

DRAFT CONDITIONS OF CONSENT

1-3 Ricketty Street, Mascot

DEFERRED COMMENCEMENT CONDITIONS

The consent shall not perate until you satisfy Council about the following matters;

DC1. Floodplain Management

- (a) The architectural plans, sections and elevations are to be revised to be in accordance with the flood study report prepared by S&G Consultants Pty Limited, File Ref: 20220210-R01_FIS [D].docx, Revision D and dated 29.04.2024 (see figures 6-2, 6-3 & 6-4) for both buildings and the central podium/courtyard. The entirety of both buildings and the central podium/courtyard must be designed as a suspended slab with a void below (except for the lift cores). The plans/sections/elevations must show the void below the building and podium from the natural ground level up to the underside of the ground floor suspended slab (the underside of the ground floor suspended slab shall be set at a minimum level of RL2.77m AHD). The sections shall include the assumed slab thickness and footing locations for the development. Elevations to be provided for all frontages of the buildings with the louvers with a minimum 100mmm gap.
- (b) An architectural subfloor plan is to be provided showing the column locations and the natural ground levels below the ground floor and podium level.
- (c) All proposed levels around and below the proposed building and driveway footprint shall be kept at the existing natural ground level. The overland flow path must be retained.

DC2. Sydney Water Approval for Structure over the Sydney Water Stormwater Pipe

- a) The architectural plans, sections and elevations must be revised to the satisfaction of both Bayside Council and Sydney Water detailing the method of constructing the central courtyard/podium over the Sydney Water owned stormwater pipe. The designs must allow for the required access to the stormwater pipe (adhering to Sydney Waters requirements – see Condition 16) whilst still permitting the podium structure to be located over the stormwater pipe (e.g., a structure that can be easily removed to facilitate access).
- b) The proposed footing/column locations are not to conflict with the stormwater pipe.

Evidence of compliance with the above conditions, sufficient to satisfy the Council as to those matters, must be provided within twelve (12) 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.

GENERAL CONDITIONS

1. The development is to be carried in accordance with the following plans and documentation listed

below and endorsed with Council's stamp, except where amended by other conditions of this consent.

| Plan/Dwg No. | Drawn by | Dated |
|--|------------------------|-----------------|
| DA008 / Rev 1 – Site Plan | GCCV and Design Office | 21 October 2022 |
| DA009 / Rev 2 – Staging Diagram Stage 1 | GCCV and Design Office | 3 July 2023 |
| DA010 / Rev 1 – Staging Diagram Stage 2 | GCCV and Design Office | 3 July 2023 |
| DA121 / Rev 2 – Driveway Ramp Profile | GCCV and Design Office | 3 July 2023 |
| DA131 / Rev 3 – Overall Site Elevations Sheet 1 | GCCV and Design Office | 7 November 2023 |
| DA132 / Rev 3 – Overall Site Elevations Sheet 2 | GCCV and Design Office | 7 November 2023 |
| DA133 / Rev 3 – Overall Site Elevations Sheet 3 | GCCV and Design Office | 7 November 2023 |
| DA141 / Rev 2 – Proposed Signage | GCCV and Design Office | 7 November 2023 |
| DA200 / Rev 3 – Storage Ground Floor Plan | GCCV and Design Office | 7 November 2023 |
| DA201 / Rev 3 – Storage Typical Level Floor Plan | GCCV and Design Office | 7 November 2023 |
| DA202 / Rev 3 – Storage Roof Plan | GCCV and Design Office | 7 November 2023 |
| DA221 / Rev 3 – Storage Section Sheet 1 | GCCV and Design Office | 7 November 2023 |
| DA222 / Rev 3 – Storage Section Sheet 2 | GCCV and Design Office | 7 November 2023 |
| DA231 / Rev 3 – Storage North Elevation | GCCV and Design Office | 7 November 2023 |
| DA232 / Rev 3 – Storage South Elevation | GCCV and Design Office | 7 November 2023 |
| DA233 / Rev 3 – Storage East Elevation | GCCV and Design Office | 7 November 2023 |
| DA234 / Rev 3 – Storage West Elevation | GCCV and Design Office | 7 November 2023 |
| DA300 / Rev 3 – Office Ground Floor Plan | GCCV and Design Office | 7 November 2023 |
| DA301 / Rev 3 – Office Level 01 Plan | GCCV and Design Office | 7 November 2023 |
| DA302 / Rev 3 – Office Level 02 Plan | GCCV and Design Office | 7 November 2023 |
| DA303 / Rev 3 – Office Level 03 Plan | GCCV and Design Office | 7 November 2023 |
| DA304 / Rev 3 – Office Level 04 Plan | GCCV and Design Office | 7 November 2023 |
| DA305 / Rev 3 – Office Level 05 Plan | GCCV and Design Office | 7 November 2023 |
| DA306 / Rev 3 – Office Level 06 Plan | GCCV and Design Office | 7 November 2023 |
| DA307 / Rev 3 – Office Level 07 Plan | GCCV and Design Office | 7 November 2023 |
| DA308 / Rev 3 – Office Level 08 Plan | GCCV and Design Office | 7 November 2023 |
| DA309 / Rev 3 – Office Level 09 Plan | GCCV and Design Office | 7 November 2023 |
| DA310 / Rev 3 – Office Level 10 Plan | GCCV and Design Office | 7 November 2023 |
| DA311 / Rev 3 – Office Level 11 Plan | GCCV and Design Office | 7 November 2023 |
| DA312 / Rev 3 – Office Roof Plan | GCCV and Design Office | 7 November 2023 |
| DA321 / Rev 3 – Office Section Sheet 1 | GCCV and Design Office | 7 November 2023 |
| DA322 / Rev 3 – Office Section Sheet 2 | GCCV and Design Office | 7 November 2023 |
| DA331 / Rev 3 – Office North Elevation | GCCV and Design Office | 7 November 2023 |

| Plan/Dwg No. | Drawn by | Dated |
|---|-------------------------|-----------------|
| DA332 / Rev 3 – Office South Elevation | GCCV and Design Office | 7 November 2023 |
| DA333 / Rev 3 – Office East Elevation | GCCV and Design Office | 7 November 2023 |
| DA334 / Rev 3 – Office West Elevation | GCCV and Design Office | 7 November 2023 |
| LDA 03 / Stage 1 Landscape Plan | Ground Ink | 3 November 2023 |
| LDA 04 / Landscape Master Plan – Stage 2 Complete | Ground Ink | 3 November 2023 |
| LDA 05 / Indicative Tree Plan | Ground Ink | 3 November 2023 |
| LDA 06 / Indicative Planting Plan | Ground Ink | 3 November 2023 |
| LDA 07 / Alexandra Canal / Central Promenade Landscape Sections | Ground Ink | 3 November 2023 |
| LDA 08 / Venice Street Landscape Sections | Ground Ink | 3 November 2023 |
| LDA 09 / Stage 1 to Stage 2 Landscape Sections | Ground Ink | 3 November 2023 |
| LDA 10 / Level 11 Rooftop Terrace | Ground Ink | 3 November 2023 |
| LDA 12 / Plant Palette | Ground Ink | 3 November 2023 |
| Stormwater concept design - ground floor plan | S&G consultants pty ltd | 8 March 2024 |
| Stormwater concept design - roof plan | S&G consultants pty ltd | 8 March 2024 |
| Stormwater concept design - details sheet | S&G consultants pty ltd | 8 March 2024 |
| Stormwater concept design - music catchment plan & results | S&G consultants pty ltd | 8 March 2024 |

REASON

To ensure the approved development complies with the relevant architectural and associated plans

2. Staging of Works

This consent permits the staged issue of Construction Certificates as specified in the table below, , provided all conditions relevant to each stage of works have been satisfied prior to the release of a Construction Certificate for that stage.

| Staging | Details |
|---------|---|
| Stage 1 | Construction of an eight (8) storey self-storage building and full construction of landscaping and cycleway adjacent to Alexandra Canal |
| Stage 2 | Construction of a twelve (12) storey commercial building and associated landscape works |

Stage 2 cannot commence until a Final Occupation Certificate is obtained for Stage 1.

REASON

To ensure development is staged in a manner that complies with the provisions of the Environmental Planning and Assessment Act 1979

3. Parking spaces and associated facilities shall be provided and allocated in accordance with the following table below.

Stage 1

| Use | Number of Spaces Allocated |
|--------------|----------------------------|
| Self-storage | 14 car spaces |

| | |
|---------------|----------------------|
| Others | |
| Loading Bay | 4 MRV & 4 SRV spaces |

Stage 2

| Use | Number of Spaces Allocated |
|------------------------|----------------------------|
| Non-Residential | |
| Commercial office | 150 car spaces |
| Others | |
| Loading Bay | 1 MRV space |
| Car Share | 2 spaces |
| Bicycle parking | |
| Commercial office | 117 spaces |

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

REASON

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

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

REASON

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

- A Construction Certificate must be obtained from Council or an Accredited Certifier prior to any building work commencing.

REASON

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

- 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. This includes the fitting of any form of doors and/or walls.

REASON

To ensure no adverse and unanticipated impacts will result from the development.

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

REASON

To ensure that the proposal functions in accordance with the approval, that no additional GFA is created and that the car parking spaces remain compliant with the relevant standards.

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

REASON

To ensure all boundary fencing matters are compliant with the relevant legislation.

- 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 ensure no adverse and unanticipated impacts will result from the development.

10. The materials and façade 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.

REASON

To ensure no changes to approved materials in this 'design excellence' area under the Bayside LEP 2021.

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

REASON

To ensure that works are contained to be wholly within the subject site except where otherwise approved (e.g. within the adjoining land occupied by Venice Street where approval has been granted by Transport for NSW).

EXTERNAL AUTHORITIES

12. DPE Water

(a) *TC-G001*

Before commencing any proposed controlled activity on waterfront land, an application must be submitted to Department of Planning and Environment - Water, and obtained, for a controlled activity approval under the Water Management Act 2000.

(b) *TC-G004*

- (i) This General Terms of Approval (GTA) only applies to the proposed controlled activity described in the plans and associated documents found in Schedule 1, relating to Development Application DA-2022/357 provided by Council to Department of Planning and Environment - Water.
- (ii) Any amendments or modifications to the proposed controlled activity may render the GTA invalid. If the proposed controlled activity is amended or modified, Department of Planning and Environment - Water, must be notified in writing to determine if any variations to the GTA will be required.

(c) *TC-G005*

- (i) The application for a controlled activity approval must include the following plan(s):
- Site plans
 - Detailed civil construction plans
 - Erosion and sediment control plans
 - Construction stormwater drainage outlet plan
 - Landscape plan
- (ii) The plan(s) must be prepared in accordance with Department of Planning and Environment – Water's guidelines located on the website <https://www.dpie.nsw.gov.au/water/licensing-and-trade/approvals/controlled-activity-approvals/what/guidelines>

13. Transport for NSW (Infrastructure SEPP)

- (a) Detailed design plans and hydraulic calculations of any changes to the stormwater drainage system on Ricketty Street are to be submitted to TfNSW for approval, prior to the commencement of any works. Please send all documentation to development.sydney@transport.nsw.gov.au

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

- (b) A Road Occupancy Licence (ROL) shall be obtained from Transport Management Centre for any works that may impact on traffic flows on Ricketty Street during construction activities. A ROL can be obtained through <https://myrta.com/oplinc2/pages/security/oplincLogin.jsf>.

14. Transport for NSW (Alexandra Active Transport Corridor)

- (a) The proposed Ficus Hills figs are to be replaced with other as approved by Bayside Council. The ficus is not appropriate in this location as it has very large root structures which will cause cracking and lifting of the shared path pavement, and could also impact the state-heritage canal wall.
- (b) The proposed Jacaranda are to be replaced with other, or remove from the proximity of the the shared path, as it drops petals and seedpods which will cause slip and trip hazards on the path. Jacarandas also have a propensity to drop limbs, causing significant injury risk and maintenance requirements.
- (c) Flood warning signs at all approaches to the flooded area, to be located at the corner of the canal side shared path and the path along the southern boundary to Venice Street.
- (d) Bike racks are installed as per Australian Standards AS 2890.3.
- (e) The shared path within the City of Sydney LGA is also completed as part of Stage 1 works.

15. Sydney Airport Corporation Limited

All requirements imposed by the Sydney Airport Corporation Limited (SACL) in their letter dated 2 February 2023 and must be complied with.

Sydney Airports has approved the height of 49.5m AHD and is inclusive of all vents, chimneys, aerials, TV antennae and construction cranes etc. No permanent or temporary structure is to exceed this height without further approval from Sydney Airport Corporation Limited.

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

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

16. Sydney Water

- (a) Water and Wastewater Servicing

- Water and wastewater servicing should be available to the site.
- Amplifications, adjustments, and/or minor extensions may be required.

- (b) Stormwater

A Sydney Water 1200mm stormwater pipe traverses the property between the two proposed buildings. Alexandra Canal runs adjacent to the property.

The following building over or adjacent to stormwater assets clearance requirements apply to the proposed development:

- No building or permanent structure is to be proposed over the stormwater channel / pipe or within 1m from the outside wall of the channel / pipe or within Sydney Water easement, whichever is larger.
- Permanent structures include (but are not limited to) basement car park, hanging balcony, roof eaves, hanging stairs, stormwater pits, stormwater pipes, elevated driveway, basement access or similar structures.
- This clearance requirement would apply for unlimited depth and height.

Please see the following link to our building over and adjacent to stormwater assets guide:

<https://www.sydneywater.com.au/content/dam/sydneywater/documents/guidelines-for-building-over-adjacent-to-sydney-water-stormwater-assets.pdf>

This advice is not formal approval of our servicing requirements. Detailed requirements, including any potential extensions or amplifications, will be provided once the development is referred to Sydney Water for a Section 73 application. More information about the Section 73 application process is available on our web page in the Land Development Manual.

Bayside Council Advice / Requirements:

- *The proposed footing/column locations are not to conflict with the stormwater pipe.*
- *Any changes to the approved architectural plans required to satisfy this condition and the requirements of Sydney Water must be submitted to Bayside Council for assessment and approval in a S4.55 modification before a construction certificate can be issued.*

17. Ausgrid

(a) *Method of Electricity Connection*

The method of connection will be in line with Ausgrid's Electrical Standard (ES) 1-'Premise Connection Requirements.

(b) *Service Mains*

It appears the existing electricity service mains, that supply the subject property, may not have sufficient clearance to the proposed construction as per the requirements of "The Installation and Service Rules of NSW". It is recommended that the developer engage a Level 2 Accredited Service Provider (ASP) Electrician to ensure that the installation will comply with the Service Rules.

(c) *Underground Cables*

There are existing underground electricity network assets in 1-3 RICKETTY STREET MASCOT.

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

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

(d) *Substation*

There are existing electricity substation assets S6517 (Removed/Relocation) within 1-3 RICKETTY STREET, MASCOT.

The substation ventilation openings, including substation duct openings and louvered panels, must be separated from building air intake and exhaust openings, natural ventilation openings and boundaries of adjacent allotments, by separation distances which meet the requirements of all relevant authorities, building regulations, BCA and Australian Standards including AS1668.2: The use of ventilation and air-conditioning in buildings - Mechanical ventilation in buildings.

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

Any portion of a building other than a BCA class 10a structure constructed from non-combustible materials, which is not sheltered by a non-ignitable blast-resisting barrier and is within 3 metres in any direction from the housing of a kiosk substation, is required to have a Fire Resistance Level (FRL) of not less than 120/120/120. Open able or fixed windows or glass block work or similar, irrespective of their fire rating, are not permitted within 3 metres in any direction from the housing of a kiosk substation, unless they are sheltered by a non-ignitable blast resisting barrier.

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

For further details on fire segregation requirements refer to Ausgrid's Network Standard 141. Existing Ausgrid easements, leases and/or right of ways must be maintained at all times to ensure 24 hour access. No temporary or permanent alterations to this property tenure can occur without written approval from Ausgrid.

For further details refer to Ausgrid's Network Standard 143.

(e) *Purpose Of Easement*

This easement was acquired for the 11,000 volt distribution assets currently owned and operated by Ausgrid. The purpose of the easement is to protect the distribution assets and to provide adequate working space along the route of the cables for construction and maintenance work. The easement also assists Ausgrid in controlling works or other activities under or near the distribution cables which could either by accident or otherwise create an unsafe situation for workers or the public, or reduce the security and reliability of Ausgrid's network.

(f) *The Following Conditions Apply for any Activities Within the Electricity Easement:*

- Ausgrid is not responsible for the reinstatement of any finished surface within the easement site.
- Ausgrid requires 24 hour access along the easement for plant and personnel. For the purpose of exercising its rights under the easement, Ausgrid may cut fences and/or walls and install gates in them. Where the easements on a site do not provide practical

access to all of Ausgrid's infrastructure, a suitable right of access at least 5m wide must be provided to each asset.

- Access driveways shall withstand the weight of a heavy rigid truck when fully laden weighing 30 tonne.
- Access gates, minimum 4.5 metres wide, may be required in all fences crossing the transmission line easement.
- Driveways and other vehicle access must be capable of supporting the heaviest vehicle likely to traverse the driveway without damaging Ausgrid's assets.
- No buildings/structures or parts thereof constructed may encroach the easement.
- During building construction, adequate controls must be put in place to prevent vehicles and machinery from damaging the Ausgrid assets.
- Bulk solids (e.g sand and gravels) are not to be stored within the easement area.
- The proposed finished ground levels within the easement must provide a minimum of 600mm cover to the 11kV Distribution Cables.
- Trees, shrubs, or plants which have root systems likely to grow greater than 250mm below ground level are not permitted within the easement or close to the cable infrastructure. The planting of other vegetation is to ensure Ausgrid's access and maintenance requirements are maintained.
- Ausgrid is to be indemnified from all actions, suits, claims and demands of whatsoever nature, which Ausgrid may incur as a result of the encroachment/s.
- Ausgrid reserves the right, by written notice, to require the owner of the property, at the owner's expense, to implement further safety measures, removal or modification of any encroachments not specifically approved by Ausgrid should this be necessary in the future for the safe and continued operation or upgrade of the network asset.

DEVELOPMENT SPECIFIC CONDITIONS

The following conditions are specific to the Development Application.

18. Operation of Vehicular Premises for Stage 1 and Stage 2

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 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 vehicle accessing the loading dock shall be limited to an 8.8m long Medium Rigid Vehicle (MRV) (as denoted in AS2890.2:2018).
- (e) All manoeuvring movements of vehicles shall be carried out wholly within the site and vehicle manoeuvring area shall be kept clear at all times.
- (f) Parking spaces must not be enclosed without further approval of Bayside Council. The enclosure of car spaces is not permitted unless the enclosure complies with the design requirements of AS/NZS2890.1.
- (g) All vehicles shall be parked in the marked parking bays. All parking bays on-site shall be set aside for parking purpose only and shall not be used for storage of goods or machinery.

REASON

To manage site operations so that adverse impacts are minimised.

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

REASON

To protect waterways and minimise adverse impacts to the environment.

20. Green Travel Plan and Transport Access Guide

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

REASON

To reduce car dependency.

21. No Encroachment onto Drainage Easements/Overland Flow Path

There shall be no encroachment of paths, fencing or other improvements onto the drainage easements and the cycleway easement without the approval of Bayside Council.

The overland flow path present on this site shall not be obstructed, restricted or altered without the approval of Bayside Council.

REASON

To ensure that overland flow paths and easements remain unrestricted.

22. Maintenance of Wastewater and Stormwater Treatment Device

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

REASON

To protect sewerage and stormwater systems.

23. Hours of Operation

The hours of operation of the self-storage building shall be 24 hours a day, 7 days per week.

The hours of operation of the office building shall be 6am to 10pm, 7 days a week.

24. Operational Conditions

- (a) The front windows of the ground floor commercial / retail tenancies must be kept free of shelves, and a maximum of 15% of the window display area may be covered with promotional materials, obscure glazing and/or other treatment to ensure passive surveillance is maintained to and from the tenancies, and
- (b) Any proposed signs must, unless separately approved, comply with the requirements of the State Environmental Planning Policy (Exempt and Complying Development Code) 2008.
 - i) In addition, any signage cannot have / use:
 - ii) flashing lights, and
 - iii) electronically changeable messages, and
 - iv) animated display, moving parts or simulated movement, or
 - v) a method and level of illumination that distracts or dazzles.
 - vi) all other relevant conditions of this consent.

REASON

To ensure that adverse impacts from commercial uses are minimised

25. Signs or goods shall not be displayed or placed on the public footpath or any other part of the public road at any time without Council's consent.

26. External 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 Certifying Authority and Principal Certifying Authority must:

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

27. Non-Reflective Materials

Walls must be of non-reflective colours and materials to avoid glare. The maximum reflectivity of any glazing is not to be greater than 20% to avoid nuisance from glare.

28. The operation of the premises shall be conducted in a manner which does not pollute waters as defined by the Protection of the Environment Operations Act 1997.

29. Noise

The use of the premises, building services, equipment, machinery and, ancillary fittings shall not give rise to an "offensive noise" as defined under the provisions of the Protection of the Environment Operations Act, 1997.

30. All proposed lights shall comply with the Australian Standard AS4282 2019 "Control of the Obtrusive Effects of Outdoor Lighting". In this regard, the lighting of the premises shall be directed so as not to cause nuisance to the owners or occupiers of adjacent/adjoining premises or to motorists on adjoining or nearby roads.

31. Design Excellence

In order to ensure design excellence is retained:

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

The design architect of the project is not to be changed without prior notice and approval of Bayside Council.

32. Landscape – Maintenance

- (a) The landscaped areas on the property / site shall be maintained in accordance with any approved landscape plans and Council's Development Control Plan. The landscaped areas shall be maintained in a clean and tidy state and with a dense, even coverage of plants to Council's satisfaction at all times, and
- (b) Trees as indicated in approved landscape plans are to be maintained in good health at all times, and
- (c) Area between side and Ricketty Street shall be maintained by applicant during the life of the development, and
- (d) Dead or declined trees shall be replaced with same trees as specified in approved plans. Replacement of planting material, including trees as indicated in approved landscape plan, with an alternative tree species shall be approved by the Director City Futures (or delegate) of Bayside Council. Maintenance tasks will include pruning to ensure CPTED principles are always met. All tree works must be done by a qualified arborist with a minimum level 3 in arboriculture (AQF). Trees along frontages are not to be pruned in height, unless required for safety reasons or for better development of the tree, and
- (e) 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, and
- (f) An automatic drip irrigation system shall be installed and maintained in working order for all landscaped areas, and
- (g) The Applicant / occupier is responsible for the maintenance of the new street trees for 24 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 24-month period). Any trimming or pruning shall require Council's approval under the Tree Preservation Order.

REASON

To ensure ongoing maintenance of approved landscaping.

33. Waste Management

- (a) Services or utility systems shall not be located in the garbage rooms

- (b) Hot and cold water hose cocks shall be installed to the garbage rooms.
- (c) All waste shall be collected from within the subject site within the approved loading / unloading bay.
- (d) The building manager is to ensure that the scheduling of all loading/unloading activities enables the dedicated loading / unloading space on site to be vacant during waste collection time.
- (e) Waste shall be compacted at a maximum ratio of 2:1.

All waste generated on site shall be disposed of in accordance with the submitted Waste Management Plan and conditions of this consent.

34. Acoustic

Adopt and implement all recommendations contained in the Noise and Vibration Assessment prepared by E-Lab Consulting dated 27 October 2022.

All recommended measures must be included in the plans submitted with the Construction Certificate and must be complied with prior to, and during, Occupation.

35. Tree Protection

In accordance with AS4970-2009 protective fences consisting of chain wire mesh temporary fence panels with a height 1.8m shall be erected outside the drip line. The fence panels must be securely mounted and braced to prevent movement.

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

Or alternatively, if there is insufficient space to erect fencing, then the tree is to be physically protected by wrapping the trunk with hessian or carpet underlay to a height of 2.5 meters or to the tree's first lateral branch, whichever is greater, and affix timber palings around the tree with strapping or wire (not nails).

The TPZ is to have a minimum of two signs that include the words "Tree Protection Zone – Keep Out". Each sign shall be a minimum size of 60cm x 50cm and the name and contact details of the Project Arborist.

Signs shall be attached facing outwards in prominent positions at 10 metre intervals or closer where the fence changes direction. The signs shall be visible within the site;

Be kept free of weeds and, except where the existing surface is grass. Weeds shall be removed by hand.

The following activities shall not be carried out within any Tree Protection Zone:

- (a) disposal of chemicals and liquids (including concrete and mortar slurry, solvents, paint, fuel, or oil) ;
- (b) stockpiling, storage or mixing of materials;
- (c) refuelling, parking, storing, washing and repairing tools, equipment, machinery and vehicles;
- (d) disposal of building materials and waste;

The following activities shall not be carried out within any Tree Protection Zone unless under the supervision of the Project Arborist (AQF Level 5):

- (a) increasing or decreasing soil levels (including cut and fill) ;
- (b) soil cultivation, excavation or trenching;
- (c) placing offices or sheds;
- (d) erection of scaffolding or hoardings; and/or
- (e) any other act that may adversely affect the vitality or structural condition of the tree.

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

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

36. City of Sydney applications – Stage 1

Prior to the issue of the Construction Certificate for Stage 1, approval for the cycleway works within the City of Sydney portion of the site is to be obtained.

37. City of Sydney applications – Stage 2

Prior to issue of the Construction Certificate for Stage 2, approval for the demolition of the existing building within the City of Sydney portion of the site is to be obtained.

38. Owner's Consent and outlet approval for Alexandra Canal – Stage 1

Full details to be provided for the outlet design draining into Alexandra Canal. Approval must be obtained from the owner of the Alexandra Canal to permit the proposed stormwater connections to the Alexandra Canal. Owners consent is required to be obtained for all works to be carried out on Alexandra Canal land.

39. Bicycle Path Works – Stage 1

Detailed plans must be submitted clearly demonstrating how the full length of the bicycle path will be constructed in Stage 1 of the consent. Details to include fencing, any retaining structures, relevant approvals from City of Sydney Council and all other relevant information.

40. Payment of Fees & Security Deposits - Stage 1

Before the issue of a construction certificate for Stage 1, the applicant must make all of the following payments to Bayside Council and provide written evidence of these payments to the Principal Certifier:

| | |
|--|----------------|
| Soil and Water Management Sign Fee | \$22.00 |
| Section 7.11 Contributions | \$1,041,075.82 |
| Builders Damage Deposit (Security Deposit) | \$35,685.00 |

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

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

- any inspection carried out by council in connection with the completion of public work or the making good any damage to council property.

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

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

REASON

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

41. Payment of Fees & Security Deposits - Stage 2

Before the issue of a construction certificate for Stage 2, the applicant must make all of the following payments to Bayside Council and provide written evidence of these payments to the Principal Certifier:

| | |
|--|----------------|
| Soil and Water Management Sign Fee | \$22.00 |
| Section 7.11 Contributions | \$4,385,302.80 |
| Builders Damage Deposit (Security Deposit) | \$32,490.00 |

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

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

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

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

REASON

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

42. Design Excellence – Stage 1 & Stage 2

To ensure design excellence is achieved, as required by Clause 6.10 of Bayside Local Environmental Plan 2021, prior to the issue of any Construction Certificate for both Stage 1 and Stage 2 including public domain works, the following must be prepared by the registered architect commissioned for the construction of the project:

- (a) Two (2) physical sample boards containing original samples and swatches of all external materials and colours including:
 - i) wall and roof cladding;
 - ii) columns located in front of the corner retail tenancy (including vertical elements

- attached to columns);
- iii) balustrading;
- iv) louvres;
- v) glazing;
- vi) window edge treatments;
- vii) paving/surface in front setback areas;
- viii) driveway;
- ix) footpaths;
- x) retaining wall details;
- xi) roof top garden (including all surface treatments).

- (b) Full coloured elevational details at a minimum scale of 1:10;
- (c) Sections through relevant façade elements, public domain stairs, planter boxes at a minimum scale of 1:10.

The boards, elevations and sections are to be submitted and stamped as approved by the Director City Futures (or delegate) prior to the issue of any Construction Certificate entailing any works above basement levels. The Construction Certificate shall be precisely consistent with these approved materials. Any modifications to the approved materials under this condition require submission and approval of a S4.55 application.

43. Construction Site Management Plan for Stages 1 & 2

Before the issue of a construction certificate for Stages 1 and 2, the applicant must ensure a construction site management plan is prepared before it is provided to and approved by the Principal Certifier. The plan must include the following matters.

- Location and materials for protective fencing and hoardings to the perimeter on the site.
- Provisions for public safety.
- Pedestrian and vehicular site access points and construction activity zones.
- Details of construction traffic management, including proposed truck movements to and from the site and estimated frequency of those movements, and measures to preserve pedestrian safety in the vicinity of the site.
- Protective measures for on-site tree preservation (including in accordance with AS 4970-2009 Protection of trees on development sites and Council's DCP, if applicable) and trees in adjoining public domain (if applicable).
- Details of any bulk earthworks to be carried out.
- Location of site storage areas and sheds.
- Equipment used to carry out all works.
- A garbage container with a tight-fitting lid.
- Dust, noise and vibration control measures.
- Location of temporary toilets.

The applicant must ensure a copy of the approved construction site management plan is kept on-site at all times during construction.

REASON

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

44. Reports – for Stages 1 & 2

The recommendations of the following consultant reports shall be detailed upon construction certificate plans and implemented on site for the relevant stage of works.

- Acoustic - prepared by E-Lab Consulting dated 27 October 2022
 - Geotechnical – prepared by Alliance Geotechnical and Environmental Solutions dated 21 October 2022
 - Wind Report - prepared by SLR Consulting dated October 2022
 - BCA Report – J Squared Engineering dated 25 October 2022
- Flood Study Report prepared by S&G Consultants Pty Limited, File Ref: 20220210-R01_FIS [D].docx, Revision D and dated 29.04.2024

45. Design Amendments for Stage 1

Before the issue of any construction certificate for Stage 1, 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 Bayside Council:

- Details on fencing and materials along the boundary between Stage 1 and 2.
- The two roof signs are to be relocated so they are integrated within the building design and do not project above the parapet on Level 8. The design and size of the signs shall be generally as shown in the approved plans, and must not be larger than those shown in the approved plans.
- End of trip facilities are to be provided on the ground floor, and
- The architectural plan is to be amended to show 15 bicycle spaces on the ground floor of the self-storage building designed in accordance with AS2890.3.

Written acknowledgement must be obtained from Bayside Council Director of City Futures (or delegate) demonstrating that the required design changes have been made to the architectural plans to the satisfaction of Bayside Council.

REASON

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

46. Design Amendments for Stage 2

Before the issue of any construction certificate for Stage 2, 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 Bayside Council:

- End of trip facilities are to be provided on the ground floor
- The architectural plan to be amended to show 117 bicycle spaces on the ground floor of the office building designed in accordance with AS2890.3.

Written acknowledgement must be obtained from Bayside Council Director of City Futures (or delegate) demonstrating that the required design changes have been made to the architectural plans to the satisfaction of Bayside Council.

REASON

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

47. Architectural and Landscape plans - Landscape matters

Architectural and Landscape plans of the entire development site and shall be submitted for assessment and approval for Council addressing the following matters:

- a) All submitted documentation shall include extend of 3.05 m wide drainage easement to assess relation of the easement with proposed structures and proposed canopy trees. Architectural and Landscape proposal shall adopt Sydney Water requirements into the design.
- b) Architectural layout shall maximise the provision of deep soil for planting between two proposed built forms. Podium area to be reduced where possible, still allowing connectivity between buildings and the front and rear. Front and rear setbacks shall be deep soil, raised planters and stairs shall be aligned with the building envelope where feasible. Front setback shall allow a larger planting area in deep soil between two set of access stairs, space shall be large enough to allow the development of a very large canopy tree, like an indigenous Ficus, or other as approved by Council.
- c) Landscape plan shall be conceptual with an indicative plant schedule and nominate all proposed trees. Shall be consistent with architectural proposal. Provide all finished proposed levels and retained ground levels, elevations and sections to assess design of all podium areas, and paved areas adjacent to natural soil levels landscaped areas.

Design shall limit retaining walls height along frontages of the site and interface with shared path along Alexander Canal to be maximum 500mm in height where possible.

48. Stage 2 Cannot Commence until Stage 1 is Completed to Bayside Council Satisfaction.

Prior to the issue of any Construction Certificate for Stage 2, a final occupation certificate must be obtained for Stage 1, which includes the **full** completion of the cycleway to the northern boundary (incorporating the land under City of Sydney).

49. Car Parking Details for Stages 1 & 2

Before the issue of the relevant construction certificate for Stages 1 & 2, a suitably qualified engineer must review the plans which relate to parking facilities and provide written evidence, to the Principal Certifier's satisfaction, that it complies with the relevant parts of AS 2890 Parking Facilities – Off-Street Carparking and Council's development control plan.

REASON

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

50. Utilities and Services for Stages 1 & 2

Before the issue of the construction certificate for Stages 1 & 2, the applicant must submit the following written evidence of service provider requirements to the certifier:

- (a) a letter of consent from Ausgrid demonstrating that satisfactory arrangements can be made for the installation and supply of electricity.
- (b) a response from Sydney Water as to whether the plans proposed to accompany the application for a construction certificate would affect any Sydney Water infrastructure, and whether further requirements need to be met.
Any changes to the approved architectural plans required to satisfy this condition and the requirements of Sydney Water must be submitted to Bayside Council for assessment and approval in a S4.55 modification before a construction certificate can be issued.
- (c) other relevant utilities or services – that the development as proposed to be carried out is satisfactory to those other service providers, or if it is not, what changes are required to make the development satisfactory to them.

REASON

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

51. Erosion & Sediment Control Plan for Stages 1 & 2

Before the issue of a construction certificate for Stages 1 & 2, the applicant is to ensure that an erosion and sediment control plan is prepared in accordance with the following documents before it is provided to and approved by the Principal Certifier:

- Council's development control plan,
- the guidelines set out in the NSW Department of Housing manual 'Managing Urban Stormwater: Soils and Construction Certificate' (the Blue Book), and
- the 'Do it Right On-Site, Soil and Water Management for the Construction Industry' (Southern Sydney Regional Organisation of Councils and the Natural Heritage Trust).
- The applicant must ensure the erosion and sediment control plan is kept on-site at all times during site works and construction.

REASON

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

52. Detailed Design Stormwater Management Plan for Stages 1 & 2

Prior to the issue of the relevant Construction Certificate for Stages 1 & 2, detailed drainage design plans for the management of stormwater (prepared by a civil engineer registered with the NER) are to be submitted to Bayside Council Director of City Futures (or delegate) for assessment and approval. Engineering design certification and drainage design calculations are to be submitted with the plans. Botany Bay DCP Part 10 - Stormwater Management Technical Guidelines sets out the minimum documentation requirements for detailed design plans. Stormwater management requirements for the site, including the final discharge/end connection point, must comply with Botany Bay DCP Part 10 - Stormwater Management Technical Guidelines.

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

- (a) The MUSIC catchment plan to be updated to include the cycleway as a part of the catchment. The MUSIC Model to be revised to include the cycleway.
- (b) A 10,000L rainwater tank to be provided connected for non-potable stormwater re-use including connections to all ground level toilet flushing and the landscape irrigation system.
- (c) Full details of the proposed outlet connections to Alexandra Canal approved by the applicable authority.

REASON

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

53. Structural Certification for Flood Prone Land for Stages 1 & 2

Prior to the issue of the relevant Construction Certificate for Stages 1 & 2, 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.

54. Flow Through Fencing for Stages 1 & 2

Prior to the issue of the relevant Construction Certificate, flow through open form fencing is required for all new boundary fencing and all new internal fences and gates up to the 1% AEP flood level. This requirement shall be reflected on the Construction Certificate plans and supporting documentation. Details of approved types of fencing can be obtained from Council.

55. Flow Through Building Foundation for Stages 1 & 2

The proposed building floors shall be designed to be suspended with a void below up to at least the 1% AEP flood level (RL 2.77m AHD) as shown on the approved plans. Horizontal/vertical louvers with minimum 100mm gap shall be provided around the suspended floor to avoid pet animal/children being trapped under the building. No fill is permitted below the suspended floors. These requirements shall be reflected on the Stage 1 & 2 Construction Certificate plans and supporting documentation.

56. Detailed Flood Risk Management Plan for Stages 1 & 2

Prior to the issue of the relevant Construction Certificate for Stages 1 & 2, 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.
- (f) Detail the flooding hotspots on the site and in the surrounding locality (e.g. flooding on Ricketty Street) to ensure all occupants are aware of the flood risks surrounding the site and ensure occupants are provided with instructions of what to do in a flood event.
- (g) Address how emergency egress from the site will be provided for in a 1% AEP and PMF flood event, and
- (h) A copy of flood risk management plan needs to be provided to the SES.

REASON

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

57. Flooding Requirements for stages 1 & 2

Prior to the issue of the relevant Construction Certificate for stages 1 & 2, details are to be submitted to the satisfaction of Bayside Council demonstrating compliance with the following:

- (a) *Storage of Materials Damaged by Flood*

Materials which may be damaged by flood waters shall be stored, or able to be stored, at or above 500mm above the 1% Annual Exceedance Probability (AEP) Flood Level.

(b) *Area below building to Remain Clear*

The areas below the building shall remain clear of obstructions up to the RL2.77m AHD.

(c) *No Fill Permitted*

No Fill exceeding is permitted anywhere on the site. The construction certificate plans must clearly show that no fill is proposed as part of the development for Stages 1, & 2

(d) *Flood proofing*

The substations shall be designed to be flood proofed up to the 1% AEP flood level + 500mm.

(e) The voids below the building for stage 1&2 shall be designed to be easily maintainable and suitable maintenance access shall be provided for in the detailed design of the development.

(f) The subfloor needs to be accessible via maintenance workers. The size and location of the access points needs to be clearly described and shown on the plans. Some details shall be provided as to how exactly the areas will be maintained.

(g) The treatment of the surface finish of the subfloor needs to be detailed, it needs to be designed to prevent weeds and other growth from growing below the building.

(h) Provide a shelter in place refuge area within the development above the probable maximum flood (PMF). On-site shelter place refuges shall be designed with a plan for self-sufficiency to cater for the maximum number of people reasonably expected on the development site. This plan must include a storage area for food, torch, batteries, first aid kit, generator, and self-directing signs. An engineer's report shall be provided to certify that an area of refuge is available to accommodate the expected maximum population the site could accommodate.

(i) The habitable / commercial floor levels are to be designed to be a minimum of 500 mm above the 1% Annual Exceedance Probability (AEP) Flood Level.

58. Traffic & Parking Requirements for Stages 1 & 2

Prior to issue of the relevant Construction Certificate for stages 1 & 2:

(a) A longitudinal driveway profile for each driveway associated with the proposed stage shall be submitted to Principal Certifier for assessment and approval. The profiles shall start in the centre of the road and be along the critical edge (worst case) of the driveways. Gradients, transitions, and headroom clearances shall be in accordance with AS 2890.2:2018 for a MRV vehicle and AS2890.1 for a B85 & B99 vehicle. The profile 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.

(b) The driveway crossings shall comply with the following:

- i. For Stage 1, the minimum width of the driveway crossing shall be 8.4 metres at the boundary.
- ii. For Stage 2, the width of the driveway crossing shall be 8.6m at the boundary.

Details shall be shown on the Construction Certificate plans.

REASON

To ensure the development meets the relevant standards

59. Detailed Parking Facility Design Requirements and Certification for stages 1 & 2

Prior to the issue of the relevant Construction Certificate for stages 1 & 2, the construction certificate plans and supporting documentation shall demonstrate compliance with the following:

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

- (i) The parking facility (including parking spaces, ramps, aisles, vehicular crossing etc.) must comply in full with AS2890.1. The longitudinal profile(s) of the access driveway and any ramps within the parking facilities must comply with the Ground Clearance, Gradient (%) and Length requirements of the 2890 Australian Standards Series, and
- (ii) All vehicles are to enter and exit the site in a forward direction, and
- (iii) The minimum number of accessible car parking spaces shall be in accordance with the relevant disability legislation. The design and construction of accessible car parking spaces shall be in accordance with AS2890.6, and
- (iv) Pedestrian sightlines for vehicles existing the site are to comply with AS2890.1, and
- (v) For stage 1 a total of 15 bicycle parking spaces must be provided as part of the development and designed in accordance with AS2890.3:2015, and
- (vi) For stage 2 a total of 117 bicycle parking spaces must be provided as part of the development and designed in accordance with AS2890.3:2015, and
- (vii) Two car share spaces must be provided for stage 2. Two of the car spaces on the ground level of the development shall be allocated as car share spaces and detailed on the construction certificate plans.

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

- (i) Loading and unloading within the loading docks on the site shall be designed and be restricted to commercial vehicles not exceeding the size and mass description of the MRV from AS2890.2:2018, 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 and exit the property in a forward direction, and
- (iv) Swept path analysis shall be provided for manoeuvring of MRV commercial vehicle(s), 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 4.5m is achieved along the along the entire travel path, parking, and manoeuvring areas of the MRV within the development for Stage 1 and Stage 2. Furthermore, it must be demonstrated that a safe headroom clearance of 3.5m is achieved along the along the entire travel path, parking, and manoeuvring areas of the SRV within the development within Stage 1, and
- (vi) All waste collection must be undertaken on-site, no bins/waste are permitted to be presented to the street for collection.
- (vii) Pedestrian sightlines for vehicles exiting the site are to comply with AS2890.2.

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

REASON

To ensure compliance with the relevant Australian Standard.

60. Geotechnical Certification for Stages 1 & 2

Prior to the issue of the relevant Construction Certificate for stages 1 & 2, a suitably qualified Geotechnical Engineer must:

- (a) Review and ensure the appropriate construction methodology, parameters, and recommendations in the Alliance Geotech, project 15586-GR-1-1.Rev A, dated 21 October 2022, have been implemented and relied upon during the preparation of the Construction Certificate plans and documentation, and
- (b) Provide detailed recommendations to allow the satisfactory implementation of the works.
- (c) Prepare a Construction Methodology report demonstrating that the proposed construction methods (including any excavation, and the configuration of the built structures) will have no adverse impact on any surrounding property and infrastructure, 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.

61. Sustainability for Stages 1 & 2

Prior to the issue of the relevant Construction Certificate for both Stages 1 and 2, the applicant is to demonstrate the use of the following sustainability measures within the development (at minimum):

- (a) Provision of photovoltaic cell systems on the rooftops. Detailed design for the photovoltaic cells systems is to be provided, the provision of photovoltaic cells is to be at a rate that maximises the coverage of available non-trafficable space on the rooftop. A storage battery is to be provided. This solar power shall be utilised in the hotel to reduce the hotels demand for electricity from the grid.
- (b) Rainwater tank connected to all ground floor toilet flushing and landscape irrigation for non-potable stormwater re-use.
- (c) Sensor controlled and zoned internal lighting within the building's car park and common areas.
- (d) Electric hot water and electric appliances are to be utilised instead of gas.
- (e) Use of admixtures in concrete to minimise cement and reduce embodied carbon.
- (f) Separate circuiting for temporary power to minimal stair and corridor lighting.
- (g) Use of LEDs and other low energy flicker free lighting resources.

- (h) Provision of Electric Vehicle (EV) charging car parking spaces for each stage equivalent to 20% of the car parking spaces provided for that stage. The EV charging systems shall be provided as 'Level 2' charging infrastructure with a power range of 7kW-22kW or greater, as defined by NSW Electric and Hybrid Vehicle Plan Future Transport 2056.

The above measures shall be implemented on site prior to the issue of the Final Occupation Certificate for stages 1 & 2.

62. Civil, Civil, Electrical and Landscape Design of Cycleway – Stage 1

Prior to the issue of any Construction Certificate for stage 1, a civil, electrical and landscape design must be provided for the cycleway along Alexandra Canal for the assessment and approval by Bayside Council Director of City Futures (or delegate). The width of the cycleway must be 4m. To maximise user safety and comfort, the pathway design, including material, alignment, and lighting, shall be coordinated with TfNSW prior to approval and construction. The proposal shall maximise greening opportunities and ensure consistency across the active transport link. These initiatives should be coordinated with TfNSW prior to approval and construction. The cycleway must illuminate in accordance with the relevant Australian Standards.

63. Right of Public Access for Cycleway, Alexandra Canal frontage and Access to Alexandra Canal frontage – Stage 1

Prior to the issue of any construction certificate for stage 1 of the development, a documentary Right of Public Access is to be created over part of the entire site(s) for the Cycleway, waterfront land and access to the waterfront land, and is to be registered on the title of the site(s). The easement is to be 10 meters wide, located along the entire boundary of the site adjacent to the Alexandra Canal (except where Stage 1 has a width of less than 10m adjacent to future Stage 2, the easement is to be the width of that part of Stage 1) and is to be created appurtenant to and in terms acceptable to Council (both Bayside Council and the City of Sydney Council). Furthermore, this easement is to extend both along the southern side of the development (with a minimum width of 4m adjacent to Ricketty Street to provide public access to the cycleway from Venice Street/Gardeners Road) and along the northern side boundary of the storage building for the full area between the building and the northern boundary of Stage 1 to provide public access to the cycleway from Venice Street.

The terms of the Right of Public Access are to include:

- (a) Rights for the Authority benefited (Council– both Bayside Council and the City of Sydney Council) to enter upon the easement site with all necessary equipment, materials, and personnel to construct, maintain and modify the Cycleway.
- (b) Rights for public pedestrian access to the Cycleway within the easement site, without vehicles, exclusive of wheelchairs for the disabled, but with bicycles and the like.

64. Positive Covenant for Cycleway

Prior to the issue of any Construction Certificate for stage 1 of the development, a documentary Positive Covenant is to be registered on Title of all of the subject sites, in association with the Right of Public Access for the Cycleway. The Positive Covenant is to be created appurtenant to and to the satisfaction of Council (both Bayside Council and the City of Sydney Council) and include terms considered necessary to protect the interests of Council and the public, including:

- (a) Indemnifying Council (both Bayside Council and the City of Sydney Council) against all claims and damages arising from the use of the Cycleway.
- (b) Require the maintenance of a \$20,000,000 public risk insurance policy.

- (c) Require Council's (both Bayside Council and the City of Sydney Council) responsibility for the maintenance, upkeep, repair, reconstruction, and lighting of the Cycleway.

65. For work costing \$25,000 or more, a Long Service Levy shall be paid to the Long Service Corporation or Council prior to each stage of work, with evidence of payment submitted to the Principal Certifier prior to the issue of any Construction Certificate.

66. Construction Management Plan

Prior to the issue of a Construction Certificate for the relevant stage of works, a Construction Management Program shall be submitted to, assessed and approved by the Principal Accredited Certifier prior to the issue of any Construction Certificate. The program must detail, but not be limited to, the following:

- (a) The proposed method of access to and egress from the site for construction vehicles, including access routes through the Council area and the location and type of temporary vehicular crossing for the purpose of minimising traffic congestion and noise in the area, with no access across public parks or public reserves being allowed,
- (b) The proposed phases of construction works on the site and the expected duration of each construction phase,
- (c) The proposed order in which works on the site will be undertaken, and the method statements on how various stages of construction will be undertaken,
- (d) The proposed manner in which adjoining property owners will be kept advised of the timeframes for completion of each phase of development/construction process,
- (e) The proposed method of loading and unloading excavation and construction machinery, excavation and building materials, formwork and the erection of any part of the structure within the site. Wherever possible mobile cranes should be located wholly within the site,
- (f) The proposed areas within the site to be used for the storage of excavated materials, construction materials and waste containers during the construction period,
- (g) The proposed method/device to remove loose material from all vehicles and/or machinery before entering the road reserve, any run-off from the washing down of vehicles shall be directed to the sediment control system within the site,
- (h) The proposed method of support to any excavation adjacent to adjoining properties, or the road reserve. The proposed method of support is to be designed and certified by an Accredited Certifier (Structural Engineering), or equivalent,
- (i) Proposed protection for adjoining properties and how construction activities will be managed in close proximity to the adjoining rail line to ensure no disruptions and undue safety hazards are created as a result of construction activities, and
- (j) The location and operation of any on site crane. Please note that a crane will require prior approval from Sydney Airports Corporation, and
- (k) The location of any Construction Work Zone (if required) approved by Council's Traffic Committee, including a copy of that approval.
- (l) Obtain Permits required under this consent.

67. Sydney Water Tap-In for Stages 1 & 2

Prior to the issue of the Construction Certificate for Stages 1 & 2, 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>

Any changes to the approved architectural plans required to satisfy this condition and the requirements of Sydney Water must be submitted to Bayside Council for assessment and approval in a S4.55 modification before a construction certificate can be issued.

REASON

To ensure compliance with Sydney Water requirements.

68. Detailed Landscape Plan – Stages 1 and 2

Prior the issue of the Construction Certificate for each stage of works, 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 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) Planting areas adjacent to public domain and along Alexandra canal setback are to follow CPTED principles.
- (c) All public areas shall be fully accessible. Picnic tables and seats and any proposed BBQ equipment shall have inclusive access.
- (d) The planting scheme shall augment the number of large canopy trees.
- (e) Front setback shall prioritise deep soil for trees, only driveways and pedestrian access at minimum widths shall be provided. Central area with wide stairs; kiss and ride - drop off zone shall be removed and provide soft landscape instead. Large hard stands in deep soil areas are to be removed or reduced to minimum required for accessibility.
- (f) Replace proposed Ficus microcarpa "Hills Flash" adjacent to heritage sandstone wall with a more suitable tree species, to ensure preservation of heritage item in future, and to allow some canopy cover for pedestrians and buffer to the built form along this interface. Trees along the Canal are to include 1.5 meter deep- root barriers on the edge of the tree pit facing the heritage item.
- (g) Southern Side setback, adjacent Ricketty Street shall include a retaining along the side of the green link, cycle way and pedestrian footpath linking to the Alexandra Canal edge. The retaining wall shall be designed and built to provide a less steep planting area between the development site and the footpath in Ricketty Street
- (h) All required retaining walls within the landscaped areas shall be made of solid, hardy materials easy to maintain and shall be within the development site.. Rendered retaining walls are not acceptable, suitable materials are: Bricks, stones, precast concrete.
- (i) Include suitable antiskating devices for public spaces where required.

- (j) Maximise large canopy trees along all frontages. Large trees, over 12 meters in height, shall be planted 10 meters from edge of sandstone heritage wall.
- (k) New trees adjacent to Venice Street and Alexander Canal are to be in advanced form, minimum 200 litres pot size.
- (l) All other proposed trees are to be minimum 100 litres pot size.
- (m) 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. Define areas of paving, schedule of materials, edge treatments, tactile and sectional construction details.
- (n) Details of all fencing, privacy screening, arbors and the like- elevations and materials, impacting or visible to public domain areas.
- (o) 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.
- (p) 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.
- (q) All trees shall be located within mulched landscaped beds except where this may interfere with the performance of an above ground stormwater system.
- (r) Provide minimum pedestrian lighting.
- (s) Area between boundary and Ricketty Street shall be included in the landscape proposal.

69. Park Signage Plan – Stages 1 and 2

Prior the issue of the relevant Construction Certificate provide a park signage plan in accordance with Bayside Signage Manual as follow unless otherwise specified by Council:

- (a) Street signage (ID4) in corners as required.
- (b) 2 x Directional pedestrian/cycle posts, (DR2) one on Venice Street and Ricketty Street pedestrian/cycle entry, one along Alexandra Canal.
- (c) Regulatory signs as required.

70. Landscape Maintenance Specification – Stages 1 and 2

Prior a Construction Certificate for the relevant stage of works, a Landscape Maintenance Specification and schedule shall be submitted to, and approved by, the Director City Futures (or delegate) of Bayside Council shall be generally in accordance with the approved CC Landscape plans. 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).

71. Connecting to Country – Stages 1 and 2

Prior a Construction Certificate for the relevant stage of works, a Connecting to Country report must be submitted to, and approved by, the Director City Futures (or delegate) of Bayside Council which shall provide a framework for developing connections to Country in relation to design, planning and construction of this new development. Based on the local aboriginal significance provide practical actions, including art, and aboriginal perspectives into the proposal.

72. CC Architectural Drawings – Stages 1 and 2

Prior a Construction Certificate for the relevant stage of works, CC Architectural drawings must be submitted to, and approved by, the Director City Futures (or delegate) of Bayside Council shall be generally in accordance with the approved architectural plans (Refer to Condition 1). The detailed plan shall include, but not be limited to, the following:

- (a) Driveways width shall be reduced to the minimum required to maximise the areas of soft landscape along the interface with Vince Street.
- (b) Pedestrian/cycleway adjacent Alexandra canal shall be setback at least 1.5 meters from edge of sandstone wall to allow tree planting free of conflict with heritage item.
- (c) Rumps to access from public space to the central civil area are not to run in the middle of the landscape setback, these structures shall not minimise the deep soil area. Retaining walls shall be minimized and preferably avoided if possible.
- (d) Provide details of all finishes, pavements and furniture.

73. Landscape Frontage Works Application – Stages 1 and 2

Prior to the issue of a Construction Certificate for the relevant stage of works, the applicant must submit a Frontage Works Application (Public Domain Construction – Frontage / Civil Works Application) to Bayside Council.

Prior to the commencement of public domain works, a public domain landscape improvements plan shall be submitted to Bayside Council for assessment and approval. The plans shall be undertaken by a suitably experienced Landscape Architect and shall include, but not be limited to, new street tree planting, footpath paving (segmental/other), street tree pit treatments and tree guards, street furniture, in ground landscaping and irrigation. The landscape plan must indicate locations of lighting poles, underground services, stormwater infrastructure etc.

The design shall be in accordance with Council's City Identity Program, Landscape DCP and any other Council specification or requirement.

Specifications shall be as follow unless otherwise is specified by Council:

- (a) Ricketty Street frontage. Area between southern site boundary and back of kerb of Ricketty Street shall include landscape improvements including the following:
 - (i) Retaining walls along the boundary of the site, to deliver a more levelled planter bed.
 - (ii) Provide buffer planting in scale with the proposed built form;
- (b) Area shall maximise the inclusion of trees,
- (c) Trees in the public domain along street frontages shall be supplied and planted at minimum 200 litre spot size.

- (d) Landscape improvements will include both Venice Street and Ricketty Street verges.
- (e) Driveways will be minimum width required. The rest of the verge will be dedicated to soft landscape treatment, allowing minimum width of pedestrian access paths. No drop off area shall be located within the verge, where street trees are required.
- (f) Further details will be provided by Council in Frontage works Brief.

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

REASON

To ensure compliance with landscape requirements from relevant policies.

74. Section 7.11 Contributions - Stage 1

A Section 7.11 contribution of \$1,041,075.82 shall be paid to Council. Such contributions are only used towards the provision or improvement of the amenities and services identified below. The amount to be paid is adjusted at the time of payment, in accordance with the contribution rates contained in Council's current Adopted Fees and Charges.

The contribution is to be paid prior to the issue of any Construction Certificate for works above the floor level of the ground floor. (Payment of the contribution is not required prior to any separate construction certificates issued only for demolition, site preparation works and the construction of basement levels).

Note: The Section 7.11 contributions stated above are subject to periodic review. If the contributions are not paid within the quarter in which the consent is granted, the contributions payable will be indexed between the date of the consent and the date of payment based on movements in the Consumer Price Index.

75. Section 7.11 Contributions - Stage 2

A Section 7.11 contribution of \$4,385,302.80 shall be paid to Council. Such contributions are only used towards the provision or improvement of the amenities and services identified below. The amount to be paid is adjusted at the time of payment, in accordance with the contribution rates contained in Council's current Adopted Fees and Charges.

The contribution is to be paid prior to the issue of any Construction Certificate for works above the floor level of the ground floor. (Payment of the contribution is not required prior to any separate construction certificates issued only for demolition, site preparation works and the construction of basement levels).

Note: The Section 7.11 contributions stated above are subject to periodic review. If the contributions are not paid within the quarter in which the consent is granted, the contributions payable will be indexed between the date of the consent and the date of payment based on movements in the Consumer Price Index.

76. Address

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

<https://www.bayside.nsw.gov.au/services/developmentconstruction/buildingoralteringproperty/commonlyusedforms>

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

http://www.gnb.nsw.gov.au/data/assets/pdf_file/0007/199411/NSW_AUM_July2018_Final.pdf

77. Access

Compliance with Council's Development Control (DCP) 2013 in relation to requirements for access. Compliance with this condition will require the design and fitout of commercial areas to be in accordance with Australian Standard 1428.12009.

Note: Compliance with Council's Development Control Plan (DCP) 2011 and the Building Code of Australia does not necessarily guarantee that the development meets the full requirements of the Disability Discrimination Act (DDA) 1992. It is the responsibility of the applicant to make the necessary enquiries to ensure that all aspects of the DDA legislation are met.

78. Ausgrid

The applicant shall confer with Ausgrid to determine if;

- (a) an electricity distribution substation is required.
- (b) Flood proof the substation to the flood planning level.
- (c) if installation of electricity conduits in the footway is required.
- (d) satisfactory clearances to any existing overhead High Voltage mains will be affected.

Written confirmation of Ausgrid's requirements shall be obtained prior to issue Construction Certificate.

Furthermore, the existing power pole on the Ricketty Street frontage of the development is to be removed and replaced with an underground supplied street light column as part of the stage 1 development. All works shall be undertaken in accordance with an Ausgrid approved electrical design to the satisfaction of Bayside Council prior to the issue of the final occupation certificate for stage 1.

79. 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.

80. External Lighting

- (a) All proposed lighting 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 or the freight rail line.
- (b) All proposed lighting must comply with the *CASA Manual of Standards Part 139 – Aerodromes, Section 9.143* and any other requirements for lighting in the vicinity of aerodromes.

81. Prior to the issue of a Construction Certificate for the relevant stage of works, a plan (written and/or diagrammatic) shall be submitted and approved by the Principal Certifying Authority, showing the storage location of construction building materials and plants and the method of access to the property. No storage of construction materials and plants to be allowed in road reserve area.

82. Frontage Works Application for Stages 1, & 2

Prior to the issue of any Construction Certificate for Stages 1 & 2, 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 for each stage, 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 for Stages 1 & 2. 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.

83. Contaminated Land – Remedial Action Plan (General)

A Remedial Action Plan (RAP) must be prepared by a suitably qualified and experienced contaminated land consultant and in accordance with:

- (a) NSW EPA (2020) 'Consultants reporting on contaminated land';
- (b) NSW Environment Protection Authority (NSW EPA) approved guidelines under the Contaminated Land Management Act 1997; and
- (c) Chapter 4 of the State Environmental Planning Policy (Resilience and Hazards).

The RAP must incorporate all findings and recommendations in the Additional Site Investigation (EI Australia (2024) '*Additional Site Investigation – 1-3 Ricketty St, Mascot NSW*' (E26371.E03_Rev0) dated 29 April 2024), it must clearly state proposed clean-up objectives, and demonstrate how the site will be made suitable for the proposed use.

The RAP must be submitted to the Development Services Section of Council for review and written concurrence prior to the commencement of any remedial action and prior to the issue of any Construction Certificate.

Active management measures to manage risks from residual contamination will not be supported by Bayside Council. Passive measures that are not reliant on powered mechanical systems must be used to manage any residual risks and must be appropriate for the life of the development.

The RAP must be provided to the Principal Certifying Authority, and to Bayside Council - Development Services section for written concurrence, prior to the issue of any Construction Certificate.

84. Contamination Remaining Onsite – RAP & LTEMP

The Remedial Action Plan (RAP) must avoid the use containment and contaminants should be treated onsite or removed from the site whenever possible. Any remediation that utilises a containment strategy for contaminants must be accompanied by a Long-term Environmental Management Plan (LTEMP). This LTEMP must be added to the title of the site under the Conveyancing Act.

85. Acid Sulfate Soils Management Plan (ASSMP)

An Acid Sulfate Soils Management Plan, that has been prepared by a suitably qualified and experienced environmental consultant, must be submitted to the Principal Certifying Authority and Bayside Council prior to the issue of the Development Consent.

This plan must include any site-specific procedures and mitigation measures required and must include a site analysis from a NATA registered laboratory. The plan must provide details of the following:

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

86. Safer by Design

To maximise security in and around the development the following shall be incorporated into the development. Details for the following are to be approved by the Principal Certifying Authority 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) CCTV should be installed and operational at entry / exit points covering all persons entering and exiting building. CCTV should cover car park / surrounding building and isolated areas.
- (b) Adequate lighting to be used throughout the carpark and along the frontage of the hotel property to create visibility at night and to reduce opportunity for hidden areas.
- (c) All shrubs at ground level to be no higher than 1 metre, to ensure visibility and clear sight lines can be maintained.
- (d) 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.

PRIOR TO COMMENCEMENT OF WORKS

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

87. Erosion & Sediment Controls - Stages 1 & 2

Before the commencement of any site or building work for Stages 1 & 2, the principal certifier must be satisfied the erosion and sediment controls in the erosion and sediment control plan, (as approved by the principal certifier) are in place until the site is rectified (at least 70% ground cover achieved over any bare ground on site).

REASON

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

88. Dilapidation Report - Public Domain - Pre-Construction – Stages 1 & 2

Prior to the commencement of any work for Stages 1 & 2, 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. Video CCTV for Council Stormwater Pipe after Construction for Stage 1 and Stage 2

Prior to the issue of any Construction Certificate or the commencement of any works on site, whichever occurs first for Stage 1 and Stage 2, a qualified practitioner shall undertake a closed-circuit television (CCTV) inspection and then report on the existing condition of the Sydney Water stormwater drainage infrastructure traversing through the site. The camera and its operation shall comply with the following:

- The internal surface of the drainage pipe shall be viewed and recorded in a clear and concise manner, and
- The CCTV camera used shall be capable to pan, tilt and turning at right angles to the pipe axis over an entire vertical circle to view the conduit joints, and
- Distance from the drainage pit shall be accurately measured, and
- The inspection survey shall be conducted from manhole to manhole.

The written report, together with a copy of the digital video footage of the pipeline shall be submitted to the satisfaction of Bayside Council prior to the commencement of any works. A written acknowledgment shall be obtained from Bayside Council attesting to this condition being appropriately satisfied and submitted to the Principal Certifier. If the existing pipe is full of debris preventing the effective inspection of the pit and pipe system, the contractor shall clear the pipe to a degree where CCTV inspection is possible at the Applicant's expense.

REASON

To require details of the condition of the public stormwater asset prior to commencement of any works.

90. Utility Services Adjustments for stages 1 & 2

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.

91. A sign must be erected at the front boundary of the property clearly indicating the Development Approval Number, description of work, builder's name, licence number and house number before commencement of work. If owner/builder, the Owner/Builder Permit Number must be displayed.

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

- (a) stating that unauthorised entry to the work site is prohibited, and
- (b) showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours.
- (c) Any such sign is to be removed when the work has been completed.

This condition does not apply to building work carried out inside an existing building or building work carried out on premises that are to be occupied continuously (both during and outside working hours) while the work is being carried out.

92. Where construction/building works require the use of a public place including a road or footpath, approval under Section 68 of the Local Government act 1993 for a Barricade Permit is to be obtained from Council prior to commencement of work.

Details of the barricade construction, area of enclosure and period of work are required to be submitted to the satisfaction of Council.

93. The demolisher shall lodge with Council, and at least forty-eight (48) hours prior to the commencement of work for the relevant stage:

- (a) Written notice, indicating the date when demolition of the building is to commence.
- (b) This persons full name and address.
- (c) Details of Public Liability Insurance.

Prior to the commencement of work for the relevant stage, the applicant must inform Council, in writing, of:

- (a) The name of the contractor, and licence number of the licensee who has contracted to do, or intends to do, the work: or
- (b) The name and permit number of the owner-builder who intends to do the work;
- (c) The Council also must be informed if:
 - (i) A contract is entered into for the work to be done by a different licensee; or
 - (ii) Arrangements for the doing of the work are otherwise changed.

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

- (a) demolition and construction of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site;
- (b) Each toilet provided:
 - (i) must be standard flushing toilet; and,
 - (ii) must be connected:
 - to a public sewer; or

- if connection to a public sewer is not practicable to an accredited sewerage management facility approved by the Council; or,
- if connection to a public sewer or an accredited sewerage management facility is not practicable to some other sewerage management facility approved by the Council.

(c) The provisions of toilet facilities in accordance with this condition must be in place before work commences.

95. Building plans must be lodged at a Sydney Water Quick Agent for approval prior to commencement of works. This Consent shall not preclude the demolisher from giving notice to other statutory authorities, such as Sydney Water Corporation, WorkCover, etc. If the land to which the application relates is served by a common sewerage system that is also used by others, then measures must be placed in effect and prior to the commencement of work to ensure the operation of the sewerage system is without disruption to other joint users.
96. Consultation with Ausgrid is essential prior to commencement of work. Failure to notify Ausgrid may involve unnecessary expense in circumstances such as:
 - (a) where the point of connection and the meter board has been located in positions other than those selected by Ausgrid or
 - (b) where the erection of gates or fences has restricted access to metering equipment.
97. Where clearances to any existing overhead High Voltage mains are affected, the builder shall make arrangements with Ausgrid for any necessary modification to the electrical network in question. These works shall be at the applicant's expense. Ausgrid's requirements under Section 49 Part 1 of the Electricity Supply Act 1995 shall be met prior to commencement of works or as agreed with Ausgrid.
98. Prior to the commencement of any works, the vehicular entry/exits to the site must be protected from erosion and laid with a surface material which will not wash into the street drainage system or watercourse.

DURING ANY WORKS DEMOLITION / EXCAVATION / CONSTRUCTION

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

99. A copy of the Construction Certificate and the approved plans and specifications must be kept on the site at all times and be available to Council officers upon request.
100. Implementation of the Site Management Plans

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

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

REASON

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

101. Site Management - Principal Certifier Inspections for Stages 1 & 2

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

approval:

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

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

REASON

To protect public safety and water quality around building sites.

102. Responsibility for Changes to Public Infrastructure for Stages 1 & 2

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

REASON

To ensure payment of approved changes to public infrastructure

103. Implementation of Soil and Water Management Plan for Stages 1 & 2

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.

104. Construction Activities – Minimise Pollution for Stages 1 & 2

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.

105. Site Fencing for Stages 1 & 2

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.

106. Site Fencing and Hoarding for Stage 1 & 2

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.

107. Protection of Council's Property for Stages 1 & 2

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.

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

(a) Construction Noise

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

(b) Level Restrictions

- (i) Construction period of four (4) weeks and under: The L10 sound pressure level measured over a period of not less than 15 minutes when the construction site is in operating must not exceed the background level by more than 20dB(A), and
- (ii) Construction period greater than 4 weeks and not exceeding 26 weeks: The L10 sound pressure level measured over a period of not less than 15 minutes when the construction site is in operating must not exceed the background level by more than 10 dB(A).

(c) Time Restrictions (Bayside East)

- (i) Monday to Friday: 7:00am to 6:00pm
- (ii) Saturday: 7:00am to 1:00pm
- (iii) No Construction to take place on Sundays or Public Holidays.

(d) Silencing

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

109. Approval and Permits under Roads Act and Local Government Act for Work Activities on Public Land for Stages 1 & 2

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.

110. Construction Operations

- (a) The applicant shall conduct all construction works and any related deliveries/activities wholly within the site. If any use of Council's road reserve is required, approval and permits shall be obtained from Council.
- (b) Construction operations such as brick cutting, washing tools or brushes and mixing mortar shall not be carried out on park/road reserve or in any other locations which could lead to the discharge of materials into the stormwater drainage system or onto Council's lands.
- (c) Hosing down or hosing/washing out of any truck (concrete truck), plant (eg concrete pumps) or equipment (eg wheelbarrows) on Council's road reserve or other property is strictly prohibited. Fines and cleaning costs will apply to any breach of this condition.
- (d) Pavement surfaces adjacent to the ingress and egress points are to be swept and kept clear of earth, mud and other materials at all times and in particular at the end of each working day or as directed by Council's Engineer.

111. 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:

- Sediment control measures, and

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

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.

112. When soil conditions require it:

- (a) retaining walls associated with the erection or demolition of a building or other approved methods of preventing movement of the soil shall be provided, and
- (b) adequate provision shall be made for drainage.

113. All demolition work shall be carried out in accordance with AS2601 — 2001: The Demolition of Structures and with the requirements of the WorkCover Authority of NSW. Demolition operations shall not be conducted on the roadway or public footway or any other locations, which could lead to the discharge of materials into the stormwater drainage system.

114. All waste generated on site shall be disposed of in accordance with the submitted Waste Management Plan.

115. 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.

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

117. Acid Sulfate Soil Management – General

The management of potential and actual acid sulfate soils must be conducted in accordance with all recommendations within the Acid Sulfate Soil Management Plan required to be submitted as part of this consent and include:

- (a) Site-specific mitigation measures to both minimise the disturbance of acid sulfate soils as well as any measures relating to acid generation and acid neutralisation of the soil; and
- (b) Management of acid sulfate affected excavated material;
- (c) Measures taken to neutralise the acidity of any acid sulfate affected material; and
- (d) Run-off control measures for the acid sulfate affected soil.

118. 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.

119. Remediation Works – General

All remediation work must be carried out in accordance with:

- (a) NSW EPA (2020) 'Consultants reporting on contaminated land';
- (b) NSW Environment Protection Authority (NSW EPA) guidelines under the Contaminated Land Management Act 1997;
- (c) Chapter 4 of the State Environmental Planning Policy (Resilience and Hazards); and
- (d) Any Remedial Action Plan (RAP) required to be submitted prior to the issue of the Construction Certificate.

120. The management of potential and actual acid sulfate soils must be conducted in accordance with all recommendations within the Acid Sulfate Soil Management Plan required to be submitted as part of this consent and include:

- (a) Site-specific mitigation measures to both minimise the disturbance of acid sulfate soils as well as any measures relating to acid generation and acid neutralisation of the soil; and
- (b) Management of acid sulfate affected excavated material;
- (c) Measures taken to neutralise the acidity of any acid sulfate affected material; and
- (d) Run-off control measures for the acid sulfate affected soil.

121. Asbestos

Any material containing asbestos found on site must be removed and disposed of in accordance with:

- (a) SafeWork NSW requirements. An appropriately licensed asbestos removalist must complete all asbestos works if they consist of the removal of more than 10m² of bonded asbestos and/or any friable asbestos.
- (b) Protection of the Environment Operations Act 1997.
- (c) Protection of the Environment Operations (Waste) Regulation 2014.
- (d) NSW Environment Protection Authority Waste Classification Guidelines 2014.

122. 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.

123. 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 Environmental 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.

124. Monitoring

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

PRIOR TO THE ISSUE OF THE OCCUPATION CERTIFICATE OR COMMENCEMENT OF USE

125. An Occupation Certificate shall be obtained in relation to the approved works prior to any use or occupation of the relevant stage of works.

126. Completion of Cycleway works for Stage 1

Prior to the issue of any Occupation Certificate for Stage 1, the construction of the full length of the Cycleway shall be undertaken to the written satisfaction of Bayside Council Director of City Futures (or delegate). All required certification (e.g. engineering, landscape, electrical etc.) and a works-as-executed (WAE) plan prepared by a registered surveyor based on a survey of the completed works shall be submitted.

127. Prior to the issue of the Occupation Certificate for the relevant stage of works, the premises shall be registered with Council's Environmental Health Unit by the proprietor of the food business by completing the registration form available from Council.

128. Preservation of survey marks for Stages 1 & 2

Before the issue of an occupation certificate for Stages 1 & 2, a registered surveyor must submit documentation to the principal certifier which demonstrates that:

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

REASON

To protect the State's survey infrastructure.

129. Section 73 Certificate - Sydney Water for Stages 1 & 2

Prior to the issue of the Final Occupation Certificate for stages 1 & 2, 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.

130. DPIE – Repair of Infrastructure for Stages 1 & 2

Before the issue of an Occupation Certificate for Stages 1 & 2, the Applicant must ensure any public infrastructure damaged as a result of the carrying out of the building works (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub-contractors, concreting vehicles) is fully repaired to the written satisfaction of Council, and at no cost to Council.

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

REASON

To ensure any damage to public infrastructure is rectified.

131. DPIE – Release of Securities for Stage 1 & 2

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.

132. Conveyancing Act Registration (no SAS)

Should the remediation require residual contamination at the site to be managed, a restriction as to use under Section 88B of the Conveyancing Act 1919 is to be registered on the title of Lot 24 in DP 515070 with the following terms of restriction on use:

The registered proprietor must not use or otherwise undertake development on the land hereby burdened except in accordance with the provisions of the Long-Term Environmental Management Plan [Enter Name of Plan] ref: [Enter Details], prepared by [Enter Details], dated [Enter Details].

The name of the person or authority empowered to release, vary or modify the restriction will be the Bayside Council.

133. Contaminated Land – Site Validation Report

A Site Validation Report (SVR) must be prepared by a suitably qualified contaminated land consultant and must be in accordance with:

- (a) NSW EPA (2020) 'Consultants reporting on contaminated land';
- (b) NSW Environment Protection Authority (NSW EPA) approved guidelines under the Contaminated Land Management Act 1997; and
- (c) Chapter 4 of the State Environmental Planning Policy (Resilience and Hazards).

The site validation report must provide a notice of completion of remediation works, whether there are any ongoing site management requirements and a clear statement on the suitability of the

likely proposed site use. The report must be submitted to the Principal Certifying Authority, and the Council if the Council is not the Principal Certifying Authority, after completion of remediation works and prior to the issue of any occupation certificate.

134. Certification of New Stormwater System for Stages 1 & 2

Prior to the issue of any Occupation Certificate for Stages 1 & 2, 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 Botany Bay DCP Part 10 – Stormwater Management Technical Guidelines. 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.

135. Completion of Public Utility Services for Stages 1 & 2

Before the issue of the relevant Occupation Certificate for Stages 1 & 2, the Principal Certifier must ensure any adjustment or augmentation of any public utility services including gas, water, sewer, electricity, street lighting and telecommunications, required as a result of the development, is completed to the satisfaction of the relevant authority.

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

REASON

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

136. Works-As-Executed Plans and Any Other Documentary Evidence for Stages 1 & 2

Before the issue of the relevant Occupation Certificate for Stages 1 & 2, the Applicant must submit, to the satisfaction of the Principal Certifier, works-as-executed plans, any compliance certificates, and any other evidence confirming the following completed works:

- (a) All stormwater drainage systems and storage systems.
- (b) The civil longitudinal driveway profile.
- (c) The void below the buildings and the podium.

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

REASON

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

137. Rainwater Tank – Plumbing Certification for Stages 1 & 2

Prior to the issue of any Occupation Certificate for Stages 1 & 2, a registered Plumber shall certify that the rainwater tank has been connected to all ground floor toilet flushing and all landscape irrigations for non-potable stormwater re-use.

REASON

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

138. Parking Facility Certification for Stages 1 & 2

Prior to the issue of the Occupation Certificate for Stages 1 & 2, a Civil Engineer registered with the National Engineering Register (NER) shall certify that the vehicular access and off-street parking facilities have been constructed & line marked in accordance with the approved construction plans and the applicable Australian Standards (i.e., AS/NZS 2890.1, AS2890.2, AS2890.3, AS/NZS 2890.6, AS 1742). The car parking area is to be clearly and appropriately line marked/signposted indicating all vehicular movements on the site. All parking spaces must be clearly designated as to their use in accordance with this development consent.

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

- Wheel stops shall be installed in 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.

139. Erection of Signage for Stages 1 & 2

Prior to the issue of the Occupation Certificate for Stages 1 & 2, the following signage shall be erected:

- (a) Vehicles Enter & Exit in Forward Direction:
All vehicles shall enter and exit the site in a forward direction at all times. A plaque with minimum dimensions 300mm x 200mm shall be permanently fixed to a prominent place near all vehicular entrances 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".
- (b) Flooding:
A flood sign plaque shall be fixed to a prominent place within all the flood affected areas on the site, 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".

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

- (c) Signage in accordance with the Park Signage Plan required by previous condition of consent (see Condition 67).
- (d) Confined space signage where required by Council (e.g. access points to the undercroft).

REASON

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

140. Surveyor's Certificate for Finished Floor Level (Flooding) for Stages 1 & 2

Prior to the issue of any Occupation Certificate for Stages 1 & 2, 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 (RL 6.60m AHD).

141. Flood Risk Management Plan for stages 1 & 2

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 in each building. Details and evidence are to be provided to the satisfaction of the Principal Certifier prior to the issue of any Occupation Certificate for stages 1 & 2.

REASON

To minimise risk to life and property.

142. Private Waste Collection for Stages 1 & 2

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 for Stages 1 & 2. The maximum size of the waste collection vehicle shall be equal to or smaller than a MRV 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.

143. Workplace “Green” Travel Plan for Stages 1 & 2

Prior to the issue of the Occupation Certificate for Stages 1 & 2, a Workplace “Green” Travel Plan shall be developed by a suitably qualified traffic consultant in order to encourage people (including any and all staff and visitors) to make good use of public transport, cycling, walking and car sharing for commuting work related journeys and reduce car based travel demand. The Green Travel Plan shall be prepared in accordance the relevant standards and include, but not be limited to, the following:

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

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

REASON

To ensure sustainable transport alternatives are used.

144. Loading Dock Management Plan for stages 1 & 2

Prior to the issue of the Occupation Certificate for Stages 1 & 2, 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, flood risk, methods to avoid congestion of service vehicles, off-street waste collection and general mitigation measures to prevent amenity impacts to neighbouring properties. The plan shall be prepared by a suitably qualified professional and submitted to the Principal Certifier. The management plan is to be implemented for the lifetime of the development.

REASON

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

145. Roads Act / Public Domain Works - Frontage Works for Stages 1 & 2

Prior to the issue of any Occupation Certificate for Stages 1 & 2, 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:

Stage 1

- (a) Construction of a new minimum 1.8m width footpath and planting of required street trees/landscaping along the frontages of the development site.
- (b) Construction of vehicular entrance 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) Any changes necessary to lighting columns to facilitate the new driveway locations shall be completed.
- (g) The existing power pole on the Ricketty Street frontage of the development is to be removed and replaced with an underground supplied street light column. All works shall be undertaken in accordance with an Ausgrid approved electrical design to the satisfaction of Bayside Council.

Stage 2

- (a) Construction of a new minimum 1.8m width footpath and planting of required street trees/landscaping along the frontages of the development site.
- (b) Construction of vehicular entrance designed to accommodate the largest vehicle entering the site.
- (c) Removal of the existing concrete vehicular entrance/s, kerb laybacks and other damaged/redundant public domain improvements which will no longer be required.
- (d) Reconstruction of selected areas of the existing footpath, vehicular entrances, road, kerb, and gutter as required.
- (e) Any changes necessary to lighting columns to facilitate the new driveway locations shall be completed.

The design of the public domain (e.g., splayed driveways & indented kerb) on Venice Street as shown on the architectural plans has not been approved in this development consent.

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 for Stages 1 & 2.

REASON

To ensure that required public domain outcomes are achieved.

146. Dilapidation Report – Public Domain – Post-Construction for Stages 1 & 2

After the completion of all construction and public domain works for Stages 1 & 2, a professional Engineer specialising in civil, structural, or geotechnical engineering shall prepare a dilapidation report detailing the post-construction condition of Bayside Council's infrastructure adjoining, and within 50m of, the development site. This includes the condition of the road reserve (including footpath, nature strip, landscaping, trees, kerb and gutter, pits, pipes, traffic devices, signs, retaining walls, driveways, and road pavement etc.) and any other adjacent Bayside Council properties.

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

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

REASON

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

147. EV Certification for Stages 1 & 2

Prior to the issue of the Occupation Certificate for Stages 1 & 2, 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. This certification is to include testing and inspections of the system in operation.

148. Photovoltaic Cells for Stages 1 & 2

Prior to the issue of the Occupation Certificate for Stages 1 & 2, the photovoltaic cells systems as required by this consent are to be installed onto the rooftops of the development and be operational.

149. Car Share Space Stage 2

Two car share car parking spaces must be provided and operated by a recognized commercial car share operator within the site. A contract for the operation of the two car share spaces by the commercial car share provider must be entered into prior to issue of the Occupation Certificate for Stage 2. The maximum size of the car share vehicle shall be equal to, or smaller than, a B99

vehicle (as denoted by AS/NZS2890.1:2004). The two car share spaces must be made available to car share operators without a fee or charge. The two car share spaces must be appropriately line marked and signposted to indicate its usage to be exclusively as a car share space. The two car share spaces must be publicly accessible at all times. The two car share spaces is to be fully operational, and the chosen car share scheme operator is to confirm its operation to the Principal Certifier prior to the issue of the Occupation Certificate.

150. Positive Covenant(s) Register for Stages 1 & 2

Prior to the issue of the Occupation Certificate for stages 1 & 2, a restriction on Use of Land and Positive Covenant(s) shall be imposed on the development. The following covenants shall be imposed under Section 88(E) of the Conveyancing Act 1919 and lodged with the NSW Land and Property Information:

- (a) Positive Covenant and Restriction on Use of Land for Stormwater Quality Improvement Device.
- (b) Positive Covenant and Restriction on Use of Land for the maintenance and preservation of Flood Storage and overland flow path within the site.
- (c) Positive Covenant and Restriction for public access along the Alexandra Canal frontage and all ground level areas along side setbacks and between the two buildings.

The terms of the 88 E instruments are to be submitted to Council for review and approval and Proof of registration at the Lands and Property Information Office shall be submitted to the Principal Certifying Authority and Bayside Council prior to occupation. The terms of the instruments are to be as per Botany Bay DCP Part 10 – Stormwater Management Technical Guidelines.

151. Landscaping

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. All tree planting shall be in advanced form, minimum 200 liters along frontages, and along Alexander Canal, and 100 liters within the site.
 - i) 100 litres trees at time of inspection shall have a minimum height of 2.4 meters, calliper at 300mm greater than 50mm, installed with stakes and ties within a mulch bed or equivalent.
 - ii) 200 litres trees at time of inspection shall have a minimum height of 3.5 meters, calliper at 300mm greater than 60mm, installed with stakes and ties within a mulch bed or equivalent.
- (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:
 - (i) A 12 months Landscape Maintenance Schedule to provide a guide to the landowner or occupier on how to best maintain the constructed landscaped areas; and include the following information: shrub pruning/trimming (frequency, plant requirements); Fertilising and pest control (soil testing, types, rate, frequency); Mulching, weeding and soil improvement (frequency, materials); Irrigation (checks, adjustments); maintenance

- of plants (fertilising, mulching, tree stakes adjustments, special plants requirements, alternative plants replacements if required); Maintenance of hard landscape elements (planters, waterproofing, irrigation, paving, edges, pergolas, seats, and any specialised maintenance requirements)
- (ii) Frequency and methodology of different maintenance requirements including the removal of green waste; irrigation system tests, waterproofing inspections.
- (iii) Details of safety procedures;
- (iv) Laminated copies of 'As Built' Landscape drawings;
- (v) Manufacturer's contact details and copies of manufacturers' typical details and specification;
- (vi) Copies of warranties and guarantees relating to all materials and plant used in construction.

152. Right of Public Access for Cycleway, Alexandra Canal frontage and Access to Alexandra Canal frontage – Stage 2

Prior to the issue of any Occupation Certificate for Stage 2 of the development, a documentary Right of Public Access is to be created over part of the entire site(s) for the Cycleway, waterfront land and access to the waterfront land, and is to be registered on the title of the site(s). The easement is to be 10 meters wide, located along the entire boundary of the site adjacent to the Alexandra Canal and is to be created appurtenant to and in terms acceptable to Council (both Bayside Council and the City of Sydney Council). Furthermore, this easement is to extend along the side setbacks of both buildings, between both buildings and for the relevant parts of the Venice Street frontage to ensure free and unobstructed access is provided from Gardeners Road / Venice Street to the Canal frontage (including bicycle path).

The terms of the Right of Public Access are to include:

- (c) Rights for the Authority benefited (Council– both Bayside Council and the City of Sydney Council) to enter upon the easement site with all necessary equipment, materials, and personnel to construct, maintain and modify the Cycleway.
- (d) Rights for public pedestrian access to the Cycleway within the easement site, without vehicles, exclusive of wheelchairs for the disabled, but with bicycles and the like.

153. Positive Covenant for Cycleway

Prior to the issue of any Occupation Certificate for stage 2 of the development, a documentary Positive Covenant is to be registered on Title of all of the subject sites, in association with the Right of Public Access for the Cycleway. The Positive Covenant is to be created appurtenant to and to the satisfaction of Council (both Bayside Council and the City of Sydney Council) and include terms considered necessary to protect the interests of Council and the public, including:

- (d) Indemnifying Council (both Bayside Council and the City of Sydney Council) against all claims and damages arising from the use of the Cycleway.
- (e) Require the maintenance of a \$20,000,000 public risk insurance policy.
- (f) Require Council's (both Bayside Council and the City of Sydney Council) responsibility for the maintenance, upkeep, repair, reconstruction, and lighting of the Cycleway.

154. Video CCTV for Council Stormwater Pipe after Construction for Stage 1 and Stage 2

Prior to the issue of the Final Occupation Certificate for Stage 1 and Stage 2, a qualified practitioner shall undertake a closed-circuit television (CCTV) inspection, and then report on the post construction condition of Sydney Water stormwater drainage infrastructure traversing through the site. The camera and its operation shall comply with the following:

- The internal surface of the drainage pipe shall be viewed and recorded in a clear and concise manner, and
- The CCTV camera used shall be capable to pan, tilt and turning at right angles to the pipe axis over an entire vertical circle, to view the conduit joints, and
- Distance from the manholes shall be accurately measured, and
- The inspection survey shall be conducted from manhole to manhole.

The written report, together with a copy of the digital video footage of the pipeline, shall be submitted to Bayside Council for review. Any damage to the culvert / pipeline since the commencement of construction on the site, shall be repaired in full to the satisfaction of Bayside Council. A written acknowledgment shall be obtained from Bayside Council (attesting to this condition being appropriately satisfied) and submitted to the Principal Certifier.

REASON

To ensure the integrity of the infrastructure has not been compromised.

155. Compliance Certificates – Stages 1 and 2

The following compliance certificates are to be submitted and approved by the Director City Futures (or delegate) prior to the issue of the relevant Occupation Certificate for each stage:

- Acoustic report (AS 2021-2015 and Mechanical Noise impacts);
- Sustainability requirements (see Condition 61);
- Connecting with Country report;
- Art installation completed;
- All requirements of all relevant conditions of consent.

DEVELOPMENT CONSENT ADVICE

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

- Telstra Advice - Telecommunications Act 1997 (Commonwealth)

Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra's network and assets. Any person interfering with a facility or installation owned by Telstra is committing an offence under the Criminal Code Act 1995 (Commonwealth) and is liable for prosecution. Furthermore, damage to Telstra's infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect or impact on Telstra's assets in any way, you are required to contact: Telstra's Network Integrity Team on phone number 1800810443.

- d) NSW Police
 - i) Security guards should be hired to conduct regular patrols both day and night. As well as to provide other security services that may benefit the location.
 - ii) After hours contact number to be displayed at the main entrance to the complex.
 - iii) Address number and name to be clearly displayed at the front of the complex on Ricketty St and Venice St. This is to be visible at night and should be easily seen from the streets. Any hedges and greenery need to be maintained regularly and should not block or grow over the address number/name.
- e) All asbestos fibre demolition material and asbestos dust shall be handled, stored and removed in accordance with the relevant legislation and guidelines including:
 - i) Work Health and Safety Act 2011
 - ii) Work Health and Safety Regulation 2011
 - iii) Code of Practice for the Safe Removal of Asbestos [NOHSC: 2002 (2005)]
 - iv) Code of Practice for the Management and Control of Asbestos in Workplaces [NOHSC: 2018 (2005)]
 - v) Protection of the Environment Operations (Waste) Regulation 2005
- f) 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 Health & 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.
- g) 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:
 - i) choosing quiet equipment
 - ii) choosing alternatives to noisy activities
 - iii) relocating noise sources away from affected neighbours
 - iv) educating staff and contractors about quiet work practices
 - v) informing neighbours of potentially noise activities in advance
 - vi) equipment, such as de-watering pumps, that are needed to operate on any evening or night between the hours of 8 p.m. and 7 a.m. 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.
- h) All site works shall comply with the occupational health and safety requirements of the NSW WorkCover Authority.
- i) In the event of any inconsistency between conditions of this approval and the drawings/documents referred to in condition 2, the conditions of this approval prevail.