

DRAFT CONDITIONS OF CONSENT

594-600 Princes Highway, Rockdale

GENERAL CONDITIONS

1. Approved Plans and Supporting Documentation

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

Approved Plans				
Plan No.	Revision No.	Plan Title	Drawn By	Date of Plan
DA 005	6	Site Plan	Fuse Architects	19/4/24
DA 007	6	Demolition Plan	Fuse Architects	19/4/24
DA 101	6	Basement 3 Plan	Fuse Architects	19/4/24
DA 102	6	Basement 2 Plan	Fuse Architects	19/4/24
DA 103	7	Basement 1 Plan	Fuse Architects	29/5/24
DA 104	7	Ground Floor Plan	Fuse Architects	29/5/24
DA 105	7	Level 01 Plan	Fuse Architects	29/5/24
DA 106	6	Level 02 Plan	Fuse Architects	19/4/24
DA 107	6	Level 03 Plan	Fuse Architects	19/4/24
DA 108	6	Level 04 Plan	Fuse Architects	19/4/24
DA 109	6	Level 05 Plan	Fuse Architects	19/4/24
DA 110	6	Level 06 Plan	Fuse Architects	19/4/24
DA 111	6	Level 07 Plan	Fuse Architects	19/4/24
DA 112	6	Level 08 Plan	Fuse Architects	19/4/24
DA 113	6	Level 09 Plan	Fuse Architects	19/4/24
DA 114	6	Roof Plan	Fuse Architects	19/4/24
DA 115	6	Roof Feature Plan	Fuse Architects	19/4/24
DA 201	6	West Elevation	Fuse Architects	19/4/24
DA 202	6	North Elevation	Fuse Architects	19/4/24
DA 203	6	East Elevation	Fuse Architects	19/4/24
DA 204	6	South Elevation	Fuse Architects	19/4/24
DA 301	6	Section AA	Fuse Architects	19/4/24
DA 302	6	Section BB	Fuse Architects	19/4/24
DA 310	6	Unit Types Sheet 1	Fuse Architects	19/4/24
DA 311	6	Unit Types Sheet 2	Fuse Architects	19/4/24
DA 312	6	Unit Types Sheet 3	Fuse Architects	19/4/24
DA 320	6	Driveway	Fuse Architects	19/4/24
DA-2219-02	C	Streetscape	Sturt Noble	19/4/24
DA-2219-03	C	Ground Level – Child Care	Sturt Noble	19/4/24
DA-2219-04	C	Level 3 – Communal Area	Sturt Noble	19/4/24
DA-2219-05	B	Upper Levels	Sturt Noble	19/4/24
DA-2219-06	B	Section A-A	Sturt Noble	19/4/24
DA-2219-07	B	Planting Schedule	Sturt Noble	6/6/22

Approved Documents			
Document Title	Version No.	Prepared By	Date of Document
Review of Existing Geotechnical Report	E22655.G03_Rev1	EI Australia	23/9/22

Remediation Action Plan	E22655.E06_Rev1	EI Australia	23/9/22
Waste Management Plan	22114	Dickens Solutions	June 2022
Pedestrian Wind Environment Study	WC335-02F03(REV0) – WE REPORT	Wintech	18/6/19
Accessibility Report	10671DA	Purely Access	5/4/23
Review of Acid Sulfate Soil Management Plan	E22655.E09.022.Rev2	EI Australia	23/9/22
Acoustic Assessment	4562R003.LB.221004	Acoustic Dynamics	4/10/22
Proposed Child Care Centre Assessment	4562R005.LB.221004	Acoustic Dynamics	4/10/22
Air Quality Impact Assessment		Airsafe	31/10/22
BASIX Certificate	107552M_04	Credwell Energy	29/3/23
Operational Management Plan		Ology Early Childhood Consulting	June 2022
Revised Traffic and Parking Assessment Report	22061	CJP Consulting Engineers	22/4/24

REASON

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

2. Construction Certificate Required

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

Building work is defined under the EPA Act Part 6.

REASON

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

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

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

REASON

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

4. Amendments Require Modification Application

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

REASON

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

5. Enclosure of Structures

The unenclosed balconies must not be enclosed at any future time without prior development consent.

REASON

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

6. Approved Materials and Finishes

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

REASON

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

7. Implementation of BASIX commitments

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

REASON

To ensure BASIX commitments are fulfilled in accordance with the BASIX certificate (prescribed condition under clause 97A(2) EP&A Regulation)

8. Parking Allocation

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

Use	Number of Spaces Allocated
Residential	
Residential units	A total of 87 residential car spaces allocated as per the following. <ul style="list-style-type: none">• Studio / 1 bedroom unit - 9 car spaces with a maximum 1 car space per unit• 2 bedroom unit – 65 car spaces with 1 car space per unit• 3 bedroom unit – 13 car spaces with a minimum of 1 car space and a maximum of 2 car spaces per 3 or more bedroom unit
Residential visitor	18 spaces
Car Wash Bay	2 spaces
Non-Residential (Childcare)	
Childcare centre	17 spaces (11 staff and 6 pick-up and drop off)
Others	
Loading Bay	1 MRV loading bay
Car Share	5 car share spaces
Motorcycle parking	
Residential	6 spaces

<i>Bicycle parking</i>	
Residential	97 spaces
Non-Residential	10 spaces

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

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

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

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

REASON

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

9. Carrying out of Works Wholly within the Site

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

REASON

To avoid encroachment of the development beyond the site boundaries.

10. No Intensification of Activities

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

REASON

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

11. Adopt Acoustic Report - Managing Noise

Adopt and implement all recommendations contained in the acoustic report prepared by Acoustic Dynamics – Document No. 4562R005.LB.221004 Rev 1, 'Proposed Child Care Centre Assessment for DA 594-600 Princes Hwy Rockdale, NSW' dated the 04 October 2022.

Adopt and implement all recommendations contained in the acoustic report prepared by Acoustic Dynamics – Document No. 4562R003.LB.221004 Rev 2, 'Acoustic Assessment for DA 594-600 Princes Hwy Rockdale, NSW' dated the 04 October 2022.

REASON

To protect the amenity of the local area.

12. Certification of External Wall Cladding

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

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

REASON

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

13. Separate Approval for Signage

A separate consent must be obtained for any proposed signage, in addition to signage specifically approved under this consent / prior to the erection of any additional signage, (other than exempt and complying development).

Advisory Note: 'signage' is defined as follows:

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

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

REASON

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

REQUIREMENTS OF CONCURRENCE, INTEGRATED AND OTHER AUTHORITIES

14. NSW Police

The following conditions are specific to the NSW Police requirements:

- Installation of CCTV cameras within and around the development
- Improved lighting around the footpaths and car park areas within the development
- Landscaping that promotes natural surveillance of common areas
- Underground car park that does not have hidden areas or dark spots
- The mailbox must be located on the property to reduce excuse making opportunities by offenders.
- The number of each level must be prominently displayed adjacent the elevators and fire stairs to assist users of the property identify locations particularly in emergency situations.
- Signage needs to be provided at fire exits to assist occupants to identify exits in emergency situations.

REASON

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

15. Transport for NSW (TfNSW)

The following conditions are imposed by Transport for NSW (TfNSW) in their letter dated 31 May 2024 and must be complied with:

- (a) All buildings and structures, together with any improvements integral to the future use of the site, are to be wholly within the freehold property unlimited in height or depth along the Princes Highway boundary and clear of land required for future road widening.
- (b) All vehicles are to be wholly contained on site before being required to stop.
- (c) All vehicles are to enter and leave the site in a forward direction.
- (d) Sight distances from the proposed vehicular crossings to road users on Princes Highway are to be in accordance with the Austroads Guide to Road Design: Part 4A: Unsignalised and Signalised Intersections (Section 3 – Sight Distance) and AS 2890. Vegetation and proposed landscaping/fencing must not hinder sight lines to and from the vehicular crossings to motorists, pedestrians, and cyclists.
- (e) The redundant driveways on the Princes Highway boundary shall be removed and replaced with kerb and gutter to match existing.
- (f) The design and construction of the kerb and gutter and new vehicular crossing on Princes Highway shall be in accordance with TfNSW requirements and provide a minimum 11 metres in width at the existing and future kerb locations if Princes Highway is widened adjacent to the subject site. The driveway is to be a minimum of 7 metres wide for the first 6 metres inside the property boundary.
- (g) Detailed design plans of the proposed kerb and gutter and vehicular crossing are to be submitted to TfNSW for approval prior to the issue of a construction certificate and commencement of any road works. Please send all documentation to development.sydney@transport.nsw.gov.au.

A plan checking fee and lodgement of a performance bond is required from the applicant prior to the release of the approved road design plans by TfNSW.

- (h) Detailed design plans and hydraulic calculations of any changes to the stormwater drainage system 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.

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

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

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

- (j) The proposed development should be designed such that road traffic noise from Princes Highway is mitigated by durable materials in order to satisfy the requirements for habitable rooms under Clause 2.120 (3) of State Environmental Planning Policy (Transport and Infrastructure) 2021.
- (k) The Applicant shall be responsible for all public utility adjustment/relocation works, necessitated by the above work, and as required by the various public utility authorities and/or their agents.
- (l) A Road Occupancy Licence (ROL) should be obtained from Transport Management Centre (TMC) for any works that may impact on traffic flows on the subject section of Princes Highway during construction activities. A ROL can be obtained through <https://myrta.com/oplinc2/pages/security/oplincLogin.jsf>.

REASON

To ensure compliance with requirements of Transport for NSW (TfNSW).

16. Sydney Airport

The following conditions are imposed by the Sydney Airport Corporation Limited (SACL) in their letter dated 8 May 2024 and must be complied with:

- (a) The approved height of 44 is inclusive of all vents, chimneys, aerials, TV antennae and construction cranes etc. No permanent or temporary structure is to exceed this height without further approval from Sydney Airport Corporation Limited.
- (b) Should the height of any temporary structure and/or equipment be greater than 15.24 metres AEGH, a new approval must be sought in accordance with the Civil Aviation (Buildings Control) Regulations Statutory Rules 1988 No. 161.

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

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

REASON

To ensure compliance with requirements of Sydney Airports Corporation Limited.

17. Ausgrid

The following conditions are imposed by Ausgrid:

- (a) Ausgrid Overhead Powerlines are in the vicinity of the development

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

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

The “as constructed” minimum clearances to the mains must also be maintained. These distances are outlined in the Ausgrid Network Standard, NS220 Overhead Design Manual.

This document can be sourced from Ausgrid's website at www.ausgrid.com.au.

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

Additional information can be found in the Ausgrid Quick Reference Guide for Safety Clearances "Working Near Ausgrid Assets - Clearances". This document can be found by visiting the following Ausgrid website: www.ausgrid.com.au/Your-safety/Working-Safe/Clearance-enquiries Should you have any enquiries, please contact Ausgrid at development@ausgrid.com.au

For new connections or to alter the existing electrical connection to the property from the Ausgrid network, the proponent should engage an Accredited Service Provider and submit a connection application to Ausgrid as soon as practicable. Visit the Ausgrid website for further details: <https://www.ausgrid.com.au/Connections/Get-connected>

(b) Ausgrid Underground Cables are in the vicinity of the development

Care should be taken to ensure that construction activities do not interfere with existing underground cables located in the footpath or adjacent roadways.

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

The following points should be taken into consideration.

Ausgrid cannot guarantee the depth of cables due to possible changes in ground levels from previous activities after the cables were installed. Should ground anchors be required in the vicinity of Ausgrid underground cables, the anchors must not be installed within 300mm of any cable, and the anchors must not pass over the top of any cable.

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

- SafeWork Australia – Excavation Code of Practice.
- Ausgrid's Network Standard NS156 which outlines the minimum requirements for working around Ausgrid's underground cables. This document can be found by visiting the Ausgrid website via www.ausgrid.com.au.
- The Ausgrid Quick Reference Guide for Safety Clearances "Working Near Ausgrid Assets - Clearances". This document can also be found by visiting the Ausgrid website: www.ausgrid.com.au/Your-safety/Working-Safe/Clearance-enquiries

REASON

To ensure compliance with requirements of Ausgrid.

18. **Sydney Water**

The following conditions are imposed by Sydney Water:

(a) Section 73 Compliance Certificate

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

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

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

(b) Building Plan Approval

The approved plans must be submitted to the Sydney Water Tap in™ online service to determine whether the development will affect any Sydney Water sewer or water main, stormwater drains and/or easement, and if further requirements need to be met.

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

- building plan approvals
- connection and disconnection approvals
- diagrams
- trade waste approvals
- pressure information
- water meter installations
- pressure boosting and pump approvals
- changes to an existing service or asset, e.g. relocating or moving an asset.

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

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

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

The advice in this letter has been prepared under Section 78 of the Sydney Water Act 1994. This advice is not formal approval of our servicing requirements and is to be forwarded from Council to the Applicant as part of the development application referral process.

(c) Out of Scope Building Plan Approval

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

(i) That affect or are likely to affect any of the following:

- Wastewater pipes larger than 300mm in size
- Pressure wastewater pipes
- Drinking water or recycled water pipes
- Our property boundary
- An easement in our favour
- Stormwater infrastructure within 10m of the property boundary.

(ii) Where the building plan includes:

- Construction of a retaining wall over, or within the zone of influence of our assets
- Excavation of a basement or building over, or adjacent to, one of our assets
- Dewatering – removing water from solid material or soil.

The detailed review is to ensure that:

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

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

(d) Tree Planting

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

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

(e) Trade Wastewater Requirements

If this development is going to generate trade wastewater, the property owner must submit an application requesting permission to discharge trade wastewater to Sydney Water's sewerage system. You must obtain Sydney Water approval for this permit before any business activities can commence. It is illegal to discharge Trade Wastewater into the Sydney Water sewerage system without permission.

The permit application should be emailed to Sydney Water's Business Customer Services at businesscustomers@sydneywater.com.au

A Boundary Trap is required for all developments that discharge trade wastewater where arrestors and special units are installed for trade wastewater pre-treatment.

If the property development is for Industrial operations, the wastewater may discharge into a sewerage area that is subject to wastewater reuse. Find out from Business Customer Services if this is applicable to your development.

(f) Backflow Prevention Requirements

Backflow is when there is unintentional flow of water in the wrong direction from a potentially polluted source into the drinking water supply.

All properties connected to Sydney Water's supply must install a testable Backflow Prevention Containment Device appropriate to the property's hazard rating. Property with a high or medium hazard rating must have the backflow prevention containment device tested annually. Properties identified as having a low hazard rating must install a non-testable device, as a minimum.

Separate hydrant and sprinkler fire services on non-residential properties, require the installation of a testable double check detector assembly. The device is to be located at the boundary of the property.

Before you install a backflow prevention device:

- (i) Get your hydraulic consultant or plumber to check the available water pressure versus the property's required pressure and flow requirements.
- (ii) Conduct a site assessment to confirm the hazard rating of the property and its services. Contact PIAS at NSW Fair Trading on 1300 889 099.

For installation you will need to engage a licensed plumber with backflow accreditation who can be found on the Sydney Water website:

<https://www.sydneywater.com.au/plumbing-building-developing/plumbing/backflow-prevention.html>

(g) Water Efficiency Recommendations

Water is our most precious resource and every customer can play a role in its conservation. By working together with Sydney Water, business customers are able to reduce their water consumption. This will help your business save money, improve productivity and protect the environment.

Some water efficiency measures that can be easily implemented in your business are:

- Install water efficiency fixtures to help increase your water efficiency, refer to WELS (Water Efficiency Labelling and Standards (WELS) Scheme, <http://www.waterrating.gov.au/>
- Consider installing rainwater tanks to capture rainwater runoff, and reusing it, where cost effective. Refer to <https://www.sydneywater.com.au/your-business/managing-your-water-use/water-efficiency-tips.html>
- Install water-monitoring devices on your meter to identify water usage patterns and leaks.
- Develop a water efficiency plan for your business.

It is cheaper to install water efficiency appliances while you are developing than retrofitting them later.

(h) Contingency Plan Recommendations

Under Sydney Water's customer contract Sydney Water aims to provide Business Customers with a continuous supply of clean water at a minimum pressure of 15meters head at the main tap. This is equivalent to 146.8kpa or 21.29psi to meet reasonable business usage needs.

Sometimes Sydney Water may need to interrupt, postpone or limit the supply of water services to your property for maintenance or other reasons. These interruptions can be planned or unplanned.

Water supply is critical to some businesses and Sydney Water will treat vulnerable customers, such as hospitals, as a high priority.

Have you thought about a contingency plan for your business? Your Business Customer Representative will help you to develop a plan that is tailored to your business and minimises productivity losses in the event of a water service disruption.

For further information please visit the Sydney Water website at:

<https://www.sydneywater.com.au/your-business/managing-trade-wastewater/commercial-trade-wastewater.html> or contact Business Customer Services on 1300 985 227 or businesscustomers@sydneywater.com.au.

REASON

To ensure compliance with requirements of Sydney Water.

19. Water NSW

Compliance is required with the General Terms of Approval issued by WaterNSW on 11 December 2019, which are as follows:

Dewatering**GT0062-00001**

Groundwater shall not be pumped or extracted for any purpose other than temporary construction dewatering at the site identified in the development application.

GT0063-00001

An authorisation under the relevant water legislation, such as a Water Access Licence (WAL), shall be obtained for the take of groundwater as part of the activity. For avoidance of doubt, these terms do not represent any authorisation for the take of groundwater, nor do they constitute the grant, or the indication of an intention to grant, any required WAL.

GT0064-00001

An authorisation under the relevant water legislation, such as an Approval, is also required for the works involved in extracting the groundwater. For avoidance of doubt, these terms do not represent any authorisation for the construction or installation of such works.

GT0065-00001

The relevant works must not be carried out, installed or operated until a specialist hydrogeological assessment has been completed by the Department of Planning Industry and Environment, which concludes that adequate arrangements are in force to ensure that no more than minimal harm will be done to any water source, or its dependent ecosystems, as a consequence of the construction or use of the proposed water management work.

GT0066-00001

The design and construction of the building must prevent any take of groundwater after the authorisation has lapsed by making any below-ground levels that may be impacted by any water table fully watertight for the anticipated life of the building. Waterproofing of below-ground levels must be sufficiently extensive to incorporate adequate provision for unforeseen high water table elevations to prevent potential future inundation.

GT0067-00001

Sufficient permanent drainage shall be provided beneath and around the outside of the watertight structure to ensure that natural groundwater flow is not impeded and: a. any groundwater mounding at the edge of the structure shall be at a level not greater than 10 % above the level to which the water table might naturally rise in the location immediately prior to the construction of the structure; and b. any elevated water table is more than 1.0 m below the natural ground surface existent at the location immediately prior to the construction of the structure; and c. where the habitable part of the structure (not being footings or foundations) is founded in bedrock or impermeable natural soil then the requirement to maintain groundwater flows beneath the structure is not applicable.

GT0068-00001

Construction methods and material used in and for construction shall be designed to account for the likely range of salinity and pollutants which may be dissolved in groundwater, and shall not themselves cause pollution of the groundwater.

GT0069-00001

The Applicant is bound by the above terms and any other terms and conditions of the subsequent

authorisation(s) required for the extraction of groundwater and the associated works under the relevant water legislation.

GT0070-00001

Measurement and monitoring arrangements to the satisfaction of WaterNSW are to be implemented. Weekly records of the volumes of all groundwater pumped and the quality of any water discharged are to be kept and a completion report provided after dewatering has ceased. Records of groundwater levels are to be kept and a summary showing daily or weekly levels in all monitoring bores provided in the completion report.

GT0071-00001

Following cessation of the dewatering operations and prior to the surrender of any associated authorisation, the applicant shall submit to WaterNSW the completion report which shall include: a. detail of the volume of water taken, the precise periods and location of water taken, the details of water level monitoring in all of the relevant bores; and b. The location and construction of groundwater extraction works that are decommissioned c. a water table map depicting the aquifer's settled groundwater condition and a comparison to the baseline conditions; and d. a detailed interpreted hydrogeological report identifying all actual resource and third party impacts, including an assessment of altered groundwater flows and an assessment of any subsidence or excessive settlement induced in nearby buildings and property and infrastructure.

REASON

To ensure compliance with requirements of WaterNSW.

BEFORE THE ISSUE OF A CONSTRUCTION CERTIFICATE

20. Surrender of Development Consent

- (a) The surrender of Development Consent No. DA-2019/312 must be undertaken prior to the issue of a Construction Certificate pursuant to Section 4.17 of the *Environmental Planning and Assessment Act 1979* and Clause 97 of the *Environmental Planning and Assessment Regulation 2000*. Details demonstrating compliance with the requirements of this condition must be submitted to the satisfaction of the Council prior to the issue of any Construction Certificate.

REASON

To ensure any incompatible existing consent is not acted upon.

21. Design Amendments

Prior to issue of any Construction Certificate, amended plans addressing the following matters shall be submitted to, and approved by, Bayside Council's Director of City Futures (or Delegate), with such detail included in any plans and documentation submitted with the Construction Certificate Application:

- (a) The architectural plans including sections and elevation to be amended to be coordinated with the stormwater plans and must show the On-Site Detention (OSD). The amended plans to be submitted to Bayside Council Director of City futures (or delegate) for assessment and approval.
- (b) To achieve 'design excellence' the following matters to be addressed:
 - (i) the western podium façade shall be further developed with more modulation and articulation defining the bays. This includes further refinement of materiality as detailed in (ii) below.
 - (ii) Materials and Finishes – To achieve 'design excellence, building finishes should

remove painted and rendered finishes and instead use masonry or brick wall construction.

- (iii) Western Elevation – to be updated to reflect the amended floor plan showing additional glazing to the ground level Princes Highway frontage as approved under Condition 1.
- (iv) Sliding panels need to be attached to the base building where they will not be damaged by balcony use. (Note – This could be resolved by placing them ‘outside’ the balcony balustrade).
- (v) Details to be provided for the entrance to the basement car park demonstrating that all plumbing and services will be concealed from public view (e.g. use of false ceiling).
- (vi) Air-conditioning units must not be located within winter-gardens to avoid heat load being added to these spaces. The units must be relocated to an approved location that does not adversely impact the amenity of occupants of the site or adjoining properties.
- (vii) Level 3 Communal Open Space to comply with the following:
 - Ensure appropriate separation from residential accessways; and
 - Ensure that a variety of uses in various sized and scaled spaces are created; and
 - Use of synthetic turf is not supported.
- (viii) Rooftop Communal Open Space to ensure that appropriate shelter is provided from the lift and landscape buffers to edges and private terraces are maintained.
- (ix) Further consideration given to tree planting in the deep soil at the rear to consolidate urban tree targets – e.g. a feature deciduous tree may be considered to the child care zone supplementing the proposed tree plantings to the periphery.
- (x) Units 108 and 208 are to be redesigned so as to provide an opening on the northern façade to allow for ventilation and natural light into the internal walkway.
- (xi) The private open space areas for Units 108 and 208 are to be relocated to the western (Princes Highway) elevation.
- (xii) Provision of a legible ‘hub’ for the organization of all childcare functions and spaces in the lobby/lift area.
- (xiii) Balconies facing the street on Level 1 and Level 2 should be increased to a depth of approximately 3m to allow outdoor dining tables.

22. Payment of fees and security deposits

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

Soil and Water Management Sign Fee	\$24.00
Section 7.11 Contributions	\$723,621.25 (See Condition 25)
Builders Damage Deposit (Security Deposit)	\$27,219.42

The payments will be used for the cost of:

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

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

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

REASON

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

23. Long Service Levy

Before the issue of the relevant Construction Certificate, the long service levy of \$95,674.45, as calculated at the date of this consent, must be paid to the Long Service Corporation or Council under the *Building and Construction Industry Long Service Payments Act 1986*, section 34, and evidence of payment is to be provided to the Principal Certifying Authority.

REASON

To ensure the long service levy is paid.

24. Payment of Section 7.11 Contributions

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

Regional Open Space	\$99,958.63
City-wide Open Space	\$181,357.82
Rockdale Local Open Space	\$266,677.92
City-wide Town Centre	\$29,763.51
Rockdale Local Town Centre	\$2,393.11
Child Care Services	\$3,399.17
Community Services	\$3,686.81
Library Services	\$49,124.08
Pollution Control	\$83,272.65

Administration	\$3,987.55
----------------	------------

The total contribution payable to Council under this conditions is \$723,621.25 as calculated at the date of this consent, in accordance with Rockdale City Council Section 94 Contributions Plan (Amendment 5).

The total amount payable may be adjusted at the time the payment is made, in accordance with the provisions of the Rockdale City Council Section 94 Contributions Plan (Amendment 5). A copy of the development contributions plan is available for inspection at 444-446 Princes Highway, Rockdale.

REASON

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

25. Construction Site Management Plan

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

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

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

REASON

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

26. Design Verification Statement

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

REASON

To ensure compliance with the Environmental Planning and Assessment Regulation 202

27. Design Excellence

To ensure design excellence is achieved, as required by Section 6.10 of Bayside Local Environmental Plan 2021, prior to the issue of any construction certificate entailing any works above basement levels including public domain works, the following must be prepared by the registered architect commissioned for the construction of the project:

- (a) One (1) sample board containing original samples and swatches of all external materials (where relevant) and colours including:
 - (i) Wall and roof cladding, and
 - (ii) Columns located in front of the corner retail tenancy (including vertical elements attached to columns), and
 - (iii) Balustrading, and
 - (iv) Louvres, and
 - (v) Glazing, and
 - (vi) Window edge treatments, and
 - (vii) Paving/surface in front setback areas, and
 - (viii) Driveway, and
 - (ix) Footpaths, and
 - (x) Retaining wall details, and
 - (xi) Roof top garden (including all surface treatments).
- (b) Full coloured elevational details at a minimum scale of 1:10;
- (c) Sections through relevant façade elements, public domain stairs, planter boxes at a minimum scale of 1:10.

The boards, elevations and sections are to be submitted for approval 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.

28. Sydney Water Tap-in

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

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

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

REASON

To ensure compliance with Sydney Water requirements.

29. Safer by Design Requirements

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

- (a) Monitored CCTV facilities shall be implemented throughout the development. Areas of focus include the basement car park (including entry and exits), main entry areas to the development and garbage/storage areas, and
- (b) A lighting maintenance policy shall be established for the development. Lighting shall be designed to the Australian and New Zealand Lighting Standards. Australia and New Zealand Lighting Standard 1158.1 - Pedestrian, requires lighting engineers and designers to consider crime risk and fear when selecting lamps and lighting levels, and
- (c) Security mirrors shall be installed within corridors and on blind corners to enable users to see around blind corners, and
- (d) Graffiti resistant materials shall be used to ground level external surfaces, and
- (e) Intercom facilities shall be installed at all vehicular and pedestrian entry/exit points to enable residents to communicate and identify with people prior to admitting them to the development, and
- (f) The front window of the ground floor tenancy must be kept free of shelves, and a maximum of 15% of the window display area may be covered with promotional materials to ensure passive surveillance is maintained to and from the tenancy, and
- (g) The ceiling of the basement car park shall be finished in light colour in order to maximise visibility.

REASON

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

30. Encroachment of Structures not Permitted

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

REASON

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

31. Wind Report

The development shall be constructed in accordance with the approved Wind Report listed under "Approved Plans and Supporting Documents" condition. Details are to be provided on the Construction Certificate plans

REASON

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

32. Adaptable Units

Before the issue of the relevant Construction Certificate, a report prepared by a suitably qualified consultant must be obtained that demonstrates to the Certifier's satisfaction, that the ten (10) adaptable dwellings specified in the approved plans or documents comply with the provisions of *AS 4299 Adaptable Housing Standards*.

REASON

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

33. Glazing Reflectivity

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

REASON

To ensure that adverse reflectivity impacts are minimised.

34. Lighting

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

REASON

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

35. Inter-Tenancy Acoustic Attenuation

The development shall achieve the following minimum equivalent AAAC Star Rating within the below specified areas of the development.

- (a) Three (3) Star for tiled areas within kitchens, balconies, bathrooms and laundries. Tiled flooring within corridors, living areas and bedrooms is not permitted, and
- (b) Four (4) Star for timber flooring in any area, and
- (c) Five (5) Star for carpet in any area.

The development shall comply with the Building Code of Australia requirement for walls dividing occupancies.

A report shall be submitted to the Principal Certifier for approval prior to the issue of any Construction Certificate. The report is to include BCA requirements and details of floor/ceilings between residential apartments. Floor coverings within apartments shall be identified within the report.

A suitably qualified Acoustic Engineer with MIE Australia membership or employed by a consulting firm eligible for AAAC membership is to certify that the details provided in the said report satisfy the

requirements of this condition, with the certification to be submitted to the Principal Certifier for approval prior to the issue of any Construction Certificate for the relevant stage of works.

REASON

To minimise adverse amenity impacts to residents within the building.

36. Road Traffic Noise and Vibration

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

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

- (a) in any bedroom in the residential accommodation - 35 dB(A) at any time between 10.00 pm and 7.00 am, and
- (b) anywhere else in the residential accommodation (other than a garage, kitchen, bathroom or hallway) - 40 dB(A) at any time.

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

REASON

To minimise adverse amenity impacts to residents within the building.

37. Erosion and Sediment Control Plan

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

- Council's relevant 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) (as amended from time to time).

REASON

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

38. Dilapidation Report

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

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

REASON

To establish and document the structural condition of adjoining properties and public land for

comparison as site work progresses and is completed and ensure neighbours and Council are provided with the Dilapidation Report.

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

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

REASON

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

40. Property Address Allocation – Multi-level sites

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 determination of address numbers are in accordance with AS/NZS 4819:2011 Rural and Urban Addressing Standard and Section 5.2 of the NSW Address Policy and User Manual May 2021.

The form is available for download at:

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

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

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

The numbering (sub-addresses) of the individual units in multi-level sites should be consistent with Australian Standards AS/NZS 4819:2011 Rural and Urban Addressing Standard and NSW Address Policy and User Manual May 2021.

Developers of multi-level buildings are required to submit their schedule of addresses to Council for addressing approval prior to registration of the subdivision plan. Finalised architectural and survey plans of the site, identifying the location and nature of the development have to be submitted to Council. The applicant can suggest new street number allocation for the new development.

REASON

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

41. Waste Storage (Residential and Mixed Use Developments)

The plans and documentation submitted with the Construction Certificate shall include details of the waste storage areas as shown in the approved plans and Waste Management Plan listed in Condition 1, and shall demonstrate compliance with the following matters to the satisfaction of the Principal Certifier, prior to the issue of a Construction Certificate:

- (a) Hot and cold water supply shall be provided to each garbage room.
- (b) Services or utility systems shall not be located within the garbage room.
- (c) The path to the bin room is to be at least 1.0 metres wide and kept clear and unobstructed at all times.
- (d) Waste bins shall be provided as per the below requirements

(i) **Residential Waste**

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

- Domestic Waste - 1 x 120 / 1,100 litre mobile bins per unit / dwelling. Usually provided as a 240 litre or 660 litre bin using this ratio, and
- Domestic Recycling - 1 x 240 / 1,100 litre mobile bin per 3 units / dwellings, and
- Green Waste - 1 to 2 x 240 litre mobile bins per unit block, and
- Bulk Waste Storage Area - Minimum 10m², and

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

(ii) **Commercial Waste**

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

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

REASON

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

42. **Waste Handling Systems**

All waste handling equipment and systems used in conjunction with the provision of waste and recycling services shall be manufactured, installed and maintained in accordance with any applicable regulatory requirements, relevant Australian Standards, and relevant manufacturer's specifications. Details to be provided with the Construction Certificate application.

REASON

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

43. **Payment of Security Deposits**

Before the issue of the relevant Construction Certificate, the Applicant must:

- (a) make payment of \$78,960 Builders Damage Deposit for a security deposit to the consent authority, and
- (b) if a Principal Certifier is required to be appointed for the development provide the Principal Certifier with written evidence of the payment and the amount paid.

REASON

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

44. **Construction Site Management Plan**

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

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

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

REASON

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

45. Sydney Water Tap-in

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

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

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

REASON

To ensure compliance with Sydney Water requirements.

46. **Utilities and Services**

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

- (a) a letter 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 accompanying the application for a construction certificate would affect any Sydney infrastructure, and whether further requirements need to be met.
- (c) other relevant utilities or services – that the development as proposed to be carried out is satisfactory to those other service providers, or if it is not, the changes that are required to make the development satisfactory to them.

REASON

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

47. **Erosion and sediment control plan**

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

- Council's relevant 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) (as amended from time to time).

REASON

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

48. **Provision of Detailed Plans for Construction Certificate Application**

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

Detailed plans must also show the following:

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

REASON

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

supporting documentation.

49. Retaining Walls Over 600mm

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

REASON

To ensure the structural adequacy of new retaining walls.

50. Detailed Design Stormwater Management Plan

Prior to the issue of the relevant Construction Certificate, detailed drainage design plans for the management of stormwater are to be submitted to the 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. Bayside Technical Specification Stormwater Management sets out the minimum documentation requirements for detailed design plans. Stormwater management requirements for the site, including the final discharge/end connection point, must comply with Bayside Technical Specification Stormwater Management.

The detailed drainage design plans shall incorporate the provisions with the revisions/requirements detailed below:

- (a) The OSD is to be redesigned as per the Bayside Technical Specification Stormwater Management Section 6. A tailwater condition is to be adopted in the sizing of the OSD as the surface level of the existing Council pit for the minor and major storms. DRAINS model to be submitted to Council for assessment.
- (b) The stormwater basement plans must show the basement as a fully “tanked” system (full structural tanking and waterproofing) with adequate provision for future fluctuation of the water table. All subsoil drainage to be removed and no groundwater is permitted to enter the subsurface structures and, no pump-out system is permitted to be used to drain and discharge groundwater from the subsurface structures. The note on the basement drainage plan to state the above-mentioned wording regarding fully tanked system.
- (c) An oil separator is to be provided in the stormwater basement level 3 plan. Manufacturers details to be provided for the oil separator. All inlet pipes to drain through the oil separator prior to draining into the pump out pit.
- (d) The basement stormwater plans must show the surface level of the surface pits and rainwater outlets, invert levels, pit sizes and show the minimum crossfall of 0.5% fall. The top water level (TWL) is to be 100mm lower than the invert level of the inlet pipe.
- (e) A pump out pit section to be provided and show the surface level, base levels, top water level (TWL), and minimum 1% fall towards the pumps.
- (f) An OSD catchment plan is to be provided showing the impervious (roof and hardstand) and pervious area draining into the OSD system. Also show the bypass area. If there is OSD bypass, the OSD storage is to be modified as per section 6.4. the OSD bypass is not to exceed 15%.
- (g) A OSD base plan is to be provided for the OSD, showing all base levels and minimum 1% fall towards the outlet pipe.
- (h) A OSD lid plan to be provided for the OSD; showing the distance from pit centre to centre. The grates spacing of the access grates to be a maximum of 6m from centre of pits to pit.

- (i) A WSUD catchment plan is to be provided to show the survey and architectural plan in the background. The catchment areas in the catchment plan are to be accurately reflected in the MUSIC Model. The WSUD catchment plan must clearly show the non-trafficable roof areas. MUSIC Model to be submitted to Council for further assessment.
- (j) The development requires the use of a Water Sensitive Urban Design Approach (WSUD) to the design of the drainage system. Bayside Technical Specification Stormwater Management Section 7 requires the development to confirm the targets for the stormwater pollution reduction and to justify the target by an analysis using MUSIC. The MUSIC Model results is to be submitted along with the MUSIC model for assessment. Stormwater quality improvement devices are to be implemented in the design of the stormwater system.
- (k) A minimum 10,000L rainwater tank is to be provided which is to drain only non-trafficable roof areas. The rainwater tank is to be connected to internal non-potable stormwater re-use (all ground floor toilets, clothes washers, car wash bays and landscape irrigation). The rainwater tank must be modelled in MUSIC. Planter box and floor drains must drain directly into the stormfilter chamber. MUSIC Model to be submitted to Council for further assessment.
- (l) Manufacturer details is to be provided for the proprietary products for stormwater treatment (filter cartridge).
- (m) The sediment and erosion control plan to be provided to show the surface pits and the geotextile filter.
- (n) The architectural plans to be updated with the stormwater plans.

REASON

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

51. Tanking and Waterproofing Basement Intercepting Groundwater Table

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

REASON

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

52. Detailed Parking Facility Design Requirements and Certification

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

- (a) Compliance with AS2890 Car, Bicycle and Motorcycle Parking:
 - i. The parking facility (including parking spaces, ramps, aisles, vehicular crossing etc.) must comply in full with AS2890.1. The longitudinal profile 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. Convex mirrors shall be provided at blind corners within, and leading to, the car parking levels to provide increased sight distance for vehicles, and
- vi. The car wash bays shall be a minimum 3.5m wide, and
- vii. A minimum of 107 bicycle parking spaces and 6 motorcycle parking spaces must be provided as part of the development and designed in accordance with AS2890.3:2015 and AS2890.1 respectively, and
- viii. The driveway profile to be coordinated with the gutter flow analysis to provide a driveway crest.

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

- i. Loading and unloading within the site shall be designed and be restricted to commercial vehicles not exceeding the size and mass description of the MRV from AS2890.2:2018.
- ii. Commercial vehicles greater in size and mass than the MRV are not permitted to enter the site, and
- iii. 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
- iv. All service vehicles shall enter the property front in front out, and
- v. Swept path analysis shall be provided for manoeuvring of MRV commercial vehicles, depicting a forward entry and forward exit manoeuvre to/from the site via the loading dock(s) proposed within the development, and
- vi. 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 entire travel path, parking and manoeuvring areas of the MRV within the development, and
- vii. All waste collection must be undertaken on-site, no bins/waste are permitted to be presented to the street for collection.
- viii. The driveway profile to be coordinated with the gutter flow analysis to provide a driveway crest.

The design of the entire car parking facility is to be certified by a qualified Traffic Engineer 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.

53. Traffic and Parking Requirements Minor

Prior to issue of the Construction Certificate:

- (a) A longitudinal driveway profile prepared by a suitably qualified civil engineer shall be submitted to the Bayside Council Director of City Futures (or delegate) for assessment and approval. The profile shall start in the centre of the road and be along the critical edge (worst case) of the driveway. Gradients and transitions shall be in accordance with AS/NZS 2890.1&AS2890.2. 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. The driveway crest to be shown as per the gutter flow analysis.

REASON

To ensure compliance with the relevant Australian Standard.

54. Low Level Driveway Prevent Inflow of Water

The low level driveway must be designed to prevent inflow of water from the road reserve. The assessment of flows and design of prevention measures shall be in accordance with the requirements of Bayside Council.

A civil engineer shall be engaged to assess gutter flows as follows:

- (a) The 1 in 100 year flow discharge is to be determined using the Rational Method;
- (b) The depth of flow is to be determined using Mannings Equation, HEC-RAS or standard nomographs where applicable;
- (c) The driveway crest level within the property is to be at least 200mm above the 1 in 100 year flow level and confirmed on the plans.

Details shall be included in the documentation presented with the relevant Construction Certificate application.

REASON

To protect property and structures from water ingress.

55. Provision of Car Wash Bay

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

REASON

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

56. Use of Neighbouring Properties and Roadways for Support

Prior to the issue of the Construction Certificate, if neighbouring properties or roadway are to be utilised for excavation support, the legal rights of any adjoining properties must be respected

including for permanent and temporary excavation supports. In this regard the written permission of the affected property owners must be obtained and a copy of the owner's consent for excavation support or other material in adjacent lands must be lodged to the Principal Certifier.

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

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

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

REASON

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

57. Geotechnical Certification

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

- (a) Conduct a thorough geotechnical investigation of the site in line with geotechnical industry standards. The type and extent of substrata formations on the site shall be determined via the provision of a minimum of two (2) representative bore hole logs which are to provide a full description of all material from ground surface to 1.0m below the finished basement floor level and include the location and description of any anomalies encountered in the profile. The surface and depth of the bore hole logs shall be related to Australian Height Datum.
- (b) Provide detailed recommendations to allow the satisfactory implementation of the works.
 - i. The appropriate means of any excavation/shoring is to be determined and detailed considering the proximity to adjacent property and structures.
 - ii. Potential vibration caused by the method of excavation and potential settlements affecting nearby footings/foundations/buildings shall be discussed and ameliorated.
 - iii. Review and certify the proposed method to temporarily and permanently support any excavation adjacent to adjoining property, structures, and road reserve if nearby (full support to be provided within the subject site).
 - iv. An implementation program is to be prepared along with a suitable monitoring program (as required) including control levels for vibration, shoring support, ground level and groundwater level movements during construction. The implementation program is to nominate suitable hold points at the various stages of the works for verification of the design intent before sign-off and before proceeding with subsequent stages.
- (c) Prepare a Construction Methodology report demonstrating that the proposed construction methods (including any excavation, and the configuration of the built structures) will have no adverse impact on any surrounding property and infrastructure.
- (d) Certify that the construction certificate plans and supporting documentation are satisfactory from a geotechnical perspective.
- (e) Inspect the works as they progress at frequencies determined by the geotechnical engineer (where necessary).

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

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

REASON

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

58. Frontage Works Application

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

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

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

REASON

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

59. Separation of Parking in Mixed Use Residential Developments

The parking bays for the residential component of the development shall incorporate suitable secure access control measures (e.g. fencing, roller door or boom gates) so that it is not accessible to the visitors / occupants of the non-residential component. Details demonstrating compliance shall be submitted to the satisfaction of the Principal Certifier prior to the issue of a Construction Certificate.

REASON

To maximise the safety and security of persons and property and minimise conflict between different uses.

60. Equal Access to Premises

Before the issue of a Construction Certificate, plans which demonstrate that adequate access to

the premises will be provided for persons with disabilities in accordance with the Commonwealth Disability (Access to Premises – Buildings) Standards 2010. These plans must be submitted to the Certifier.

REASON

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

61. Undergrounding of Overhead Services and Installation of Lighting

All overhead cables, including electricity and telecommunication cables, along the entire length of all frontages of the development site must be relocated underground as part of the development. The Ausgrid lighting and power poles will need to be decommissioned and new underground supplied lighting columns shall be constructed (where necessary) satisfying the applicable requirements. Ausgrid's approval for the works must be obtained. The location of the new electrical pillars, new lighting poles, any new pits and trenches for utilities shall be confirmed with Bayside Council prior to the commencement of public domain works. The applicant is responsible for all relocation costs, including costs associated with other cabling such as telecommunications cables. These works must be completed to the satisfaction of Bayside Council prior to the issue of the Final Occupation Certificate.

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

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

REASON

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

62. Roof Drainage System

Prior to the issue of the relevant Construction Certificate, a detailed roof drainage plan to be prepared by a qualified engineer designed in accordance with the relevant Australian Standards and to be submitted to the Principal Certifier for assessment and approval. Engineering design certification and drainage design calculations are to be submitted with the plans.

REASON

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

63. Sustainability

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

- (a) Provision of photovoltaic cell systems on the rooftops. Detailed design for the photovoltaic cells systems is to be provided, the provision of photovoltaic cells is to be at a rate that maximises the coverage of available non-trafficable space on the rooftop. A storage battery is to be provided where possible. This solar power shall be utilised in communal areas and other suitable areas within the development to reduce the developments demand for electricity from the grid.
- (b) Provision of a minimum 10,000L rainwater tank connected to all ground floor toilet flushing, the cold water tap that supplies the ground floor clothes washing machines on the ground floor toilet flushing, the car wash bays, and the landscape irrigation system for non-potable

stormwater re-use.

- (c) Sensor controlled and zoned internal lighting within the building's car park and common areas.
- (d) Use of admixtures in concrete to minimise cement and reduce embodied carbon.
- (e) Separate circuiting for temporary power to minimal stair and corridor lighting.
- (f) Use of LEDs and other low energy flicker free lighting resources.
- (g) Provision for EV charging in accordance with the below requirements;
 - (i) All residential car parking spaces must be 'EV-Ready'. An 'EV-Ready' car space requires the provision of a backbone cable tray and a dedicated spare 15A circuit within an EV Distribution Board enabling future installation of a smart EV charger and cabling to the EV Distribution Board.
 - (ii) Provide EV Distribution Boards of sufficient size to allow connection of all 'EV-Ready' car spaces.
 - (iii) Locate EV Distribution board(s) so that no future 'EV-Ready' car space will require a cable run greater than 55m from the parking bay to an EV distribution board and, ensure that no cables will obstruct vehicular circulation aisles. Development shall provide cable trays, electrical cabinets, and conduits sufficient to accommodate the electric circuitry to each 'EV-Ready' and 'EV Equipped' car space.
 - (iv) EV Distribution Boards are to be dedicated to EV charging that is capable of supplying not less than 50% of EV connections at full power (full power being each individual connection being provided with not less than 2kW power and preferably 7kW power) at any one time during off-peak periods, to minimize impacts to maximum demand loads. To deliver this, an EV Load Management System and an active suitably sized connection to the main switchboard is required.
 - (v) EV Load Management System is to be capable of:
 - Reading real time current and energy from the EV chargers under management via ethernet connection;
 - Determining, based on known installation parameters and real time data, the appropriate behaviour of each EV charger to minimise building peak power demand whilst ensuring electric vehicles connected are fully recharged;
 - Scale for residents to engage an EV Load Management provider to provide additional smart chargers to residential car spots over time.
 - Ensuring each multi-unit residential 'EV-Ready' car parking spaces be metered separately to their individual account as part of the 'EV-Ready' system.

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

64. Landscape Architectural Drawings

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

- (1) The architectural plan shall include, but not be limited to, the following modifications:
 - (a) Areas available with deep soil shall be prioritised for planting, structures shall be minimised and relocate then above slabs where possible.
 - (b) Deep soil area along the front setback is to be free of services. Gas meter shall be relocated from the three meters front landscape setback.
 - (c) Level 3 terraces along front façade shall extend raised planter beds along the frontage. Planters shall be designed to deliver greenery to the streetscape. Planters shall be capable to cater for some trees and screening shrubs to provide some wind break and amenity to users.
 - (d) Architectural design shall eliminate or minimise the risk of falls in all planting areas above structures. Provide details of anchor points for landscape maintenance staff where required. Each anchorage point shall be permanent, not temporary installations.

(2) **Detailed Landscape Plan**

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

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

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

- (a) A planting plan at 1:100 showing all plant locations/groupings and plant centres/species.
- (b) All deep soil areas to include canopy trees where feasible to mitigate the loss of existing mature trees on site and to provide a level of amelioration to the buildings.
- (c) Indicate the location of all basement structures relative to the landscape areas.
- (d) Elevated planter box sectional details and drainage details. A minimum soil/ planter box mix depth of 800mm is required for planted areas (other than turf) and planter boxes on podiums or rooftops or any other concrete slab. Soil depths of planter on slabs shall be in accordance with the requirements of Table 5 of Part 4P of the Apartment Design Guide.
- (e) All trees in deep soil shall be supplied and planted at minimum 200litres. Other trees above slabs shall be minimum 100 litres.
- (f) Landscape treatment along the front setback:
 - (i) Maximise the quantity of medium-large canopy tree planting within the front setback to provide a greenery in scale with the proposed built form.
 - (ii) Front setback shall include a minimum of 2 canopy trees where larger areas of deep soil are available, avoiding the access to substation. Trees shall be able reach a minimum mature size of 12 meters in local conditions. Replace CC “Dwarf” proposed in the northern portion of the front setback with a larger canopy tree, recommended *Corymbia citriodora*. (Not dwarf variety), other recommended large trees for the front setback of this site are *Corymbia maculata*, *Corymbia citriodora*, *Eucalyptus robusta*
 - (iii) Front setback shall include at least three (3) medium trees capable to reach a

minimum mature height of 7 meters in local conditions, *Banksia integrifolia* proposed is suitable, otherwise any other as approved by Council.

- (iv) Front setback design shall include skateboard restrictions where needed, meet CPTED principles, include bicycle racks related to the public space and include pedestrian amenity lighting where required.
 - (v) A minimum of two (2) decorative bike racks shall be installed within the front setback of the site. Items shall be suitable for public spaces and shall be of ongoing maintenance item from the strata/owner to keep it in a safe condition to be in a public use space at all times.
 - (vi) Artificial turf is not permitted within the front setback of the site.
 - (vii) All areas shall maximise the accessibility. Design and layout of structures shall encourage connections.
 - (viii) Provide details of seating structures. All proposed structures within the front setback shall be suitable for public use, long lasting materials, and visually appealing.
 - (ix) Provide details of all pavement material within the front setback. Provide details of how finished materials of both public and private zones are well integrated. (Contact Council for finishes required in the public domain in the development frontage).
 - (x) Provide details of lighting, minimum pedestrian level lighting to ensure CPTED principles are met.
- (g) Landscape Treatment within the rear:
- (i) Ground level landscape treatment in the rear of the development shall maximised the deep root planting in deep soil available, all areas with not basement structures below. All planting provided shall be with indigenous or native tree species, some deciduous trees can be included where sun access is required or as a feature point. Interface with residential area shall include sufficient large canopy trees and small dense screening shrubs to deliver privacy and amenity.
 - (ii) A minimum of three (3) large canopy trees capable to reach a minimum mature height of 12 meters in locals conditions shall be included where deep soil is available in the rear of the site.
 - (iii) At least ten replacement trees capable of achieving a height of at least 8 metres in height when mature shall be planted in accordance with the Approved Landscape Plans on completion of the building works and in areas of deep soil located on the eastern side of the proposal, rear of the site.
 - (iv) South eastern corner of the site shall include raised planter boxes of minimum 1.5 meters wide and 1.1 meter deep to accommodate buffer planting to deliver privacy toward neighbours.
- (h) Level 3 terraces along front façade shall include:
- (i) A mix of trees and shrubs to deliver a wind break for users of terraces and a green scenery to the streetscape. Planters along the façade shall be maximise in size and shall be capable to include trees.
 - (ii) Replace proposed screening shrubs CV (*Callistemon viminalis* "Slim"), with evergreen dense foliage small to medium trees, (Some examples are: *Elaeocarpus reticulatus*, *Magnolia Teddy Bear*, *Banksia integrifolia*, *Cupaniopsis anacardioides*).
- (i) Screening shrubs shall be supplied and planted at minimum 27 litres/400mm pot size.
 - (j) Artificial turf shall be provided only in shaded areas.
 - (k) Provision of turf shall be minimised in deep soil areas. Turf on slab shall include enough soil depths to allow turf survival.

- (l) Specifications detailing soil and mulch finishes, root barriers, irrigation, edging and other landscape handworks such as retaining walls, steps, planter walls, feature walls, skateboard restrictions, tree pits, tree grates, tree guards, tree pit treat, areas of paving, schedule of materials, edge treatments, tactile and sectional construction details. Details of all fencing, privacy screening, arbors and the like elevations and materials, impacting or visible to public domain areas.
 - (m) 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.
 - (n) 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.
 - (o) The front setback area shall incorporate tree planting which does not conflict with the stormwater system.
 - (p) Front setback ground levels shall be even with public domain finished levels. If a raised planter is required, these shall not exceed 450mm, and a seat will be integrated if the design allows.
 - (q) All utility services (including all telecommunication, high and low voltage power lines) are to be placed underground along the entire development site frontages as part of the development prior to occupation. The extent of works required in order to achieve this outcome may involve works beyond the frontage of the development site.\
 - (r) Indicate how all landscape are as are to be access for maintenance purposes. Indicate location of anchor point for maintenance purposes.
- (3) A 12 months Landscape Maintenance Schedule and Specifications Manual to provide a guide to the landowner or manager on how to best maintain the constructed landscaped areas; and include the following information: shrub pruning/trimming (frequency, plant requirements); Fertilising and pest control (soil testing, types, rate, frequency); Mulching, weeding and soil improvement (frequency, materials); Irrigation (checks, adjustments); maintenance of plants (fertilising, mulching, tree stakes adjustments, special plants requirements, alternative plants replacements if required); Maintenance of hard landscape elements (planters, waterproofing, irrigation, paving, edges, pergolas, seats, and any specialised maintenance requirements):
- (a) Frequency and methodology of different maintenance requirements including the removal of green waste; irrigation system tests, waterproofing inspections.
 - (b) Details of safety procedures;
 - (c) Laminated copies of 'As Built' Landscape drawings;
 - (d) Laminated copies of all landscaped areas to be maintained by Strata in a highlighted colour, indicating all anchor points, access points to all landscaped areas and risk management up to date;
 - (e) Manufacturer's contact details and copies of manufacturers' typical details and specification;
 - (f) Copies of warranties and guarantees relating to all materials and plant used in construction;

- (g) Inspection programs based on AS/NZS 1891.4, including annual load testing of chemical and friction anchors, for all installed anchors.

REASON

To ensure compliance with landscape requirements from relevant policies.

65. General Landscape Conditions

- (1) All planting areas are to be maintained by Strata. Approved raised planters are not to be replaced with individual pots.
- (a) Planter boxes constructed over a concrete slab shall be built in accordance with the following requirements:
- (i) Soil depths must be in accordance with Council's DCP and associated Technical Specifications. The base of the planter must be screeded to ensure drainage to a piped internal drainage outlet of minimum diameter 90mm, with no low points elsewhere in the planter. There are to be no external weep holes.
 - (ii) A concrete hob or haunch shall be constructed at the internal join between the sides and base of the planter to contain drainage to within the planter.
 - (iii) Planters are to be fully waterproofed and sealed internally with a proprietary sealing agent and applied by a qualified and experienced tradesman to eliminate water seepage and staining of the external face of the planter. All internal sealed finishes are to be sound and installed to manufacturer's directions prior to backfilling with soil. An inspection of the waterproofing and sealing of edges is required by the Certifier prior to backfilling with soil.
 - (iv) Drainage cell must be supplied to the base and sides of the planter to minimize damage to the waterproof seal during backfilling and facilitate drainage. Apply a proprietary brand filter fabric and backfill with an imported lightweight soil suitable for planter boxes compliant with AS 4419 and AS 3743. Install drip irrigation including to lawns.
 - (v) Planter boxes must be an external finish that is consistent with the character of the colour schemes and finishes of the building (e.g. with a suitable paint, render or tile to match the character of the approved building).
 - (vi) All planter boxes shall be provided with a fully automated drip irrigation system.
 - (vii) All planter boxes shall have the required depth to sustain the proposed planting, as detailed below:
 - Trees over 8 meters: Minimum soil depth 1.3 metre.
 - Medium trees (8 metre canopy diameter at maturity):
 - Minimum soil depth one (1) metre.
 - Small trees (4 metre canopy diameter at maturity): Minimum soil depth 800mm.
 - Shrubs: Minimum soil depths 500-600mm.
 - Groundcover: Minimum soil depths 300-450mm.
 - (viii) Any subsurface drainage requirements are in addition to the minimum soil depths quoted above
- (2) Irrigation. To ensure satisfactory growth and maintenance of the landscaping, a fully

automatic drip irrigation system is required in all landscaped areas. The system shall be installed by a qualified landscape contractor and provide full coverage of planted areas with no more than 300mm between drippers, automatic controllers and backflow prevention devices, and should be connected to a recycled water source. Irrigation shall comply with both Sydney Water and Council requirements as well as Australian Standards and be maintained in effective working order at all times.

- (3) Capture of rainwater for irrigation purposes as a sustainability measure shall be provided.
- (4) Any proposed play equipment shall be in accordance with Australian Standards for Play Equipment and Surfacing, set out in AS 4422:2016 and AS 4685:2017.
- (5) Approved planting areas above structures are not to be reduced in size or replace with individual removable pots.
- (6) Anchorage points in landscaped planters should comply with the requirements of AS/NZS 1891:4 Industrial fall arrest systems and devices selection, use and maintenance.

REASON

To ensure compliance with landscape requirements from relevant policies.

66. Landscape Frontage Works Application

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

Public domain shall include the following:

- (a) Any new street tree required along Princes Highway shall be supplied and planted at minimum 200 litres pot size.
- (b) Provide a stainless steel edge (as per Council specifications) along the front boundary to delineate the property line and define private from public space.
- (c) Consider adjacent properties public domain proposal into the frontage works strategy to deliver an integrated design.
- (d) New street trees shall be maintained by the Applicant / Owner / Strata Corporation for a period of twelve (12) months after final inspection by Council. Maintenance includes twice weekly watering within the first 6 months then weekly thereafter, biannual feeding, weed removal round the base, mulch replenishment at 3 monthly intervals (to 75mm depth) and adjusting of stakes and ties; to sustain adequate growth and health. Maintenance does not include trimming or pruning of the trees under any circumstances.

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

REASON

To ensure compliance with landscape requirements from relevant policies.

67. Mechanical Plant and Equipment Design

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

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

REASON

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

68. Preparation of Mechanical Ventilation Plans

Before the issue of a Construction Certificate, detailed plans of the mechanical exhaust ventilation system must be prepared by a suitably qualified person.

The detailed plans must be in accordance with the following and submitted to the Certifier:

- (a) *Australian Standard 1668*: - The use of ventilation and air-conditioning in buildings; and
- (b) ensure all generate heated air, smoke, fumes, steam or grease vapours do not:
 - (i) cause a nuisance to persons within or nearby to the premises, or
 - (ii) cause air pollution as defined under the *NSW Protection of the Environmental Operations Act 1997*.

REASON

To ensure that detailed professional plans of the approve mechanical ventilation system are submitted before the issue of a Construction Certificate.

69. Mechanical Plants CC Acoustic Report

The Principal Certifying Authority shall not issue a Construction Certificate until a detailed acoustic assessment /report of all mechanical plants (ventilation systems, exhaust fans, ventilation fans and condenser units) and equipment including air-conditioners which meet the NSW EPA Noise Policy for Industry – 2017 and Protection Of Environment Operations Act 1997 noise emission criteria for residential air-conditioners as specified in acoustic reports prepared by Acoustic Dynamics titled

1. "Document No. 4562R003.LB.221004 Rev 2, 'Acoustic Assessment for DA 594-600 Princes Hwy Rockdale, NSW' dated the 04 October 2022" has been carried out."
2. "Document No. 4562R005.LB.221004 Rev 1, 'Proposed Child Care Centre Assessment for DA 594-600 Princes Hwy Rockdale, NSW' dated the 04 October 2022" has been carried out.

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

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

The report shall be prepared by a suitably qualified and experienced acoustic engineer (who is a member of either the Australian Acoustical Society or the Association of Australian Acoustical Consultants). It shall be submitted to the Principal Certifying Authority. All recommendations and/or noise mitigation measures (If applicable) shall be complied with.

REASON

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

70. Trade Waste Agreement

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

REASON

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

71. Food Premises

The proposed development must be designed, constructed and operated in compliance with the following legislation and/or requirements, with details demonstrating compliance submitted to the Principal Certifier prior to issue of the Construction Certificate:

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

- e) Standard 3.2.3 – Food Premises and Equipment.

REASON

To ensure compliance with relevant standards and legislation.

72. Preparation of Construction and Fit Out Plans for Food and Drink Premises

Before the issue of a Construction Certificate, detailed plans of all food and beverage preparation, serving and storage areas (including for perishable stock, waste, chemicals and personal belongings) must be prepared by a suitably qualified person.

The detailed plans must be prepared in accordance with the following editions in force on the date of determination and provided to certifier:

- (a) *Food Standards Code (Australia) and Food Safety Standard 3.2.3 – Food Premises and Equipment.*
- (b) *Food Act 2003 and Food Regulation 2015.*
- (c) *Plumbing Code of Australia and Australian Standard / New Zealand Standard AS/NZS 3500 series on Plumbing and Drainage.*
- (d) Sydney Water commercial trade wastewater requirements for food premises, and
- (e) Any relevant Water Services Association of Australia codes of practice, guidelines, policies and requirements.

REASON

To ensure detailed construction and fit out plans are submitted which comply with the relevant standards.

73. Food Premises – Fit-Out Requirements

Details of the construction and fit out of food premises must be submitted to the Principal Certifier prior to issue of the Construction Certificate. The plans and specifications must demonstrate compliance with:

- (a) An extraction system shall be provided where there is any dishwasher and other washing and sanitising equipment that vents steam into the area to the extent that there is or is likely to be condensation collecting on the walls and ceiling, and
- (b) All walls within the kitchen, food preparation, storage and display areas shall be of solid construction. Walls in food preparation areas shall be finished with one or a combination of glazed tiles, stainless steel, aluminium sheeting, laminated thermosetting plastic sheeting, poly vinyl sheeting with welded seams or similar impervious material which is adhered directly to the wall. The finishing materials of the wall surfaces shall provide a smooth even surface free from buckles, ledges, fixing screws, picture rails, open joint spaces, cracks or crevices, and
- (c) The intersection of walls and plinths with floors in the kitchen, food preparation, storage and display areas shall be coved with a minimal 25mm radius, and
- (d) The floors within the kitchen and storage area shall be constructed of a suitable material which is non-slip, durable, resistant to corrosion, non-toxic, non-absorbent and impervious to moisture. Floors which drain to a floor waste shall be evenly graded (at least 1:100) so that water falls to the floor waste, and

- (e) The surface finish of the ceiling shall not be perforated and shall be finished in an impervious material which is free from open joints, cracks, crevices, (in accordance with AS 4674-2004, acoustic and decorative panels are not to be used in wet areas, food preparation areas, bin storage areas or other areas where open food is displayed or served). The ceiling over the food preparation, storage and display areas shall be painted with a washable paint of a light colour. The intersection of walls and the ceiling shall be tight jointed, sealed and dust-proof, and
- (f) All food premises shall have natural or artificial lighting in accordance with the requirements of the Building Code of Australia. Where artificial lighting is provided to a food premises the lighting levels shall comply with the requirements of AS1680 and AS/NZS 1680.2.4, and
- (g) All service pipes conduits and electrical wiring shall be either:
 - i. Concealed in floors, walls, ceilings or concrete plinths, or
 - ii. Fixed with brackets so as to provide at least 25mm clearance between the pipe and the adjacent vertical surface and 100mm between the pipe or conduit and the adjacent horizontal surface, and
- (h) All openings in the walls, floors and ceilings through which service pipes and electrical conduits pass through shall be designed and constructed so as to prevent the access of vermin, and
- (i) All shelving being provided for the storage of food, equipment and containers shall have the lowest shelf at least 150mm above the floor level, and
- (j) Where toilets are provided on food premises, toilet cubicles shall be separated from areas where open food is handled, displayed or stored by an intervening ventilated spaced fitted with self-closing doors or provided with self-closing doors and a mechanical exhaust system that operate when the sanitary compartment is in use and for at least 30 seconds after the cubicle is vacated, and
- (k) A commercial kitchen shall be provided with a kitchen exhaust hood in compliance with Australian Standard AS1668 Parts 1 and 2 where any cooking apparatus having a total maximum electrical output exceeding 8 kW, or a total gas power input exceeding 29 MJ/h; or a total maximum power input to more than one apparatus exceeds 0.05 kW electrical power; or 1.8 MJ of gas for each square metre of the floor area of the room or enclosure, and
- (l) Cavities, false bottoms and similar hollow spaces capable of providing access and harbourage for vermin are not permitted to be formed in the construction of the food preparation or storage areas, or in the installation of fixtures, fittings and equipment, and
- (m) Facilities for the storage of clothing and belongings shall be a change room, lockers or cupboards in a change room or enclosed cupboards dedicated for the storage of personal belongings and located outside of the food preparation, food processing, food storage and utensil washing areas, and
- (n) Cleaning chemicals, cleaning equipment, pest control chemicals and equipment shall be located in a room designated for that use and enclosed in cupboards dedicated for that use which is located away from food preparation storage and display areas and not able to contaminate personal effects and clothing, and
- (o) Where premises are enclosed, windows shall be protected against the entry of pests by being tight-fitting and permanently fixed closed, or fitted with mesh screens which can be removed for cleaning or protected by a permanent mesh screen which can be cleaned in place. Entry/exits, serving hatches and similar openings to food premises shall be protected against the entry of pests by tight-fitting solid self-closing doors, roller shutters or other

means of closing off the entrance or tight fitting self-closing mesh screen doors, and

- (p) A floor waste fitted with a basket arrestor shall be located outside the cool room adjacent to the door, and
- (q) Hot and cold mounted taps fitted with hose connectors positioned at least 600 mm above floor level shall be installed in a convenient and accessible location in the kitchen/food preparation area, and
- (r) A double bowl sink or two compartment tub which is of a size capable of fully immersing the largest piece of equipment shall be provided with hot and cold water supplied through a single spout in the kitchen/food preparation area. Double bowl sink or tubs shall be supplied with water of at least 45°C in one bowl for washing purposes; and 80°C in the other bowl for sanitising purposes if hot water sanitising occurs at the sink, and
- (s) Premises which require food to be prepared by immersion in water shall install a designated food preparation sink which shall not be used for the washing of equipment or hands, and
- (t) Premises shall be provided with a cleaner's or sluice sink, floor waste or other similar facility which is connected to drainage that is not intended for use to prepare food, wash any equipment or for hands/face washing for disposing of mop water and similar liquid waste and shall be located outside of areas where open food is handled, and
- (u) Hand wash basins shall be located kitchen and toilet area so that they are not obstructed, are at bench height either permanently fixed to a wall, supporting frame or sunk into the bench top, accessible and no further than 5 metres (excluding toilet hand basins) from any place where food handlers are handling open food, in the parts of the premises where open food is handled, in utensil/equipment washing areas, in staff entrance to areas where open food is handled and in toilet cubicles or immediately adjacent to toilets. Hand basins shall have a permanent supply of warm running potable water delivered through a single outlet and taps which operate hands free shall be provided at all hand basins with sufficient space between the spout and base of basin for the washing of hands and arms, and
- (v) All hand basins shall be provided with soap and a towel dispenser for dispensing single use towels or other means of drying hands and arms which prevents the transfer of pathogenic micro-organisms to the hands or arms (air dryers as the only means of drying hands shall not be permitted). A receptacle for used towels shall be provided at the hand wash basin, and
- (w) Rooms and areas designated for the storage and washing of garbage receptacles shall be designed and constructed in accordance with the following requirements:
 - i. The floors and walls shall be constructed of a suitable material which is durable, smooth, resistant to corrosion, impervious to moisture and coved with a minimum radius of 25mm at the intersection of walls with floors, and
 - ii. The floor shall be graded and drained to a floor waste gully connected to the sewerage system and traps of the premises in accordance with all Sydney Water requirements, and
 - iii. Provide a hose tap connected to the water supply. Water used for cleaning garbage receptacles may be either potable or non-potable water.
 - iv. The room shall be ventilated with either natural ventilation or alternatively mechanically ventilated in accordance with the requirements of Australian Standards AS 1668.

REASON

To ensure compliance with relevant standards.

BEFORE BUILDING WORKS COMMENCE

74. Erosion and Sediment Controls in Place

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

REASON

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

75. Signs on site

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

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

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

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

REASON

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

76. Demolition Management Plan

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

The demolition management plan must be prepared in accordance with *Australian Standard 2601 – the Demolition of Structures*, the *Code of Practice – Demolition Work*, Bayside Development Control Plan 2022 and must include the following matters:

- (a) The proposed demolition methods.
- (b) The materials for and location of protective fencing and any hoardings to the perimeter of the site.
- (c) Details on the provision of safe access to and from the site during demolition work, including pedestrian and vehicular site access points and construction activity zones.
- (d) Details of construction traffic management, including proposed truck movements to and from the site, estimated frequency of those movements, and compliance with *AS 1742.3 Traffic Control for Works on Roads* and parking of vehicles.

- (e) Protective measures for on-site tree preservation and trees in adjoining public domain (if applicable) (including in accordance with *AS 4970-2009 Protection of Trees on Development Sites* and Bayside Development Control Plan 2022).
- (f) Erosion and sediment control measures which are to be implemented during demolition and methods to prevent material being tracked off the site onto surrounding roadways.
- (g) Dust, noise and vibration control measures, in accordance with any Noise and Vibration Control Plan approved under this consent.
- (h) Details of the equipment that is to be used to carry out demolition work and the method of loading and unloading excavation and other machines.
- (i) Details of any bulk earthworks to be carried out.
- (j) Details of re-use and disposal of demolition waste material in accordance with Bayside Development Control Plan 2022.
- (k) Location of any reusable demolition waste materials to be stored on-site (pending future use).
- (l) Location and type of temporary toilets on-site.
- (m) A garbage container with a tight-fitting lid.

REASON

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

77. Disconnection of Services before Demolition Work

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

REASON

To protect life, infrastructure and services.

78. Notice of Commencement for Demolition

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

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

REASON

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

79. Erosion and sediment controls in place

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

REASON

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

80. Dilapidation Report – Private Land

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

- (a) 588-592 Princes Highway ROCKDALE NSW 2216
- (b) 602 Princes Highway ROCKDALE NSW 2216
- (c) 15 Hayburn Avenue ROCKDALE NSW 2216
- (d) 17 Hayburn Avenue ROCKDALE NSW 2216
- (e) 19-21 Hayburn Avenue ROCKDALE NSW 2216

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

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

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

REASON

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

81. Vibration Monitoring

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

If vibration monitoring equipment detects any vibration at the level of the footings of any adjacent building exceeding the peak particle velocity adopted by the professional engineer as the maximum acceptable peak particle velocity an audible alarm must activate such that the principal

contractor and any sub-contractor are easily alerted to the event. Where any such alarm triggers all excavation works must cease immediately.

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

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

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

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

REASON

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

82. Dilapidation Report – Public Domain - Pre-Construction - Major

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

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

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

REASON

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

83. Utility Services Adjustments

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

REASON

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

84. Trade Waste Permit / Consent

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

REASON

To ensure compliance with Sydney Water requirements and minimise impacts on the environment.

DURING BUILDING WORKS

85. Approved Plans Kept on Site

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

REASON

To ensure relevant information is available on site.

86. Noise during Construction

The following shall be complied with during construction and demolition:

a) Construction Noise

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

b) Level Restrictions

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

c) Out of hours work

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

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

d) Silencing

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

REASON

To protect the amenity of the neighbourhood.

87. Hours of Work

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

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

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

REASON

To protect the amenity of the surrounding area.

88. Deliveries

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

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

REASON

To protect the amenity of neighbouring properties.

89. Procedure for Critical Stage Inspections

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

REASON

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

90. Implementation of the Site Management Plans

While site work is being carried out:

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

REASON

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

91. Implementation of BASIX commitments

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

REASON

To ensure BASIX commitments are fulfilled in accordance with the BASIX certificate (prescribed condition under clause 97A(2) EP&A Regulation)

92. Site Maintenance

While demolition work is being carried out, the following requirements, as specified in the approved demolition management plan, must be maintained until the demolition work and demolition waste removal are complete:

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

REASON

To protect workers, the public and the environment.

93. Site Management - Principal Certifier Inspections

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

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

REASON

To protect public safety and water quality around building sites.

94. Surveys by a Registered Surveyor

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

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

REASON

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

95. Noise and Vibration an approved document of this Consent

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

REASON

To protect the amenity of the neighbourhood during construction.

96. Responsibility for changes to Public Infrastructure

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

REASON

To ensure payment of approved changes to public infrastructure.

97. Shoring and Adequacy of Adjoining Property

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

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

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

REASON

Prescribed condition – EP&A Regulation, Section 74.

98. Implementation of Soil and Water Management Plan

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

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

REASON

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

99. Toilet Facilities

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

REASON

To ensure compliance with the Local Government Act 1993.

100. Site Fencing and Hoarding

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

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

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

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

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

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

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

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

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

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

REASON

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

101. Demolition Requirements During Works

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

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

REASON

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

102. Construction Activities – Minimise Pollution

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

- (a) Building, demolition and construction works not to cause stormwater pollution and being carried out in accordance with Council's stormwater pollution control requirements. Pollutants such as concrete slurry, clay and soil shall not be washed from vehicles onto roadways, footways or into the stormwater system. Drains, gutters, roadways and access ways shall be maintained free of sediment. Where required, gutters and roadways shall be swept regularly to maintain them free from sediment, and
- (b) Stormwater from roof areas shall be linked via a temporary downpipe to an approved stormwater disposal system immediately after completion of the roof area, and
- (c) All disturbed areas shall be stabilised against erosion within 14 days of completion, and prior to removal of sediment controls, and
- (d) Building and demolition operations such as brick cutting, washing tools or paint brushes, and mixing mortar shall not be performed on the roadway or public footway or any other locations which could lead to the discharge of materials into the stormwater drainage system, and
- (e) Stockpiles are not permitted to be stored on Council property (including nature strip) unless prior approval has been granted. In addition, stockpiles of topsoil, sand, aggregate, soil or other material shall be stored clear of any drainage line or easement, natural watercourse, kerb or road surface, and
- (f) Wind blown dust from stockpile and construction activities shall be minimised by one or more of the following methods:
 - (i) spraying water in dry windy weather, and
 - (ii) cover stockpiles, and
 - (iii) fabric fences
- (g) All vehicles transporting soil, sand or similar materials and demolition material to or from the site shall cover their loads at all times, and
- (h) The applicant shall conduct all construction works and any related deliveries/activities wholly within the site, and
- (i) During the construction works, the Council nature strip shall be maintained in a clean and tidy state at all times and shall be suitably repaired and/or replaced in accordance with Council Specifications at the completion of construction works, and
- (j) Access to the site shall be restricted to no more than two 3m driveways. Council's footpath shall be protected at all times. Within the site, provision of a minimum of 100mm coarse crushed rock is to be provided for a minimum length of two metres to remove mud from the tyres of construction vehicles, and
- (k) An All-Weather Drive System or a vehicle wheel wash, cattle grid, wheel shaker or other appropriate device, shall be installed prior to commencement of any site works or activities, to prevent mud and dirt leaving the site and being deposited on the street. Vehicular access is to be controlled so as to prevent tracking of sediment onto adjoining roadways, particularly during wet weather or when the site is muddy. Where any sediment is deposited on roadways it is to be removed by means other than washing and disposed of appropriately.

REASON

To protect neighbourhood amenity and the quality of the waterways.

103. Protection of Council's Property

During Demolition, Excavation and Construction, care must be taken to protect Council's

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

REASON

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

104. Vibration During Demolition Works

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

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

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

REASON

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

105. Approval and Permits under Roads Act and Local Government Act for Work Activities on Public Land

During all stages of demolition and construction, application(s) shall be made to Bayside Council (upon payment of a fee in accordance with Bayside Council's adopted fees and charges) to obtain the necessary approvals and permits for any and all works/activities on Bayside Council land or road reserve pursuant to the Roads Act 1993 and Local Government Act 1993. All applications associated with works and activities on Bayside Council's land must be made at least 7-10 days prior to the programmed completion of works and all construction must be completed and approved by Bayside Council. Refer to Bayside Council "Work Activities on Council Sites Application Form" and "Road Opening Application" to obtain permits/approvals for the following:

- Road, Footpath and Road Related Area Closure – To temporarily close any part of the road, footpath or car park to vehicle or pedestrian traffic. This permit is required to allow the applicant to close a road or part of, footpath or car park to vehicle or pedestrian traffic.
- Stand and Operate Registered Vehicle or Plant – To occupy any part of the road, footpath or car park to work from a vehicle parked on the street. This permit is required when construction activities involve working from a vehicle parked on the street including mobile crane, concrete truck, concrete pump or other similar vehicles.
- Occupy Road with Unregistered Item – To place a waste container or other item within the roadway which is not a registered vehicle. This permit is required to allow the applicant to place unregistered items within the roadway including waste containers and skip bins.
- Erection of a Works Zone – To implement a statutory Work Zone for activities adjacent to the development site. These applications are assessed by Bayside Council officers and are referred to the Traffic Committee for approval. A Work Zone being that you must not stop or park in a work zone unless you are driving a vehicle that is engaged in construction work in or near the zone.
- Placement of Scaffolding, Hoarding and Fencing – To erect a temporary structure in a public place to enclose a work area. This permit is required for all temporary structures to enclose a

work area within the public domain. These include site fencing, types A & B hoarding, type A & B hoarding with scaffolding and type B hoarding plus site sheds.

- Temporary Shoring/Support using Ground Anchors in Council Land – To install temporary ground anchors in public road to support excavation below the existing road surface level. This permit is required to allow the applicant to install temporary support system in or under a public road to support excavation below the existing road surface level. The support systems include ground anchors and shoring.
- Tower Crane – To swing or hoist over and across council property (including roadway). This permit is required when tower crane(s) are used inside the work site and will swing, slew or hoist over Council property or asset.
- Public Land Access – To access through or occupy Council land. This permit is required by applicants in order to access over or occupy Council land.
- Temporary Dewatering – To pump out groundwater from the site and discharge into council's drainage system including road gutter. This permit is required when temporary dewatering is required to pump out water from the construction site into Council stormwater drainage system including gutter, pits and pipes. Dewatering management plan and water quality plan are required for this application.
- Road Opening Application - Permit to open road reserve area including roads, footpaths or nature strip for any purpose whatsoever, such as relocation / re-adjustments of utility services. This does not apply to public domain works that are approved through Bayside Council's permit for Driveway Works (Public Domain Construction – Vehicle Entrance / Driveway Application) / Frontage Works (Public Domain Construction – Frontage / Civil Works Application) under section 138 of the Roads Act.

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

REASON

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

106. Temporary Dewatering Permit - Water Quality Requirements

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

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

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

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

REASON

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

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

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

All work on site shall cease until the Council is notified and appropriate measures to assess and manage the contamination in accordance with any relevant NSW EPA adopted guidelines is completed by an appropriately qualified and experienced environmental consultant and reviewed and approved by the Site Auditor (Contaminated Land).

REASON

To protect the environment and human health.

108. Remediation Works – Specific RAP

All remediation work must be carried out in accordance with:

- a) NSW Office of Environment and Heritage (OEH) 'Contaminated Sites – Guidelines for Consultants Reporting on Contaminated Sites', and
- b) NSW Environment Protection Authority (NSW EPA) guidelines under the *Contaminated Land Management Act 1997*, and
- c) State Environmental Planning Policy 55 (SEPP55) – Remediation of Land, and
- d) 'Remediation Action Plan, 594-600 Princes Highway, Rockdale NSW', (Report E22655.E06_Rev1), by EI Australia, dated 23 September 2022, or as amended.

REASON

To ensure compliance with relevant guidelines and legislation.

109. Waste Classification – Excavated Materials

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

REASON

To ensure materials are properly disposed of.

110. 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.

REASON

To ensure compliance with relevant guidelines and legislation.

111. 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.

REASON

To ensure the availability of such results upon request from Council officers.

112. Acid Sulfate Soil Management

The management of potential and actual acid sulfate soils must be conducted in accordance with all recommendations within the 'Acid Sulfate Soil Management Plan, 594-600 Princes Highway, Rockdale, NSW', (Report E22655AB), by Environmental Investigations (EI) Australia, dated 31 August 2015, and recommendations within the 'Review of Acid Sulfate Soil Management Plan for 594-600 Princes Highway, Rockdale NSW', Report E22655.E09.002.Rev0), by EI Australia, dated 3 June 2019, or as amended.

REASON

To ensure compliance with relevant guidelines and legislation.

BEFORE ISSUE OF AN OCCUPATION CERTIFICATE

113. Occupation Certificate

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

REASON

To ensure that an Occupation Certificate is obtained.

114. Design Verification Statement – before Occupation Certificate

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

REASON

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

115. Section 73 Certificate - Sydney Water

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

It is recommended that applicants apply early for the Certificate, as there may be water and sewer

pipes to be built and this can take some time. This can also impact on other services and building, driveway or landscape design.

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

REASON

To comply with Sydney Water requirements.

116. Consolidation of Lots

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

REASON

To encourage the orderly and economic use of the land.

117. BASIX / Energy Efficiency Commitments

A Compliance Certificate must be provided to the Principal Certifier confirming that the development has been constructed in accordance with the commitments contained within the approved BASIX listed under "*Approved Plans and Supporting Documents*" condition prior to the issue of any Occupation Certificate.

REASON

To ensure BASIX and Energy Efficiency commitments are fulfilled.

118. Anti-Graffiti Coating

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

REASON

To protect the amenity of the surrounding area.

119. Preservation of survey marks

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

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

REASON

To protect the State's survey infrastructure.

120. Section 73 Certificate - Sydney Water

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

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

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

REASON

To comply with Sydney Water requirements.

121. Consolidation of Lots

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

REASON

To encourage the orderly and economic use of the land.

122. Repair of Infrastructure

Before the issue of an Occupation Certificate:

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

REASON

To ensure any damage to public infrastructure is rectified.

123. Release of Securities

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

REASON

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

124. Certification of New Stormwater System

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

works. The WAE plan must clearly illustrate the surveyed dimensions and details of all drainage aspects. The certification and WAE plan(s) shall be supplied to the Principal Certifier and Bayside Council.

REASON

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

125. Completion of Public Utility Services

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

REASON

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

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

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

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

REASON

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

127. Positive Covenant Application

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

- (a) Stormwater Detention System
- (b) Stormwater Pump System
- (c) Stormwater Quality Improvement Devices

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

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

REASON

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

128. Certification of Tanking and Waterproofing

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

REASON

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

129. Geotechnical Certification

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

REASON

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

130. Rainwater Tank - Plumbing Certification

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

REASON

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

131. Parking Facility Certification

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

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

- Wheel stops shall be installed in all car parking spaces adjoining high obstructions in accordance with AS/NZS 2890.1.
- Bollards shall be erected for all accessible parking spaces that are designed in accordance with AS/NZS 2890.6.
- Large convex mirrors are to be installed at all corners/bends throughout the parking facility to provide increased sight distance for vehicles.
- The pedestrian walkway adjacent to the pick-up and drop-off car spaces for the childcare centre is to be provided with bollards and fencing to ensure that pedestrians are protected from all vehicle movements. The safety of the pedestrian is to be given priority in the car park design. The pedestrian crossing in the car park on basement level 1 (linking the childcare lobby to the pedestrian walkway) is to be provided with line marking and signage as per Australian standards. Speed humps shall be utilised to reduce the speed of vehicles on

approach to the pedestrian crossing in the car park on basement level 1. Wheels stops to be installed in all pick and drop off spaces.

The certification must be submitted to the Principal Certifier.

REASON

To ensure compliance with the relevant standards.

132. Erection of Signage

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

(a) Vehicles Enter & Exit in Forward Direction:

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

(b) OSD confined space and warning sign.

The owners shall preserve the plaques in a good condition and keep it visible.

REASON

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

133. Private Waste Collection

Waste and recycling must be collected by a private waste contractor within the site. A contract for waste and recycling collection must be entered into prior to issue of the Occupation Certificate and the maximum size of the waste collection vehicle shall be equal to or smaller than a 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.

134. Compliance of Works as Executed for Mixed Use

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

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

REASON

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

135. Loading Dock Management Plan

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

REASON

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

136. Undergrounding of Overhead Services and Installation of Lighting

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

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

REASON

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

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

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

- (a) Construction of a new footpath in accordance with the Rockdale Town centre Public Domain Plan and planting of required street trees/landscaping along all 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.

The public footpaths shall be constructed in accordance with the approved Public Domain Plan and

Bayside Council specifications. The footpath dimensions, location, pavement type and construction methods shall be in accordance with these specifications. If pavers are necessary, they shall be ordered allowing for adequate lead time for manufacture (10-12 weeks). All works within the road reserve, which are subject to approval pursuant to Section 138 of the *Roads Act 1993*, shall be completed to the satisfaction of Bayside Council at the Applicant's expense. A report shall be submitted in accordance with Bayside Council's Contributed Asset Procedure for all constructed assets in the ownership of Bayside Council. Works-As-Executed plans prepared by a registered surveyor and engineering certification shall be submitted. Final inspection reports for the works on the road reserve shall be obtained from Bayside Council's authorised officer and submitted to the Principal Certifier attesting that this condition has been satisfied prior to the issue of any Occupation Certificate.

REASON

To ensure that required public domain outcomes are achieved.

138. Post-construction dilapidation report

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

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

REASON

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

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

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

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

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

REASON

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

140. Certification of Roof Drainage System

Prior to the issue of any Occupation Certificate, a qualified Engineer must certify that the roof drainage system has been constructed in accordance with the approved plans and in accordance relevant Australian Standard and Codes.

The constructed roof drainage system shall be inspected, evaluated, and certified. The certification shall demonstrate compliance with the approved plans, relevant Australian Standards, Codes and Council Specifications.

REASON

To ensure that the roof drainage system is constructed as approved and in accordance with Australian Standards relevant standards.

141. General Landscape

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

- (a) All landscape works are to be carried out in accordance with the approved landscape plans prior Construction Certificate by Bayside Council for the approved development.
- (b) A Landscape Architect shall provide a report to the principal certifier (with a copy provided to Council, if Council is not the principal certifier) certifying that the landscape works have been carried out in accordance with the approved plans and documentation. The certificate shall, amongst other matters included in approved plans, confirm compliance with the following requirements:
 - (i) Tress specified to be planted at 100 litres 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) Trees specified to be planted at 200 litres 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.
 - (iii) A fully automated irrigation system has been installed to the podium landscaping.
 - (iv) Podium landscaping and paved areas are drained into the stormwater drainage system.
 - (v) At least ten replacement trees capable of achieving a height of at least 8 metres in height when mature shall be planted in accordance with the Approved Landscape Plans on completion of the building works and in areas of deep soil located on the eastern side of the proposal.
- (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 Landscape Maintenance Manual shall include as a minimum:
 - (i) A 12 months Landscape Maintenance Schedule and Specifications to provide a guide to the landowner or manager on how to best maintain the constructed landscaped areas; and include the following information: shrub pruning/trimming (frequency, plant requirements); Fertilising and pest control (soil testing, types, rate, frequency); Mulching, weeding and soil improvement (frequency, materials); Irrigation (checks, adjustments); maintenance of plants (fertilising, mulching, tree stakes adjustments, special plants requirements, alternative plants replacements if required); Maintenance of hard landscape elements (planters, waterproofing, irrigation, paving, edges, pergolas, seats, and any specialised maintenance requirements):
 - Frequency and methodology of different maintenance requirements including the

- removal of green waste; irrigation system tests, waterproofing inspections.
- Details of safety procedures;
- Laminated copies of 'As Built' Landscape drawings;
- Laminated copies of all landscaped areas to be maintained by Strata in a highlighted colour, indicating all anchor points, access points to all landscaped areas and risk management up to date;
- Manufacturer's contact details and copies of manufacturers' typical details and specification;
- Copies of warranties and guarantees relating to all materials and plant used in construction;
- Inspection programs based on AS/NZS 1891.4, including annual load testing of chemical and friction anchors, for all installed anchors.

REASON

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

142. Green Gateway and Pocket Park

Prior to issue of any Occupation Certificate, the following must be complied with:

(a) Landscaping to Green Gateway frontage

All landscape planting in the 'Green Gateway' frontage of the site must be provided in accordance with the approved plans. No additional paving or reduction in landscape area is permitted, and all proposed trees must be provided and maintained.

(b) Pocket Park

The 'pocket park' located within the Princes Highway frontage shall be constructed in accordance with plans and details approved prior to issue of any Construction Certificate. This includes seating, lighting, paving, landscaping and all other relevant requirements.

(c) Easement for Access

Prior to the issue of any Occupation Certificate, a positive covenant, easement, or other appropriate instrument is to be established on the site to retain deep soil landscaping, restrict development and /or the erection of structures or services within the Green Gateway (varying between 3-6 metres wide) along the entire frontage of the site to Princes Highway (49.48m) at all times. The terms of the instrument shall be approved by Bayside Council, prior the issue of any Occupation Certificate for the site. Council shall be nominated in the instrument as the only party to authorise release, vary or modify the instrument.

(d) Positive Covenant – Maintenance of Green Gateway and Pocket Park

- A positive covenant shall be established on the title of the land requiring the owners of the site to maintain the 'green gateway' and 'pocket park' in good condition at all times at the sole expense of the registered proprietors. This includes cleaning, repairing broken tiles / furniture, maintaining landscape planting (including replacing dead trees / vegetation), ensuring that the space is in a safe and usable condition and so on.
- In the event that the registered proprietor fails to comply with the terms of the easement and any written notice issued by Council, Council or its authorised agents may enter the land with all necessary equipment and carry out any work which the Council in its discretion considers reasonable to comply with the said notice. The costs will be recovered from the registered proprietor.

(e) Delineation of Boundary

Provide a steel edge along the front boundary to delineate the property line and define private from public space. Edge shall be 100mm deep x 5mm thick made of stainless steel.

143. Contaminated Land Site Validation Report

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

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

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

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

REASON

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

144. Site Audit Statement – Site Suitability (including park dedication to Council)

To ensure that the site is suitable for the proposed use, a Site Audit Statement (SAS) completed by an accredited site auditor under the *Contaminated Land Management Act, 1997* shall be submitted to Council clearly demonstrating that the site is suitable for the proposed development.

A separate SAS shall be provided for any land dedication to Council, such as parks or roadways and the site audit statement shall not be subject to any ongoing management measures.

Any conditions imposed on the SAS shall form part of this consent. The accredited site auditor shall provide Council with a copy any Site Audit Report (SAR) and Site Audit Statement (SAS) prior to the release of any applicable Occupation Certificate or applicable dedication of land to Council.

In circumstances where the SAS conditions (if applicable) are not consistent with the consent, a Section 4.55 application pursuant to the *Environmental Planning & Assessment Act 1979* shall be submitted to ensure that they form part of the consent conditions.

REASON

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

145. Registration – Environmental Health

Prior to issue of an Occupation Certificate, the premises food shop -childcare centre must be registered with Council's Environmental Health Section in accordance with the following relevant legislation:

- a) Food Shop - *Food Act 2003*, and

REASON

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

146. Food Safety Supervisor

Prior to issue of any Occupation Certificate, the occupier of the food premises shall provide a Food Safety Supervisor (FSS) for the business. The original FSS Certificate must be kept on the premises.

For further information regarding FSS, visit the NSW Food Authority website at www.foodauthority.nsw.gov.au.

REASON

To ensure that food premises are operated in accordance with relevant policy requirements.

147. Construction and Installation of Ventilation System

Before the issue of an Occupation Certificate, a suitably qualified person must provide details demonstrating compliance to the Principal Certifier which demonstrates that the mechanical exhaust ventilation system has been constructed and installed in accordance with the approved plans and conditions of consent (including ventilation above roof top level).

REASON

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

148. Acoustic Measures Validation

Prior to issue of Occupation Certificate the applicant shall submit to the Principal Certifying Authority (PCA) an acoustic compliance report to verify that the measures stated in the Acoustic Assessment prepared by Acoustic Dynamics titled

- a) "Document No. 4562R003.LB.221004 Rev 2, 'Acoustic Assessment for DA 594-600 Princes Hwy Rockdale, NSW' dated the 04 October 2022."
- b) "Document No. 4562R005.LB.221004 Rev 1, for the 'Proposed Child Care Centre Assessment for DA 594-600 Princes Hwy Rockdale, NSW' dated the 04 October 2022."

and all other noise mitigation measures associated with the mechanical plants (ventilation systems, exhaust fans, ventilation fans and condenser units) and equipment including air-conditioners have been carried out and certify that the construction meets the above requirements. If Council is not the PCA, a copy shall be submitted to Council concurrently. The report shall be prepared by a suitably qualified and experienced acoustic engineer (who is a member of either the Australian Acoustical Society or the Association of Australian Acoustical Consultants).

The report shall include post construction validation test results. Details demonstrating compliance with the requirements of this condition is to be submitted to the satisfaction of the Principal Certifier prior to the issue of any Occupation Certificate.

REASON

To ensure that adverse amenity impacts are minimised.

149. Thermostatic Mixing Valve

Should a thermostatic mixing valve be installed in the premises, the following requirements shall be met prior to issue of any Occupation Certificate:

- a) The thermostatic mixing valves shall be set at a predetermined temperature of no lower than 37°C and no higher than 43°C. The “fail safe” mixing valves shall be installed, and
- b) A copy of the commissioning report for the thermostatic mixing valve shall be submitted to Council with an additional copy kept on the premises. The thermostatic mixing valves are to be serviced annually by a suitably qualified and registered Plumber who has completed a TAFE course in mixing valves, and
- c) The thermostatic mixing valve shall be registered with Council as a warm water system, by completing the attached registration form, in accordance with the provisions of the *NSW Public Health Act 2010* and the *Public Health Regulation 2022* for the control and prevention of Legionnaires Disease.

REASON

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

OCCUPATION AND ONGOING

150. Hours of Operation

The hours of operation of the approved use are limited to:

- (a) Monday to Friday: 7:00am to 6:00pm

The approved hours of operation excludes trading, preparation, waste collection and deliveries to and from the premises.

REASON

To minimise impacts to the community.

151. Child Care Centres - Maximum Number of Children

The number of children in this premises is not to exceed 96 at any one time, and is to comply with the following ratios:

- a) 0-2 years 16 children
- b) 2-3 years 40 children
- c) 3-5 years 40 children

The maximum number of children in the outdoor play area is limited to 40.

Any alterations to the above will require further development approval.

REASON

To manage site operations so that adverse impacts are minimised.

152. Plan of Management – Childcare Centre - Compliance with Approved PoM

The approved Plan of Management (as referred to listed under "*Approved Plans and Supporting Documents*" condition) shall be complied with at all times. Any amendments to the Plan of Management shall require a separate approval from Council.

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

REASON

To manage site operations so that adverse impacts are minimised.

153. Waste Management – Comply with Approved WMP

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

REASON

To minimise adverse impacts to the locality.

154. Operation of Vehicular Premises

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

- (a) All vehicles must enter and exit the site in a forward direction.
- (b) All commercial vehicles (including deliveries and garbage collection) shall enter and exit the site in a forward direction and exit the site in a forward direction.
- (c) All loading / unloading and garbage / waste collection activities shall take place on-site wholly within the dedicated loading areas and not from public places, public streets, or any road related area (e.g., footpath, nature strip, road shoulder, road reserve).
- (d) The maximum size of vehicles accessing the site shall be limited to an 8.8m long MRV Vehicle (as denoted in AS2890.2).
- (e) All manoeuvring movements of vehicles shall be carried out wholly within the site and vehicle manoeuvring area shall be kept clear at all times.
- (f) Parking spaces must not be enclosed without further approval of Bayside Council. The enclosure of car spaces is not permitted unless the enclosure complies with the design requirements of AS/NZS 2890.1.
- (g) All vehicles shall be parked in the marked parking bays. All parking bays on-site shall be set aside for parking purpose only and shall not be used for storage of goods or machinery.

REASON

To manage site operations so that adverse impacts are minimised.

155. Maintenance of Stormwater Drainage System

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

sludged and all contents from the de-sludging process disposed: Solids shall be disposed to the waste disposal and de-sludged liquid shall be disposed to the sewer.

REASON

To ensure regular maintenance of the stormwater drainage system.

156. Maintenance of Wastewater and Stormwater Treatment Device

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

REASON

To protect sewerage and stormwater systems.

157. Structural Certificate Basement Structure Adjacent to Public Road

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

REASON

To minimise risk to personal safety and property

158. Landscape – Maintenance

- (a) The landscaped areas on the property / site shall be maintained in accordance with any approved landscape plans and Approved Landscape Maintenance Manual. 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) The approved Landscape maintenance Manual including 12 months schedule, laminated plans and specifications to be kept on site at all times available for Strata and landscape maintenance staff to use as a guide on how to maintain the constructed landscaped areas;
- (c) All deep soil areas and front setback deep soil areas shall preserve the planted trees at all times as indicated in approved landscape plans at all times. 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
- (d) An automatic drip irrigation system shall be installed and maintained in working order for all landscaped areas.

REASON

To ensure ongoing maintenance of approved landscaping.

159. Impacts on the Amenity (Light Industrial)

The operation of the premises shall be conducted in such a manner as not to interfere with or materially affect the amenity of the neighbourhood by reason of noise, vibration, odour, fumes,

vapour, steam, soot, ash, dust, waste water, waste products, grit, oil, or otherwise.

REASON

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

160. Health Impacts (non-residential uses)

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

REASON

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

161. Smoking

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

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

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

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

REASON

To ensure compliance with the relevant legislation.

162. Maintenance of Food Premises

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

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

REASON

To ensure compliance with the relevant standards and legislation.

163. Noise from Mechanical Plant / Ventilation and Air Conditioning

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

REASON

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

164. Noise from Air-Conditioning Units

Residential air conditioners shall not cause ‘offensive noise’ as defined by the *Protection of the Environment Operations Act 1997* or contravene provisions of the *Protection of the Environment (Noise Control) Regulation 2008* where emitted noise from a residential air conditioner can be heard within a habitable room in any other residential premises at night.

REASON

To manage noise from air-conditioning units so that adverse impacts to the locality are minimised.

165. Acoustic Impacts

The proposed use of the premises and the operation of all plant and equipment shall not give rise to ‘offensive noise’ as defined in the *Protection of the Environment Operations Act 1997* and Regulations:

- a) The operation of all plant and equipment shall not give rise to an equivalent continuous (Laeq) sound pressure level at any point on any residential property / affected premises greater than 5dB(A) above the existing background LA90 level (in the absence of the noise under consideration), and
- b) The operation of all plant and equipment when assessed on any residential property shall not give rise to a sound pressure level that exceeds Laeq 50dB(A) day time and Laeq 40 dB(A) night time, and
- c) The operation of all plant and equipment when assessed on any neighbouring commercial / industrial premises shall not give rise to a sound pressure level that exceeds Laeq 65dB(A) day time / night time.

For assessment purposes, the above Laeq sound levels shall be assessed over a period of 10-15 minutes and adjusted in accordance with EPA guidelines for tonality, frequency weighting, impulsive characteristics, fluctuations and temporal content where necessary.

REASON

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

166. Public Address System (Industrial, Commercial Premises)

A public address system or sound amplifying equipment that permits the emission of sound that is audible from any public place or adjoining property must not be installed or used unless separate Development Consent is obtained.

REASON

To ensure compliance with the approved acoustic requirements so that adverse impacts to the locality are minimised.

167. Spruikers and Speakers

Spruikers (with or without sound amplification) shall not operate without the prior written consent of Council. No signs, amplification equipment, goods or the like shall be placed on public areas footpath, or in the outdoor childcare centre areas. Speakers and/or noise amplification equipment must not be installed, and music must not be played in any of the outdoor areas associated with the premises including the public domain and childcare centre. Speakers located within the premises must not be placed so as to direct the playing of music towards the outdoor areas associated with the premises.

REASON

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

168. Operational Management Plan

The Childcare Centre shall be operated and maintained at all times in accordance with the Operational Management Plan prepared by Ology Early Childhood Consulting dated June 2022

Reason

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

DEVELOPMENT CONSENT ADVICE

(a) Lapsing of Consent

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

(b) Out of Hours Construction Work

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

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

(c) Consult with Utility Provider

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

(d) 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.

(e) **Dividing Fences Act 1991**

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

(f) **Asbestos**

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*, and
- (ii) *Work Health and Safety Regulation 2011*, and
- (iii) *Code of Practice for the Safe Removal of Asbestos [NOHSC: 2002 (2005)]*, and
- (iv) *Code of Practice for the Management and Control of Asbestos in Workplaces [NOHSC: 2018 (2005)]*, and
- (v) *Protection of the Environment Operations (Waste) Regulation 2005*.

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

(g) **Hazardous Waste**

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

- (i) *Work Health and Safety Act 2011*, and
- (ii) *Work Health and Safety Regulation 2011*, and
- (iii) *Protection of the Environment Operations (Waste) Regulation 2005*.

(h) **Annual Fire Safety Statement**

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

The Annual Fire Safety Statement must be given:

- (a) Within 12 months after the date on which the Fire Safety Certificate was received, and
- (b) Subsequent Annual Fire Safety Statements are to be given within 12 months after the last such statement was given, and

- (c) An Annual Fire Safety Statement is to be given in or to the effect of Clause 181 of the *Environmental Planning and Assessment Regulation 2000*, and

A copy of the statement is to be given to the Commissioner of Fire and Rescue NSW, and a further copy is to be prominently displayed in the building.

(i) **Signage May Require Separate Approval**

Some forms of signage require separate development consent. Please refer to relevant planning policies for more information.

(j) **Lead-Based Paint**

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

(k) **Noise Minimisation during Demolition and Construction**

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

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

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

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