**Attachment**

**Schedule 1 – Conditions of Consent**

**Premises: 253 Coward Street, Mascot Da No.: DA-2019/281**

**SCHEDULE OF CONSENT CONDITIONS**

**GENERAL CONDITIONS**

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

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| **Plans** | **Author** | **Dated / Received by Council** |
| A01.000 – Site plan- Rev B | Bates Smart | Dated 20 April 2020 Received 8 May 2020 |
| TP00.05 – Demolition Plan- Rev A | Dated 19 June 2019; Received 2 July 2019 |
| A03.B01 – Basement 01 Floor plan Rev A | Dated 20 April 2020 Received 8 May 2020 |
| A03.00 – Ground level floor plan A03.000 Rev B | Dated 21 April 2020 Received 8 May 2020 |
| A03.00 – Level 01 Floor plan Rev A | Dated 20 April 2020 Received 8 May 2020 |
| A03.002 – Level 02 Floor plan Rev B | Dated 20 April 2020 Received 8 May 2020 |
| A03.003 – Level 03 Floor plan Rev B | Dated 20 April 2020 Received 8 May 2020 |
| A03.004 – Level 04 Floor plan Rev B | Dated 20 April 2020 Received 8 May 2020 |
| A03.002 – Level 05 Floor plan/ Typical commercial Rev B | Dated 20 April 2020 Received 8 May 2020 |
| A03.010 – Level 10 Floor plan Rev A | Dated 20 April 2020 Received 8 May 2020 |
| A03.011 – Roof plan Rev A | Dated 20 April 2020 Received 8 May 2020 |
| A07.001 – North elevation Rev B | Dated 20 April 2020 Received 8 May 2020 |
| A07.002 – West elevation Rev A | Dated 20 April 2020 Received 8 May 2020 |
| A07.003 – South elevation Rev B | Dated 20 April 2020 Received 8 May 2020 |
| A07.004 – East elevation Rev B | Dated 20 April 2020 Received 8 May 2020 |
| A08.001 – Section AA Rev A | Dated 20 April 2020 Received 8 May 2020 |
| A08.002 – Section BB Rev BB | Dated 20 April 2020 Received 8 May 2020 |
| SS19-4134 000 Issue F | Site Image | Dated 19 February 2020; Received 20 March 2020 |
| SS19-4134 001 Issue F | Dated 19 February 2020; Received 20 March 2020 |
| SS19-4134 002 Issue F | Dated 19 February 2020; Received 20 March 2020 |
| SS19-4134 003 Issue D | Dated 2 August 2019; Received 20 March 2020 |
| SS19-4134 501 Issue D | Dated 2 August 2019; Received 20 March 2020 |

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| **Reference Document(s)** | **Author** | **Dated / Received by Council** |
| Architectural Design Report | Bates Smart | Dated 14 August 2019; Received 13 August 2019 |
| Amended Statement of Environmental Effects and Clause 4.6 variation | Sutherland and Associates Planning | Dated April 2020; Received 22 April 2020 |
| Accessibility Review Report | BCA Logic | Dated 5 February 2019; Received 12 February 2019 |
| Acid Sulfate Soil Management Plan | Aargus | Dated 29 July 2019; Received 13 August 2019 |
| Acoustic Assessment Report | Acoustic Logic | Dated 5 August 2019; Received 13 August 2019 |
| Addendum to Traffic and parking assessment | McLaren Traffic Engineering  | Dated 8 May 2020; Received on 8 May 2020 |
| Traffic and Parking Impact Assessment | McLaren Traffic Engineering | Dated 9 August 2019; Received 13 August 2019 |
| Traffic and Parking Impact Assessment | McLaren Traffic Engineering | Dated 13 March 2020; Received 20 March 2020 |
| Landscape Design Report | Site Image | Dated 19 February 2020; Received 20 March 2020 |
| Arboricultural Impact Report  | Landscape Matrix | Dated 14 August 2019; Received 14 August 2019 |
| Envelope Study (for site isolation) | Bates Smart | Dates 13 March 2020; Received 20 March 2020 |
| BCA and Access 2016 A1 – Indicative Compliance Report | BCA Logic | Dated 26 July 2019; Received 13 August 2019 |
| Construction Management Plan | DEWCAPE | Dated 6 August 2019; Received 13 August 2019 |
| Wind Report | Windtech | Dated 1 August 2019; Received 13 August 2019 |
| Geotechnical Assessment Report | EI Australia | Dated 31 July 2019; Received 13 August 2019 |
| Detailed Site Investigation  | Aargus | Dated 9 March 2020; Received 20 March 2020 |
| Ecologically Sustainable Development Report | Integral Consulting Engineering | Dated 2 August 2019;Received 13 August 2019 |
| Waste Management Plan | Elephants Foot | Dated 6 August 2019; Received 13 August 2019 |

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

1. This Consent relates to land in Lot 1 DP 104795, as such, building works must not encroach on to adjoining lands or the adjoining public place.
2. The consent given does not imply that works can commence until such time that:
	1. Detailed plans and specifications of the building have been endorsed with a Construction Certificate by:
		1. The consent authority; or,
		2. An accredited certifier; and,
	2. The person having the benefit of the development consent:
		1. Has appointed a principal certifying authority; and
		2. Has notified the consent authority and the Council (if the Council is not the consent authority) of the appointment; and,
		3. The person having the benefit of the development consent has given at least 2 days notice to the council of the persons intention to commence the erection of the building.
3. All building work must be carried out in accordance with the provisions of the Building Code of Australia.

**CONDITIONS IMPOSED BY AN EXTERNAL AUTHORITY**

Where relevant, the following external authority conditions apply:

1. The following conditions are imposed by **Sydney Airport Corporation Limited (SACL):**
	1. This location lies within an area defined in schedules of the Civil Aviation (Buildings Control) Regulations which limit the height of structures to 15.24 metres above existing ground height (AEGH) without prior approval of the Civil Aviation Safety Authority.
	2. The application sought approval for the PROPERTY DEVELOPMENT to a height of 51 metres Australian Height Datum (AHD).
	3. In the capacity as Airfield Design Manager and an authorised person of the Civil Aviation Safety Authority (CASA) under Instrument Number: CASA 229/11, in this instance, the Airfield Manager has no objection to the erection of this development to a maximum height of 51 metres AHD.
	4. The approved height is inclusive of all lift over-runs, vents, chimneys, aerials, TV antennae, construction cranes etc.
	5. Should you wish to exceed this height a new application must be submitted.
	6. 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.
	7. Construction cranes may be required to operate at a height significantly higher than that of the proposed development and consequently, may not be approved under the Airports (Protection of Airspace) Regulations.
	8. Sydney Airport advises that approval to operate construction equipment (ie cranes) should be obtained prior to any commitment to construct.
	9. "Prescribed airspace" includes "the airspace above any part of either an Obstacle Limitation Surface (OLS) or Procedures for Air Navigation Services – Aircraft Operations (PANS-OPS) surface for the airport (Regulation 6(1)).
	10. The height of the prescribed airspace at this location is 51 metres above AHD.

Planning for Aircraft Noise and Public Safety Zones

* 1. Current planning provisions (s.117 Direction 3.5 NSW Environmental Planning and Assessment Act 1979) for the assessment of aircraft noise for certain land uses are based on the Australian Noise Exposure Forecast (ANEF). The current ANEF for which Council may use as the land use planning tool for Sydney Airport was endorsed by Airservices in December 2012 (Sydney Airport 2033 ANEF).
	2. Whilst there are currently no national aviation standards relating to defining public safety areas beyond the airport boundary, it is recommended that proposed land uses which have high population densities should be avoided.
1. The following conditions are imposed by **Telstra**:
	1. Telstra requests the developer to make contact with Telstra prior to demolition of the site to ensure existing cables are removed from the Telstra site to avoid damage in the street; and to make arrangement for any future pit adjustments applicable during the footpath works.
	2. Telstra requests Bayside Council not to accept the footpath until both the council and Telstra are satisfied that the appropriate works have been undertaken.
	3. The applicant shall contact “Dial Before You Dig” to obtain a utility service diagram for, and adjacent to the property as Telstra and NBN have network in this location. The sequence number obtained from “Dial Before You Dig” shall be forwarded to Principal Certifying Authority. All utilities within the work zone shall be protected during construction. Any adjustments or damage to public utilities/services as a consequence of the development and associated construction works shall be restored or repaired at the applicant’s expense.
2. The following conditions are imposed by **Water NSW**
	1. Groundwater shall not be pumped or extracted for any purpose other than temporary construction dewatering at the site identified in the development application
	2. 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.
	3. 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.
	4. 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.
	5. 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.
	6. 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
	7. 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
	8. 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 aquifers 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.
	9. The Department of Planning, Industry and Environment¿Water has determined that an authorisation to account for the temporary and transient impacts on groundwater systems associated with the proposed development for up to twelve months is required (to be issued by WaterNSW).
	10. All required monitoring and reporting arrangements are to be designed to demonstrate the activity meets due diligence with respect to the Water Management Act 2000, the relevant water sharing plan(s) and the NSW Aquifer Interference Policy during construction and occupation phases of the building.
	11. At the time of application for a Construction Certificate, the developer must be able to demonstrate to the consent authority that an authorisation for the pumping of groundwater for temporary construction dewatering has been obtained for the relevant groundwater source from which water is being taken.
	12. At the time of application for an Occupation Certificate, the developer must be able to demonstrate to the consent authority that any unexpected groundwater pumping (resulting from poor construction methods, materials or inadequate waterproofing) has been authorised by a water access licence purchased for the relevant groundwater source from which water is being taken and must be able to demonstrate no impact on neighbouring sites or the integrity of the aquifer.
	13. A Site Hydrogeology Report prepared and certified by a qualified, experienced and practising hydrogeologist must be provided with the authorisation application that includes, but is not limited to, the following: a. pre-development (existing) conditions in the form of a baseline monitoring record and comprehensive groundwater system description: i. site and neighbouring area stratigraphy, formation description, site groundwater levels, groundwater flow paths, site aquifer and aquitard (if relevant) hydraulic characterisation ii. groundwater quality and specific consideration of groundwater potentially affected by contamination from surrounding land uses or acid sulfate soils where they are found to exist iii. neighbouring users, groundwater dependent ecosystems, water bodies and other relevant features within a one kilometer radius of the subject site iv. the above site information must not date more than six months prior to the date of lodgment of the development application to account for climate trends and maintain the currency of groundwater data b. excavation phase (during dewatering), in the form of a comprehensive impact prediction description as well as a monitoring and management strategy (the latter equivalent to the requirements for a Dewatering Management Plan): i. predicted groundwater modelling impacts (extent, magnitude and duration) that are developed through suitable methods comprising either; &#61623; numerical modelling in high risk areas &#61623; analytical solutions in low risk areas ii. corresponding trigger levels (levels, quality, flow, volume and ground surface settlement) to manage any potential impacts iii. Construction techniques and approaches that will be used to prevent any ongoing groundwater pumping at the same time as not causing any obstruction to natural groundwater behavior iv. details of monitoring (groundwater levels, quality as required, rate of inflows, metered pumping) v. where a risk of ground settlement is identified due to the proposed dewatering, the proponent is to provide a program of monitoring, trigger and responses to Council (Note while it is the Proponents responsibility to identify the risk, the Department recommends that Council enforce this requirement for all applications in all high risk areas which includes sand formations or other unconsolidated ground). 10 Valentine Avenue Parramatta 2150 | Locked Bag 5123 Parramatta 2124 | dpie.nsw.gov.au | 4 c. post-excavation phase (during aboveground construction) in the form of a comprehensive post-dewatering impact review (equivalent to the requirements for a Dewatering Completion Report): i. collation of monitoring records, ii. analysis of actual impacts compared to predicted impacts, noting that some impacts may be delayed, iii. magnitude and extent of potential long-term effects from the completed structure iv. arrangements for reporting (measurements, technical analysis and future predictions) to the relevant authority d. occupational phase (after building completion) in the form of an annual groundwater monitoring plan: i. monthly monitoring to demonstrate the magnitude of groundwater pumping after construction, either through satisfactory photographic and documented evidence of no visible seepage into the building or, if inflows cannot be prevented, measured flow rates into all pump-out sumps ii. recording arrangements to document ongoing compliance, event-based notification of unexpected groundwater take to the relevant authority and annual reporting arrangements
	14. All monitoring data collected for the development and all monitoring and management reports are to be provided in electronic format (tabulated and raw corrected data) to the Department of Planning, Industry and Environment Water.
3. The following conditions are imposed by **Roads and Maritime Services (RMS):**
	1. All buildings and structures together with any improvements integral to the future use of the site shall be wholly within the freehold property (unlimited in height or depth), along the Coward Street boundary.
	2. The removal of the redundant vehicular crossing on Coward Street shall be in accordance with Roads and Maritime requirements. Details of these requirements should be obtained by email at DeveloperWorks.Sydney@rms.nsw.gov.au.

Detailed design plans of the proposed works are to be submitted to Roads and Maritime for approval prior to the issue of a Construction Certificate and commencement of any road works. Please send all documentation to development.sydney@rms.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 Roads and Maritime.

* 1. All vehicles shall enter and exit the site in a forward direction.
	2. If not already in place, “No Stopping” restrictions shall be implemented along the full Coward Street frontage of the development site at no cost to Roads and Maritime.
	3. The layout of the proposed car parking areas associated with the subject development (including, driveways, grades, turn paths, sight distance requirements in relation to landscaping and/or fencing, aisle widths, aisle lengths, and parking bay dimensions) should be in accordance with AS 2890.1-2004, AS2890.6-2009 and AS 2890.2-2018. 6.
	4. The proposed development will generate additional pedestrian movements in the area. Pedestrian safety is to be considered in the vicinity.
	5. A Construction Traffic Management Plan (CTMP) detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control shall be submitted to Council for approval prior to the issue of a Construction Certificate.
	6. All demolition and construction vehicles are to be contained wholly within the site and vehicles must enter the site before stopping.
	7. A Road Occupancy Licence (ROL) should be obtained from Transport Management Centre for any works that may impact on traffic flows on Coward Street during construction activities. A ROL can be obtained through https://myrta.com/oplinc2/pages/security/oplincLogin.jsf.
1. The following advisory conditions are imposed by **NSW Police**:
	1. CCTV should be installed and operational internal and external to entry / exit points, internal and external of building, retail shops and basement carpark.
	2. CCTV to be positioned in foyer, lifts and common areas of premise.
	3. Adequate lighting should be positioned covering premise and surrounding areas of building to create visibility at night and to reduce opportunity for hidden areas.
	4. Mailbox area to be internal of building, with swipe access only and CCTV positioned covering this area.
	5. Clear signage of Building number, building name and shops should be clearly displayed, with light shining on signs at night to allow clear visibility for Police.
	6. Warning signs “No cash left on premise, CCTV in use at all times, lock your vehicle, take your valuables, Trespassers will be prosecuted” to be clearly displayed external / internal to building and throughout carpark.
	7. All shrubs to be no higher than 1 metre, so visibility and clear sight lines can be maintained onto the premise.
2. The following conditions are imposed by **Sydney Water**:
	1. The approved plans must be submitted to the Sydney Water Tap in™ online service to determine whether the development will affect any Sydney Water sewer or water main, stormwater drains and/or easement, and if further requirements need to be met.

The Sydney Water Tap in TM online self-service replaces our Quick Check Agents as of 30 November 2015.

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

* + 1. building plan approvals
		2. connection and disconnection approvals
		3. diagrams
		4. trade waste approvals
		5. pressure information
		6. water meter installations
		7. pressure boosting and pump approvals
		8. 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:/Iwww.sydnevwater.com.au/SW/plumbing-building-developing/building/sydney-water-tap-in/index.htm

* 1. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water prior to development commencement. It is recommended that the Council includes this term as a Condition of the DA approval.

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.sydnevwater.com.au > Plumbing, building and developing> Developing> Land development or telephone 13 20 92.

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

1. The applicant must prior to the issue of any Construction Certificate, pay the following fees:
	1. Development Control $3,174.00
	2. Footpath Crossing Deposit $482,942.41 (See below)
	3. Section 7.11 Contributions $4,447,721.89 (See below)
2. Prior to the issue of the Construction Certificate, the required Long Service Levy payable under Section 34 of the Building and Construction Industry Long Service Payments Act 1986 has to be paid. The Long Service Levy is payable at 0.35% of the total cost of the development, however this is a State Government Fee and can change without notice.
3. Prior to the issue of any Construction Certificate, the applicant shall lodge a Footpath Crossing Deposit of **$482,942.41** (GST Exempt) by way of cash deposit or unconditional bank guarantee to Council against possible damage to Council’s asset during the course of the building works. The deposit will be refunded subject to inspection by Council 12 months after the completion of all works relating to the proposed development and Final Occupational Certificate has been issued.
4. Bayside Council being satisfied that the proposed development will increase the demand for public amenities within the area, and in accordance with Council’s Section 94 Contributions Plans, a contribution of **$4,447,721.89** is payable as calculated below:

***City of Botany Bay Section 7.11 Contributions Plan 2016***

The 7.11 contributions for the development is as follows:

1. Community Facilities $364.081.71
2. Recreation and Open Space $3,756,286.60
3. Transport Facilities $294,968.87
4. Administration $32,384.71

The total Section 7.11 Contribution of **$4,447,721.89** is to be paid to Council prior to the issue of any Construction Certificate.

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

1. Prior to the issue of the Construction Certificate, a dilapidation survey shall be undertaken of all properties and/or Council infrastructure, including but not limited to all footpaths, kerb and gutter, stormwater inlet pits, and road carriageway pavements, in the vicinity which could be potentially affected by the construction of this development. Any damage caused to other properties during construction shall be rectified. A copy of the dilapidation survey and an insurance policy that covers the cost of any rectification works shall be submitted to the Principal Certifying Authority prior to issue of the Construction Certificate. The insurance cover shall be a minimum of $10 million.
2. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained. Application must be made through an authorised Water Servicing Coordinator. Please refer to “Your Business” section of Sydney Water’s web site at [www.sydneywater.com.au](http://www.sydneywater.com.au/) then the “e-developer” icon or telephone 13 20 92.

Following application a “Notice of Requirements” will detail water and sewer extensions to be built and charges to be paid.  Please make early contact with the Co-ordinator, since building of water/sewer extensions can be timed consuming and may impact on other services and building, driveway or landscape design.  The Section 73 Notice of Requirements must be submitted to the Principal Certifying Authority prior to the issue of any Construction Certificate.

1. Plans and cross sections showing the compliance of the recommendations of Part J BCA assessment report issued by \*\*\* on \*\*\* to be submitted with the application for the issue of the Construction Certificate.
2. Prior to the issue of any Construction Certificate, at the proposed point of construction site entry, photographic survey showing the existing conditions of Council’s and RMS infrastructure shall be submitted to Council and Principal Certifying Authority. The survey shall detail the physical conditions and identify any existing damages to the roads, kerbs, gutters, footpaths, driveways, street trees, street signs and any other Council assets fronting the property and extending to a distance of 50m from the development. Failure to do so may result in the applicant/developer being liable for any construction related damages to these assets. Any damage to Council’s infrastructure during the course of this development shall be restored at the applicant’s cost.
3. Prior to the issue of the construction certificate, amended plans are to be submitted to council detailing a provision of land to be dedicated to council (at no cost to Council) at the corners of the site at the intersection of Kent Road & Chalmers Crescent (4x4m splay) and Kent Road and Coward Street (3x3m splay) as shown marked up in red on the approved plans. This is to provide adequate provision of public footpath.
4. Prior to the issue of any Construction Certificate, detailed drainage design plans for the management of stormwater are to be submitted to the Principal Accredited Certifier for assessment and approval. Design certification and drainage design calculations are to be submitted with the plans. Botany Bay DCP Part 10 - Stormwater Management Technical Guidelines (SMTG) sets out the minimum documentation requirements for detailed design plans. Stormwater management requirements for the site, including the final discharge/end connection point, must comply with Botany Bay DCP Part 10 - Stormwater Management Technical Guidelines. All drawings shall correspond with the approved architectural plans.
5. The detailed design stormwater plans must incorporate, but not be limited to, the following:

The stormwater management provisions generally made in the stormwater concept plans prepared by Webber Design in the following plans;

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| --- | --- | --- | --- |
| DRG No. | Drawing Title | Revision | Dated |
| C090 | LEVEL B01 –STORMWATER DRAINAGE - NORTH PLAN | P3 | 04.02.20 |
| C095 | LEVEL B01 – STORMWATER DRAINAGE - SOUTH PLAN | P3 | 04.02.20 |
| C100 | LEVEL 00 – STORMWATER DRAINAGE - NORTH PLAN | P3 | 04.02.20 |
| C105 | LEVEL 00 – STORMWATER DRAINAGE - SOUTH PLAN | P5 | 11.03.20 |
| C110 | LEVEL 01 – STORMWATER DRAINAGE - NORTH PLAN | P2 | 13.08.19 |
| C115 | LEVEL 01 – STORMWATER DRAINAGE - SOUTH PLAN | P3 | 11.03.20 |
| C120 | LEVEL 02 – STORMWATER DRAINAGE - NORTH PLAN | P3 | 11.03.20 |
| C125 | LEVEL 02 – STORMWATER DRAINAGE - SOUTH PLAN | P3 | 11.03.20 |
| C150 | STORMWATER DRAINAGE PLAN – OVERLAND FLOW PATH | P1 | 13.08.19 |
| C200 | TYPICAL CIVIL DETAILS – SHEET 1 | P3 | 04.02.20 |
| C210 | TYPICAL CIVIL DETAILS – SHEET 2 | P5 | 11.03.20 |

The plans should be read in conjunction with the provisions/documentation/revisions detailed below:

* All detailed stormwater drawings shall be updated to correspond with the approved architectural plans and other relevant conditions of consent, and
* The On-Site Detention System (OSD) shall be designed according to Part 6 of the SMTG. It should be noted that OSD systems shall be designed to detain the stormwater runoff from the site for all storm events up to and including 1 in 100 year ARI storm and permissible site discharge (PSD) shall be based on 1 in 5 year ARI peak flow generated from the site under the “State of Nature” condition (i.e. the site is totally grassed/turfed), rather than pre-development condition. In any event the minimum OSD tank volume shall not fall below 160m3, and
* Piped emergency overflow to cater for storm events greater than the 1% AEP shall be provided within the OSD design, and
* A raingarden(s) shall be provided in accordance with the ESD/WSUD report, and
* On Kent Road, the existing kerb inlet pit within the road reserve shall be demolished and anew 2.4m kerb inlet pit shall be constructed in its location, with a new pipe connecting to existing stormwater infrastructure in Kent Road to Council infrastructure specifications as part of the development. The stormwater discharge from the site shall connect via gravity discharge to this new kerb inlet pit, and
* Heavy duty drainage grates shall be provided on the driveway at the boundary, and
* A minimum capacity 10000L of Rainwater Tank(s) shall be provided for the site. Only roof water shall be directed to the rainwater tank. Overflow from the rainwater tank shall be directed to the site drainage system. The rainwater tank(s) must be connected to all outdoor irrigation for landscaping and ground floor & basement toilets within the development, and
* All subsurface structures must be designed with a waterproof retention system (i.e. tanking and waterproofing). Subsoil drainage around the subsurface structures must allow free movement of groundwater around the structure and must not be connected to the internal drainage system. No groundwater is permitted to enter any subsurface structure, and
* A pump-out system shall be provided for both basements and designed according to Part 7 of the SMTG. The pump-out systems are not permitted to be used to collect and pump any groundwater, and
* No pump-out shall be used to drain seepage from the basement due to the elevated water table level. That is the basements must be designed as a “fully tanked” structure. The pump-out can only be utilized to dispose stormwater runoff that may enter the basement carpark from driveway access to the basement. The pump out system from the basement carpark proposed shall discharge to the on-site stormwater detention system, and
* All surface runoff in the basements and the ground floor internal driveways shall be directed through a propriety oil and sediment filtration system prior to discharge. Details of the pit type, location, performance and manufacturer’s maintenance and cleaning requirements shall be submitted, and
* Incorporate a Stormwater Quality Improvement system to ensure compliance with Section 16 of Botany Bay’s SMTG, and
* The water quality improvement system and WSUD strategy proposal shall be designed to capture and treat at least 85% flows generated from the site, and
* A WSUD Strategy and MUSIC model must be prepared and submitted for the development. The MUSIC model must be prepared in line with the Draft NSW MUSIC Modelling Guidelines (Sydney Metro CMA). Sydney’s Water’s requirements are that the water quality improvement should meet or exceed the target as described in the “Botany Bay & Catchment Water Quality Improvement Plan” which was prepared by the Sydney Metropolitan Catchment Management Authority in April 2011, and
* Detailed calculations including computer modelling supporting the proposal.

22. All subsurface structures must be designed with a waterproof retention system (i.e. tanking and waterproofing) with adequate provision for future fluctuation of the water table. All subsurface structures are required to be designed with consideration of uplift due to water pressure and “flotation” (buoyancy) effects. Subsoil drainage around the subsurface structures must allow free movement of groundwater around the structure, but must not be connected to the internal drainage system. The design of subsurface structures, tanking and waterproofing, and subsoil drainage must be undertaken by a suitably experienced Chartered Professional Engineer(s) registered with the National Engineering Register (NER). Design details and construction specifications must be included in the documentation accompanying the Construction Certificate.

23. Prior to the issue of any Construction Certificate, a qualified practicing chartered professional geotechnical engineer registered with the NER must:

(a) Review the recommendations and findings in the geotechnical investigation report prepared by eiaustralia, ref E24260.G03\_Rev1, dated 31 July 2019 and the groundwater letter prepared by eiaustralia, ref E24260.G20, dated 12 March 2020 and conduct any further geotechnical testing and assessment as required,

(b) Provide recommendations to allow the satisfactory implementation of the works.

i. The appropriate means of excavation/shoring in light of proximity to adjacent property and structures is to be detailed,

ii. Potential vibration caused by the method of excavation and potential settlements affecting nearby footings/foundations/buildings shall be discussed and ameliorated,

iii. Review the proposed method to temporarily and permanently support the excavation for the basement 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, and

(c) Provide a certificate from the qualified practicing chartered professional geotechnical engineer that the construction certificate plans and documentation are satisfactory from a geotechnical perspective, and

(d) 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. The report must be submitted with the application for a Construction Certificate for the relevant stage of works, and

(e) Inspect the works as they progress at frequencies determined by the geotechnical engineer, an inspection schedule is to be prepared.

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.

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

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

26. 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.

27. Where excavation support materials are proposed to be used in public land, an application must be made to Council or the relevant road authority for approval under Section 138 of the Roads Act 1993, via a permit application. The submission would need to be supported by an engineering report prepared by a suitably qualified engineer, with supporting details addressing the following issues:

* Demonstrate that any structures will not adversely affect public infrastructure, and the proposed supports within the road reserve are of an adequate depth to ensure no adverse impact on existing or potential future service utilities in the road reserve. All existing services must be shown on a plan and included on cross-sectional details where appropriate.
* The report must be supported by suitable geotechnical investigations to demonstrate the efficacy of all design assumptions.

28. Prior to the release of the Construction Certificate, the following points are to be submitted to and approved by the Principal Certifying Authority:

a) Parking facilities (including parking spaces, ramps, aisles etc.) designed to facilitate access only to passenger vehicles smaller than a SRV vehicle (as denoted by AS2890.2:2018) must comply in full with AS/NZS 2890.1:2004 for the applicable user class, and

b) A minimum of 100 bicycle parking spaces are to be provided for the development in the basement and designed in accordance with AS2890.3:2015. Adequate end of trip facilities must be provided adjacent to the bicycle parking spaces (which must include toilets, showers, change rooms, lockers etc.), and

c) Sightlines need to be improved around sharp and blind corners within the parking facility. Sightlines are to comply with AS2890.1 and convex mirrors and/or splays shall be provided at blind corners within, and leading to, the car parking levels to provide increased sight distance for vehicles, and

1. If it is intended for the parking spaces provided for the retail tenancy to be accessible by the general public, these parking spaces allocated to this tenancy shall be designed as user class 3 as per AS/NZS 2890.1:2004.
2. The design of the car parking facility is to be certified by a suitably qualified engineer experienced in traffic & parking design as being strictly in accordance with Australian Standard 2890 parking series.

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

a) The tandem car parking spaces are not supported and shall be deleted from the proposal and replaced with either motorcycle or bicycle parking spaces.

b) At least 10 of the proposed car parking spaces are to be converted into electric vehicle charging space stations as a matter of sustainability.

c) Car pool priority parking spaces are to be provided and detailed on the plans.

d) Detailed design for the photovoltaic cells systems on the roof level.

e) Consideration for adoption of a nominated car share space internally.

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

30. Prior to the release of the relevant Construction Certificate, the following required section(s) are to be submitted to, assessed and approved by the Principal Accredited Certifier:

a) All driveways/access ramps/vehicular crossings shall conform with Australian Standards AS2890.2:2018 along the travel path of the service vehicles, and

b) All service vehicles shall enter the property front in front out, and

c) A longitudinal section plotting headroom clearance along the travel path is to be provided for assessment, and

d) Demonstrate safe headroom clearance of 4.5m is achieved along the along the entire travel path, parking and manoeuvring areas of the Medium Rigid Vehicle (MRV) within the development, and

e) Swept path analysis shall be provided for manoeuvring of SRV & MRV commercial vehicles, depicting a forward entry and forward exit manoeuvre to/from the loading dock proposed within the development, and

f) Sight distances throughout the development must be in accordance with Australian standards, and

g) Certification of the above requirements and strict compliance with AS2890.2:2018 is to be provided by a suitably quailed engineer experienced in traffic & parking design.

31. Prior to the release of the Construction Certificate, the following required section(s) are to be submitted to and approved by the Principal Certifying Authority:

a) Accessible car parking spaces shall be provided in accordance with the relevant legislation and designed as specified in Australian Standard 2890.6, and

b) All off street accessible parking shall have access to the adjacent road(s) and to the communal open space as per Australian Standards AS 2890.6 and Council requirements, and

c) All accessible parking spaces shall be located within close proximity and easy access to the lift systems proposed for the building as per AS2890.6 and AS4299.

32. To ensure that utility authorities and Council are advised of any effects to their infrastructure by the development, the applicant shall:

a) Carry out a survey of all utility and Council services within the site including relevant information from utility authorities and excavation if necessary to determine the position and level of services,

b) Negotiate with the utility authorities (eg AusGrid, Sydney Water, Telecommunications Carriers) and Council in connection with:

i) The additional load on the system, and

ii) The relocation and/or adjustment of the services affected by the construction.

c) The Ausgrid lighting poles will need to be decommissioned and new underground supplied lighting poles shall be constructed satisfying V2 lighting requirements and any other requirements as specified by Council, RMS and any other service provider,

d) All above ground utilities must be relocated underground in accordance with Ausgrid and any other affected and relevant service provider, and

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

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

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

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

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

A ‘public domain frontage works application’ must be submitted to Bayside Council’s Customer Service Centre for assessment of all required works within the road reserve, upon payment of the relevant fee, prior to the issue of any Construction Certificate.

Note: Preliminary consultation with Council’s Public Domain & Referrals team is recommended.

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

(a) The proposed method of access to and egress from the site for construction vehicles, including access routes through the Council area and the location and type of temporary vehicular crossing for the purpose of minimising traffic congestion and noise in the area, with no access across public parks or public reserves being allowed,

(b) The proposed phases of construction works on the site and the expected duration of each construction phase,

(c) The proposed order in which works on the site will be undertaken, and the method statements on how various stages of construction will be undertaken,

(d) The proposed manner in which adjoining property owners will be kept advised of the timeframes for completion of each phase of development/construction process,

(e) The proposed method of loading and unloading excavation and construction machinery, excavation and building materials, formwork and the erection of any part of the structure within the site. Wherever possible mobile cranes should be located wholly within the site,

(f) The proposed areas within the site to be used for the storage of excavated materials, construction materials and waste containers during the construction period,

(g) The proposed method/device to remove loose material from all vehicles and/or machinery before entering the road reserve, any run-off from the washing down of vehicles shall be directed to the sediment control system within the site,

(h) The proposed method of support to any excavation adjacent to adjoining properties, or the road reserve. The proposed method of support is to be designed and certified by an Accredited Certifier (Structural Engineering), or equivalent,

(i) Proposed protection for Council and adjoining properties, and

(j) The location and operation of any on site crane. Please note that a crane may require prior approval from Sydney Airports Corporation.

(k) The location of any Construction Work Zone (if required) approved by Council’s Traffic Committee, including a copy of that approval.

(l) Obtain Permits required under this consent.

35. Prior to the issue of any Construction Certificate, a detailed Traffic Management Plan for the pedestrian and traffic management of the site during construction shall be prepared and submitted to the Principal Accredited Certifier for assessment and approval. The plan shall:

a) be prepared by a RMS accredited consultant,

b) address, but not be limited to, the following matters:

* ingress and egress of vehicles to the site;
* loading and unloading, including construction zones;
* predicted traffic volumes, types and routes; and
* pedestrian and traffic management methods.

c) nominate a contact person who is to have authority without reference to other persons to comply with instructions issued by Council’s Traffic Engineer or the Police, and

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

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

36. Prior to the issue of any Construction Certificate, the applicant shall contact “Dial Before You Dig” to obtain a utility service diagram for, and adjacent to the property. The sequence number obtained from “Dial Before You Dig” shall be forwarded to Principal Certifying Authority. All utilities within the work zone shall be protected during construction. Any adjustments or damage to public utilities/services as a consequence of the development and associated construction works shall be restored or repaired at the applicant’s expense.

37. Prior to the issue of any 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

1. Prior to the issue of any Construction Certificate, the Development is to be constructed to meet all recommendations and requirements that have been detailed in the acoustic report provided by Pulse Acoustic Consultancy dated 25 January 2019. The measures as detailed in the acoustic assessment report prepared by Acoustic Logic, shall be undertaken in accordance with the provisions of *AS 2021 – 2000: Acoustics - Aircraft Noise Intrusion – Building, Siting and Construction* to establish components of construction to achieve indoor design sound levels in accordance with Table 3.3 of AS2021 – 2000.

The work detailed in the report includes:

1. The roof/ceiling must be constructed as per Table 3 of the report,
2. All external walls need to be constructed as per Table 4 of the report,
3. Glazing to all windows and glazed door systems are to be as per Table 5 of the report.
4. Acoustically treated mechanical ventilation must be provided to this premise for it to comply with current guidelines.

**Note**: In many cases the applicant chooses to install air conditioning to meet mechanical ventilation requirements above. If they do, it will require consideration of the noise from the air conditioner (advice concerning noise from air conditioners is attached below).

39. The Final Landscape Plan shall be generally in accordance with the approved Landscape Plan and Landscape Design Report prepared by Site Image, issue F, dated 19th February 2020 (Refer to Condition 1) and comprise detailed landscape construction documentation (plans and specifications) to be submitted to, and approved by Bayside Council’s Landscape Architect prior to the issue of the Construction Certificate. The landscape documentation shall include, but not be limited to:

* + - * 1. A planting plan at 1:100 showing all plant locations/groupings and plant centres/species. Minimum 14% of the site area will be deep soil treated with soft landscape treatment.
				2. To allow a minimum 3.5 meters wide pedestrian circulation splayed corner minimum 3 meters by 3 meters shall be provided in both corners: Kent Street and Coward Street, and Kent Street and Chalmers Crescent.
				3. Landscape setback to all three frontages around proposal shall include large native canopy trees to be supplied and planted at minimum 200 litres pot size as detailed in approved Landscape documentation
				4. 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.
				5. A Landscape Maintenance Schedule shall be submitted that covers a 12 month period to provide a guide to the landowner or occupier on how to best maintain the constructed landscaped areas; and include the following information: shrub pruning/trimming (frequency, plant requirements); Fertilising and pest control (soil testing, types, rate, frequency); Mulching, weeding and soil improvement (frequency, materials); Irrigation (checks, adjustments); tree maintenance (fertilising, mulching, tree stakes adjustments, special tree requirements); Maintenance of hard landscape elements (paving, edges, walls, pergolas, seats, and planter box walls); and planter boxes/roof gardens/green wall (specialised maintenance requirements).
				6. 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.
				7. All areas to be used at night shall be well lit (including pedestrian pathways, laneways, access routes and entrances).

40. Planter boxes constructed over a concrete slab shall be built in accordance with the following requirements:

* + - * 1. Ensure soil depths in accordance with Council’s Landscape DCP. The base of the planter must be screened 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.
				2. 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.
				3. 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.
				4. 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.
				5. Finish externally with a suitable paint, render or tile to co-ordinate with the colour schemes and finishes of the building.
				6. All planter boxes shall be irrigated, and shall have the required depth to sustain the proposed planting.

41. Prior to the issue of a Construction certificate, the applicant shall submit a Frontage Works Application. Public domain landscape improvements plan shall be submitted for approval by Council. The Plan shall be undertaken by a suitably experienced Landscape Architect and shall include but not be limited to new street tree planting, footpath paving (segmental/other), street tree pit treatments and tree guards, street furniture, in ground landscaping, irrigation, lighting. The Plan shall be in accordance with Council’s City Identity Program, Landscape DCP and any other Council specification or requirement. Civil drawings shall be included detailing levels and detailed footpath construction sections in accordance with Council’s Engineering Services requirements. Contact Council’s Landscape Architect for further details of specific requirements in preparation of the plan. The following specific requirements are part of the landscape brief:

* + - * 1. Street trees pot size supplied shall be not less than 200 Litre. Height above container 3.5meters, calliper at 300mm greater than 60mm, with a clear trunk height of 1.5 meters.
				2. Each new Street tree shall include a 50mm diameter slotted watering pipe with geotextile sleeve around rootball connected to watering grate (or kerb hole if WSUD option used) Root Rain Urban or equivalent
				3. An experienced Landscape Contractor shall be engaged to undertake all landscaping public domain work and shall be provided with a copy of both the approved landscape drawing and the conditions of approval to satisfactorily construct the landscape to Council requirements. The contractor shall be engaged weekly for a minimum period of 52 weeks from final completion of landscaping for maintenance and defects liability, replacing plants in the event of death, damage, theft or poor performance. After that time regular and ongoing maintenance is required.

42. The applicant is to submit payment of a Street Trees and Public domain landscape Bond of $15,000.00. The duration of the Bond shall be limited to a period of 12 months after public domain landscape works have been finalised and a satisfactory inspection from Council. At the completion of the Bond period the Bond shall be refunded pending an inspection of public domain landscape works by Council. If a tree is found to be dead, pruned or dying and will not recover Council will forfeit all or part of the bond to replace or maintain the tree/s and landscaped areas, unless the Applicant undertakes this work under instruction from Council.

* + - * 1. The bond may be applied by Council to the establishment and maintenance of the landscaping in accordance with the plan and Council should be entitled to recover any monies expended in excess of the bond in establishing, re-establishing, or maintaining the landscape in accordance with the plan.
				2. The applicant is to note that the bond specified under this condition must be remitted to Council, either in the form of monies held in trust, or as a certified banker’s guarantee, together with a sum of $618.- (cash or cheque) for disbursements associated with the preparation of the agreement, prior to the issue of an Occupation Certificate by the Principal Certifying Authority.

43. Landscape Completion / Certification- Prior to issue of any Occupation Certificate, the following must be complied with:

* + - * 1. All landscape works are to be carried out in accordance with the approved Construction Certificate landscape plans for the approved development. The landscaping is to be maintained to the approved standard at all times.
				2. A Landscape Architect shall provide a report to the certifying authority (with a copy provided to Council, if Council is not the principal certifier) stating that the landscape works have been carried out in accordance with the approved plans and conditions of consent.

44. An amended Acid Sulfate Soils Management Plan, that has been prepared by a suitably qualified and experienced environmental/geotechnical consultant, must be submitted to the Council and Principal Certifying Authority (if the Council is not the Principal Certifying Authority) prior to the issue of any Construction Certificate.

Specifically, the amended plan must provide the following additional information:

1. Procedures to screen for acid sulfate soils (including laboratory testing) and measures to trigger treatment of acid sulfate soils, if encountered, during basement excavation, piling and ground retention works (eg. secant pile or CSM wall constructions)
2. Measures to control/limit groundwater drawdown (temporary/permanent) to ensure acid sulfate soils are not exposed in neighbouring sites

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

45**.** A amended Detailed Site Investigation to include all tables and appendices, and a justification of site suitability for zinc impact to remain at BH12 as shown in Figure 5 of the Detailed Site Investigation prepared by Aargus (Report ES7399-Rev 1, dated 9 March 2020) must be completed by a suitably qualified and experienced environmental consultant in accordance with:

1. NSW Office of Environment and Heritage (OEH) ‘Contaminated Sites – Guidelines for Consultants Reporting on Contaminated Sites’;
2. NSW Environment Protection Authority (NSW EPA) approved guidelines under the Contaminated Land Management Act 1997; and
3. State Environmental Planning Policy 55 (SEPP55) – Remediation of Land; and must be provided to the Site Auditor (Contaminated Land), the Council and the Principal Certifying Authority (if the Council is not the Principal Certifying Authority) for approval prior to the issue of any Construction Certificate.

46.To ensure that the site is suitable for the proposed use, a Site Audit Statement (SAS) completed by an accredited site auditor under the Contaminated Land Management Act 1997 must be submitted to Council clearly demonstrating that the site is suitable for the proposed development. This must be provided prior to the release of any Construction Certificate.

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

**CONDITIONS WHICH MUST BE SATISFIED PRIOR TO THE COMMENCEMENT OF ANY WORKS**

1. The proposed development shall comply with the following:
	1. A sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being carried out:
		1. Stating that unauthorised entry to the work site is prohibited;
		2. Showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours;
		3. The Development Approval number; and
		4. The name of the Principal Certifying Authority including an afterhours contact telephone number.
	2. Any such sign is to be removed when the work has been completed.
2. A dilapidation report, including a photographic survey prepared by a Practising Structural Engineer, shall be undertaken of all properties and Council infrastructure, including but not limited to all buildings, footpaths, kerb and gutter, stormwater inlet pits, and road carriageway pavements, in the vicinity which could be potentially affected by the construction of this development. Any damage caused to other properties during construction shall be rectified. A copy of the dilapidation survey and an insurance policy that covers the cost of any rectification works shall be submitted to the Accredited Certifier (AC) or Council prior to Commencement of Works. The insurance cover shall be a minimum of $10 million.
3. If the land to which the application relates is served by a common sewerage system that is also used by others, then measures must be placed in effect and prior to the commencement of work to ensure the operation of the sewerage system is without disruption to other joint users.
4. Prior to the commencement of any demolition, excavation or remediation works, the applicant must inform Council, in writing, of:
	1. The name of the contractor, and licence number of the licensee who has contracted to do, or intends to do, the work: or
	2. The name and permit number of the owner-builder who intends to do the work;
	3. The Council also must be informed if: -
		1. A contract is entered into for the work to be done by a different licensee; or
		2. Arrangements for the doing of the work are otherwise changed.
5. Prior to commencement of any works, application(s) shall be made to Council's Customer Services Counter and obtained the following approvals and permits on Council’s property/road reserve under Road Act 1993 and Local Government Act 1993: - (It should be noted that any works shown within Council’s road reserve or other Council Lands on the development approval plans are indicative only and no approval for these works is given until this condition is satisfied.)
	1. Permit to erect hoarding on or over a public place, including Council’s property/road reserve,
	2. Permit to construction works, place and/or storage building materials on footpaths, nature strips,
	3. Permit to install temporary ground anchors in public land,
	4. Permit to discharge ground water to Council’s stormwater drainage system,
	5. Permit for roads and footways occupancy (long term/ short term),
	6. Permit to construct vehicular crossings, footpaths, kerbs and gutters over road reserve,
	7. Permit to open road reserve area, including roads, footpaths, nature strip, vehicular crossing or for any purpose whatsoever, such as relocation / re-adjustments of utility services,
	8. Permit to place skip/waste bin on footpath and/or nature strip, and
	9. Permit to use any part of Council’s road reserve or other Council lands.
6. Prior to the commencement of demolition work a licensed demolisher who is registered with WorkCover NSW must prepared a Work Method Statement to the satisfaction of the Principal Certifying Authority (Council or an accredited certifier) and a copy shall be sent to Council (if it is not the PCA). A copy of the Statement shall also be submitted to WorkCover NSW.

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

* 1. Enclosing and making the site safe, any temporary protective structures must comply with the “Guidelines for Temporary Protective Structures (April 2001)”;
	2. Induction training for on-site personnel;
	3. Inspection and removal of asbestos, contamination and other hazardous materials (by appropriately licensed contractors);
	4. Dust control – Dust emission must be minimised for the full height of the building. A minimum requirement is that perimeter scaffolding, combined with chain wire and shade cloth must be used, together with continuous water spray during the demolition process. Compressed air must not be used to blow dust from the building site;
	5. Disconnection of Gas and Electrical Supply;
	6. Fire Fighting – Fire fighting services on site are to be maintained at all times during demolition work. Access to fire services in the street must not be obstructed;
	7. Access and Egress – No demolition activity shall cause damage to or adversely affect the safe access and egress of this building;
	8. Waterproofing of any exposed surfaces of adjoining buildings;
	9. Control of water pollution and leachate and cleaning of vehicles tyres – Proposals shall be in accordance with the “Protection of the Environmental Operations Act 1997”;
	10. Working hours, in accordance with this Development Consent;
	11. Confinement of demolished materials in transit;
	12. Proposed truck routes, in accordance with this Development Consent;
	13. Location and method of waste disposal and recycling in accordance with the “Waste Minimisation and Management Act 1995”.
	14. Sewer – common sewerage system ad08.
1. A sufficient area shall be provided onsite to enable separate stockpiling of excavated materials for sampling and analysis prior to removal or re-use on site. Details of this area shall be provided in the Soil and Water Management Plan (SWMP). This plan shall incorporate and reference the construction environmental management plan and address site limitations.
2. Toilet facilities are to be provided at or in the vicinity of the work site on which work involves:
	1. demolition and construction of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site;
	2. Each toilet provided:

must be standard flushing toilet; and,

must be connected:

to a public sewer; or

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

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

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

1. This Consent shall not preclude the demolisher from giving notice to other statutory authorities, such as Sydney Water Corporation, WorkCover, etc.
2. Prior to the commencement of any works, the site to which this approval relates must be adequately fenced or other suitable measures employed that are acceptable to the Principal Certifying Authority to restrict public access to the site and building works. Such fencing or other measures must be in place before the approved activity commences.
3. Erosion and sediment control devices shall be installed and in function prior to the commencement of any demolition, excavation or construction works upon the site in order to prevent sediment and silt from site works (including demolition and/or excavation) being conveyed by stormwater into public stormwater drainage system, natural watercourses, bushland, trees and neighbouring properties. In this regard, all stormwater discharge from the site shall meet the legislative requirements and guidelines.  These devices shall be maintained in a serviceable condition AT ALL TIMES throughout the entire demolition, excavation and construction phases of the development and for a minimum one (1) month period after the completion of the development, where necessary.
4. A Soil and Water Management Plan shall be prepared in accordance with Soil and Water Management for Urban Development Guidelines produced by the Southern Sydney Region Organisation of Councils. A copy of the plan must be submitted to Council. The Plan must include details of the proposed erosion and sediment controls to be installed on the building site. A copy of the Soil and Water Management Plan must be kept on-site at all times and made available on request. Sediment control devices shall not be located beneath the driplines of trees, which are to be retained.
5. Soil and sedimentation controls are to be put in place prior to commencement of any work on site. The controls are to be maintained in effective working order during construction. The controls are to be designed and installed in accordance with the Soil and Water Management for Urban Development Guidelines produced by the Southern Sydney Regional Organisation of Council. Copies of the guidelines are available from Council.
6. If an excavation associated with the proposal extends below the level of the base of the footings of a building and/or structure and/or road on an adjoining allotment of land or the common boundary fence the person causing the excavation to be made:
	1. Must preserve and protect the building/ fence from damage; and,
	2. If necessary, underpin and support such building in an approved manner;
	3. Must at least be 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of the intention to do so to the owner of the adjoining allotment of land and, furnish particulars of the excavation to the owner of the building being erected or demolished;
	4. Existing structures and or services on this and adjoining properties are not endangered during any demolition excavation or construction work associated with the above project. The applicant is to provide details of any shoring, piering, or underpinning prior to the commencement of any work. The construction shall not undermine, endanger or destabilise any adjacent structures.
	5. If the soil conditions required it:
7. Retaining walls associated with the erection of a building or other approved methods of preventing movement or other approved methods of preventing movement of the soil must be provided and:-
8. Adequate provision must be made for drainage.
9. Where any shoring is to be located on or is supporting Council’s property, or any adjoining private property, engineering drawings certified as being adequate for their intended purpose by an appropriately qualified and practicing engineer, showing all details, including the extent of encroachment and the method of removal (or any other method) and de-stressing of shoring elements, shall be submitted with the Construction Certificate to the Principle Certifying Authority along with Council’s (or other) consent if the works intrude on Council’s (or other) property.

**DURING WORKS**

1. The land to which this Consent relates must be fenced and enclosed to protect the entry or access to the land and site by lawful persons. The fencing must be in place before demolition works commence.
2. During demolition and construction works, the applicant/builder is required to ensure the protection and preservation of all boundary fencing or boundary walls between the subject site and adjoining properties. Any damage caused as a result of such works will be at the full cost of the applicant/builder.
3. The Applicant shall conduct all demolition, construction and related deliveries wholly on site. If any use of Council’s road reserve is required then separate applications are to be made at Council’s Customer Services Department.
4. The approved Waste Management Plan shall be complied with at all times during demolition, construction and on-going use of the site.
5. All possible and practicable steps shall be taken to prevent nuisance to the inhabitants of the surrounding neighbourhood from wind-blown dust, debris, noise and the like.
6. All vehicles transporting soil, sand or similar materials to or from the site shall cover their loads at all times.
7. In order to ensure the design quality excellence of the development is retained:
	1. A registered architect is to have direct involvement in the design documentation, contract documentation and construction stages of the project;
	2. The design architect is to have full access to the site and is to be authorised by the applicant to respond directly to the consent authority where information or clarification is required in the resolution of design issues throughout the life of the project;
	3. Evidence of the design architect’s commission is to be provided to Bayside Council prior to the issue of the Construction Certificate.
	4. The design architect of the project is not to be changed without prior notice and approval of Bayside Council.
8. The applicant shall conduct all construction works and any related deliveries/activities wholly within the site. If any use of Council’s road reserve is required, approval and permits shall be obtained from Council.
9. Construction operations such as brick cutting, washing tools or brushes and mixing mortar shall not be carried out on park/road reserve or in any other locations which could lead to the discharge of materials into the stormwater drainage system or onto Council’s lands.
10. Hosing down or hosing/washing out of any truck (concrete truck), plant (eg concrete pumps) or equipment (eg wheelbarrows) on Council’s road reserve or other property is strictly prohibited. Fines and cleaning costs will apply to any breach of this condition.
11. Pavement surfaces adjacent to the ingress and egress points are to be swept and kept clear of earth, mud and other materials at all times and in particular at the end of each working day or as directed by Council's Enginee
12. 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 make safe for pedestrian and vehicular traffic at all times. Any damage to Council’s infrastructure (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub-contractors, concrete delivery vehicles) shall be fully repaired in accordance with Council’s specification and AUS-SPEC at no cost to Council.
13. Construction related activities must not take place on the roadway without Council approval.

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

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

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

1. Building, demolition and construction works not to cause stormwater pollution and being carried out in accordance with Section 2.8 of Council's Stormwater Pollution Control Code 1993. 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.

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

1. As the development involves an excavation that extends below the level of the base of the footings of a building or road on adjoining land, the person having the benefit of the development consent must, at the person’s own expense:

i) Protect and support the adjoining premises from possible damage from the excavation, and

ii) Where necessary, underpin the adjoining premises to prevent any such damage.

iii) Must at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of his intention to do so to the owner of the adjoining allotment of land and, furnish particulars of the excavation to the owner of the building being erected or demolished.

1. If the land to which the application relates is served by a common sewerage system that is also used by others, then measures must be placed in effect and prior to the commencement of work to ensure the operation of the sewerage system is without disruption to other joint users.
2. During excavation and construction work the Council nature strip shall be maintained in a clean and tidy state at all times. The nature strip shall be suitably replaced where damaged due to construction work in accordance with Council Specification at the completion of construction, and at the Applicant’s expense.
3. Fire booster assemblies and electrical kiosks and the like are to be housed within the building structure or screened by a built screen enclosure and/or landscaping so as not to reduce the visual amenity of the development or the streetscape and public domain.
4. There shall be no encroachment of paths, fencing or other improvements onto the drainage easements without Council approval.
5. If the work involved in the construction of a building:
	1. likely to cause pedestrians or vehicular traffic in a public place to be obstructed or rendered inconvenient; or,
	2. involves the enclosure of a public place:
		1. a hoarding or fence must be erected between the work site and the public place.
		2. If necessary an awning is to be erected sufficient to prevent any substance from or in connection with the work falling into the public place.
		3. The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to person(s in the public place.
		4. Any such hoarding, fence or awning is to be removed when the work has been completed.
	3. Suitable consent shall be obtained from Council prior to the erection of any hoarding at the property.
	4. The applicant shall conduct all construction works and any related deliveries/activities wholly within the site.  If any use of Council’s road reserve is required, approval and permits shall be obtained from Council.
	5. Construction operations such as brick cutting, washing tools or brushes and mixing mortar shall not be carried out on park/road reserve or in any other locations which could lead to the discharge of materials into the stormwater drainage system or onto Council’s lands.
	6. Hosing down or hosing/washing out of any truck (concrete truck), plant (eg concrete pumps) or equipment (eg wheelbarrows) on Council’s road reserve or other property is strictly prohibited.  Fines and cleaning costs will apply to any breach of this condition.
	7. Pavement surfaces adjacent to the ingress and egress points are to be swept and kept clear of earth, mud and other materials at all times and in particular at the end of each working day or as directed by Council's Engineer.
6. 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 make safe for pedestrian and vehicular traffic at all times. Any damage to Council’s infrastructure (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub-contractors, concrete delivery vehicles) shall be fully repaired in accordance with Council’s specification and AUS-SPEC at no cost to Council.
7. During Demolition, Excavation, Construction and Deliveries, access to the site shall be available in all weather conditions. The area shall be stabilised and protected from erosion to prevent any vehicles (including deliveries) tracking soil materials onto street drainage system/watercourse, Council’s lands, public roads and road-related areas. Hosing down of vehicle tyres shall only be conducted in a suitable off-street area where wash waters do not enter the stormwater system or Council’s land.
8. During construction, the applicant shall ensure that all works and measures have been implemented in accordance with approved Traffic Management Plan and Construction Management Plan at all times.
9. Vibration monitoring equipment must be installed and maintained, under the supervision of a professional engineer with expertise and experience in geotechnical engineering, between any potential source of vibration and any building identified by the professional engineer as being potentially at risk of movement or damage from settlement and/or vibration during the excavation and during the removal of any excavated material from the land being developed.

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

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

Where the event requires, in the opinion of the professional engineer, any change in work practices to ensure that vibration at the level of the footings of any adjacent building does not exceed the peak particle velocity adopted by the professional engineer as the maximum acceptable peak particle velocity these changes in work practices must be documented and a written direction given by the professional engineer to the principal contractor and any sub-contractor clearly setting out required work practice. A copy of any written direction required by this condition must be provided to the Principal Certifier within 24 hours of any event.

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

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

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

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

1. Inspections must be conducted by Council’s Engineer at the following occasions:
	1. Formwork inspection of driveway layback and adjacent kerb and gutter prior to laying of concrete,
	2. Formwork inspection of Council’s kerb and gutter prior to laying of concrete,
	3. Formwork inspection of Council’s footpath prior to laying of concrete,
	4. Inspections of the Chalmers Crescent road reserve prior and during the construction of the new road pavement,
	5. Final inspection of Council stormwater infrastructure before & after backfill,
	6. Final inspection of driveway layback and adjacent kerb and gutter,
	7. Final inspection of Council’s kerb and gutter,
	8. Final inspection of Council’s footpath,
	9. Final Inspection of new road pavement on Chalmers Crescent.
2. Noise from construction activities associated with the development shall comply with the NSW Environment Protection Authority’s Environmental Noise Manual – Chapter 171 and the *Protection of the Environment Operations Act 1997*.
3. **Level Restrictions**

Construction period of 4 weeks and under:

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

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

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

1. **Time Restrictions**

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

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

Saturday: 08:00 am to 01:00 pm

No Construction to take place on Sundays or Public Holidays.

1. **Silencing**

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

1. Any new information that comes to light during demolition or construction which has the potential to alter previous conclusions about site contamination and remediation must be notified to Council and the accredited certifier immediately.
2. All remediation work must be carried out in accordance with:
	1. NSW Office of Environment and Heritage (OEH) ‘Contaminated Sites – Guidelines for Consultants Reporting on Contaminated Sites’;
	2. NSW Environment Protection Authority (NSW EPA) guidelines under the Contaminated Land Management Act 1997;
	3. State Environmental Planning Policy 55 (SEPP55) – Remediation of Land; and
	4. The Remedial Action Plan (RAP) required to be submitted prior to the issue of the Construction Certificate.
3. 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 accredited certifier immediately. All work on site must cease until the council is notified and appropriate measures to assess and manage the contamination in accordance with any relevant NSW EPA adopted guidelines is completed by an appropriately qualified and experienced environmental consultant and reviewed and approved by the Site Auditor (Contaminated Land).
4. For any water from temporary site dewatering to be permitted to go to the stormwater system, the water must meet the relevant default guideline values (DGVs) in Australian & New Zealand Guidelines for Fresh & Marine Water Quality (ANZG 2018). All testing must be completed by a NATA accredited laboratory. All laboratory results must be accompanied by a report prepared by a suitably qualified and experienced person indicating the water is acceptable to be released into council’s stormwater system. If it is not acceptable, details of treatment measures to ensure that the water is suitable for discharge to council’s stormwater shall be provided in this report. Reports shall be provided to council prior to discharge of any groundwater to the stormwater system.

1. To ensure that relevant engineering and water quality provisions are met during the period of temporary dewatering for construction, prior to any water from site dewatering to be permitted to go to council’s stormwater system, a permit to discharge to the stormwater shall be obtained from council. Temporary dewatering must not commence until this is issued by council. Permanent dewatering is not permitted.
2. 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
3. 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:
4. NSW Environmental Protection Authority (EPA) approved guidelines; and
5. Protection of the Environment Operations Act 1997; and
6. Protection of the Environment Operations (Waste) Regulation 2014.
7. 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.
8. 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 construction works.
9. 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.
10. All disturbed areas shall be stabilised against erosion within 14 days of completion, and prior to removal of sediment controls.
11. The vehicular entry/exits to the site must be protected from erosion and laid with a surface material which will not wash into the street drainage system or watercourse.
12. A Qualified Arborist, minimum level 2 (AQF 2) with their own public liability insurance must be engaged and undertaken all tree removal works as per ***Australian Standard 4373- Pruning of amenity trees.***
13. In accordance with AS4970-2009 protective fences consisting of chain wire mesh temporary fence panels with a height 1.8m shall be erected outside the drip line. The fence panels must be securely mounted and braced to prevent movement. The area within the fenced area is to be mulched with leaf mulch to a depth of 100mm and a weekly deep watering program undertaken.
14. The protective fence shall consist of para-webbing or chain wire mesh mounted on star pickets or similar metal posts, shall be placed prior to the commencement of any work on site and shall remain until the completion of all building and hard landscape construction.
15. A Tree Bond of $10,000.00 shall be imposed to protect the retained trees.The duration of this bond should be 24 months after the occupational certificate has been issued
16. Consent is granted for the removal of the following trees
17. Trees 1, 2 & 3. *Banksia integrifolia*located in the public domainhave all been pruned by Ausgrid for line clearance and should be removed and replaced.
18. Tree 5. *Eucalyptus punctata*
19. Tree 6. *Corymbia maculata*
20. Tree 7. *Eucalyptus punctata*
21. Tree 8.*Eucalyptus robusta*
22. Tree 14.*Eucalyptus haemastoma*
23. Tree 15.*Corymbia maculata*
24. Tree 16.*Eucalyptus scoparia*
25. Tree 17*. Eucalyptus microcorys*
26. Trees 18, 19, 20, 21 & 22.*Casuarina glauca*located in the public domain, each tree in this group have either significant defects, diseased or are suppressed and are be removed and replaced.
27. Tree 23*. Robinia pseudoacaci*

Of the 17 trees, 8 trees are located in the Public Domain. These trees will be replace with eight Corymbiamaculata (Spotted Gum) specimens in the public domain along the three street frontages.

The following trees are to be retained and protected:

l) Tree 4. *Corymbia citriodora*

m) Tree 9. *Eucalyptus microcorys*

n) Tree 10. *Eucalyptus punctata*

o) Tree 11. *Corymbia citriodora*

p) Tree 12. *Corymbia maculata*

q) Tree 13. *Corymbia maculata*

r) Tree 24. *Corymbia eximia*

The retained trees shall be mulched to a minimum depth of 75mm and have a temporary irrigation system installed.

Consent is granted to undertake minor canopy pruning to assist in the construction.

Note tree 9 requires weight reduction of the north co-dominant leader to reduce the incidence of failure as noted in the arborist report

**CONDITIONS WHICH MUST BE SATISFIED PRIOR to the issue of the occupation certificate**

1. All applications associated with works on Council’s land must be made at least 7-10 days prior to the programmed completion of works and all construction must be completed and approved by Council.
2. Any damage not shown in the photographic survey submitted to Council before site works have commenced will be assumed to have been caused by the site works (unless evidence to prove otherwise). All damages as a result from site works shall be rectified at the applicant's expense to Council’s satisfaction, prior to occupancy of the development and release of damage deposit.
3. Prior to release of the any Occupation Certificate the developer must submit to the Principal Certifying Authority an acoustic report to verify that the measures stated in the acoustic report have been carried out and certify that the construction meets the above requirements. The report must be prepared by a qualified practicing acoustic engineer (who is a member of either the Australian Acoustical Society or the Association of Australian Acoustical Consultants).
4. Prior to the issue of an Occupation Certificate, the underground placement of all low and/or high voltage street electrical mains in the street/s adjacent to the development, and associated services and the installation of underground supplied street lighting columns, shall be carried out at the applicant’s expense, to the satisfaction of the asset owner. The works shall be completed in accordance with Ausgrid’s requirements and approved electrical design.
5. Prior to the issue of any Occupation Certificate, the applicant shall carry out the following works, at no cost or expense to Council:
	* + - 1. On Coward Street, Kent Road and Chalmers Crescent, adjacent to development, remove redundant driveway crossovers and provide required tree planting and public domain improvements as specified by Council in accordance with Council’s Landscape Architect, Masterplans and Infrastructure Specifications, and

On Coward Street, Kent Road and Chalmers Crescent, adjacent to development, reconstruct existing kerb and gutter for the full length of the property in accordance with the applicable Council and RMS Infrastructure Specifications, and

On Kent Road and Chalmers Crescent, adjacent to development, demolish existing footpath and construct new paved footpath (full width) as per Council’s Infrastructure, Landscape Architect and Mascot Station Precinct Public Domain Specifications, and

On Coward Street, adjacent to development, demolish existing footpath and construct new shared footpath for pedestrians and bicyclists as per councils transport planner/engineer requirements and council infrastructure standards, and

The dedicated splays at the corners of the site shall be paved to match the requirements of the Mascot Station Precinct Public Domain Plan and designed to council satisfaction (free of obstructions), and

On Kent Road, adjacent to development, demolish existing road pavement and reconstruct road pavement full width and re-sheet the damaged sections adjacent to new road pavement as per Council’s Infrastructure and Pavement Engineer’s specifications, and

On Kent Road, demolish existing kerb inlet pit within the road reserve and construct new 2.4m kerb inlet pit and pipe, connecting to existing stormwater infrastructure in Kent Road to Council infrastructure specifications.

All works within the road reserve, which are subject to approval pursuant to Section 138 of the Roads Act 1993, shall be constructed to the satisfaction of Bayside Council.

1. The public footpaths on Coward Street, Kent Road and Chalmers Crescent shall be constructed in accordance with the approved Public Domain Plan and Council specifications. The footpath dimensions, location, paver type and construction methods shall be in accordance with these specifications. Hold points and Council inspections are required after formwork setback and to prior pouring the concrete blinding slab, at the commencement of paving works and at final completion as a minimum. Pavers shall be ordered allowing for adequate lead time for manufacture (10-12 weeks).
2. Prior to completion of the building works, a full width vehicular entry is to be constructed to service the property. All obsolete vehicular entries are to be removed and reconstructed with kerb and gutter.
3. Prior to the issue of any Occupation Certificate(s), inspection reports (formwork and final) for the works on the road reserve shall be obtained from Council’s engineer and submitted to the Principal Certifying Authority attesting that this condition has been appropriately satisfied.
4. Prior to the issue of any Occupation Certificate, at no expense to the Council and generally in accordance with approved plans (refer to Condition 1), dedicate the portion of land to Bayside Council for the purpose of providing a public footpath along the corners of the frontage of the property. The areas of the land to be dedicated shall be the corners of the site at the intersection of Kent Road & Chalmers Crescent (4x4m splay) and Kent Road and Coward Street (3x3m splay) as shown marked up in red on the approved plans. This is to provide adequate provision of public footpath. The Plan of Dedication shall be lodged with Council and registered with Land & Property Information prior to the issue of any Occupation Certificate. Council requires proof of lodgement of the signed Subdivision Certificate and 88B Instrument with the Land Titles Office. A copy of the registered document shall be submitted to Council for record purposes
5. Prior to the issue of any Occupation Certificate, the Principal Certifier must ensure that the vehicle access and off street parking facilities have been constructed in accordance with the approved construction plans, AS/NZS 2890.1, AS2890.2, AS2890.3 and AS/NZS 2890.6, line marked and all signage relating to car parking erected. The car parking area is to be clearly and appropriately marked/signposted indicating all the vehicular movements on the site. The internal road network, pedestrian facilities and parking facilities (including visitor parking and parking for persons with disabilities) shall be clearly designated, sign posted and line marked prior to the issuing of an Occupation Certificate. Signage and line marking shall comply with Australian Standards, AS1742, Manual of Uniform Traffic Control Devices and NSW Road Transport (Safety and Traffic Management) Regulations 1999. Certification must be provided by a suitably qualified traffic engineer, certifying the design of the completed works.
6. Prior to the issue of any Occupation Certificate, a Chartered Professional Engineer competent in geotechnics shall certify that the construction works have been constructed in accordance with the approved geotechnical report/recommendations and include an evaluation of the completed works.  A copy of the certificate shall be supplied to the Principal Certifying Authority.
7. 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”.
8. Prior to the issue of any Occupation Certificate, a Chartered Professional Engineer shall certify that the stormwater system has been constructed in accordance with the approved plans and as required by Botany Bay DCP Part 10 Stormwater Management Technical Guidelines.  The certificate shall include an evaluation of the completed drainage works.  A works-as-executed drainage plan shall be prepared by a registered surveyor based on a survey of the completed works.  A copy of the certificate and works-as-executed plan(s) shall be supplied to the Principal Certifying Authority.  A copy shall be provided to Council if Council is not the Principal Certifying Authority.
9. Prior to the issue of the Occupation Certificate, a restriction on Use of Land and Positive Covenant(s) shall be imposed on the development. The following covenants shall be imposed under Section 88(E) of the Conveyancing Act 1919 and lodged with the NSW Land and Property Information:
	1. Positive Covenant for on-site waste collection by private commercial waste collection service.
10. Positive covenant for the maintenance of the subsurface structure tanking and waterproofing system.
11. Positive Covenant and Restriction on Use of Land for On-Site Detention System. Refer to Appendix B of the SMTG for suggested wording, and
12. Positive Covenant and Restriction on Use of Land for Stormwater Quality Improvement Device. Refer to Appendix E of the SMTG for suggested wording.
13. Positive Covenant and Restriction on Use of Land for Stormwater Pump out System. Refer to Appendix C of the SMTG for suggested wording.

*The terms of the 88 E instruments are to be submitted to Council for review and approval and Proof of registration at the Lands and Property Information Office shall be submitted to the Principal Certifying Authority and Council prior to occupation.*

112. Prior to the issue of the Occupation Certificate, a Workplace “Green” Travel Plan shall be developed and submitted to Council for assessment and approval in order to encourage staff to make good use of public transport, cycling, walking and car sharing for commuting work related journeys and reduce car based travel demand by staff. The Workplace Travel Plan shall be generally in accordance with NSW Premier’s Council for Active Living’s “Workplace Travel Plan Guidelines - Final Report (April 2010)”. The plan shall include, but not be limited to, the following:

a)      Encourage staff to cycle and/or walk to the workplace;

b)      Encourage staff to use public transport to travel to workplace by providing financial incentive or shuttle bus services;

c)      Adopt car sharing and /or car pool scheme;

d)     Provide priority parking for staff with car pool;

e)      Provide bike storage area and end-of-trip facilities in the convenient locations;

f)       Include clear and time bound targets, actions, measurements and monitoring framework;

g)      Develop Transport Access Guides (TAGs) to Roads and Maritime Services (RMS) requirements for staff and visitors about information on how to reach the site via public transport, walking or cycling.

The workplace travel plan and TAGs must be prominently displayed within the staff communal areas within the development.

113. Prior to the issue of an Occupation Certificate, the applicant shall prepare a detailed loading and servicing management plan for the development which includes, but shall not be limited to, operation hours, use of off-peak/night-time deliveries, methods to avoid congestion of service vehicles, how the vicinity will be shared and general mitigation measures to prevent amenity impacts to neighbouring properties. The plan shall be prepared by a suitably qualified professional traffic engineer and shall be submitted to the Principal Accredited Certifier. The management plan is to be implemented for the lifetime of the use of the development and shall for part of any future subdivision of the site.

114. 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 AS2890.2:2018). The company engaged must ensure that all recycling is collected separately from waste.

Council must be advised in writing within seven (7) days of a private contractor being engaged for waste collection services.

115. On completion of the development construction and prior to the issue of the Occupation Certificate, CCTV survey and report shall be submitted to Council in accordance with Section 17 of Botany Bay DCP Part 10 Stormwater Management Technical Guidelines to ascertain if any damage has occurred to the newly laid stormwater infrastructure. Any damage shall be repaired by the applicant to Council’s requirements and satisfaction. Once any damage has been repaired to Council requirements, a further CCTV survey and report shall be submitted to Council for further consideration. The CCTV survey and report shall also be used to view any rubbish and sediment in the conduits for cleaning by the applicant. Work-As-Executed (WAE) plans and design certification shall be submitted to Council for consideration. These plans shall be prepared by a registered surveyor and shall indicate the as-constructed pit and conduit sizes and conduit invert RL’s at each pit.

Furthermore, the following details resulting from the construction of new Council infrastructure assets within the road reserve shall be submitted to Bayside Council, in GIS/Shape file format:

For each pit

* 1. Pit code as per the work-as-executed plan.
	2. Pit type and lintel size.
	3. Total value to the nearest $1,000. -
	4. Construction date — month and year.
	5. Built by (contractor's name).
	6. Street name where applicable.
	7. Grate RL/Top of Pit RL (AHD).
	8. Invert RL (AHD).

For each conduit/pipe

1. Line code as per the work-as-executed plan.
2. Description — type, eg RCP, FRC, RRJ, box culvert, open channel, etc.
3. Size (mm).
4. Length (m).
5. Total value to the nearest $1,000.
6. Construction date — month and year.
7. Built by (contractor's name).
8. Street name where applicable.

116.

* 1. A notice of requirement shall be obtained from the Water Board;
	2. A Certificate under Section 73 of the Water Board (Corporation) Act 1994 shall be obtained and submitted to Council for each stage of construction to ensure that the developer has complied with all relevant Sydney Water requirements, including appropriate connections, correctly sized amplifications, procurement of trade waste agreements, where necessary, and the payment of developer charges.

Note: Immediate application should be made to Sydney Water for this Certificate to avoid problems in servicing the development.

117. The applicant is responsible for the installation and protection of all regulatory/ parking / street signs fronting the property. Any damaged or missing street signs as a consequence of the development and associated construction works shall be replaced at full cost to the applicant.

118. Prior to occupation or use of the premises, a qualified mechanical engineer shall certify that the mechanical ventilation/air conditioning system complies in all respects with the requirements of Australian Standard 1668, Part 1 & 2.

119. Street numbers shall be clearly displayed with such numbers being of contrasting colour and adequate size and location for viewing from the footway and roadway. Details of street numbering shall be submitted to Council for approval.

120. Prior to use and occupation of the building an Occupation Certificate must be obtained under Section 109C(1)(c) and 109M of the Environmental Planning and Assessment Act 1979.

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

121. The commercial tenancy on ground floor is approved for the use as commercial premises and/or food and drink premises in accordance with the definition in the Standard Instrument.

122. The use of the commercial premises and/or food and drink premises is subject to a separate approval (DA or complying development certificate).

123. The Workplace “Green” Travel Plan shall be monitored and reviewed annually in order to revise and improve the plan to achieve the targets on the number of staff travel to work by public transport, cycling and walking. Copy of the annual review shall be submitted to Council. In order to ensure the certainty to implement workplace travel plan for all future tenants of the site, preparation and implementation of workplace travel plan shall be part of the lease agreement for all tenants.

124. To reduce traffic impacts and promote sustainable transport, the office workers/employees in the commercial office component of the development, that are not provided/allocated a parking space within the car park on the premises, are not permitted to drive personal passenger vehicles to the workplace.

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

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

1. All vehicles (including deliveries and garbage collection) shall enter and exit the site in a forward direction;
2. Loading and unloading activities associated with the delivery shall take place wholly within the dedicated loading areas service bay;
3. All garbage collection activities shall take place and be wholly undertaken within the site in the dedicated loading areas service bay;
4. All manoeuvring movements of vehicles shall be carried out wholly within the site and vehicle manoeuvring area shall be kept clear at all times;
5. The maximum size of vehicle accessing the service bay shall be limited to 8.8m long Medium Rigid Vehicle (MRV) (as denoted in AS2890.2).

127. In order to ensure the certainty to implement workplace travel plan for all future tenants of the site, preparation and implementation of workplace travel plan shall be part of the lease agreement for all tenants. The Workplace Travel Plan shall be monitored and reviewed annually in order to revise and improve the plan to achieve the targets on the number of staff travel to work by Public transport, cycling and walking.

128. Ongoing maintenance of the road verges and footpaths shall be undertaken by the owner/body corporate/Strata Corporation. Maintenance includes mowing, watering and maintaining the landscaping in these areas at all times. Maintenance does not include pruning, trimming, shaping or any work to street trees at any time.

129. All parking bays shown on the approved architectural plans shall be set aside for parking purpose only and shall not be used for other purposes, e.g. storage of goods. Vehicle turning areas shall be kept clear at all times and no vehicles are permitted to park in these areas.

130. All loading, unloading and transfer of goods to and from the loading bay and premises shall take place wholly within the property.

131. The existing and future owners (Registered Proprietor) of the property will be responsible for the operation and maintenance of the detention system.

132. Council’s footway (area between property boundary and street kerb) is to be kept clean, tidy, washed and maintained at the applicant’s expense.

133. No garbage collection associated with the retail premises is permitted between 10pm and 6am.

134. 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.

135. All intruder alarms shall be fitted with a timing device in accordance with the requirements of *Regulation 12A* of the *Noise Control Act, 1975*, and *AS2201, Parts 1 and 2 - 1978 Intruder alarm systems.*

136. The use of the premises shall not give rise to any of the following when measured or assessed at “sensitive” positions within any other property. These “sensitive” positions should be selected to reflect the typical use of a property (ie any outdoor areas for day and evening but closer to the façade at night time), unless other positions can be shown to be more relevant.

* 1. The operation of all plant and equipment shall not give rise to an equivalent continuous (LAeq) sound pressure level at any point on any residential property greater than 5dB(A) above the existing background LA90 level (in the absence of the noise under consideration).
	2. 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.
	3. 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.
	4. 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.