
- m) Where toilets are provided on food premises, toilet cubicles shall be separated from areas where open food is handled, displayed or stored by an intervening ventilated spaced fitted with self-closing doors or provided with self-closing doors and a mechanical exhaust system that operate when the sanitary compartment is in use and for at least 30 seconds after the cubicle is vacated, and
- n) Toilets intended for public and/or customer use shall not be accessed through areas where open food is handled, displayed or stored (other than customer dining areas or similar), and
- o) All surfaces of counters, bars, food display units, window display, self –service displays and bain-maries shall be smooth, durable, impervious and free from crack. Crevices and cavities. The underside shall have an impervious finish. Window displays for wet foods shall be covered at all intersections and installed in accordance with AS/NZS 3500.2.2 - 2003, and
- p) Cupboards and cabinets shall be constructed on materials with a smooth, washable, impervious surface. No backing board shall be provided to cupboards which abut the wall, although the wall shall be finished with a smooth washable surface, and
- q) A temperature gauge shall be provided to each cool room, chiller, freezer, refrigeration unit, hot and cold food storage/display units. The temperature gauge shall be accurate to one degree Celsius (1oC) and be visible from the outside of such units, and
- r) Equipment shall be moveable for cleaning, built into walls with the enclosure completely vermin proofed, butted against walls or other equipment and the joints sealed. Where equipment cannot be moved easily, clearance space shall be provided so that the area around the equipment and below can be cleaned. Where equipment is constructed on legs, brackets or framework, there shall be a space between the floor and the underside of the fitting which is a minimum of 150mm, and
- s) A commercial kitchen shall be provided with a kitchen exhaust hood in compliance with Australian Standard AS1668 Parts 1 and 2 where any cooking apparatus having a total maximum electrical output exceeding 8 kW, or a total gas power input exceeding 29 MJ/h; or a total maximum power input to more

than one apparatus exceeds 0.05 kW electrical power; or 1.8 MJ of gas for each square metre of the floor area of the room or enclosure, and

- t) Cavities, false bottoms and similar hollow spaces capable of providing access and for vermin are not permitted to be formed in the construction of the food preparation or storage areas, or in the installation of fixtures, fittings and equipment, and
- u) Facilities for the storage of clothing and belongings shall be a change room, lockers or cupboards in a change room or enclosed cupboards dedicated for the storage of personal belongings and located outside of the food preparation, food processing, food storage and utensil washing areas, and
- v) Cleaning chemicals, cleaning equipment, pest control chemicals and equipment shall be located in a room designated for that use and enclosed in cupboards dedicated for that use which is located away from food preparation storage and display areas and not able to contaminate personal effects and clothing, and
- w) Where premises are enclosed, windows shall be protected against the entry of pests by being tight-fitting and permanently fixed closed, or fitted with mesh screens which can be removed for cleaning or protected by a permanent mesh screen which can be cleaned in place. Entry/exits, serving hatches and similar openings to food premises shall be protected against the entry of pests by tight-fitting solid self-closing doors, roller shutters or other means of closing off the entrance or tight fitting self-closing mesh screen doors, and
- x) A floor waste harbourage fitted with a basket arrestor shall be located outside the cool room adjacent to the door, and
- y) Condensation from the refrigeration units and cool room motors shall be directed to a tundish installed in accordance with the requirements of Sydney Water Corporation, and
- z) The surrounds of the cool room shall be either open for cleaning and inspection or enclosed so that a vermin proof enclosure is formed, and
- aa) All equipment shall be supported on wheels, castors or legs, and
- bb) Hot and cold food display and/or holding appliances shall be designed and capable of holding cold perishable foods at or below 5oC; and hot perishable foods at or above 60oC when the appliances are operating at full capacity, and
- cc) Hot and cold mounted taps fitted with hose connectors positioned at least 600 mm above floor level shall be installed in a convenient and accessible location in the kitchen/food preparation area, and
- dd) A double bowl sink or two compartment tub which is of a size capable of fully immersing the largest piece of equipment shall be provided with hot and cold water supplied through a single spout in the multi-purpose hall kitchen/food preparation area and childcare centre. Double bowl sink or tubs shall be supplied with water of at least 45oC in one bowl for washing purposes; and 80oC

in the other bowl for sanitising purposes if hot water sanitising occurs at the sink, and

- ee) Premises which require food to be prepared by immersion in water shall install a designated food preparation sink which shall not be used for the washing of equipment or hands, and
- ff) Premises shall be provided with a cleaner's or sluice sink, floor waste or other similar facility which is connected to drainage that is not intended for use to prepare food, wash any equipment or for hands/face washing for disposing of mop water and similar liquid waste and shall be located outside of areas where open food is handled, and
- gg) Hand wash basins shall be located multi-purpose hall kitchen, toilet, front display area and childcare centre so that they are not obstructed, are at bench height either permanently fixed to a wall, supporting frame or sunk into the bench top, accessible and no further than 5 metres (excluding toilet hand basins) from any place where food handlers are handling open food, in the parts of the premises where open food is handled, in utensil/equipment washing areas, in staff entrance to areas where open food is handled and in toilet cubicles or immediately adjacent to toilets. Hand basins shall have a permanent supply of warm running potable water delivered through a single outlet and taps which operate hands free shall be provided at all hand basins with sufficient space between the spout and base of basin for the washing of hands and arms, and
- hh) Dishwashers and glass washers used to sanitise food contact surfaces, eating and drinking utensils shall be designed to operate so that the temperature of water used in the sanitising rinse cycles, combined with the time that the utensils are rinsed in water at that temperature (or in combination) shall be sufficient to ensure that the utensils are sanitised and comply with AS 2945, and
- ii) All hand basins shall be provided with soap and a towel dispenser for dispensing single use towels or other means of drying hands and arms which prevents the transfer of pathogenic micro-organisms to the hands or arms (air dryers as the only means of drying hands shall not be permitted). A receptacle for used towels shall be provided at the hand wash basin, and
- jj) Grease arrestors shall not be located in areas where food, equipment or packaging material are handled or stored. Access to grease arrestors for emptying shall not be through areas where open food is handled or stored or where food contact equipment and packaging materials are handled or stored, and
- kk) Rooms and areas designated for the storage and washing of garbage receptacles shall be designed and constructed in accordance with the following requirements:
 - i. The floors and walls shall be constructed of a suitable material which is durable, smooth, resistant to corrosion, impervious to moisture and coved with a minimum radius of 25mm at the intersection of walls with floors, and

- ii. The floor shall be graded and drained to a floor waste gully connected to the sewerage system and traps of the premises in accordance with all Sydney Water requirements, and
- iii. Provide a hose tap connected to the water supply. Water used for cleaning garbage receptacles may be either potable or non- potable water.

The room shall be ventilated with either natural ventilation or alternatively mechanically ventilated in accordance with the requirements of Australian Standards AS 1668.

REASON

To ensure compliance with relevant standards.

40. Noise from Mechanical Plant and Plant Rooms

The Principal Certifying Authority shall not issue a Construction Certificate until a detailed acoustic assessment /report of all mechanical plants / plant room (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 as specified by ADP Consulting: Engineering – Bexley Christ Church Anglican Church – Environmental Noise Impact Assessment Project No: SYD2191 dated the 10 November 2022 Revision 04 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
- 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.

REASON

To minimise amenity impacts resulting from the operation of mechanical plant and equipment including compliance with relevant standards.

41. Mechanical Plant and Equipment Design

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

- a) Any exhaust from the carpark shall be ventilated to the roof and away from the property boundaries, and in accordance with the provisions of AS1668.1 - The use of ventilation and air-conditioning in buildings - Fire and smoke control in multi-compartment buildings and AS1668.2 - The use of ventilation and air-conditioning in buildings - Mechanical ventilation in buildings, and
- b) All mechanical plant and equipment (including but not limited to air conditioning equipment) is to be located within the basement or other areas of the site where it is not visible from the public domain or adjoining properties. Any plant and equipment located on the roof must be located as shown in the approved plans and must be appropriately screened, and
- c) All plumbing stacks, vent pipes, stormwater downpipes and the like shall be kept within the building and suitably concealed from view. This condition does not apply to the venting to atmosphere of the stack above roof level.

REASON

To minimise amenity impacts resulting from the operation of mechanical plant and equipment including compliance with relevant standards.

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

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

42. Erosion and Sediment Controls in Place

Before any site work commences, the Principal Certifier must be satisfied the erosion and sediment controls in the Erosion and Sediment Control Plan are in place. These controls must remain in place until any bare earth has been restabilised in accordance with the *NSW Department of Housing Manual 'Managing Urban Stormwater: Soils and Construction Certificate'* (the Blue Book) (as amended from time to time).

REASON

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

43. Tree Protection Measures

Before any site work commences, the Principal Certifier, or Council where a principal certifier is not required, must be satisfied the measures for tree protection detailed in the construction Site Management Plan are in place.

REASON

To protect and retain trees.

44. Signs on site

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

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

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

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

REASON

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

45. Notice regarding Dilapidation Report

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

REASON

To advise neighbours and Council of any Dilapidation Report.

46. Dilapidation Report - Public Domain - Pre-Construction - Major

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

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

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

REASON

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

47. Dilapidation Report – Private Land

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

a) 1 Dunmore St Nth BEXLEY NSW 2207

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.

REASON

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

48. Utility Services Adjustments

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

REASON

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

49. Street Tree Preservation Bond (T24, T25 & T26)

Prior to the Commencement of Demolition / Issue of Construction Certificate, the applicant is to submit payment for a **Tree Preservation Bond of \$8000** to ensure protection of the T24, T25 & T26 street trees from damage during construction. The duration of the Bond shall be limited to a period of 12 months after issue (or cease upon issue of) of the Occupation Certificate. At the completion of the 12 month period the Tree Preservation Bond shall be refunded pending a satisfactory inspection b

Council or a qualified Arborist. If the trees are found to be in decline, damaged (including roots), dead, excessively pruned or removed without Council permission or, if tree protection measures were not satisfied at any time, then all or part thereof of the bond shall be forfeited.

REASON

To ensure that bond payment applies to the street trees to be retained.

50. Street Tree Protection: (T24, T25 & T26)

Comply with all recommendations, requirements, and management plans contained within the Council approved Arboricultural Impact Assessment by Arborsaw Dated June 2022.

Trees to be retained are to be tagged with clearly visible marking tape at a height of approximately 2 metres from ground and numbered with the corresponding number in the Arborist Report.

REASON

To ensure compliance with the approved Arborist Report.

51. Archival and Photographic Recording

The rectory building shall be archivally recorded internally and externally, according to the documents published by the NSW Heritage, Department of Premier and Cabinet. Guidelines, *How to prepare archival recordings and Photographic recording of heritage items* using film or digital capture. The archival record is to be made prior to any works taking place.

REASON

To document the heritage item in accordance with the guidelines.

DURING ANY WORKS (including Demolition, Excavation and Construction)

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

52. Deliveries

While site work is being carried out, deliveries of material and equipment must only be carried out between –

7:00am to 5:00pm on Monday to Saturday. No deliveries to be carried out on Sunday and public holidays.

REASON

To protect the amenity of neighbouring properties.

53. Hours of Work

Site work must only be carried out between the following times:

For building work, demolition or vegetation removal from 7:00am to 5:00pm on Monday to Saturday. No works to be carried out on Sunday and public holidays.

Site work is not to be carried out outside of these times except where there is an emergency, or for urgent work directed by a Police Officer of a public authority.

REASON

To protect the amenity of the surrounding area.

54. Procedure for Critical Stage Inspections

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

REASON

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

55. Implementation of the Site Management Plans

While site work is being carried out:

- (a) the measures required by the Construction Site Management Plan and the Erosion and Sediment Control Plan (plans) must be implemented at all times, and
- (b) a copy of these plans must be kept on site at all times and made available to Council officers upon request.

REASON

To ensure site management measures are implemented during the carrying out of site work.

56. Surveys by a Registered Surveyor

While building work is being carried out, the positions of the following must be measured and marked by a registered Surveyor and provided to the Principal Certifier:

- a) All footings / foundations in relation to the site boundaries and any registered and proposed easements.
- b) At other stages of construction – any marks that are required by the Principal Certifier.

REASON

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

57. Noise and Vibration Requirements

While site work is being carried out, noise generated from the site must not exceed an LAeq (15 min) of 5dB A) above background noise, when measured at any lot boundary of the site.

REASON

To protect the amenity of the neighbourhood during construction.

58. Tree Protection during Work

While site work is being carried out, all required tree protection measures must be maintained in good condition in accordance with:

- (a) the Construction Site Management Plan approved under this consent,
- (b) the relevant requirements of *AS 4970 Protection of Trees on Development Sites*,
- (c) Council's relevant development control plan (in force as at the date of determination of this consent), and
- (d) any Arborist's Report approved under this consent.

This includes maintaining adequate soil grades and ensuring all machinery, builders refuse, spoil and materials remain outside tree protection zones.

REASON

To protect trees during the carrying out of site work.

59. Responsibility for changes to Public Infrastructure

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

REASON

To ensure payment of approved changes to public infrastructure.

60. Waste Management

While site work is being carried out:

- (a) all waste management must be undertaken in accordance with the Waste Management Plan, and
- (b) upon disposal of waste, records of the disposal must be compiled and provided to the Principal Certifier, detailing the following:
 - (i) The contact details of the person(s) who removed the waste.
 - (ii) The waste carrier vehicle registration.
 - (iii) The date and time of waste collection.
 - (iv) A description of the waste (type of waste and estimated quantity) and whether the waste is expected to be reused, recycled or go to landfill.
 - (v) The address of the disposal location(s) where the waste was taken.
 - (vi) The corresponding tip docket/receipt from the site(s) to which the waste is transferred, noting date and time of delivery, description (type and quantity) of waste.

If waste has been removed from the site under an EPA Resource Recovery Order or Exemption, records in relation to that Order or Exemption must be maintained and provided to the Principal Certifier and Council.

REASON

To require records to be provided, during site work, documenting the lawful disposal of waste.

61. Soil Management

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

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

REASON

To ensure soil removal from the site is appropriately disposed of and soil imported to the site is not contaminated and is safe for future occupants.

62. Uncovering Relics or Aboriginal Objects

While site work is being carried out, if a person reasonably suspects a relic or Aboriginal object is discovered:

- (a) the work in the area of the discovery must cease immediately;
- (b) the following must be notified:
 - (i) for a relic – the Heritage Council; or
 - (ii) for an Aboriginal object – the person who is the authority for the protection of Aboriginal objects and Aboriginal places in New South Wales under the *National Parks and Wildlife Act 1974*, section 85.

Site work may recommence at a time confirmed in writing by:

- (a) for a relic – the Heritage Council; or
- (b) for an Aboriginal object – the person who is the authority for the protection of Aboriginal objects and Aboriginal places in New South Wales under the *National Parks and Wildlife Act 1974*, section 85.

REASON

To ensure the protection of objects of potential significance during works.

63. Site Management - Principal Certifier Inspections

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

- a) Sediment control measures, and
- b) Provision of secured perimeter fences or hoardings for public safety to restrict access to building sites, and
- c) Maintenance of the public place free from unauthorised materials, waste containers or other obstructions.

REASON

To protect public safety and water quality around building sites.

64. Noise during Construction

The following shall be complied with during construction and demolition:

- a) Construction Noise

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

- b) Level Restrictions

Any building works being carried out must ensure that any noise caused by demolition, vegetation removal or construction does not exceed an LAeq (15 min) of 5dB(A) above background noise, when measured at any lot boundary of the property where the construction is being carried out.

- c) Out of hours work

For any activity that is required to be undertaken outside normal construction hours due to public safety, traffic related reasons, or significant concrete pour, a separate Out of Hours Works Permit is required prior to commencement of any out of hours works being undertaken.

An Out of Hours Application must be submitted for each separate event to Council a minimum of one month prior to the planned activity being undertaken.

- d) Silencing

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

REASON

To protect the amenity of the neighbourhood.

65. Shoring and Adequacy of Adjoining Property

If the development involves an excavation that extends below the level of the base of the footings of a building, structure or work on adjoining land (including any structure

or work within a road or rail corridor), the person having the benefit of the development consent must, at the person's own expense –

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

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

REASON

Prescribed condition – EP&A Regulation, Section 74.

66. Toilet Facilities

- a) Toilet facilities must be available or provided at the work site before works begin and must be maintained until the works are completed at a ratio of one toilet plus one additional toilet for every 20 persons employed at the site, and
- b) Each toilet must:
 - i. Be a standard flushing toilet connected to a public sewer, or
 - ii. Have an on-site effluent disposal system approved under the *Local Government Act 1993*, or
 - iii. Be a temporary chemical closet approved under the *Local Government Act 1993*.

REASON

To ensure compliance with the Local Government Act 1993.

67. Construction Activities – Minimise Pollution

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

- a) Building, demolition and construction works not to cause stormwater pollution and being carried out in accordance with Council's stormwater pollution control requirements. Pollutants such as concrete slurry, clay and soil shall not be washed from vehicles onto roadways, footways or into the stormwater system. Drains, gutters, roadways and access ways shall be maintained free of sediment. Where required, gutters and roadways shall be swept regularly to maintain them free from sediment, and
- b) Stormwater from roof areas shall be linked via a temporary downpipe to an approved stormwater disposal system immediately after completion of the roof area, and
- c) All disturbed areas shall be stabilised against erosion within 14 days of completion, and prior to removal of sediment controls, and
- d) Building and demolition operations such as brick cutting, washing tools or paint brushes, and mixing mortar shall not be performed on the roadway or public

footway or any other locations which could lead to the discharge of materials into the stormwater drainage system, and

- e) Stockpiles are not permitted to be stored on Council property (including nature strip) unless prior approval has been granted. In addition, stockpiles of topsoil, sand, aggregate, soil or other material shall be stored clear of any drainage line or easement, natural watercourse, kerb or road surface, and
- f) Wind blown dust from stockpile and construction activities shall be minimised by one or more of the following methods:
 - i. spraying water in dry windy weather, and
 - ii. cover stockpiles, and
 - iii. fabric fences.
- g) All vehicles transporting soil, sand or similar materials and demolition material to or from the site shall cover their loads at all times, and
- h) The applicant shall conduct all construction works and any related deliveries/activities wholly within the site, and
- i) During the construction works, the Council nature strip shall be maintained in a clean and tidy state at all times and shall be suitably repaired and/or replaced in accordance with Council Specifications at the completion of construction works, and
- j) Access to the site shall be restricted to no more than two 3m driveways. Council's footpath shall be protected at all times. Within the site, provision of a minimum of 100mm coarse crushed rock is to be provided for a minimum length of two metres to remove mud from the tyres of construction vehicles, and
- k) An All-Weather Drive System or a vehicle wheel wash, cattle grid, wheel shaker or other appropriate device, shall be installed prior to commencement of any site works or activities, to prevent mud and dirt leaving the site and being deposited on the street. Vehicular access is to be controlled so as to prevent tracking of sediment onto adjoining roadways, particularly during wet weather or when the site is muddy. Where any sediment is deposited on roadways it is to be removed by means other than washing and disposed of appropriately.

REASON

To protect neighbourhood amenity and the quality of the waterways.

68. Site Fencing

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

REASON

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

69. Demolition Requirements During Works

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

- a) The approved Safe Work Method Statement required by this consent, and
- b) Demolition is to be carried out in accordance with *Australian Standard 2601:2001: Demolition of structures*, *Work Health & Safety Act 2011 (NSW)*, *Work Health & Safety Regulation 2011 (NSW)* and the requirements of the NSW WorkCover Authority, and
- c) Vibration monitors must be placed at the footings of the nearest residential and/or commercial property(s) boundaries prior to any demolition commencing; and
- d) Hazardous or intractable wastes arising from the demolition process must be removed and disposed of in accordance with the requirements of WorkCover New South Wales and the Environmental Protection Authority, and
- e) Dust control - dust emission must be minimised for the full height of the building. Compressed air must not be used to blow dust from the building site, and
- f) Demolition procedures must maximise the reuse and recycling of demolished materials in order to reduce the environmental impacts of waste disposal, and
- g) During demolition, public property (footpaths, roads, reserves etc) must be clear at all times and must not be obstructed by any demolished material or vehicles. The footpaths and roads must be swept (not hosed) clean of any material, including clay, soil and sand. On the spot fines may be levied by Council against the demolisher and/or owner for failure to comply with this condition, and
- h) All vehicles leaving the site with demolition materials must have their loads covered and vehicles must not track soil and other materials onto public property (footpaths, roads, reserves etc) and the footpaths must be suitably protected against damage when plant and vehicles access the site, and
- i) The burning of any demolished material on site is not permitted and offenders will be prosecuted. The demolition by induced collapse and the use of explosives is not permitted, and
- j) Care must be taken during demolition to ensure that existing services on the site (ie, sewer, electricity, gas, phone) are not damaged. Any damage caused to existing services must be repaired by the relevant authority at the Applicant's expense. *Dial Before You Dig* website: www.1100.com.au should be contacted prior to works commencing, and
- k) Suitable erosion and sediment control measures in accordance with the Soil and Water Management Plan must be erected prior to the commencement of demolition works and must be maintained at all times, and
- l) Any material containing asbestos found on site during the demolition process shall be removed and disposed of in accordance with WorkCover NSW requirements. *Protection of the Environment Operations Act 1997*, *Protection of the Environment Operation (Waste) Regulation* and 'Waste Classification Guidelines 2014' prepared by the NSW Office of Environment and Heritage.

Following completion, an Asbestos Clearance Certificate is to be provided to Council following the final asbestos clearance inspection.

REASON

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

70. Demolition Requirements

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

REASON

To comply with relevant Australian Standard and Work Cover requirements.

71. Protection of Council's Property

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

REASON

To ensure public safety at all times and to protect the function and integrity of public infrastructure.

72. Vibration During Demolition Works

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

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

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

REASON

To protect the amenity of the neighbourhood and the structural integrity of nearby developments.

73. Approval and Permits under *Roads Act* and *Local Government Act* for Works Activities on Public Land

During all stages of demolition and construction, application(s) shall be made to Bayside Council (upon payment of a fee in accordance with Bayside Council's adopted fees and charges) to obtain the necessary approvals and permits for any and all works/activities on Bayside Council land or road reserve pursuant to the *Roads Act 1993* and *Local Government Act 1993*. All applications associated with works and

activities on Bayside Council's land must be made at least 7-10 days prior to the programmed completion of works and all construction must be completed and approved by Bayside Council. Refer to Bayside Council "Work Activities on Council Sites Application Form" and "Road Opening Application" to obtain permits/approvals for the following:

- Road, Footpath and Road Related Area Closure – To temporarily close any part of the road, footpath or car park to vehicle or pedestrian traffic. This permit is required to allow the Applicant to close a road or part of, footpath or car park to vehicle or pedestrian traffic.
- Stand and Operate Registered Vehicle or Plant – To occupy any part of the road, footpath or car park to work from a vehicle parked on the street. This permit is required when construction activities involve working from a vehicle parked on the street including mobile crane, concrete truck, concrete pump or other similar vehicles.
- Occupy Road with Unregistered Item – To place a waste container or other item within the roadway which is not a registered vehicle. This permit is required to allow the Applicant to place unregistered items within the roadway including waste containers and skip bins.
- Erection of a Works Zone – To implement a statutory Work Zone for activities adjacent to the development site. These applications are assessed by Bayside Council officers and are referred to the Traffic Committee for approval. A Work Zone being that you must not stop or park in a work zone unless you are driving a vehicle that is engaged in construction work in or near the zone.
- Placement of Scaffolding, Hoarding and Fencing – To erect a temporary structure in a public place to enclose a work area. This permit is required for all temporary structures to enclose a work area within the public domain. These include site fencing, types A & B hoarding, type A & B hoarding with scaffolding and type B hoarding plus site sheds.
- Temporary Shoring/Support using Ground Anchors in Council Land – To install temporary ground anchors in public road to support excavation below the existing road surface level. This permit is required to allow the Applicant to install temporary support system in or under a public road to support excavation below the existing road surface level. The support systems include ground anchors and shoring.
- Tower Crane – To swing or hoist over and across Council property (including roadway). This permit is required when tower crane(s) are used inside the work site and will swing, slew or hoist over Council property or asset.
- Public Land Access – To access through or occupy Council land. This permit is required by Applicants in order to access over or occupy Council land.
- Temporary Dewatering – To pump out groundwater from the site and discharge into Council's drainage system including road gutter. This permit is required when temporary dewatering is required to pump out water from the construction site into Council stormwater drainage system including gutter, pits and pipes. Dewatering management plan and water quality plan are required for this application.

- Road Opening Application - Permit to open road reserve area including roads, footpaths or nature strip for any purpose whatsoever, such as relocation / re-adjustments of utility services. This does not apply to public domain works that are approved through Bayside Council's permit for Driveway Works (Public Domain Construction – Vehicle Entrance / Driveway Application) / Frontage Works (Public Domain Construction – Frontage / Civil Works Application) under section 138 of the *Roads Act*.

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

REASON

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

74. Temporary Dewatering Permit - Water Quality Requirements

To ensure that relevant engineering and water quality provisions are met during the period of temporary dewatering for construction, a permit must be obtained from Council to permit discharge to the stormwater system. Temporary dewatering shall not commence until this permit is issued by Council. The permit must be current and valid at all times during dewatering operations.

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

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

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

REASON

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

75. Asbestos

To ensure that all asbestos materials identified are managed appropriately an Asbestos Removal Control Plan (ARCP) must be prepared and implemented during works onsite. The ARCP must be prepared in accordance with:

- a) SafeWork NSW Codes of Practices; and
- b) SafeWork Australia Model Code of Practice - How to Safely Remove Asbestos 2011; and
- c) Work Health and Safety Act and Regulations 2011; and
- d) Australia Standard (AS) 2601-2001 The Demolition of Structures.

The report must contain details regarding the proposed methods of containment and disposal of asbestos containing material and must be submitted to the Principal Certifying Authority prior to the demolition of any building or structure.

REASON

To ensure that the site is suitable for the proposed development.

76. Remediation Works- Specific RAP/Plan

All remediation work must be carried out in accordance with:

- a) NSW EPA (2020) 'Consultants reporting on contaminated land';
- b) NSW Environment Protection Authority (NSW EPA) guidelines under the Contaminated Land Management Act 1997;
- c) State Environmental Planning Policy (Resilience and Hazards); and
- d) 'Remedial Action Plan – Proposed Mixed Use Development, 1A, 1B and 1C Dunmore Street and 38 Albyn Street, Bexley', prepared by Alliance Geotechnical Pty Ltd, ref: 13474-ER-1-2, dated 22 April 2021, or an subsequent revision required by the appointed Site Auditor (Contaminated Land).

REASON

To ensure that the site is suitable for the proposed development.

77. Additional Information – Contamination – Cease Work Addition (with SAS Auditor)

Any new information that comes to light during demolition or construction which has the potential to alter previous conclusions about site contamination and remediation must be notified to Council, the appointed Site Auditor (Contaminated Land) and the Principal Certifier immediately.

All work on site shall 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).

REASON

To protect the environment and human health.

78. Waste Classification- Excavated Materials

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

REASON

To protect the environment and human health.

79. Monitoring

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

REASON

To protect the environment and human health.

PRIOR TO ISSUE OF AN OCCUPATION CERTIFICATE

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

80. Preservation of Survey Marks

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

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

REASON

To protect the State's survey infrastructure.

81. Consolidation of Lots

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

REASON

To encourage the orderly and economic use of the land.

82. Location of Mechanical Ventilation

During occupation and ongoing use of the building, all mechanical ventilation system(s) or other plant and equipment that generates noise must be located on the site (including in a soundproofed area where necessary) to ensure the noise generated does not exceed 5 dBA above the ambient background noise at the boundary adjacent to any habitable room of adjoining residential premises.

REASON

To protect the residential amenity of neighbouring properties.

83. Annual Fire Safety Certificate (if applicable)

During occupation and ongoing use of the building, the applicant must provide an annual fire safety statement to Council and the Commissioner of Fire and Rescue

NSW in accordance with section 89 of the *EP&A (Development Certification and Fire Safety) Regulation 2021*.

REASON

To ensure annual checks on fire safety measures.

84. Repair of Infrastructure

Before the issue of an Occupation Certificate:

- (a) any public infrastructure damaged as a result of the carrying out of work approved under this consent (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub-contractors, concreting vehicles) must be fully repaired to the written satisfaction of Council, and at no cost to Council, or
- (b) if the works in (a) are not carried out to Council's satisfaction, Council may carry out the works required and the costs of any such works must be paid as directed by Council and in the first instance will be paid using the security deposit required to be paid under this consent.

REASON

To ensure any damage to public infrastructure is rectified.

85. Release of Securities

When Council receives an Occupation Certificate, an application may be lodged to release the securities held in accordance with councils' fees and charges for development.

REASON

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

86. Post-Construction Dilapidation Report

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

- a) after comparing the pre-construction dilapidation report to the post-construction dilapidation report required under this condition, there has been any structural damage to any adjoining buildings; and
- b) where there has been structural damage to any adjoining buildings, that it is a result of the building work approved under this development consent, and
- c) a copy of the post-construction dilapidation report must be provided to Council (where Council is not the Principal Certifier or a Principal Certifier is not required) and to the relevant adjoining property owner(s).

REASON

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

87. Occupation Certificate

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

REASON

To ensure that an Occupation Certificate is obtained.

88. Certification of New Stormwater System

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

REASON

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

89. Positive Covenant Application

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

- a) Stormwater Detention System
- b) Stormwater pump system

The terms of the instruments to be in favour of Bayside Council and are to be submitted to Bayside Council for review and approval. An application must be lodged with, and approved by, Bayside Council prior to issue of the Occupation Certificate.

Bayside Council must be provided with the relevant fees and all supporting information required (such as works-as-executed drainage plans and certification) prior to Bayside Council endorsing the Instrument. Council requires proof of lodgement of the signed documents with the NSW Land Registry Services prior to the issue of the Occupation Certificate.

REASON

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

90. Geotechnical Certification

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

REASON

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

91. Rainwater Tank – Plumbing Certification

Prior to the issue of any Occupation Certificate, a registered plumber shall certify that the rainwater tank(s) has been connected to all toilet flushing and all external taps/landscape irrigations for non-potable stormwater re-use.

REASON

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

92. Parking Facility Certification

Prior to the issue of the Occupation Certificate, a Civil Engineer registered with the National Engineering Register (NER) shall certify that the vehicular access and off-street parking facilities have been constructed & line marked in accordance with the approved construction plans and the applicable Australian Standards (i.e., AS/NZS 2890.1, AS 2890.2, AS 2890.3, AS/NZS 2890.6, AS 1742). The car parking area is to be clearly and appropriately line marked/signposted indicating all the vehicular movements on the site. All parking spaces must be clearly designated as to their use in accordance with this development consent.

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

- Wheel stops must be installed in all car parking spaces.
- Bollards shall be installed at the end of all car parking spaces located adjacent to the existing church building to provide pedestrian protection for people moving along the adjacent footpath.
- Warning signs are to be installed at the vehicular entry prompting vehicles entering the site to driveway carefully and slow down due to the young age of pedestrians associated with the childcare centre (to improve pedestrian safety).

The certification must be submitted to the Principal Certifier.

REASON

To ensure compliance with the relevant standards.

93. Erection of Signage

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

- a) Vehicles Enter & Exit in Forward Direction:

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

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

REASON

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

94. Roads Act / Public Domain Works - Minor Development

Prior to the issue of the Stage 2 Occupation Certificate, the following works will be required to be undertaken in the road reserve at the applicant's expense:

- a) The existing two driveways on Albyn Street are to be removed and replaced with new footpath, kerb, and gutter.
- b) Construction of a new footpath and landscaping along all frontages of the development site (where required);
- c) Construction of a new fully constructed concrete vehicular entrance to Dunmore Street North;
- d) Removal of the existing concrete vehicular entrance/s, and/or kerb laybacks and other damaged public domain improvements which will no longer be required;
- e) Reconstruction of selected areas of the existing concrete footpath/vehicular entrances and/or kerb and gutter;
- f) Construction of new kerb and gutter along the frontage of the development site (where required).

All works within the road reserve, which are subject to approval pursuant to Section 138 of the *Roads Act 1993*, shall be completed to the satisfaction of Bayside Council at the Applicant's expense. Inspection reports for the works on the road reserve shall be obtained from Bayside Council's authorised officer and submitted to the Principal Certifier attesting that this condition has been appropriately satisfied prior to the issue of any Occupation Certificate.

REASON

To ensure that required public domain outcomes are achieved.

95. Driveway to be removed

Before the issue of the Stage 2 Occupation Certificate, the internal driveway and parking spaces on site located adjacent to the 36 Albyn Street property boundary are to be removed and replaced with landscaping to the satisfaction of Bayside Council's Landscape Architect. Written approval for the satisfaction of this condition from Bayside Council must be supplied to the Principal Certifier prior to the issue of any occupation certificate.

REASON

To limit the amount of driveways on the site to one (1).

96. General Landscape

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

- a) All landscape works are to be carried out in accordance with the approved landscape plans prior Construction Certificate by Bayside Council for the approved development.
- b) A Landscape Architect shall provide a report to the principal certifier (with a copy provided to Council, if Council is not the principal certifier) certifying that the landscape works have been carried out in accordance with the approved plans and documentation. The certificate shall, amongst other matters included in approved plans, confirm compliance with the following requirements:
 - i. All areas indicated with planting in the approved landscape plans are not to be replaced with any pavement treatment. All soft landscape areas as indicated in the approved landscape plans shall not be diminished.
 - ii. At least two (2) native trees shall be planted in the front of the church, one at each side of the pedestrian entry. These trees shall be planted in super advanced form with a pot size of at least 200 litres on completion of the building works and prior to the final inspection. Trees at the time of inspection shall have a minimum height of 5.5 metres, calliper at 300mm greater than 70mm, installed with stakes and ties within a mulch bed or equivalent.
 - iii. All other trees within the site, as indicated in the final approved landscape plan are to be supplied and planted at minimum 100 litres pot size. Trees at time of inspection shall have a minimum height of 2.4 metres, calliper at 300mm greater than 50mm, installed with stakes and ties within a mulch bed or equivalent.
 - iv. A fully automated irrigation system has been installed to the podium landscaping.
 - v. Podium landscaping and paved areas are drained into the stormwater drainage system.

REASON

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

97. Landscape Maintenance Schedule

Prior to the issue of an Occupation Certificate, a maintenance plan is to be submitted and approved by the Principal Certifying Authority. A copy of the maintenance plan is to be kept on site at all times during construction and shall be produced to Council on request following completion. The Maintenance Manual shall include as a minimum:

- i) A 12 months Landscape Maintenance Schedule to provide a guide to the landowner or manager on how to best maintain the constructed landscaped areas; and include the following information: shrub pruning/trimming (frequency, plant requirements); Fertilising and pest control (soil testing, types, rate, frequency); Mulching, weeding and soil improvement (frequency, materials); Irrigation (checks, adjustments); maintenance of plants (fertilising, mulching, tree stakes adjustments, special plants requirements, alternative plants replacements

if required); Maintenance of hard landscape elements (planters, waterproofing, irrigation, paving, edges, pergolas, seats, and any specialised maintenance requirements);

- ii) Frequency and methodology of different maintenance requirements including the removal of green waste; irrigation system tests, waterproofing inspections.
- iii) Details of safety procedures;
- iv) Electronic copies of 'As Built' Landscape drawings;
- v) Manufacturer's contact details and copies of manufacturers' typical details and specification;
- vi) Copies of warranties and guarantees relating to all materials and plant used in construction;

REASON

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

98. Public Domain Landscape

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

- a) Works to be completed in public space owned by Council and TfNSW, will be of no cost to Council or the TfNSW, including the following: Landscaping and embellishment of Dunmore Street, and Albyn Street frontages to the development site, including footpaths, paving, street trees, tree pits/grates and other planting, and street furniture, etc.
- b) All street trees have to be supplied in a pot size not less than 200 Litre. Trees at time of inspection shall have a minimum height of 3.5 meters, calliper at 300mm greater than 60mm, installed with stakes and ties within a mulch bed or equivalent. Trees supplied shall be healthy and vigorous, free of pest and disease, free from injuries. Trees provided shall conform to NATSPEC guide.
- c) Each new Street tree shall include a 50mm diameter slotted watering pipe with geotextile sleeve around rootball connected to watering grate (or kerb hole if WSUD option used) Root Rain Urban or equivalent.
- d) An experienced Landscape Contractor shall be engaged to undertake all landscaping public domain work and shall be provided with a copy of both the approved landscape drawing and the conditions of approval to satisfactorily construct the landscape to Council requirements. The Contractor shall be engaged weekly for a minimum period of 52 weeks from final completion of landscaping for maintenance and defects liability, replacing plants in the event of death, damage, theft or poor performance. After that time regular and ongoing maintenance is required.

- e) A Dial-Before-You-Dig enquiry is required prior to stump grinding the trunk and shall occur without damage to Council infrastructure or underground services/utilities.
- f) Each new street tree shall be installed with stakes and ties - Three stakes (3) of 50 x 50 x 2500mm of durable hardwood, straight, free from knots or twists, pointed at one end. Provide ties fixed securely to the stakes, 50mm hessian webbing installed around the stakes and stem in a figure of eight pattern and stapled to the stakes.
- g) Prior to the issue of any Occupation Certificate and in the event of damages to the grass verge during works, trim the strip of land between the property boundary and the road, spread topsoil on top of the trimmed surface and lay approved turfing on the prepared surfaces. The turf shall be protected from vehicular traffic and kept watered until established.

REASON

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

99. New Street Trees (by Applicant)

Prior to issue of any Occupation Certificate, new street trees shall be installed by the Applicant at their own expense in accordance with:

- a) Approved landscape plan.
- b) All work to be undertaken by a qualified landscape contractor.
- c) All trees shall be sourced from a reputable supplier and grown to NATSPEC requirements.
- d) A Dial Before You Dig enquiry undertaken prior to planting. Council takes no responsibility for any damage incurred to persons, property, or services during the tree planting works.
- e) Trees shall be planted in an area measuring 1 metre square, backfilled with imported soil / compost, water holding additive and fertiliser, and mulched with leaf mulch to a depth of 100mm.
- f) The trees are to be staked with a minimum of three (3) stakes in accordance with Council's Landscape DCP and NATSPEC recommendations.

The Applicant is required to obtain Council inspections at the following hold points:

- a) Prior to planting to approve the tree stock is satisfactory, and
- b) Completion of planting to approve work has been undertaken satisfactorily and indicating the commencement of the maintenance period.
- c) The street trees required above must be maintained for a minimum period of six (6) months.

REASON

To ensure the planting of new street trees in accordance with all relevant approvals and requirements

100. Site Tree Replacement

Prior to the issue of the Occupation Certificate, site replacement tree shall be planted in accordance with the Approved Landscape Plans on completion of the building works.

REASON

To ensure that tree replacement is in accordance with the approved landscape plan.

101. Contaminated Land – Site Validation Report

A Stage 4 – Site Validation Report (SVR) shall be prepared by a suitably qualified Contaminated Land Consultant and shall be in accordance with:

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

The Site Validation Report shall provide a notice of completion of remediation works, whether there are any ongoing site management requirements, and a clear statement on the suitability of the likely proposed site use.

The report shall be submitted to the Principal Certifier, and the Council if the Council is not the Principal Certifier. The report is to be submitted after completion of remediation works and prior to the issue of any Occupation Certificate.

REASON

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

102. Site Audit Statement – Site Suitability (no park dedication to Council)

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* shall be submitted to Council clearly demonstrating that the site is suitable for the proposed development. This shall be provided prior to the release of any Occupation Certificate.

Any conditions imposed on the SAS shall form part of this consent. The accredited site auditor shall 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 application pursuant to the *Environmental Planning & Assessment Act 1979* shall be submitted to ensure that they form part of the consent conditions.

REASON

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

103. Registration – Environmental Health

Prior to issue of an Occupation Certificate, the premises food premise (childcare centre / multi-purpose hall kitchen) must be registered with Council's Environmental Health Section in accordance with the following relevant legislation:

- a) Food Shop - *Food Act 2003*.

REASON

To ensure registration of the use in accordance with relevant legislation.

104. Construction and Installation of Ventilation System

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

REASON

To ensure the mechanical ventilation system has been constructed and installed as approved.

105. Certification of Acoustic Measures

The noise reduction measures specified in the noise report prepared by ADP Consulting: Engineering – Bexley Christ Church Anglican Church – Environmental Noise Impact Assessment Project No: SYD2191 dated the 10 November 2022 Revision 04, shall be validated by a Certificate of Compliance prepared by the acoustic consultant, and submitted to the Principal Certifier, prior to the issue of a Occupation Certificate. If Council is not the Principal Certifier, a copy shall be submitted to Council concurrently.

REASON

To protect the amenity of the local area.

106. Thermostatic Mixing Valve

Should a thermostatic mixing valve be installed in the premises, the following requirements shall be met:

- a) The thermostatic mixing valves shall be set at a predetermined temperature of no lower than 37°C and no higher than 43°C. The “fail safe” mixing valves shall be installed, and
- b) A copy of the commissioning report for the thermostatic mixing valve shall be submitted to Council with an additional copy kept on the premises. The thermostatic mixing valves are to be serviced annually by a suitably qualified and registered Plumber who has completed a TAFE course in mixing valves, and
- c) The thermostatic mixing valve shall be registered with Council as a warm water system, by completing the attached registration form, in accordance with the provisions of the *NSW Public Health Act 2010* and the *Public Health Regulation 2012* for the control and prevention of Legionnaires Disease.

REASON

To ensure compliance with the relevant legislation and to protect human health.

107. Acoustic Compliance Report

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 'ADP Consulting: Engineering – Bexley Christ Church Anglican Church – Environmental Noise Impact Assessment Project No: SYD2191 dated the 10 November 2022 Revision 04' and all other noise mitigation measures associated with the mechanical plants (ventilation systems, exhaust fans, ventilation fans and condenser units) and equipment including air-conditioners 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).

REASON

To protect the amenity of the local area.

OPERATIONAL CONDITIONS

108. Maintenance of Wastewater and Stormwater Treatment Device

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

REASON

To protect sewerage and stormwater systems.

109. Hours of Operation (Childcare & Multi-Purpose Hall)

The hours of the Childcare Centre, Playground area and Nursery area shall be restricted to being used between the following times:

- a) 7.00am – 7.00pm Monday to Friday

The hours of the Multi-purpose Hall shall be restricted to being used between the following times as to minimise noise impacts to adjoining residential tenancies:

- a) 7.00am- 10.00pm Monday to Sunday.

Note: In accordance with the approved Plan of Management, provision is made for at least one (1) late night church worship service being held during each of the Easter and Christmas periods.

REASON

To minimise impacts to the community.

110. Signage Display

The signs must not have / use:

- a) flashing lights, and

- b) electronically changeable messages, and
- c) animated display, moving parts or simulated movement, and
- d) a method and level of illumination that distract or dazzle, and
- e) instructions that imitate traffic control signs by way of shape, layout or colour.

REASON

To minimise adverse impacts resulting from signage.

111. Plan of Management – Compliance with Approved PoM

The approved Plan of Managements (as referred to in Condition 1) shall be complied with at all times. Any amendments to the Plan of Managements shall require a separate approval from Council.

A copy of the Plan of Managements must be displayed on site at all times and made available to all staff and/or occupants.

REASON

To manage site operations so that adverse impacts are minimised.

112. Operation of Vehicular Premises

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

- a) All vehicles must enter and exit the site in a forward direction.
- b) All manoeuvring movements of vehicles shall be carried out wholly within the site and vehicle manoeuvring area shall be kept clear at all times.
- c) All vehicles shall be parked in the marked parking bays. All parking bays on-site shall be set aside for parking purpose only and shall not be used for storage of goods or machinery.

REASON

To manage site operations so that adverse impacts are minimised.

113. Maintenance of Stormwater Drainage System

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 all times. The system shall be inspected after every rainfall event to remove any blockage, silt, debris, sludge and the like in the system. All solid and liquid waste that is collected during maintenance shall be disposed of in a manner that complies with the appropriate Environmental Guidelines. The water from the rainwater tank should not be used for drinking. Rainwater tanks shall be routinely de-sludged and all contents from the de-sludging process disposed: Solids shall be disposed to the waste disposal and de-sludged liquid shall be disposed to the sewer.

REASON

To protect waterways and minimise adverse impacts to the environment.

114. Child Care Centres - Maximum Number of Children

The Childcare Centre at any one time is only permitted to have:

- b) Activity Room 1 - 0 years - 2 years – 12 children
- c) Activity Room 2 – 2 Years – 3 years – 17 children
- d) Activity Room 3 – 3 Years – 6 Years – 20 children.

Any alterations to the above will require further development approval.

115. Maximum Church Capacity

The maximum capacity of the church (Multi-purpose hall) is to be 250 people at any one time.

REASON

To limit the number of patrons to the multi-purpose hall

116. Use of Charcoal and Wood

The use of charcoal or wood as fuel for cooking is not permitted unless with the prior approval of Council.

REASON

To restrict the type of materials for cooking.

117. Impacts on the Amenity (Light Industrial)

The operation of the premises shall be conducted in such a manner as not to interfere with or materially affect the amenity of the neighbourhood by reason of noise, vibration, odour, fumes, vapour, steam, soot, ash, dust, waste water, waste products, grit, oil, or otherwise.

REASON

To manage site operations so that adverse impacts to the locality are minimised.

118. Smoking

The proposed use of the premises must comply with the *Smoke-Free Environment Act 2000*, *Smoke-free Environment Regulation 2016* and *Public Health (Tobacco) Act 2008*, *smoking in enclosed areas and outdoor areas for food premises is prohibited:*

- *Commercial outdoor dining areas in licensed venues (including clubs and hotels), restaurants and cafes must be smoke free;*
- *Areas within four metres of a pedestrian entrance to or exist from a licensed venue, restaurant or café must be smoke free; and*
- *Mandatory prescribed signage 'NO SMOKING' must be displayed within a commercial outdoor dining area.*

Smoke means use, consume, hold or otherwise have control over a tobacco product, non-tobacco smoking product or e-cigarette that is generating (whether or not by burning) smoke or an aerosol or vapour.

Smoking accessory includes cigarette papers, pipes, cigarette holders, hookahs, water pipes or any other smoking implement.

REASON

To ensure compliance with the relevant legislation.

119. Maintenance of Food Premises

The food premises must be maintained in accordance with the following:

- a) *Food Act 2003*, and
- b) *Food Regulation 2015*, and
- c) Australia and New Zealand Food Standards Code, and
- d) The Australian Standard AS 4674-2004: Construction and fit out of food premises, and
- e) Standard 3.2.3 – Food Premises and Equipment.

REASON

To ensure compliance with the relevant standards and legislation.

120. Noise from Mechanical Plant / Ventilation and Air Conditioning

- a) The use of the premises, building services, equipment, machinery and, ancillary fittings shall not give rise to an “offensive noise” as defined under the provisions of the *Protection of the Environment Operations Act 1997*, and
- b) The use of mechanical plant including air conditioners, fans, compressors, condensers, freezers, swimming pool or spa pumps (whether commercial or domestic) shall not cause sound pressure levels in excess of the criteria given in the *NSW Industrial Noise Policy – 2000*.

REASON

To manage site operations so that adverse impacts to the locality are minimised.

DEVELOPMENT CONSENT ADVICE

121. Lapsing of Consent

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

122. Out of Hours Construction Work

For any activity that is required to be undertaken outside normal construction hours due to public safety, traffic related reasons, or significant concrete pour, a separate Out of Hours Works Permit is required prior to commencement of any out of hours works being undertaken.

An Out of Hours Works Application must be submitted for each separate event to Council, a minimum of one month prior to the planned activity being undertaken.

123. Dial Before You Dig

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

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

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

124. Annual Fire Safety Statement

In accordance with Clause 177 of the *Environmental Planning and Assessment Regulation 2000*, the owner of the building premises must cause the Council to be given an Annual Fire Safety Statement in relation to each essential fire safety measure implemented in the building.

The Annual Fire Safety Statement must be given:

- a) Within 12 months after the date on which the Fire Safety Certificate was received, and
- b) Subsequent Annual Fire Safety Statements are to be given within 12 months after the last such statement was given, and
- c) An Annual Fire Safety Statement is to be given in or to the effect of Clause 181 of the *Environmental Planning and Assessment Regulation 2000*, and
- d) A copy of the statement is to be given to the Commissioner of Fire and Rescue NSW, and a further copy is to be prominently displayed in the building.

125. Lead-Based Paint

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

126. Noise Minimisation during Demolition and Construction

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

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

- a) choosing quiet equipment, and

- b) choosing alternatives to noisy activities, and
- c) relocating noise sources away from affected neighbours, and
- d) educating staff and contractors about quiet work practices, and
- e) informing neighbours of potentially noise activities in advance, and
- f) equipment such as de-watering pumps, that are needed to operate on any evening or night between the hours of 8.00 pm and 7.00 am, or on any Sunday or Public Holiday, shall not cause a noise nuisance to neighbours of adjoining or nearby residences.

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