

Development Assessment CONDITION SET

Development Application No:	DA-2022/329
Property:	15-37 Innesdale Road, WOLLI CREEK NSW 2205 Lot 13 in DP 663383, Lot 1 in DP 923896 and Lots 14 to 24 in Section 1 in DP 4059.
Proposal:	Integrated Development – Demolition of existing structures and construction of four (4) x eight (8) storeys residential apartment buildings comprising of 196 apartments including 98 affordable housing units over three (3) levels of basement parking
Assessment Planner:	Michael Maloof
Content Manager No:	23/175408
Read in conjunction with Planning Assessment Report Content Manager No:	23/158333
Attachment B Content Manager No:	23/173208

This Development Application has been determined under Section 4.16(3) of the Environmental Planning and Assessment Act, 1979 by granting Deferred Commencement consent.

Deferred Commencement Approval, subject to DCA and DCB and Conditions of Consent in Schedule 1

The consent shall not operate until the following matters are satisfied:

DCA. Stormwater management

Concept stormwater management plans and certification shall be submitted for assessment and approval for Council addressing the following matters:

- i. The stormwater ground floor plan is to show the stormwater pipe sizes and grades. The pipe and pit invert levels to be shown on the plans. Overland flow paths to be shown on the plan.
- ii. A minimum 60,000L rainwater tank is to be provided for each building as per Section 7.1.9 of the Rockdale DCP. The rainwater tank (OSR) is to drain only non-trafficable roof area and all trafficable areas to drain directly into the WSUD chamber. This is to be clearly shown on all the plans. The rainwater tank is to be connected to internal non-potable stormwater re-use (all ground floor toilets, all ground floor clothes washers, car wash bays and landscape irrigation). The rainwater tank must be modelled in MUSIC. Planter box and balconies must not drain into the rainwater tank. MUSIC Model to be submitted to Council for assessment.

- iii. An OSR catchment plan is to be provided showing the non-trafficable roof areas draining into the OSR. All other impervious (trafficable roof and hardstand) areas and pervious areas that bypass the system must be highlighted.
- iv. The OSR base plan to be provided to show all base levels including the minimum 1% fall towards the outlet pipe.
- v. The OSR lid plan to be provided to show the access grates showing the distance from pit centre to centre. The grates spacing of the access grates to be as 3m from the centre of pit to pit.
- vi. The surface level and invert level of the grated trench drain to be shown in all stormwater management plans. 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.
- vii. A concept stormwater roof drainage plan is to be provided with overflows.
- viii. The development requires the use of a Water Sensitive Urban Design Approach (WSUD) to the design of the drainage system. Rockdale Technical Specifications Stormwater Management Section 7.5 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 for assessment. MUSIC Model to reflect the catchment areas in the WSUD catchment plan. The 'msf' is also to be provided.
- ix. A WSUD catchment plan to be provided to clearly show the survey and architectural in the background. The WSUD catchment plan is to depict the MUSIC Model for each building.
- x. All basement drainage plans to be provided showing all indicative pipe sizes. An oil separator is to be provided as per Section 7.5.4 of the Rockdale Technical Specification Stormwater Management in the concept stormwater basement level 2 plan for each building. Manufacture details to be provided for the oil separator.
- xi. The basement drainage plans to provide the surface levels of the rainwater outlets (RWO) and show the minimum 0.5% cross fall towards the RWO. The car wash bay to be fully bunded.
- xii. The stormwater plans must comply with Section 2.6.2 (b) & (e) of the Rockdale Technical Specification Stormwater Management. The DRAINS Model is to be submitted to Council for assessment.
- xiii. The pump out pit section to show the surface level, base levels, top water level (TWL), and minimum 1% fall towards the pumps. Sizing and volume for the pump out pit must be provided on the plans.
- xiv. Location of the OSR and WSUD chamber is not located within the deep soil area and coordinated with the landscape plans.
- xv. The car wash bays are to be fully bunded.
- xvi. A concept sediment and erosion control plan to be provided showing all the erosion measures for the site including the surface pits and the geotextile filter to be shown on the plan and typical detail for the geotextile filter to be provided. A sediment basin is also to be provided along with detailed calculations.

- xvii. A stormwater concept plans must be completed by a qualified Civil Engineer along with the certification. Please use the Bayside Council certification template.
- xviii. The basement plan must show the basement as a fully “tanked” system (full structural tanking and waterproofing) with adequate provision for future fluctuation of the water table. If subsoil drainage is provided around the subsurface structure, the subsoil drainage around the subsurface structure must allow free movement of groundwater around the structure but must not be connected to the internal drainage system. No groundwater is permitted to enter the subsurface structures and, no pump-out system is permitted to be used to drain and discharge groundwater from the subsurface structures. The note on the basement drainage plan to state the above-mentioned wording regarding fully tanked system.
- xix. A maximum of two separate outlets is permitted for the site (one outlet for each building). The outlet must connect to the underground stormwater Council system in Innesdale Road which requires construction of kerb inlet pits and a minimum of 375mm diameter RCP pipes connecting to existing drainage system. Full details is to be provided for drainage system on Innesdale Road including survey of the existing Council kerb inlet pits.
- xx. Manufacturer details is to be provided for the proprietary products for stormwater treatment.
- xxi. All stormwater plans to be coordinated with the latest architectural plans and the civil driveway profile.

DCB. Traffic, parking and access

1. A longitudinal driveway profile for both buildings prepared by a qualified Civil Engineer shall be submitted to Council for assessment. The profile shall start in the centre of the road and be along the critical edge (worst case) of the driveway, ending at basement level 1. Gradients and transitions shall be in accordance with AS2890.2:2018. The profile shall be drawn to a scale of 1 to 25 and shall include all relevant levels, grades (%), headroom clearances and lengths. The existing boundary levels shall be clearly shown on the profile, any change to the existing boundary levels requires approval from Bayside Council. Each driveway must have a crest of minimum RL2.41m AHD as per the flood advice letter.
2. Amended architectural plans to be submitted that reflect the civil longitudinal driveway profile mentioned above. The architectural plans and driveway profile to be coordinated and in conjunction with each other.
3. A longitudinal section plotting headroom clearance along the travel path of the service vehicle(s) is to be provided. It must be demonstrated that a safe headroom clearance of 3.5m is achieved along the entire travel path, parking and manoeuvring areas of the SRV within the development.
4. Both the architectural plans and the civil driveway profile must be in full compliance with AS2890.2. Amendments to the architectural plans are to be made to provide a minimum 3.5m headroom clearance along the entire travel path, parking and manoeuvring areas of the SRV within the development and this is to be reflected in all relevant sections, floor plans and elevations.
5. Sections in the architectural plans to show two separate sections through the ramp. The first section to be from north to south and the second section to be east to west.

Evidence of compliance with the above conditions, sufficient to satisfy the Council as to those matters, must be provided within **twenty-four (24) months** of this notice. If satisfactory evidence is produced in accordance with this requirement, the Council shall give notice to the applicant of the date from which this consent operates.

If Council has not notified the applicant within a period of 28 days after the applicant's evidence is produced to it, the Council is, for the purposes only of section 8.7 of the Environmental Planning and Assessment Act 1979, taken to have notified the applicant that Council is not satisfied as to those matters on the date on which that 28 day period expires.

Schedule 1

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. Term of the Consent

The term of this consent is limited to a period of five (5) years from the date of the original approval. The consent will lapse if the development does not commence within this time.

2. 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
DA3.11	Revision G	Basement 2 – Residential Building	Marchese Partners International Pty Ltd	07/06/2023
DA3.12	Revision G	Basement 2 – Affordable Building	Marchese Partners International Pty Ltd	07/06/2023
DA3.13	Revision G	Basement 1 – Residential Building	Marchese Partners International Pty Ltd	07/06/2023
DA3.14	Revision G	Basement 1 – Affordable Building	Marchese Partners International Pty Ltd	07/06/2023
DA3.15	Revision G	Mezzanine – Residential Building	Marchese Partners International Pty Ltd	07/06/2023
DA3.16	Revision G	Mezzanine – Affordable Building	Marchese Partners International Pty Ltd	07/06/2023

DA3.17	Revision G	Ground Level – Residential Building	Marchese Partners International Pty Ltd	07/06/2023
DA3.18	Revision G	Ground Level – Affordable Building	Marchese Partners International Pty Ltd	07/06/2023
DA3.19	Revision F	Level 1 – Residential Building	Marchese Partners International Pty Ltd	16/05/2023
DA3.20	Revision F	Level 1 – Affordable Building	Marchese Partners International Pty Ltd	16/05/2023
DA3.21	Revision F	Level 2-3 – Residential Building	Marchese Partners International Pty Ltd	16/05/2023
DA3.22	Revision F	Level 2-3 – Affordable Building	Marchese Partners International Pty Ltd	16/05/2023
DA3.23	Revision G	Level 4 – Residential Building	Marchese Partners International Pty Ltd	07/06/2023
DA3.24	Revision G	Level 4 – Affordable Building	Marchese Partners International Pty Ltd	07/06/2023
DA3.25	Revision G	Level 5-6 – Residential Building	Marchese Partners International Pty Ltd	07/06/2023
DA3.26	Revision G	Level 5-6 – Affordable Building	Marchese Partners International Pty Ltd	07/06/2023
DA3.27	Revision E	Level 7 – Residential Building	Marchese Partners International Pty Ltd	16/05/2023
DA3.28	Revision E	Level 7 – Affordable Building	Marchese Partners International Pty Ltd	16/05/2023
DA3.29	Revision H	Roof Terrace – Residential Building	Marchese Partners International Pty Ltd	07/06/2023
DA3.30	Revision H	Roof Terrace – Residential Building	Marchese Partners International Pty Ltd	07/06/2023
DA3.31	Revision G	Roof Level – Residential Building	Marchese Partners International Pty Ltd	16/05/2023

DA3.32	Revision G	Roof Level – Affordable Building	Marchese Partners International Pty Ltd	16/05/2023
DA4.01 Elevation	Revision H	North - Residential Building	Marchese Partners International Pty Ltd	07/06/2023
DA4.02 Elevation	Revision H	North - Affordable Building	Marchese Partners International Pty Ltd	07/06/2023
DA4.03 Elevation	Revision G	South - Residential Building	Marchese Partners International Pty Ltd	16/05/2023
DA4.04 Elevation	Revision F	South - Affordable Building	Marchese Partners International Pty Ltd	15/05/2023
DA4.05 Elevation	Revision G	East - Affordable Building	Marchese Partners International Pty Ltd	16/05/2023
DA4.06 Elevation	Revision G	West - Residential Building	Marchese Partners International Pty Ltd	16/05/2023
DA4.07 Internal Elevation	Revision G	East - Residential Building	Marchese Partners International Pty Ltd	16/05/2023
DA4.08 Internal Elevation	Revision G	West - Affordable Building	Marchese Partners International Pty Ltd	16/05/2023
DA4.10 Streetscape	Revision H	North	Marchese Partners International Pty Ltd	07/06/2023
DA4.11 Streetscape	Revision G	South	Marchese Partners International Pty Ltd	16/05/2023
DA5.01 Section	Revision G	Section 1-1	Marchese Partners International Pty Ltd	07/06/2023
DA5.02 Section	Revision G	Section 2-2	Marchese Partners International Pty Ltd	07/06/2023
DA5.03 Section	Revision G	Section 3-3 and 4-4	Marchese Partners International Pty Ltd	07/06/2023
DA5.04 Section	Revision G	Section 5-5 and 6-6	Marchese Partners International Pty Ltd	07/06/2023

DA5.05 Section	Revision B	Section through Ramp Res Building	Marchese Partners International Pty Ltd	07/06/2023
DA5.06 Section	Revision B	Section through Ramp Aff Building	Marchese Partners International Pty Ltd	07/06/2023
Plan No.	Revision No.	Plan Title.	Drawn By.	Date of Plan
DA0.01 DA1.01 DA1.07	H F F	Cover Sheet Context Plan Site Plan	Marchese Partners International Pty Ltd	07/06/2023 16/05/2023 16/05/2023
DA1.10 DA1.11	G C	Dev Data Notes	Marchese Partners International Pty Ltd	07/06/2023 16/05/2023
DA2.01 to DA2.10	G	Views	Marchese Partners International Pty Ltd	16/05/2023
DA3.00 to DA3.03 DA3.06 to DA3.07 DA3.09	G	Basement and Floor plans Roof Terrace	Marchese Partners International Pty Ltd	07/06/2023
DA3.04 to DA3.05 DA3.10	F	Floor Plans Roof Terrace	Marchese Partners International Pty Ltd	16/05/2023
DA3.08	D	Floor Plans	Marchese Partners International Pty Ltd	16/05/2023

Approved Documents			
Document Title.	Version No.	Prepared By.	Date of Document
Statement of Environmental Effects	1.02	Gyde	September 2022
Clause 4.6 Variation Request	Final	Gyde	September 2022
BCA and Access Report	R1	EastCoast Approvals Group Pty Ltd	30 June 2022
BASIX Certificates	Certificate Numbers: 1329966M_03 (Residential) and 1330356M_02 (Affordable)	Efficient Living	16 September 2022
Acoustic Report	V1	Koikas Acoustics Pty Ltd	Wednesday 3 August 2022

Traffic and Parking Assessment	Issue K	Transport and Traffic Planning Associates	September 2022
Environmental Wind Tunnel Test Reports (two)	V1.0 610.30526-R01, and 610.30527-R01	SLR	November 2022

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.

3. 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 69(1).

4. 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.

5. Affordable Housing

- a) This approval incorporates a minimum of ninety eight (98) units within the development to be used strictly for the purposes of 'Affordable Housing' as defined in Chapter 2, Section 13 of State Environmental Planning Policy (Housing) 2021.
- b) Any variation to the minimum approved number of 'Affordable' dwellings within the development, beyond that specified above, will require the submission to Council of a modification application.
- c) The 'Affordable Housing' component of the development must be used strictly for the purposes of affordable housing for a minimum period of 15 years, commencing on the day an occupation certificate is issued for the development.
- d) The affordable housing component of the development must be managed by a registered community housing provider. Details of the provider must be submitted to Council prior to the issue of any Occupation Certificate. Should the provider be changed at any time, details shall subsequently be provided to Council of the updated provider.

REASON

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

6. Certification of External Wall Cladding

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

- a) Be satisfied that suitable evidence is provided to demonstrate that the products and systems proposed for use or used in the construction of external walls including finishes and claddings such as synthetic or aluminium composite panels comply with the relevant requirements of the NCC, and
- b) Ensure that the documentation relied upon in the approval process include an appropriate level of detail to demonstrate compliance with the NCC as proposed and as built.

REASON

To ensure development complies with the NCC and fire safety requirements.

7. 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*.

REASON

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

8. Street Tree Preservation Bond

Prior to the Commencement of Demolition / Issue of Construction Certificate, the applicant is to submit payment for a Tree Preservation Bond of (\$4,000.00) to ensure protection of the (N2 & N3) street trees from damage during construction. The duration of the Bond shall be limited to a period of twelve (12) months after issue (or cease upon issue of) of the Occupation Certificate. At the completion of the twelve (12) month period the Tree Preservation Bond shall be refunded pending a satisfactory inspection by 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.

9. Tree Retention

All existing site trees listed in the Arboricultural Impact Assessment Report may be removed as indicated in the report.

The neighbouring trees N1, N4, N5, N6 are to be retained and protected as per the requirements set out in the Arboricultural Impact Assessment Report.

10. BASIX Certificates

The development must be implemented in accordance with the commitments contained within the two BASIX Certificates Numbered 1329966M_03 (Residential) and 1330356M_02 (Affordable). Any proposed changes to the BASIX commitments after the Construction Certificate has been issued will require updated BASIX Certificates and a new Construction Certificate.

11. Enclosure of Structures

The balconies and roof top pergolas shall not be enclosed at any future time without prior development consent.

REASON

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

12. 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.

13. Subdivision does not form part of Approval

Strata Title Subdivision does not form part of the subject development consent. A separate application shall be made, and approval received, for any Strata Title Subdivision of the approved development.

14. Mailboxes

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

15. Approved Materials and Finishes

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

REASON

To ensure that the development is finished in accordance with the approved plans and documentation.

16. Dividing Fences Act 1991

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

17. Parking Allocation

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

RESIDENTIAL BUILDING (WESTERN BUILDING):

Use	Number of Spaces Allocated
<i>Residential</i>	
Residential units	A total of 93 spaces allocated as per below: 1 space per studio/1 bedroom unit 1 space per 2 bedroom unit 2 space per 3 or more bedroom unit (with one of the three bedroom to only have one car space)
Residential visitor	20 spaces
Car Wash Bay	2 spaces (min 3.5m wide)
<i>Others</i>	
Loading Bay	1 SRV Loading Bay
<i>Motorcycle parking</i>	
Residential	8 spaces
<i>Bicycle parking</i>	
Residential	48 spaces

AFFORDABLE BUILDING (EASTERN BUILDING):

Use	Number of Spaces Allocated
<i>Residential</i>	
Residential units	A total of 93 spaces allocated as per below: 1 space per studio/1 bedroom unit 1 space per 2 bedroom unit 2 space per 3 or more bedroom unit (with one of the three bedroom to only have one car space)
Residential visitor	20 spaces
Car Wash Bay	2 spaces (min 3.5m wide)
<i>Others</i>	
Loading Bay	1 SRV Loading Bay
<i>Motorcycle parking</i>	
Residential	8 spaces
<i>Bicycle parking</i>	
Residential	48 spaces

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

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

All residential accessible parking spaces shall be allocated to adaptable dwelling units.
Any tandem / stacked parking spaces shall be allocated to a single residential / commercial unit only.

REASON

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

18. 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.

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:

19. Payment of Special Infrastructure Contribution

A special infrastructure contribution must be made in accordance with the Environmental Planning & Assessment (Special Infrastructure Contribution – Bayside West) Determination 2020 (as in force when this development consent takes effect).

A person may not apply for a construction certificate or occupation certificate (as the case may require, having regards to the Determination), in relation to development the subject of this development consent, unless the person provides, with the application, written evidence from the Department of Planning, Industry & Environment that the special infrastructure contribution for the development (or that part of the development for which the certificate is sought) has been made or that arrangements are in force with respect to the making of the contribution.

The Applicant is to provide written evidence from the Department of Planning, Industry and Environment that payment of the Special Infrastructure Contribution has been made in accordance with the EP&A Act, to the Certifier and Bayside Council.
More Information

A request for assessment by the Department of Planning, Industry and Environment of the amount of the contribution that is required under this condition can be made through the NSW Planning Portal.

(<https://www.planningportal.nsw.gov.au/specialinfrastructure-contributions-online-service>). Please refer enquiries to SIContributions@planning.nsw.gov.au

REASON

To address the increased demand for regional infrastructure resulting from the approved development.

20. Sydney Airport

The following conditions are imposed by the Sydney Airport Corporation Limited (SACL) in their letter dated Wednesday 30 November 2022 and must be complied with:

- a) No objection is raised to the erection of this development to a maximum height of 30.2 metres AHD. The approved height of 32 metres is inclusive of all vents, chimneys, aerials, TV antennae and construction cranes etc. No permanent or temporary structure is to exceed this height without further approval from Sydney Airport Corporation Limited.
- b) Should the height of any temporary structure and/or equipment be greater than 0 metres AEGH (Above Existing Ground Height), a new approval must be sought in accordance with the Civil Aviation (Buildings Control) Regulations Statutory Rules 1988 No. 161.
- c) Construction cranes may be required to operate at a height significantly higher than that of the proposed development and consequently, may not be approved under the Airports (Protection of Airspace) Regulations. And,
- d) Sydney Airport requires that approval to operate construction equipment (i.e., cranes) should be obtained prior to any commitment to construct.

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

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

REASON

To ensure compliance with requirements of Sydney Airports Corporation Limited.

21. General Terms of Approval – Water NSW

Dewatering

GT0115-00001 Groundwater must only be pumped or extracted for the purpose of temporary construction dewatering at the site identified in the development application. For clarity, the purpose for which this approval is granted is only for dewatering that is required for the construction phase of the development and not for any dewatering that is required once construction is completed.

GT0116-00001 Before any construction certificate is issued for any excavation under the development consent, the applicant must: 1. apply to WaterNSW for, and obtain, an approval under the Water Management Act 2000 or Water Act 1912, for any water supply works required by the development; and 2. notify WaterNSW of the programme for the dewatering activity to include the commencement and proposed completion date of the dewatering activity Advisory Note: 3. An approval under the Water Management Act 2000 is required to construct and/or install the water supply works. For the avoidance of doubt, these General Terms of Approval do not represent any authorisation for the take of groundwater, nor do they constitute the grant or the indication of an intention to grant, any required Water Access Licence (WAL). A WAL is required to lawfully take more than 3ML of water per water year as part of the dewatering activity. 4. A water use approval may also be required, unless the use of the water is for a purpose for which a development consent is in force.

GT0117-00001 A water access licence, for the relevant water source, must be obtained prior to extracting more than 3ML per water year of water as part of the construction

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

GT0118-00001 If no water access licence is obtained for the first 3ML / year (or less) of water extracted, then, in accordance with clause 21(6), Water Management (General) Regulation 2018, the applicant must: (a) record water taken for which the exemption is claimed, and (b) record the take of water not later than 24 hours after water is taken, and (c) make the record on WAL exemption form located on WaterNSW website "Record of groundwater take under exemption", and (d) keep the record for a period of 5 years, and (e) give the record to WaterNSW either via email to customer.Helpdesk@waterNSW.com.au or post completed forms to - PO Box 398 Parramatta NSW 2124 (i) not later than 28 days after the end of the water year (being 30 June) in which the water was taken, or (ii) if WaterNSW directs the person in writing to give the record to WaterNSW on an earlier date, by that date.

GT0119-00001 All extracted groundwater must be discharged from the site in accordance with Council requirements for stormwater drainage or in accordance with any applicable trade waste agreement.

GT0120-00001 The design and construction of the building must prevent: (a) any take of groundwater, following the grant of an occupation certificate (and completion of construction of development), by making any below-ground levels that may be impacted by any water table fully watertight for the anticipated life of the building. Waterproofing of below-ground levels must be sufficiently extensive to incorporate adequate provision for unforeseen high water table elevations to prevent potential future inundation; (b) obstruction to groundwater flow, by using sufficient permanent drainage beneath and around the outside of the watertight structure to ensure that any groundwater mounding shall not be greater than 10 % above the pre-development level; and (c) any elevated water table from rising to within 1.0 m below the natural ground surface.

GT0121-00001 Construction phase monitoring bore requirements GTA: a) A minimum of three monitoring bore locations are required at or around the subject property, unless otherwise agreed by WaterNSW. b) The location and number of proposed monitoring bores must be submitted for approval, to WaterNSW with the water supply work application. c) The monitoring bores must be installed and maintained as required by the water supply work approval. d) The monitoring bores must be protected from construction damage.

GT0122-00001 Construction Phase Monitoring programme and content:

a) A monitoring programme must be submitted, for approval, to WaterNSW with the water supply work application. The monitoring programme must, unless agreed otherwise in writing by WaterNSW, include matters set out in any Guide published by the NSW Department of Planning Industry and Environment in relation to groundwater investigations and monitoring. Where no Guide is current or published, the monitoring programme must include the following (unless otherwise agreed in writing by WaterNSW):

- i. Pre-application measurement requirements: The results of groundwater measurements on or around the site, with a minimum of 3 bore locations, over a minimum period of 3 months in the six months prior to the submission of the approval to WaterNSW.
- ii. Field measurements: Include provision for testing electrical conductivity;

- temperature; pH; redox potential and standing water level of the groundwater;
 - iii. Water quality: Include a programme for water quality testing which includes testing for those analytes as required by WaterNSW;
 - iv. QA: Include details of quality assurance and control v. Lab assurance: Include a requirement for the testing by National Association of Testing Authorities accredited laboratories.
- b) The applicant must comply with the monitoring programme as approved by WaterNSW for the duration of the water supply work approval (Approved Monitoring Programme).

GT0123-00001 (a) Prior to the issuing of the occupation certificate, and following the completion of the dewatering activity, and any monitoring required under the Approved Monitoring Programme, the applicant must submit a completion report to WaterNSW. (b) The completion report must, unless agreed otherwise in writing by WaterNSW, include matters set out in any guideline published by the NSW Department of Planning Industry and Environment in relation to groundwater investigations and monitoring. Where no guideline is current or published, the completion report must include the following (unless otherwise agreed in writing by WaterNSW): 1) All results from the Approved Monitoring Programme; and 2) Any other information required on the WaterNSW completion report form as updated from time to time on the WaterNSW website. c) The completion report must be submitted using "Completion Report for Dewatering work form" located on WaterNSW website www.waternsw.com.au/customer-service/waterlicensing/dewatering

GT0150-00001 The extraction limit shall be set at a total of 3ML per water year (being from 1 July to 30 June). The applicant may apply to WaterNSW to increase the extraction limit under this condition. Any application to increase the extraction limit must be in writing and provide all information required for a hydrogeological assessment. Advisory note: Any application to increase the extraction limit should include the following: - Groundwater investigation report describing the groundwater conditions beneath and around the site and subsurface conceptualisation - Survey plan showing ground surface elevation across the site – Architectural drawings showing basement dimensions - Environmental site assessment report for any sites containing contaminated soil or groundwater (apart from acid sulphate soils (ASS)) - Laboratory test results for soil sampling testing for ASS - If ASS, details of proposed management and treatment of soil and groundwater. Testing and management should align with the NSW Acid Sulphate Soil Manual

GT0151-00001 Any dewatering activity approved under this approval shall cease after a period of two (2) years from the date of this approval, unless otherwise agreed in writing by WaterNSW (Term of the dewatering approval). Advisory note: an extension of this approval may be applied for within 6 months of the expiry of Term.

GT0152-00001 This approval must be surrendered after compliance with all conditions of this approval, and prior to the expiry of the Term of the dewatering approval, in condition GT0151-00001. Advisory note: an extension of this approval may be applied for within 6 months of the expiry of Term.

GT0155-00001 The following construction phase monitoring requirements apply (Works Approval): a. The monitoring bores must be installed in accordance with the number and location shown, as modified by this approval, unless otherwise agreed in writing with WaterNSW. b. The applicant must comply with the monitoring programme as amended by this approval (Approved Monitoring Programme). c. The applicant must submit all results from the Approved Monitoring Programme, to WaterNSW, as part of the Completion Report

22. NSW Police

The following conditions are specific to the NSW Police requirements:

- Installation of CCTV cameras within and around the development
 - the system must record continuously at all times
 - recordings must be in a digital format and at a minimum of ten frames per second (10 fps)
 - any recorded image must specify the time and date of the recorded image
 - the systems cameras must cover the following areas:
 - All entry and exit points on the premises
 - The footpath immediately adjacent to the premises
 - All publicly accessible areas (other than toilets) within the premises.
 - Throughout the underground car park to monitor activities around these areas
 - all recordings made by the CCTV system to be kept for at least 30 days
- lighting which complies with the Australian Standard – lighting must be installed in and around the property to increase visibility during the hours of darkness
- the mailboxes should be located in a secure or residents only area of the building. This will increase the visibility of the area and decrease the opportunity for mail theft which often results in Frauds and Identity theft.
- The main entry/egress doors to the buildings must be fitted with an access control system like key, code or card operated system to restrict, control the movement of people and vehicles into and throughout the complex.
- An intercom system must be installed at entry/egress points to enable visitors to communicate with residents within the complex.
- In addition to the above, the applicant is to submit the following to Council for consideration prior to the issue of the Construction Certificate:
 - A Closed-Circuit Television Plan
 - A Crime Risk Assessment Report

REASON

To ensure crime prevention and safety measures are implemented in accordance with requirements of the NSW Police.

23. Ausgrid

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.

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

24. 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.

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:

- building plan approvals
- connection and disconnection approvals
- diagrams
- trade waste approvals
- pressure information
- water meter installations
- pressure boosting and pump approvals
- 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.

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.

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.

PRIOR TO ISSUE OF A CONSTRUCTION CERTIFICATE

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

25. Design Excellence

- (a) The materials and facade details approved under condition 1 and any other relevant condition of this consent shall not be altered or amended at the construction certificate stage without a prior S4.55 application and approval under the EP&A Act; and,
- (b) To ensure design excellence is achieved, as required by Cl6.10 of Bayside Local Environmental Plan 2021, prior to the issue of any construction certificate entailing any works above basement levels including public domain works, the following must be prepared by the registered architect commissioned for the construction of the project:
 - (i) One (1) sample board containing original samples and swatches of all external materials and colours including:
 - a. wall and roof cladding;
 - b. balustrading;
 - c. louvres;
 - d. glazing;
 - e. window edge treatments;
 - f. paving/surface in front setback areas;
 - g. driveway;
 - h. footpaths;
 - i. retaining wall details;
 - j. roof top garden (including all surface treatments).
 - (ii) Full coloured elevational details at a minimum scale of 1:10;
 - (iii) Sections through relevant facade elements, public domain stairs, planter boxes at a minimum scale of 1:10; and,
- (c) The boards, elevations and sections required by (b) above are to be submitted and stamped as approved by the Director City Futures (or delegate) prior to the issue of any Construction Certificate entailing any works above basement levels. The Construction Certificate shall be precisely consistent with these approved materials; and,
- (d) Any modifications to the approved materials under this condition require submission and approval of a S4.55 application.

REASON

To ensure the development complies with the Design Excellence requirements of the

26. Detailed Parking Facility Design Requirements and Certification

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

- a) Compliance with AS2890 Car, Bicycle and Motorcycle Parking:
 - i. The parking facility (including parking spaces, ramps, aisles, vehicular crossing etc.) must comply in full with AS2890.1. The longitudinal profile(s) of the access driveway and any ramps within the parking facilities must comply with the Ground Clearance, Gradient (%) and Length requirements of the 2890 Australian Standards Series.
 - ii. All vehicles are to enter and exit the site in a forward direction.
 - iii. The minimum number of accessible car parking spaces shall be in accordance with the relevant disability legislation. The design and construction of accessible car parking spaces shall be in accordance with AS2890.6.
 - iv. The gate for the basement shall be located to permit the queuing of two (2) vehicles when waiting to enter the basement garage.
 - v. Pedestrian sightlines for vehicles existing the site are to comply with AS2890.1, and
 - vi. Convex mirrors shall be provided at blind corners within, and leading to, the car parking levels to provide increased sight distance for vehicles.
 - vii. The car wash bay(s) shall be 3.5m wide.
 - viii. A minimum of 48 bicycle parking spaces and 8 motorcycle parking spaces for each building must be provided as part of the development and designed in accordance with AS2890.3:2015 and AS2890.1 respectively.
 - ix. All disabled car parking spaces to comply with AS2890.6 and must be a minimum of 2.4m wide with a shared zone.
- b) Compliance with AS2890.2 Commercial (Service) Vehicle Parking:
 - i. Loading and unloading within the site shall be designed and be restricted to commercial vehicles not exceeding the size and mass description of the SRV from AS2890.2:2018. Commercial vehicles greater in size and mass than the SRV are not permitted to enter the site, and
 - ii. The design of the parking facility (including driveways/access ramps/vehicular crossings etc.) shall conform with Australian Standards AS2890.2:2018 along the travel path of the service vehicles, and
 - iii. All service vehicles shall enter the property front in front out, and
 - iv. Swept path analysis shall be provided for manoeuvring of SRV commercial vehicles, depicting a forward entry and forward exit manoeuvre to/from the site via the loading dock(s) proposed within the development, and
 - v. A longitudinal section plotting headroom clearance along the travel path of the service vehicle(s) is to be provided. It must be demonstrated that a safe headroom clearance of 3.5m is achieved along the entire travel path, parking and manoeuvring areas of the SRV within the development, and
 - vi. All waste collection must be undertaken on-site, no bins/waste are permitted to

be presented to the street for collection.

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

REASON

To ensure compliance with the relevant Australian Standard.

27. Provision of Car Wash Bay

The Construction Certificate plans must show the provision of 2 x 3.5m wide car wash bay(s) for each building. A cold-water tap (typically connected to the rainwater tank) and waterproof power outlet shall be provided along with a sign fixed to the wall saying, 'Car Wash Bay'. The car wash bay must be bunded in accordance with AS1940 and AS/NZS 4452 with direct connection to the sewer in accordance with a Sydney Water trade waste agreement.

REASON

To ensure that a carwash bay is provided in accordance with Council requirements and relevant standards.

28. Structural Certificate Basement Structure Adjacent to Public Road

Prior to the issue of the Construction Certificate a certificate from a Structural Engineer, registered with National Engineering Register (NER), shall be submitted to Bayside Council stating that the subsurface structural components located on the boundary of the public road, including but not limited to the slabs, walls and columns, have been designed in accordance with all SAA Codes for the design loading from truck and vehicle loads.

REASON

To minimise risk to personal safety and property.

29. 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.

30. 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 EI Australia, report no. E25318.G03, dated 19.09.2022, 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.
 - i. The appropriate means of any excavation/shoring is to be determined and detailed considering the proximity to adjacent property and structures.
 - ii. Potential vibration caused by the method of excavation and potential settlements affecting nearby footings/foundations/buildings shall be discussed and ameliorated.
 - iii. Review and certify the proposed method to temporarily and permanently support any excavation adjacent to adjoining property, structures, and road reserve if nearby (full support to be provided within the subject site).
 - iv. An implementation program is to be prepared along with a suitable monitoring program (as required) including control levels for vibration, shoring support, ground level and groundwater level movements during construction. The implementation program is to nominate suitable hold points at the various stages of the works for verification of the design intent before sign-off and before proceeding with subsequent stages.
- c) Prepare a Construction Methodology report demonstrating that the proposed construction methods (including any excavation, and the configuration of the built structures) will have no adverse impact on any surrounding property and infrastructure, and
- d) Certify that the construction certificate plans and supporting documentation are satisfactory from a geotechnical perspective, and
- e) Inspect the works as they progress at frequencies determined by the Geotechnical Engineer (where necessary).

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

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

REASON

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

31. Frontage Works Application

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

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

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

REASON

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

32. 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.

33. Undergrounding of Overhead Services and Installation of Lighting

All overhead cables, including electricity and telecommunication cables, along the entire length of all frontages of the development site must be relocated underground as part of the development. The Ausgrid lighting and power poles will need to be decommissioned and new underground supplied lighting columns shall be constructed (where necessary) satisfying the applicable requirements. Ausgrid's approval for the works must be obtained. The location of the new electrical pillars, new lighting poles,

any new pits and trenches for utilities shall be confirmed with Bayside Council prior to the commencement of public domain works. The applicant is responsible for all relocation costs, including costs associated with other cabling such as telecommunications cables. These works must be completed to the satisfaction of Bayside Council prior to the issue of the Final Occupation Certificate.

Where the road reserve is congested with underground utility services and/or street trees, the person acting on the consent must design the undergrounding works around the congestion to the requirements of Ausgrid and Bayside Councils Landscape Architect/Arborist.

If further works are required beyond the frontages of the development site (e.g. across a road) to support the required undergrounding works, these works must also be carried out at no cost or expense to Bayside Council.

REASON

To improve the public domain in accordance with Council's Development Control Plan.

34. Property Address Allocation

Prior to the issue of a Construction Certificate for the development an application for street addresses Property Address Allocation and associated fee shall be submitted to Council for each individual residential flat building within the development in accordance with Section 5.2 of the NSW Address Policy and User Manual dated May 2021.

The form is available for download at:

<https://www.bayside.nsw.gov.au/sites/default/files/2022-06/Property%20Address%20Allocation.PDF>

Derivation and production of address data components is governed by the NSW Address Policy and User Manual May 2021 to ensure consistency of application.

https://www.gnb.nsw.gov.au/data/assets/pdf_file/0004/229216/NSW_Address_Policy_and_User_Manual_2021.pfd

REASON

To ensure property addresses are allocated in accordance with relevant standards.

35. Design Amendments

Before the issue of a construction certificate, the certifier must ensure the approved construction certificate plan (and specifications) detail the following required amendments to the approved plans and supporting documentation stamped by Council.

- (a) Conceal drainage pipes within the floor slabs and walls so that they do not appear in the exterior of the building, including balconies and driveway entrances.
- (b) Encase any hot water system / unit in the balconies in a recessed box with the lid / cover designed to be blend into the facades. (Alternative wording: Screen any hot water system / unit in the balconies from view from the public domain.)

- (c) Finish the internal entrance area of the car park that is visible from the public domain in a manner that is consistent with the overall façade design.
- (d) The balustrades shall be constructed with opaque / solid materials to a minimum height of 1000mm.
- (e) Details shall be submitted to the satisfaction of the Principal Certifier prior to the issue of a Construction Certificate.

REASON

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

36. 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
Section 7.11 Contributions	\$ 3,680,000.00
Builders Damage Deposit (Security Deposit)	\$ 83,210.00
Tree Preservation Bond (Security Deposit)	\$ 4,000.00

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.

37. Payment of Security Deposits

Prior to the issue of any Construction Certificate or the commencement of any works, whichever occurs first, a builder’s damage deposit of \$ 83,210.00 (GST Exempt) shall be lodged with Bayside Council by the applicant by way of cash deposit or unconditional bank guarantee (any proposed bank guarantee must not have an expiry date) in favour of Bayside Council.

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

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

REASON

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

38. Long Service Levy

Before the issue of the relevant Construction Certificate, the long service levy of \$107,161.89 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 certifier.

REASON

To ensure the long service levy is paid.

39. Payment of Section 7.11 Contributions

For developments with an estimated cost of more than \$10 million:

- 1) Before the issue of the first Construction Certificate, in respect of any building to which this consent relates, a section 7.11 contribution calculated in accordance with subclause (2) must be paid.
- 2) The applicant must pay the following contributions to Council for:
 - (a) Arncliffe and Banksia Local Infrastructure Contributions Plan 2020:

Transport	\$ 1,131,213.60
Stormwater Management	\$ 163,811.52
Open Space	\$ 750,155.12
Community Facilities	\$ 1,598,378.56
Administration	\$ 36,441.20
Total	\$ 3,680,000.00

The total contribution payable to Council under this condition is **\$ 3,680,000.00** as calculated at the date of this consent, in accordance with the Arncliffe and Banksia Local Infrastructure Contributions Plan 2020.

The amount to be paid is to be adjusted at the time of payment, in accordance with the review process contained in the Contributions Plan. The contribution is to be paid prior to the issue of any compliance certificate; subdivision certificate or construction certificate.

A copy of the development contributions plan is available for inspection at Bayside Council at 444 Princes Highway Rockdale.

REASON

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

40. 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.

41. Design Verification Statement

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

REASON

To ensure compliance with the Environmental Planning and Assessment Regulation 2021.

42. Materials and Finishes

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

REASON

To ensure that works are executed in accordance with the approval.

43. 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.

44. Safer by Design Requirements

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

- (a) Monitored CCTV facilities shall be implemented throughout the development. Areas of focus include the basement car park (including entry and exits), main entry areas to the development and garbage/storage areas, and
- (b) A lighting maintenance policy shall be established for the development. Lighting shall be designed to the Australian and New Zealand Lighting Standards. Australia and New Zealand Lighting Standard 1158.1 - Pedestrian, requires lighting engineers and designers to consider crime risk and fear when selecting lamps and lighting levels, and

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

REASON

To ensure compliance with the Crime Prevention Through Environmental Design (CPTED) principles.

45. Encroachment of Structures not Permitted

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

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

REASON

To ensure all development is contained wholly within the site and minimise impacts on surrounding land.

46. Wind Report

The residential flat development shall be constructed in accordance with the two approved Wind Reports listed in Condition 1. The wind mitigation measures / recommendations in the reports shall be adhered to in the development. Details are to be provided on the Construction Certificate plans.

REASON

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

47. Adaptable Units and Parking

Access must be provided to and within a minimum of twenty (20) residential units across the entire development (both attached buildings), and between these units and their allocated car parking spaces in accordance with Council's Development Control Plan and Australian Standard 4299: Adaptable housing. The required adaptable units shall be those unit numbers shown below:

- Residential: B.04.04, B.05.04, B.06.04 and B.07.04 & Affordable: D.04.04, D.05.04, D.06.04 and D.07.04 (see Plan DA7.01).
- Residential: B.04.05, B.05.05, B.06.05 and B.07.05 & Affordable: D.04.05, D.05.05, D.06.05 and D.07.05 (see Plan DA7.02).
- Residential: A.00.05 and B.00.02 & Affordable: C.00.05 and D.00.02 (see Plan DA7.03)

The units shall be constructed to comply with the requirements of AS 4299.

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

Note: Compliance with Council's Development Control Plan does not necessarily guarantee that the development meets the full requirements of the *Disability Discrimination Act 1992*. It is the responsibility of the applicant to make the necessary enquiries to ensure that all aspects of the Act are satisfied.

REASON

To ensure adaptable units are provided and designed in accordance with the relevant standards.

48. Adaptable Units

Before the issue of the relevant Construction Certificate, a report prepared by a suitably qualified consultant must be obtained that demonstrates to the Certifier's satisfaction, that any adaptable dwellings specified in the approved plans or documents comply with the provisions of *AS 4299 Adaptable Housing Standards*.

REASON

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

49. 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 Clause 4.6 of Council's Rockdale Development Control Plan 2011 (in force as at the date of the lodgement of this application).

REASON

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

50. Glazing Reflectivity

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

REASON

To ensure that adverse reflectivity impacts are minimised.

51. Lighting

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

REASON

To ensure that adverse impacts from lighting are minimised in accordance with relevant standards.

52. Services in Garbage Room

Hot and cold water supply shall be provided to the garbage room. Services or utility systems shall not be located within the garbage room. Details demonstrating compliance shall be provided to the satisfaction of the Principal Certifier, prior to the issue of a Construction Certificate.

REASON

To ensure the proper storage and management of waste and minimise adverse impacts to human health.

53. Utilities and Services

Before the issue of the relevant Construction Certificate, written evidence of the following service provider requirements must be provided to certifier:

- (a) a letter from the electricity supply authority demonstrating that satisfactory arrangements can be made for the installation and supply of electricity.
- (b) a response from Sydney Water as to whether the plans accompanying the application for a Construction Certificate would affect any Sydney infrastructure, and whether further requirements need to be met.
- (c) other relevant utilities or services – that the development as proposed to be carried out is satisfactory to those other service providers, or if it is not, the changes that are required to make the development satisfactory to them.

REASON

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

54. Aircraft Noise – Compliance with Submitted Report

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

The work detailed in the report includes:

- a) Appropriate acoustic glazing to stated windows and doors, and
- b) Detailed roof and ceiling construction, and
- c) Wall and ceiling corner details, and
- d) External door specification.
- e) Acoustically treated mechanical ventilation system
- f) Inter-tenancy noise partitions / attenuation

A report shall be submitted to the Principal Certifier for approval prior to the issue of any Construction Certificate. The report is to include BCA requirements and details of

floor/ceilings between residential apartments. Floor coverings within apartments shall be identified within the report.

A suitably qualified Acoustic Engineer with MIE Australia membership or employed by a consulting firm eligible for AAAC membership is to certify that the details provided in the said report satisfy the requirements of this condition, with the certification to be submitted to the Principal Certifier for approval prior to the issue of any Construction Certificate for the relevant stage of works.

REASON

To minimise adverse amenity impacts to residents within the building.

55. Hazardous Material Audit and Work Plan

Prior to the release of a Construction Certificate for the demolition of buildings, Hazardous Materials Audit (HMA) shall be carried out to ensure that any hazardous materials that may have been used within the structural components of buildings and infrastructure are adequately addressed to protect site personnel and the public from the risk of exposure. This shall be undertaken by an appropriately qualified consultant and shall be submitted to Council and the Principal Certifier.

Should any hazardous materials be identified a Work Management Plan shall be submitted to Council in accordance with AS2601-2001 – Demolition of Buildings. The report shall contain details regarding the type and location of hazardous material and the proposed methods of containment and disposal.

REASON

To avoid and/or minimise potential risks associated with hazardous or offensive industries.

56. 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 the certifier:

- (a) Council's Rockdale Development Control Plan 2011,
- (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.

57. Provision of Detailed Plans for Construction Certificate Application

Before the issue of a Construction Certificate, detailed plans must be prepared by a suitably qualified person and provided to the Certifier for approval that are consistent with the plans and documentation approved under this consent.

Detailed plans must also show the following:

- (a) Car parking facilities
- (b) Acoustic Report
- (c) Disability Access Plan
- (d) Pedestrian access
- (e) Signage location and structures
- (f) Mechanical ventilation

REASON

To ensure that detailed Construction Certificate plans are consistent with the approved plans and supporting documentation.

58. 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 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 the 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.

59. Waste Management Plan – an approved document of this Consent

Before the issue of a Construction Certificate, a Waste Management Plan for the development must be provided to the certifier.

REASON

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

60. 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.

61. Sustainability

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

- a) Provision of photovoltaic cell systems on the rooftops. Detailed design for the photovoltaic cells systems is to be provided, the provision of photovoltaic cells is to be at a rate that maximises the coverage of available non-trafficable space on the rooftop. A storage battery is to be provided where possible. This solar power shall be utilised in communal areas and other suitable areas within the development to reduce the developments demand for electricity from the grid.
- b) Sensor controlled and zoned internal lighting within the building's car park and common areas.
- c) Use of admixtures in concrete to minimise cement and reduce embodied carbon.
- d) Separate circuiting for temporary power to minimal stair and corridor lighting.
- e) Use of LEDs and other low energy flicker free lighting resources.
- f) Provision for EV charging in accordance with the below requirements;
 - i. All residential car parking spaces must be 'EV-Ready'. An 'EV-Ready' car space requires the provision of a backbone cable tray and a dedicated spare 15A circuit within an EV Distribution Board enabling future installation of a smart EV charger and cabling to the EV Distribution Board.
 - ii. A minimum of one (1) visitor car space shall be 'EV-Equipped'. An 'EV-Equipped' car space is a car space equipped with EV fast charger that is ready to use on completion of the development (i.e., the space shall be fully equipped with the circuitry and charger directly for use). This may be payment operated system. At minimum, the charger will need to be 'Level 2' fast charging charger – three-phase with 11-22kW power or greater as defined by NSW Electric and Hybrid Vehicle Plan.
 - iii. Provide EV Distribution Boards of sufficient size to allow connection of all 'EV-Ready' car spaces.
 - iv. Locate EV Distribution board(s) so that no future 'EV-Ready' car space will require a cable run greater than 55m from the parking bay to an EV distribution board and, ensure that no cables will obstruct vehicular circulation aisles. Development shall provide cable trays, electrical cabinets, and conduits sufficient to accommodate the electric circuitry to each 'EV-Ready' and 'EV Equipped' car space.
 - v. EV Distribution Boards are to be dedicated to EV charging that is capable of supplying not less than 50% of EV connections at full power (full power being each individual connection being provided with not less than 2kW power and preferably 7kW power) at any one time during off-peak periods, to minimize impacts to maximum demand loads. To deliver this, an EV Load Management System and an active suitably sized connection to the main switchboard is required.
 - vi. EV Load Management System is to be capable of:
 - Reading real time current and energy from the EV chargers under management via ethernet connection;
 - Determining, based on known installation parameters and real time data, the appropriate behaviour of each EV charger to minimise building peak power demand whilst ensuring electric vehicles connected are fully recharged;
 - Scale for residents to engage an EV Load Management provider to provide additional smart chargers to residential car spots over time.

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

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

62. 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 sets out the minimum documentation requirements for detailed design plans. Stormwater management requirements for the site, including the final discharge/end connection point, must comply with Rockdale Technical Specification Stormwater Management.

The detailed drainage design plans shall incorporate the provisions generally made in the approved deferred commencement stormwater plans.

REASON

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

63. Tanking and Waterproofing Basement Intercepting Groundwater Table

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

REASON

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

64. Structural Certification for Flood Prone Land

Prior to the issue of the Construction Certificate, a suitably qualified engineer is to certify that the structure can withstand the forces of floodwater, scour, debris, and buoyancy in a 1% AEP flood event. All building materials shall be flood resistant, or flood compatible to a height of 500mm above the 1% AEP flood event, or flow level. All internal electrical switches, power points or similar utilities liable to flood damage shall be set at a minimum of 500mm above the 1% AEP flood level.

REASON

To ensure the development meets flood planning requirements.

65. Protection of Basement and Building Structures Below Flood Level

All proposed habitable floor levels and basement car park entry levels within the development site shall be set 500mm above the 1% AEP flood level. The underground basement and substructures, access stair wells, lift wells, windows, pedestrian entry / exit points etc. shall be flood proofed and physically protected to a minimum of 500mm above the 1% AEP flood level. A design certification report for floor levels of buildings and structures prepared by a suitably qualified engineer shall be submitted to the Principal Certifier prior to the issue of any Construction Certificate.

REASON

To ensure the development meets flood planning requirements.

66. Detailed Flood Risk Management Plan

Prior to the issue of the Construction Certificate, a Flood Risk Management Plan, prepared by a suitably qualified Civil Engineer, must be provided for the development. The flood risk and flood hazard on the site and its surrounds shall be assessed for the 1% AEP and PMF flood events. The management plan must make provision for, but not be limited to, the following:

- a) Recommendations on all precautions to minimise risk to personal safety of occupants and the risk of property damage for the total development, and
- b) Flood warning signs / depth indicators for areas that may be inundated, and
- c) A flood evacuation strategy, and
- d) A flood awareness strategy, and
- e) On site response plan to minimise flood damage, demonstrating that adequate storage areas are available for hazardous materials and valuable goods above the flood level.

REASON

To ensure the development meets flood planning requirements and minimise risk to personal safety and property.

67. 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 certifier. The plan must be prepared as follows:

- (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.

68. Waste Storage

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

The waste storage area shall be large enough to accommodate the required number of bins for the development and located in an area to suitably facilitate servicing on waste collection day. The path to the bin room is to be at least 1.0 metres wide and kept clear and unobstructed at all times.

69. Residential Waste

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

- a) Domestic Waste - 12 x 1,100 litre mobile bins. Usually provided as a 240 litre or 660 litre bin using this ratio, and
- b) Domestic Recycling - 12 x 1,100 litre and 1 x 660 litre mobile bins, and
- c) Green Waste - 1 to 2 x 240 litre mobile bins per unit block, and.
- d) Bulk Waste Storage Area - Minimum 10m², and

For the proposed Residential Flat Buildings, the larger 1,100 litre mobile bins are preferred as an alternative to the smaller bins, noting an equivalent amount of space will need to be provided. The above are considered to be adequate provided they are serviced in accordance with Council's current servicing requirements.

REASON

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

70. 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.

71. 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.

72. Asbestos

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

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

All work procedures shall be devised to minimise the release of dust and fibres. A checklist of safety precautions when working with asbestos is available in the Health and Safety Guidelines prepared by the WorkCover Authority of NSW. Collection, storage and transportation is subject to the *Protection of the Environment Operations (Waste) Regulation 2005*.

73. Hazardous Waste

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

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

74. Street / Shop

A street number shall be prominently displayed at the front of the development. The street number shall be a minimum of 120mm in height to assist emergency services and visitors to locate the property. The numbering shall be erected prior to commencement of operations.

75. 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)*".

76. Construction Certificate Architectural Drawings

Prior the issue of the Construction Certificate, amended architectural plans must be submitted to, and approved by, the Director City Futures (or delegate) of Bayside Council. **The architectural plan** shall include, but not be limited to, the following modifications:

- a) Areas available with deep soil shall be prioritised for planting.
- b) The entire three metres front landscape setback to Innesdale Road shall be of communal ownership to be dedicated to trees and understorey. Soil levels shall match finished levels in the public domain to ensure lateral root development. No fences will be located within the 3 metres front setback to Innesdale Road. Fences shall be located along the edge of the three metres of the boundary or behind. Private open spaces shall not be located within the 3 metres front setback, including the rear yards of units A.00.03 and D.00.04. Proposed architectural and landscape design shall deliver passive surveillance.
- c) Structures along the front setback shall be minimised to maximise the deep root planting area.
- d) Update site plans of roof and ground floors communal open spaces to be maintained by strata.
- e) Raised planters along the interface with the public domain shall be avoided, If levels do not allow to match public domain finished levels, then retaining walls shall not exceed 500 mm from public domain finished floor levels.
- f) Planters facing the external façades shall be designed to provide the greenery to the streetscape and neighbouring.
- g) Construction details of all fence and gate works, including access paths to each unit.
- h) Enclosure of all service structures along the front setback shall be of minimum size possible. Finishes and materials shall be selected to blend with the landscape setting.

77. Detailed Landscape Plan

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

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

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

- a) A planting plan at 1:100 showing all plant locations/groupings and plant centres/species. There is to be a dense layered planting scheme consisting of trees, shrubs and groundcovers in all of these areas.
- b) Elevated planter box sectional details and drainage details. All planter box depths and dimensions shall be in accordance with Council's DCP and capable of supporting medium and large trees.
- c) Interface with public domain. All planting proposal along site frontages shall follow CPTED principles. Proposed architectural and landscape design shall deliver passive surveillance.
- d) Ensure all services do not negatively affect the public areas. Provide details of all services provided along the interface with the public domain, including fire Hydro boosters, substations, gas metres and other.
- e) A dense foliage buffer planting shall be provided along all sides of the development site. Setbacks including front setback shall augment the number and size of canopy trees.
- f) All trees in the public domain or in ground level with interface with the public domain shall be planted at minimum 200 litres pot size. All other trees proposed within the site shall be planted at minimum 100 litres.
- g) Magnolia grandiflora trees (nominated as Mg in landscape plans) proposed to be planted in deep soil areas shall be replaced with native trees, for environmental reasons.
- h) All deep soil areas of communal ownership shall be free of turf, canopy trees and understorey shall be maximised.
- i) Central deep soil area may include small to medium deciduous feature trees under large trees, to create a more interesting path. Central deep soil area along the front shall include at least one large native canopy trees capable for each a minimum mature height of 15 metres in local conditions.
- j) 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.
- k) Include climbers to pergolas to ensure shade in summer months.
- l) Details of all other hardscape landscape elements such as street furniture, pedestrian amenity lighting, bins, bollards. Location to be clearly identified on plan. Provide sectional construction details and elevations.
- m) 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.
- n) All utility services (including all telecommunication, high and low voltage power lines) are to be placed underground along the entire development site frontages as part of the development prior to occupation. The extent of works required in order to achieve this outcome may involve works beyond the frontage of the development site.
- o) 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).

- p) Planters as approved in landscape plan are not to be reduced in size or soil volumes, or replace with individual pots, unless a modification with acceptable justification is provided and approved by Council landscape architect.

REASON

To ensure compliance with landscape requirements from relevant policies.

78. General Landscape Conditions

- a) The Applicant / occupier is responsible for the maintenance of the new street trees for 12 months after planting. Such maintenance shall include watering, feeding, weed removal and adjustment of stakes and ties (any stakes and ties shall be removed at the expiration of the 12-month period). Any trimming or pruning shall require Council's approval under the Tree Preservation Order.
- b) New street trees shall be maintained by the Applicant / Owner / Strata Corporation for a period of twelve (12) months after final inspection by Council. Maintenance includes twice weekly watering within the first 6 months then weekly thereafter, biannual feeding, weed removal round the base, mulch replenishment at 3 monthly intervals (to 75mm depth) and adjusting of stakes and ties; to sustain adequate growth and health. Maintenance does not include trimming or pruning of the trees under any circumstances.
- c) Planter boxes constructed over a concrete slab shall be built in accordance with the following requirements:
- i) Soil depths must be in accordance with Council's DCP and associated Technical Specifications. The base of the planter must be screeded to ensure drainage to a piped internal drainage outlet of minimum diameter 90mm, with no low points elsewhere in the planter. There are to be no external weep holes.
 - ii) A concrete hob or haunch shall be constructed at the internal join between the sides and base of the planter to contain drainage to within the planter.
 - iii) Planters are to be fully waterproofed and sealed internally with a proprietary sealing agent and applied by a qualified and experienced tradesman to eliminate water seepage and staining of the external face of the planter. All internal sealed finishes are to be sound and installed to manufacturer's directions prior to backfilling with soil. An inspection of the waterproofing and sealing of edges is required by the Certifier prior to backfilling with soil
 - iv) Drainage cell must be supplied to the base and sides of the planter to minimize damage to the waterproof seal during backfilling and facilitate drainage. Apply a proprietary brand filter fabric and backfill with an imported lightweight soil suitable for planter boxes compliant with AS 4419 and AS 3743. Install drip irrigation including to lawns.
 - v) Planter boxes must be an external finish that is consistent with the character of the colour schemes and finishes of the building (e.g. with a suitable paint, render or tile to match the character of the approved building).
 - vi) All planter boxes shall be provided with a fully automated drip irrigation system.

- vii) All planter boxes shall have the required depth to sustain the proposed planting, as detailed below:
 - (1) Trees over 8 metres: Minimum soil depth 1.3 metre,
 - (2) Medium trees (8 metre canopy diameter at maturity): Minimum soil depth one (1) metre,
 - (3) Small trees (4 metre canopy diameter at maturity): Minimum soil depth 800mm.
 - (4) Shrubs: Minimum soil depths 500-600mm.
 - (5) Groundcover: Minimum soil depths 300-450mm.
- d) Irrigation. To ensure satisfactory growth and maintenance of the landscaping, a fully automatic drip irrigation system is required in all landscaped areas. The system shall be installed by a qualified landscape contractor and provide full coverage of planted areas with no more than 300mm between drippers, automatic controllers and backflow prevention devices, and should be connected to a recycled water source. Irrigation shall comply with both Sydney Water and Council requirements as well as Australian Standards and be maintained in effective working order at all times.
- e) Planters as approved in landscape plan are not to be reduced in size or soil volumes, or replace with individual pots, unless a modification with acceptable justification is provided and approved by Council landscape architect.

REASON

To ensure compliance with landscape requirements from relevant policies.

79. 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 Arncliffe and Banksia Public Domain Plan and Technical Manual, Landscape DCP and any other Council specification or requirement. Contact Council's Landscape Architect for further details of specific requirements in preparation of the plan.

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

REASON

To ensure compliance with landscape requirements from relevant policies.

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

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

80. Payment of Fees

Before any site work commences, the following must be paid to Council and written evidence of these payments provided to the certifier:

- (a) Inspection fees as specified in Council's fees and charges at the payment date.

REASON

To ensure fees are paid for inspections carried out by Council in connection with the completion of public work such as footway construction or stormwater drainage required in connection with the consent or the making good of any damage to Council property.

81. Soil Stockpile Area

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

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

REASON

To minimise adverse impacts on surrounding properties and the environment.

82. Erosion and Sediment Controls in Place

Before any site work commences, the 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.

83. 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.

84. Signs on site

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

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

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

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

REASON

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

85. Compliance with Home Building Act (if applicable)

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

REASON

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

86. Home Building Act requirements

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

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

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

REASON

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

87. 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.

88. 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.

89. 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) 13 Innesdale Road, Wolli Creek
- b) 39 Innesdale Road, Wolli Creek
- c) 24 Marsh Street, Wolli Creek
- d) 24A Marsh Street, Wolli Creek
- e) 10 Flora Street ARNCLIFFE NSW 2205
- f) 12 Flora Street ARNCLIFFE NSW 2205
- g) 14 Flora Street ARNCLIFFE NSW 2205
- h) 16 Flora Street ARNCLIFFE NSW 2205
- i) 18 Flora Street ARNCLIFFE NSW 2205
- j) 20 Flora Street ARNCLIFFE NSW 2205

- k) 22 Flora Street ARNCLIFFE NSW 2205
- l) 24 Flora Street ARNCLIFFE NSW 2205
- m) 26 Flora Street ARNCLIFFE NSW 2205
- n) 28 Flora Street ARNCLIFFE NSW 2205
- o) 30 Flora Street ARNCLIFFE NSW 2205
- p) 32 Flora Street ARNCLIFFE NSW 2205
- q) 34 Flora Street ARNCLIFFE NSW 2205
- r) 36 Flora Street ARNCLIFFE NSW 2205

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 PC.

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.

90. Asbestos Removal Signage

Before demolition work commences involving the removal of asbestos, a standard commercially manufactured sign containing the words 'DANGER: Asbestos removal in progress' (measuring not less than 400mm x 300mm) must be erected in a prominent position at the entry point/s of the site and maintained for the entire duration of the removal of the asbestos.

REASON

To alert the public to any danger arising from the removal of asbestos.

91. Hazardous Material Survey before Demolition

Before demolition work commences, a hazardous materials survey of the site must be prepared by a suitably qualified person and a report of the survey results must be provided to Council at least one week before demolition commences.

Hazardous materials include, but are not limited to, asbestos materials, synthetic mineral fibre, roof dust, PCB materials and lead based paint.

The report must include at least the following information:

- (a) The location of all hazardous material throughout the site.
- (b) A description of the hazardous material.

- (c) The form in which the hazardous material is found, e.g. AC sheeting, transformers, contaminated soil, roof dust.
- (d) An estimation of the quantity of each hazardous material by volume, number, surface area or weight.
- (e) A brief description of the method for removal, handling, on-site storage and transportation of the hazardous materials.
- (f) Identification of the disposal sites to which the hazardous materials will be taken.

REASON

To require a plan for safely managing hazardous materials.

92. Vibration Monitoring

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

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

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

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

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

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

REASON

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

93. Site Preparation

Before demolition work commences the following requirements, as specified in the approved demolition management plan, must be in place until the demolition work and demolition waste removal are completed:

- (a) Protective fencing and any hoardings to the perimeter on the site.
- (b) Access to and from the site.
- (c) Construction traffic management measures.
- (d) Protective measures for on-site tree preservation and trees in adjoining public domain.
- (e) On-site temporary toilets.
- (f) A garbage container with a tight-fitting lid.

REASON

To protect workers, the public and the environment.

94. Demolition Management Plan

Before demolition work commences, a demolition management plan must be prepared by a suitably qualified person.

The demolition management plan must be prepared in accordance with *Australian Standard 2601 – the Demolition of Structures*, the *Code of Practice – Demolition Work*, Rockdale Development Control Plan 2011 and must include the following matters:

- (a) The proposed demolition methods.
- (b) The materials for and location of protective fencing and any hoardings to the perimeter of the site.
- (c) Details on the provision of safe access to and from the site during demolition work, including pedestrian and vehicular site access points and construction activity zones.
- (d) Details of construction traffic management, including proposed truck movements to and from the site, estimated frequency of those movements, and compliance with *AS 1742.3 Traffic Control for Works on Roads* and parking of vehicles.
- (e) Protective measures for on-site tree preservation and trees in adjoining public domain (if applicable) (including in accordance with *AS 4970-2009 Protection of Trees on Development Sites* and the Rockdale Development Control Plan 2011).
- (f) Erosion and sediment control measures which are to be implemented during demolition and methods to prevent material being tracked off the site onto surrounding roadways.
- (g) Dust, noise and vibration control measures, in accordance with any Noise and Vibration Control Plan approved under this consent.
- (h) Details of the equipment that is to be used to carry out demolition work and the method of loading and unloading excavation and other machines.
- (i) Details of any bulk earthworks to be carried out.
- (j) Details of re-use and disposal of demolition waste material in accordance with the Rockdale Development Control Plan 2011.

- (k) Location of any reusable demolition waste materials to be stored on-site (pending future use).
- (l) Location and type of temporary toilets on-site.
- (m) A garbage container with a tight-fitting lid.

REASON

To provide details of measures for the safe and appropriate disposal of demolition waste and the protection of the public and surrounding environment during the carrying out of demolition works on the site.

95. Disconnection of Services before Demolition Work

Before demolition work commences, all services, such as water, telecommunications, gas, electricity and sewerage, must be disconnected in accordance with the relevant authority's requirements.

REASON

To protect life, infrastructure and services.

96. Notice of Commencement for Demolition

At least one week before demolition work commences, written notice must be provided to Council and the occupiers of neighbouring premises of the work commencing. The notice must include:

- (a) Name;
- (b) Address;
- (c) Contact telephone number;
- (d) License type and license number of any demolition waste removal contractor and, if applicable, asbestos removal contractor;
- (e) The contact telephone number of Council; and
- (f) The contact telephone number of SafeWork NSW (PH 4921 2900).

REASON

To advise neighbours about the commencement of demolition work and provide contact details for enquiries.

97. Handling of Asbestos during Demolition

While demolition work is being carried out, any work involving the removal of asbestos must comply with the following requirements:

- (a) Only an asbestos removal contractor who holds the required class of Asbestos Licence issued by SafeWork NSW must carry out the removal, handling and of any asbestos material;
- (b) Asbestos waste in any form must be disposed of at a waste facility licensed by the NSW Environment Protection Authority to accept asbestos waste; and
- (c) Any asbestos waste load over 100kg (including asbestos contaminated soil) or 10m² or more of asbestos sheeting must be registered with the EPA on-line reporting tool WasteLocate.

REASON

To ensure that the removal of asbestos is undertaken safely and professionally.

98. Dewatering – Water Quality Requirements

For any water from site dewatering to be permitted to go to the stormwater, the water must meet the relevant default guideline values (DGVs) under the Australian & New Zealand Guidelines (ANZG) for Fresh & Marine Water Quality. 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 must be provided in this report.

Reports must be provided to council prior to discharge of any groundwater to the stormwater system.

REASON

To ensure the discharge of stormwater from the site does not result in any adverse impacts on the environment.

99. Tree Retention and Management

- a) The two (2) existing *Jacaranda mimosifolia* 'Blue Jacaranda' street trees (N2 & N3) shall be retained and protected during construction. To achieve this, the tree protection specifications shall be based on the recommendations of the Consultant Arborist.

The Arborist's report has identified the necessary protective measures (including fencing and delivery/access points), the location and installation methods for any services or works and ongoing maintenance to the trees during construction.

All recommendations of the Arborist shall be adhered to at all times.

- b) Any pruning of branches or roots of trees growing from within adjoining properties requires the prior written consent of the tree's owners and the prior written consent of Council in the form of a Permit issued under Council's Development Control Plan 2011. The work must be carried out in accordance with AS4373:2007 by an experienced Arborist with minimum AQF Level 2 qualifications in Arboriculture.
- c) Where drainage or paving works are proposed to be constructed in the area below the dripline of trees, the proposed works and construction methods must not damage the tree. Where either the trees or works were not shown in detail on the approved plans, then Council approval must be obtained by contacting Council's Tree Management Officer.
- d) Underground Services such as pipelines or cables to be located close to trees, must be installed by boring or by such other method that will not damage the tree rather than open trench excavation. The construction method must be approved by Council's Tree Management Officer.

- e) Existing soil levels within the drip line of trees to be retained shall not be altered without reference to Council's Tree Management Officer.
- f) Building materials, site residue, machinery and building equipment shall not be placed or stored under the dripline of trees required to be retained.
- g) All recommendations contained in the Arboricultural Impact Assessment Report prepared by Arborist Network Dated 26/08/2022 shall be implemented and complied with.

REASON

To ensure the appropriate management and retention of existing trees at the front of the site and on the adjoining properties.

100. 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.

101. Dewatering – Permit to Discharge to Stormwater

To ensure that relevant engineering and water quality provisions are met during the period of dewatering for construction, prior to any water from site dewatering to be permitted to go to council's stormwater system a permit to discharge to the stormwater must be obtained from Council. Dewatering must not commence until this is issued by Council.

REASON

To ensure the discharge of stormwater from the site does not result in any adverse impacts on the environment.

DURING ANY WORKS (including Demolition, Excavation and Construction)

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

102. Approved Plans kept on Site

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

REASON

To ensure relevant information is available on site.

103. 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.

104. Hours of Work

Site work, building work, demolition or vegetation removal must only be carried out between 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.

105. 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.

106. 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.

107. 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.

108. Implementation of BASIX Commitments

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

REASON

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

109. 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.

110. 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.

111. 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.

112. 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.

113. 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.

114. Site Fencing and Hoarding

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

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

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

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

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

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

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

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

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

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

REASON

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

115. 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.

116. 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.

117. Vibration During Demolition Works

Demolition and construction works shall not give rise to the transmission of a vibration nuisance or damage to other premises as defined in the Environment Protection Authority's *Technical Guidelines for Assessing Vibration*.

REASON

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

118. 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.

119. 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.

120. Additional Information – Contamination – Cease Work Addition

Any new information that comes to light during demolition or construction, which has the potential to alter previous conclusions about site contamination and remediation, must be notified to Council and the accredited certifier immediately. All work on site must cease until the council is notified of the appropriate measures to be implemented, by an appropriately qualified and experienced environmental consultant, to assess and manage the contamination in accordance with any relevant NSW EPA adopted guidelines.

REASON

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

121. Acid Sulfate Soil Management Plan

The management of potential and actual acid sulfate soils must be conducted in accordance with all recommendations within the '*Acid Sulfate Soil Management plan – 15-37 Innesdale Road, Wollie Creek NSW*' (E25318.E14_Rev3) by (EI Australia) dated (12 December 2022).

REASON

To ensure the any acid sulfate soils encountered during works on the site is appropriately managed and addressed.

122. Dewatering Water Quality Requirements

For any water from site dewatering to be permitted to go to the stormwater system, the water must meet the relevant default guideline values (DGVs) under the Australian & New Zealand Guidelines for Fresh & Marine Water Quality. All testing must be completed by a NATA accredited laboratory. All laboratory results must be accompanied by a report prepared by a suitably qualified and experienced person indicating the water is acceptable to be released into Council's stormwater system. If it is not acceptable, details of treatment measures to ensure that the water is suitable for discharge to council's stormwater must be provided in this report. Reports must 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.

123. 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 ensure any waste encountered during works is appropriately treated and disposed of.

124. Importation of Fill (General)

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

- a) NSW Environment Protection Authority (EPA) approved guidelines; and
- b) Protection of the Environment Operations Act 1997; and
- c) Protection of the Environment Operations (Waste) Regulation 2014.

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

REASON

To ensure that no contaminated fill is put onto the site.

125. 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 ensure any monitoring results are available to Council throughout the construction process.

126. Soil Management

While site work is being carried out, the 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 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.

127. 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.

128. 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.

129. Noise and Vibration – an approved document of this Consent

While site work is being carried out, noise generated from the site must be controlled in accordance with the requirements of the approved noise and vibration management plan.

REASON

To protect the amenity of the neighbourhood during construction.

130. 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.

131. 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*, and,
- (c) any Arboricultural 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.

132. 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.

133. 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.

134. Implementation of Soil and Water Management Plan

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

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

REASON

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

135. 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 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.

136. Excavation Requirements

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

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

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

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

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

REASON

To ensure all excavation is carried out safely and does not result in any adverse impacts on the existing development on the adjoining properties.

137. Waste Disposal Verification Statement

On completion of demolition work:

- (a) A signed statement must be submitted to Council verifying that demolition work, and any recycling of materials, was undertaken in accordance with the waste management plan approved under this consent, and,
- (b) If the demolition work involved the removal of asbestos, an asbestos clearance certificate issued by a suitably qualified person, must be submitted to Council within 14 days of completion of the demolition work.

REASON

To provide for the submission of a statement verifying that demolition waste management and recycling has been undertaken in accordance with the approved waste management plan.

PRIOR TO ISSUE OF AN OCCUPATION CERTIFICATE

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

138. Occupation Certificate

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

REASON

To ensure that an Occupation Certificate is obtained.

139. Affordable Housing

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

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

REASON

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

140. Restrictions on Use of Land (Affordable Housing)

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

a) Affordable Rental Housing

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

- *A total of ninety-eight (98) of the eighty (196) residential dwellings within the development will be used for the purpose of affordable rental housing.*

Affordable dwellings shall not be used for any other purpose other than for the purposes of affordable housing, as defined in State Environmental Planning Policy (Housing) 2021, and

- *The ninety-eight (98) affordable dwellings shall not be occupied unless managed by a registered community housing provider.”*

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

REASON

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

141. 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.

142. 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.

143. Release of Securities

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

REASON

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

144. 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.

145. Completion of Public Utility Services

Before the issue of the relevant Occupation Certificate, confirmation must be obtained from the relevant authority that any adjustment or augmentation of any public utility services including gas, water, sewer, electricity, street lighting and telecommunications, required as a result of the development, have been completed and this confirmation must be provided to the Principal Certifier.

REASON

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

146. Works-As-Executed Plans and any other Documentary Evidence

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

- (a) All stormwater drainage systems and storage systems, and
- (b) A copy of the plans must be provided to Council with the Occupation Certificate.

REASON

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

147. Certification of Tanking and Waterproofing

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

REASON

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

148. 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.

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

The certification must be submitted to the Principal Certifier.

REASON

To ensure compliance with the relevant standards.

150. Compliance of Works as Executed

Before the issue of an Occupation Certificate, certification from a suitably qualified person must be provided to the Principal Certifier that the following works as executed are consistent with the plans and specifications approved under this consent.

- (a) Car parking facilities
- (b) Acoustic Report
- (c) Disability access plan
- (d) Pedestrian access
- (e) Signage location and structures
- (f) Mechanical ventilation

REASON

To ensure work has been completed in accordance with the development consent.

151. Loading Dock Management Plan

Prior to the issue of the Occupation Certificate, the Applicant shall prepare a detailed loading and servicing management plan for the development which includes, but shall not be limited to, operation hours, use of off-peak deliveries, methods to avoid congestion of service vehicles, booking system, how the vicinity will be shared and general mitigation measures to prevent amenity impacts to neighbouring properties and residents within the site. The plan shall be prepared by a suitably qualified professional and submitted to the Principal Certifier. The management plan is to be implemented for the lifetime of the use of the development.

REASON

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

152. Undergrounding of Overhead Services and Installation of Lighting

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

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

REASON

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

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

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

- a) Construction of a new footpath (full width) and planting of required street trees/landscaping along all frontages of the development site.
- b) Construction of vehicular entrance/s designed to accommodate the largest vehicle entering the site.
- c) Construction of new kerb and gutter along the frontage of the development site.

- d) Removal of the existing concrete vehicular entrance/s, kerb laybacks and other damaged/redundant public domain improvements which will no longer be required.
- e) Reconstruction of selected areas of the existing footpath, vehicular entrances, road, kerb, and gutter as required.
- f) Construct new kerb inlet pits and associated 375mm diameter stormwater pipe, connecting to existing stormwater infrastructure in Innesdale Road to Bayside Council infrastructure specifications.

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

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

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

REASON

To ensure that required public domain outcomes are achieved.

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

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

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

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

155. Removal of Waste Upon Completion

Before the issue of an Occupation Certificate:

- (a) all refuse, spoil and material unsuitable for use on-site must be removed from the site and disposed of in accordance with the approved Waste Management Plan, and
- (b) written evidence of the waste removal must be provided to the satisfaction of the certifier.

REASON

To ensure waste material is appropriately disposed or satisfactorily stored.

156. 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.

157. Design Verification Statement

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

REASON

To ensure the design quality is delivered in accordance with approved plans and the provisions under SEPP 65

158. ESD Certification

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

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

159. Certification Reports

The recommendations of the following reports shall be validated by a Certificate of Compliance prepared by a suitably qualified person and submitted to the Principal Certifier (PC) prior to the issue of an Occupation Certificate. The certificate shall demonstrate compliance that the measures have been installed in accordance with the reports approved under this consent. If Council is not the PCA, a copy shall be submitted to Council concurrently.

- Acoustic Report, prepared by Koikas Acoustics Pty Ltd dated Wednesday 3 August 2022.
- BCA and Access Report, prepared by EastCoast Approvals Group Pty Ltd dated 30 June 2022.

REASON

To protect the amenity of the local area.

160. Section 73 Certificate - Sydney Water

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

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

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

REASON

To comply with Sydney Water requirements.

161. Positive Covenant Application

Prior to the issue of the Occupation Certificate, a Restriction on Use of Land and 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) Rainwater Tank System
- (b) Stormwater Pump System
- (c) Stormwater Quality Improvement Devices

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.

162. Waterproofing

A certificate is to be provided to Council that all wet areas have been effectively waterproofed (prior to tiling) in accordance with AS3740 and the product manufacturer's recommendations.

163. Rainwater Tank - Plumbing Certification

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

REASON

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

164. Erection of Signage

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

- a) **Flooding:**
A flood sign plaque shall be fixed to a prominent place within the flood affected area, approved by the Principal Certifier, in such a way that it cannot be removed. The flood sign shall contain the wording "The site is subject to flooding in heavy storms. Keep clear of the area when flooding occurs".
- b) **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.

165. Surveyor's Certificate for Finished Floor Level (Flooding)

Prior to the issue of any Occupation Certificate, a certificate from a registered surveyor shall be provided to the Principal Certifier, certifying that the habitable / commercial floor levels are constructed a minimum of 500 mm above the 1% Annual Exceedance Probability (AEP) Flood Level and that the garage floor / basement parking level is protected from inundation to a minimum of 500mm above the 1% AEP Flood Level.

REASON

To ensure that floor levels are built in accordance with required flood planning levels.

166. Flood Risk Management Plan - Major

The approved Flood Risk Management Plan and all recommendations from the Flood Awareness & Evacuation Strategy are to be implemented within the development prior to the issue of the Occupation Certificate. A copy of the Flood Risk Management Plan is to be kept on-site. Details and evidence are to be provided to the satisfaction of the Principal Certifier prior to the issue of any Occupation Certificate.

REASON

To minimise risk to life and property.

167. Private Waste Collection

Waste and recycling must be collected by a private waste contractor within the site. A contract for waste and recycling collection must be entered into prior to issue of the Occupation Certificate and the maximum size of the waste collection vehicle shall be equal to or smaller than a SRV vehicle (as denoted by AS2890.2). The company engaged must ensure that all recycling is collected separately from waste. Council must be advised in writing within seven (7) days of a private contractor being engaged for waste collection services.

REASON

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

168. 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.

169. BASIX / Energy Efficiency Commitments

A Compliance Certificate must be provided to the Principal Certifier confirming that the development has been constructed in accordance with the commitments contained within the approved BASIX Certificate listed in Condition 1 prior to the issue of any Occupation Certificate.

REASON

To ensure BASIX and Energy Efficiency commitments are fulfilled.

170. Registration of Strata By-law

- a) A by-law shall be registered and maintained for the life of the development, which requires that:
 - i. Balconies are not to be used as clothes drying areas, storage of household goods and air-conditioning units that would be visible from the public domain, and
 - ii. An owner of a lot must ensure that all floor space within the lot complies with the acoustic conditions for floors specified in this consent, and

- iii. Notwithstanding subclause (b), in the event that a floor covering in the lot is removed, the newly installed floor covering shall have a weighted standardised impact sound pressure level not greater than L'nT,w 45 measured in accordance with AS ISO 140.7 and AS ISO 717.2. A test report from a qualified Acoustic Engineer employed by a firm eligible to membership of the Association of Australian Acoustical Consultants shall be submitted to the Owners Corporation within 14 days of the installation of the new floor covering demonstrating compliance with that standard. In the event that the standard is not complied with, the floor covering shall be removed and replaced with a floor covering that conforms to that standard in accordance with any directions given by the Owners Corporation, and
 - iv. Any graffiti evident on the exterior facades and visible from a public place shall be removed forthwith.
 - v. No unit within the development shall be used for short-term rental accommodation.
- b) Proof of registration of the By-Law shall be submitted to Council prior to the issue of the Occupation Certificate.

REASON

To protect the amenity of future occupants and surrounding area.

171. Anti-Graffiti Coating

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

REASON

To protect the amenity of the surrounding area.

172. Provision of Intercom System

Prior to the issue of the Occupation Certificate, the entry to the car park and each pedestrian entry at the ground floor level of the building shall be provided with an intercom system.

The intercom system shall be connected to each dwelling unit / tenancy, and enable those units / tenancies to provide access to the car park for visitors.

REASON

To prevent queuing of vehicles and to ensure safe and effective access to the building.

173. Intruder Alarm Timer

All intruder alarms must be fitted with a timing device in accordance with the requirements of the *Protection of the Environment Operations (Noise Control) Regulation 2008*, and AS 2201 – Parts 1 and 2 – Intruder Alarm Systems.

REASON

To protect the amenity of residents in the surrounding area.

174. 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.

175. 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 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

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

REASON

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

176. General landscape prior to issue of an Occupation Certificate

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:
 - a. Trees planted above structures at time of inspection shall have a height of 2.2 to 2.5 metres, calliper at 300mm greater than 40mm, installed with stakes and ties within a mulch bed or equivalent.
 - b. Trees in ground level along interfaces with public spaces shall be planted at minimum 200 litres, trees at time of inspection shall have a minimum height of 3.5 metres, calliper at 300mm greater than 60mm, installed with stakes and ties within a mulch bed or equivalent.
 - c. A fully automated irrigation system has been installed to all podium landscaping, in ground levels and in roof terraces.
 - d. Podium landscaping and paved areas are drained into the stormwater drainage system.

- c) 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:
 - a. 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); Maintenance tasks of all play equipment,
 - b. Frequency and methodology of different maintenance requirements including the removal of green waste; irrigation system tests, waterproofing inspections.
 - c. Details of safety procedures;
 - d. Laminated copies of 'As Built' Landscape drawings, and a site plan with nominating all communal open spaces to be maintained by Strata.
 - e. Manufacturer's contact details and copies of manufacturers' typical details and specification;
 - f. 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).

177. 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 Innesdale Road adjacent 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 Litres**. Height shall be minimum 3.5metres, caliper at 300mm greater than 60mm, with a clear trunk height of 1.5 metres. 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) **Root barriers** shall be specified to be installed in all street trees along both kerb and footpaths, or relevant services to be protected. Root barriers shall be installed as far as possible of trees. Ensure 50mm of root barrier is left above finished ground height. Root barrier shall be preferably 2 metres long to each side of the tree.
- f) **Mulching** - Tree pit mulched shall conform to AS 4454 and free of deleterious extraneous matter such as soil, weeds, wood slivers, stones. Mulch shall be in all tree pits to a depth of 100mm, when plants are installed, clear of all plant stems, and rake to an even surface flush with the surrounding finished levels.
- g) 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.
- h) All telecommunication and utility services (including all high and low voltage power lines) are to be placed underground along the entire development site frontage including the installation of underground supplied street lighting columns. The extent of works required in order to achieve this outcome may involve works beyond the frontage of the development site. All works (including the installation of underground supplied street lighting columns) are to be completed prior to the issue of any Occupation Certificate to the satisfaction of Bayside Council.

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.

178. Completion of Landscape and Tree Works

Before the issue of an Occupation Certificate, the Principal Certifier must be satisfied all landscape and tree-works have been completed in accordance with the approved plans and documents and any relevant conditions of this consent.

REASON

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

179. 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.

OPERATIONAL CONDITIONS

The following conditions must be complied with during operation of the use:

180. Operation of Vehicular Access

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

- a) All vehicles must enter and exit the site in a forward direction.
- b) All commercial vehicles (including deliveries and garbage collection) shall enter and exit the site in a forward direction and exit the site in a forward direction.
- c) All loading / unloading and garbage / waste collection activities shall take place on-site wholly within the dedicated loading areas and not from public places, public streets, or any road related area (e.g., footpath, nature strip, road shoulder, road reserve).
- d) The maximum size of vehicles accessing the site shall be limited to an 6.4m long SRV Vehicle (as denoted in AS2890.2).
- e) All manoeuvring movements of vehicles shall be carried out wholly within the site and vehicle manoeuvring area shall be kept clear at all times.
- f) Parking spaces must not be enclosed without further approval of Bayside Council. The enclosure of car spaces is not permitted unless the enclosure complies with the design requirements of AS/NZS 2890.1.
- g) All vehicles shall be parked in the marked parking bays. All parking bays on-site shall be set aside for parking purpose only and shall not be used for storage of goods or machinery.

REASON

To manage site operations so that adverse impacts are minimised.

181. 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.

182. 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.

183. Waste Management – Comply with Approved WMP

- a) The approved Waste Management Plan, as referred to in Condition 1, shall be complied with at all times during use and operation of the premises, and
- b) A sign shall be erected within or adjacent to the garbage room encouraging residents to recycle and not place recyclables into waste bins. Details demonstrating compliance with the requirements of this condition are to be submitted to the satisfaction of the Principal Certifier prior to the issue of the Occupation Certificate.

REASON

To minimise adverse impacts to the locality.

184. Waste Management by Strata Body

The Owners Corporation or building owner shall be responsible for the following:

- a) Compliance with the approved Waste Management Plan as referred to in Condition 1 at all times, during use and operation of the premises, and
- b) Management of waste storage and collection as follows:
 - i. All waste and recycling containers shall be stored in the designated waste storage area, and
- c) Where waste and recycling containers need to be moved to the street:
 - i. Movement of the waste and recycling containers to the footpath for collections, and
 - ii. Return of waste and recycling containers to the waste storage area on the same day as the refuse is collected, and
 - iii. Refuse containers are not to be left on the street for longer than 24 hours, and
 - iv. Cleaning and maintaining the waste storage area, any drainage installations and waste collection containers in accordance with all applicable regulatory requirements, relevant health and environmental standards, and to the satisfaction of Council.
- d) Providing and maintaining signage and information to uses to encourage recycling.

REASON

To minimise adverse impacts to the locality.

185. Waste Management – Private Waste Collection

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

- a) Compliance with the approved Waste Management Plan as referred to in Condition 1, at all times during use and operation of the premises, and
- b) The operator shall ensure that a commercial contract for the collection of trade / commercial waste and recyclables arising from the premises is in place at all times during operations. A copy of all contracts and receipts shall be kept on the premises and made available to Council Officers on request.

REASON

To minimise adverse impacts to the locality.

186. Landscape – Maintenance

- a) The landscaped areas on the property / site shall 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) Buffer planting, including trees and screening shrubs, along the periphery of the site as indicated in the approved final CC landscape plans is to be maintained at all times to ensure amenity and privacy is delivered.
- c) Maintenance tasks of trees along the 3 metres front setback will include pruning to ensure CPTED principles are always met. All tree maintenance works must be done by a qualified arborist with a minimum level 3 in arboriculture (AQF). Trees along front or side setbacks are not to be pruned in height, unless required for safety reasons or for better development of the tree.
- d) A landscape contractor shall be engaged weekly for a minimum period of 52 weeks from completion of the landscape installation to maintain the landscaping. After that time monthly maintenance is required.
- e) An automatic drip irrigation system shall be installed and maintained in working order for all landscaped areas.
- f) The three utility metres within the front setback to Innesdale Road shall be kept in communal ownership and shall be surrounded with trees and landscaped elements as detailed on the landscape plan. Soil levels shall match the level of the public domain and include natural finished soil levels.

REASON

To ensure ongoing maintenance of approved landscaping.

PRIOR TO ISSUE OF A SUBDIVISION CERTIFICATE OR STRATA CERTIFICATE

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

187. Fees to be paid prior to issue of Subdivision Certificate

The following fees shall be paid to Council prior to the issue of the Subdivision Certificate:

- a) Section 7.11 Contributions and any additional fees, and
- b) any other outstanding fees as per conditions of this development consent.

REASON

To ensure the required fees are paid.

188. Consolidation of Lots

Lot 13 in DP 663383, Lot 1 in DP 923896 and Lots 14 to 24 in Section 1 in DP 4059 shall be consolidated into one allotment. A copy of the plan of consolidation shall be submitted to Council prior to release of any Strata Subdivision Certificate.

REASON

To ensure the orderly development and management of the land.

189. Strata Subdivision Certificate Application

A Strata Subdivision Certificate must be obtained prior to registration of the Strata Plan with NSW Land Registry Services. Where Council is the Principal Certifier for the Strata Title Subdivision, an application form and associated fee are required to be submitted to Council's Customer Service Centre with lodgement of the Strata Plan.

REASON

To ensure that subdivision can be registered with NSW Land Registry Services.

190. Release of Subdivision Certificate

The endorsed Subdivision Certificate shall not be released until completion of the development and the issue of the Occupation Certificate.

REASON

To ensure that all relevant works are completed prior to subdivision of the land.

191. Strata Subdivision – Building Inspection Requirements

Prior to issue of the Strata Certificate, in accordance with the requirements of the *Strata Scheme Development Act 2015*, Council or a Principal Certifier shall inspect the building and the common property areas around the building, so as to be satisfied that:

- a) The floors, external walls and ceiling depicted in the proposed strata plan for the building, correspond to those of the building, as constructed, and
- b) The floors, external walls and ceilings of the building, as constructed, correspond to those depicted in the building plans that accompanied the Construction Certificate for the building, and
- c) Any facilities required by the relevant development consent (such as parking spaces, terraces and courtyards) have been provided in accordance with those requirements.

The inspection must occur as construction of the building nears completion, or after it has been completed.

REASON

To comply with the Strata Scheme Development Act 2015.

192. By-Laws for Strata Subdivision

The Subdivision application for strata subdivision of the development, shall be accompanied by a formal copy of the By-Laws, which shall be in accordance with the plans and documentation approved under this Consent, and must also include the following:

- a) Responsibilities with regard to the ongoing maintenance of the building and landscaped areas at the property in accordance with the plans and details approved under Development Consent No. DA-2022/329, and
- b) Responsibilities with regard to the maintenance of artificial features at the property in accordance with the plans and details approved under Development Consent No. DA-2022/329, and
- c) Responsibilities regarding the maintenance of the car wash bay the Owners Corporation / building owner, and
- d) Responsibilities for ensuring owners and / or tenants have adequate and hygienic waste sterile, disposal and collection arrangements, and for ensuring the waste storage area any enclosed waste storage area is to have a connection to a sewerage system with hot and cold water provisions and is appropriately maintained and kept in a clean and safe state at all times, and
- e) Responsibilities to ensure that receptacles for the removal of waste, recycling etc. are put out for collection between 4.00 pm and 7.00 pm the day prior to collection, and, on the day of collection, being the day following, returned to the premises by 12.00 noon, and
- f) Responsibilities to ensure that wastewater and stormwater treatment devices (including drainage systems, sumps and traps) are regularly maintained in order to remain effective. All solid and liquid wastes collected from the devices shall be disposed of in a manner that does not pollute waters and in accordance with the *Protection of the Environment Operations Act 1997*, and
- g) The Owners Corporation / Executive Committee obligations under Clauses 81, 89, 108 and 109 of the *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*, and
- h) The Owners Corporation / Executive Committee obligations to ensure all wastewater and stormwater treatment devices (including drainage systems, sumps and traps) are regularly maintained in order to remain effective. All solid and liquid wastes collected from the devices shall be disposed of in a manner that does not pollute waters and in accordance with the *Protection of the Environment Operations Act 1997*, and
- i) Balconies are not to be used as clothes drying areas, storage of household goods and air-conditioning units that would be visible from the public domain, and
- j) In the event that a floor covering in the lot is removed, the newly installed floor covering shall have a weighted standardised impact sound pressure level not greater than L_{nt,w} 45 measured in accordance with AS ISO 140.7 and AS ISO 717.2. A test report from a qualified Acoustic Engineer employed by a firm eligible to membership of the Association of Australian Acoustical Consultants

shall be submitted to the Owners Corporation within 14 days of the installation of the new floor covering demonstrating compliance with the standard. In the event that the standard is not complied with, the floor covering shall be removed and replaced with a floor covering that conforms to that standard in accordance with any directions given by the Owners Corporation, and

- k) Any graffiti evident on the exterior facades and visible from a public place shall be removed forthwith.

The Linen plan must include details of any easements, encroachments, rights of way, including right of footway, restriction as to user or positive covenants and include a Section 88B Instrument under the *Conveyancing Act, 1919*.

Council is to be nominated as the only authority permitted to release, vary or modify any easements, encroachments, rights of way, restriction as to user or positive covenants.

REASON

To protect the amenity of future occupants and surrounding area.

193. Section 73 Sydney Water Compliance Certificate

A Section 73 Compliance Certificate under the *Sydney Water Act 1994* must be obtained from Sydney Water Corporation.

Application must be made through an authorised Water Servicing Coordinator. Please refer to the Building Developing and Plumbing section of the website www.sydneywater.com.au, then refer to “Water Servicing Coordinator” under “Developing Your Land” or telephone 13 20 92 for assistance.

Following application a “Notice of Requirements” will advise of water and sewer infrastructure to be built and charges to be paid. Please make early contact with the Coordinator, since building of water / sewer infrastructure can be time consuming and may impact on other services and building, driveway or landscape design.

The Section 73 Certificate must be submitted to the Principal Certifier prior to release of the Subdivision/Strata Certificate.

REASON

To comply with Sydney Water requirements.

194. Services to be Covered by Easement

All existing and proposed services on the property shall be shown on a plan and shall be submitted to Council. This includes electricity, gas, water, sewer, stormwater and telephone services. Where any service crosses one lot but benefits another lot, it is to be covered by an easement. The service easement is to be covered by a Section 88 Instrument, which may only be varied or extinguished with the consent of Bayside Council. These provisions are to be put into effect prior to the release of the Strata Certificate.

REASON

To ensure that services have legal rights to be located within the site or on adjoining land.

195. Completion of Site Works

The following works shall be completed on site and documentation submitted prior to the issue of the Subdivision Certificate:

- a) Construction Requirement - The residential flat building development shall be built and completed in accordance with the Conditions of this Development Consent No. DA-2022/329 prior to the issue of the Subdivision Certificate, and
- b) Letterboxes and Street Numbering - a separate letterbox for each dwelling shall be provided with permanent type numbers installed to each letterbox. These numbers are to be in accordance with the street address application as per the street numbering condition in this consent, and
- c) All the stormwater / drainage works shall be completed in accordance with the approved Construction Certificate plans, and
- d) The internal driveway construction works, together with the provision for all services (conduits and pipes laid) shall be completed in accordance with the approved Construction Certificate plans prior to the issue of the Subdivision Certificate, and
- e) Replace all redundant vehicle crossing laybacks with kerb and guttering, and redundant concrete with turf, and
- f) Water and sewer infrastructure shall be constructed in accordance with Sydney Water's "Notice of Requirements" for the issue of the Section 73 Compliance Certificate, prior to the issue of the Subdivision Certificate.

REASON

To ensure that all relevant works have been completed and facilities provided prior to issue of the Subdivision Certificate.

DEVELOPMENT CONSENT ADVICE

1. Lapsing of Consent

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

2. Consult with Utility Provider

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

3. Dial Before You Dig

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

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

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

4. 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.

6. Subdivision Does Not Form Part of Approval

Strata / Torrens Title Subdivision does not form part of the subject development consent. A separate application shall be made, and approval received, for any Strata / Torrens Title Subdivision of the approved development.

7. Dividing Fences Act 1991

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

8. Asbestos

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

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

All work procedures shall be devised to minimise the release of dust and fibres. A checklist of safety precautions when working with asbestos is available in the Health and Safety Guidelines prepared by the WorkCover Authority of NSW. Collection, storage and transportation is subject to the *Protection of the Environment Operations (Waste) Regulation 2005*.