

The development has been approved pursuant to Section 4.16(1)(a) of the *Environmental Planning and Assessment Act 1979* and subject to the following conditions:

GENERAL CONDITIONS

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

1. Approved Plans and Supporting Documentation

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

Approved Architectural Plans				
Plan No.	Revision No.	Plan Title	Drawn By	Date of Plan
A-100-002	10	Site Plan	Studio Johnston	10/01/2025
A-100-003	10	Demolition Plan	Studio Johnston	10/01/2025
A-110-000	11	Basement 3	Studio Johnston	27/02/2025
A-110-001	11	Basement 2	Studio Johnston	27/02/2025
A-110-002	11	Basement 1	Studio Johnston	27/02/2025
A-110-003	11	Ground Floor – Railway Street	Studio Johnston	27/02/2025
A-110-004	11	Level 1 – Hesten Lane	Studio Johnston	27/02/2025
A-110-005	10	Level 2	Studio Johnston	10/01/2025
A-110-006	10	Level 3	Studio Johnston	10/01/2025
A-110-007	11	Level 4	Studio Johnston	27/02/2025
A-110-008	10	Level 5	Studio Johnston	10/01/2025
A-110-009	10	Level 6	Studio Johnston	10/01/2025
A-110-010	10	Level 7	Studio Johnston	10/01/2025
A-110-011	10	Level 8	Studio Johnston	10/01/2025
A-110-012	10	Level 9	Studio Johnston	10/01/2025
A-110-013	10	Rooftop	Studio Johnston	10/01/2025
A-115-001	10	Adaptable Apartments – 1	Studio Johnston	10/01/2025
A-115-002	10	Adaptable Apartments – 2	Studio Johnston	10/01/2025
A-210-001	10	North Elevation	Studio Johnston	10/01/2025
A-210-002	10	South Elevation	Studio Johnston	10/01/2025
A-210-003	11	East Elevation	Studio Johnston	27/02/2025
A-210-004	10	West Elevation	Studio Johnston	10/01/2025

A-310-001	10	Sections AA + BB	Studio Johnston	10/01/2025
A-310-002	10	Sections CC	Studio Johnston	10/01/2025
A-310-003	10	Sections DD	Studio Johnston	10/01/2025
A-320-001	10	Driveways & Ramp Profiles	Studio Johnston	10/01/2025
A-550-001	10	Façade Detail	Studio Johnston	10/01/2025

Approved Landscape Plans				
Plan No.	Revision	Plan Title	Drawn By	Date of Plan
2322-17	F	Title sheet	Paddock Studio	04/03/2025
2322-03	E	Ground Floor -Railway Street	Paddock Studio	13/01/2025
2322-04	E	Level 1 - Hesten Lane	Paddock Studio	13/01/2025
2322-05	E	Level 1 - Courtyard Detail Plan	Paddock Studio	13/01/2025
2322-06	E	Level 9 - Rooftop	Paddock Studio	13/01/2025
2322-07	E	Section A - Railway Street Frontage	Paddock Studio	13/01/2025
2322-08	E	Section B - Building & Communal Open Space along Hesten Lane	Paddock Studio	13/01/2025
2322-09	E	Section C - Building & Communal Open Space along Hesten Lane	Paddock Studio	13/01/2025
2322-010	E	Section D - Rooftop Communal Open Space	Paddock Studio	13/01/2025
2322-011	E	Planting DA Plan – Ground Floor (Railway St) Level 1 (Hesten Lane)	Paddock Studio	13/01/2025
2322-013	E	Planting DA Plan – Level 3 and Level 9 (Rooftop)	Paddock Studio	13/01/2025
2322-014	E	Plant DA Schedule	Paddock Studio	13/01/2025
2322-015	E	Plant DA Schedule	Paddock Studio	13/01/2025
2322-016	E	Maintenance Requirements & Management Plan Typical Planting Details	Paddock Studio	13/01/2025
2322-017	F	Plant DA Schedule	Paddock Studio	04/03/2025
2322-017	F	Plant DA Schedule	Paddock Studio	04/03/2025
2322-017	F	Level 4 – Private Terrace	Paddock Studio	04/03/2025

Approved Stormwater / Civil Plans				
Plan No.	Revision No.	Plan Title	Drawn By	Date of Plan
SW001	D	Stormwater Layout Plan Cover Sheet	Capital Engineering Consultants	26/07/2024
SW010	D	Basement 03 Plan Notes and Details	Capital Engineering Consultants	26/07/2024
SW011	D	Basement 03 Notes and Details	Capital Engineering Consultants	26/07/2024
SW020	D	Basement 02 Plan, Notes and Details	Capital Engineering Consultants	26/07/2024
SW030	D	Basement 01 Plan Notes and Details	Capital Engineering Consultants	26/07/2024
SW040	D	First Floor Plan Notes and Details	Capital Engineering Consultants	26/07/2024
SW041	D	First Floor Plan Notes and Details	Capital Engineering Consultants	26/07/2024
SW042	D	OSD Notes and Details	Capital Engineering Consultants	26/07/2024
SW043	D	WSUD Notes and Details	Capital Engineering Consultants	26/07/2024
SW044	D	Gutter Flow Catchment Plan	Capital Engineering Consultants	26/07/2024
SW050	D	Level 9 Rooftop	Capital Engineering Consultants	26/07/2024
SW050	D	Roof	Capital Engineering Consultants	26/07/2024

Approved Documents			
Document Title	Version	Prepared By	Date of Document
BASIX 1378884M_02			February 2025
Erosion Sediment Control Plan	ER001 Rev D	Capital Engineering Consultants	26/07/2024
Geotechnical Report	-	EIAustralia	29 November 2023
Preliminary Site Investigation		Douglas Partners	February 2015.
Detailed Site Investigation		EI Australia	2 August 2024
Acoustic Report		Pulse White Noise Acoustics	26 October 2023
Arborist Report		Green Spaces Consultancy	23 November 2023 and 11/05/2024
Access Compliance Assessment Report		AED Group	25/07/2024
Wind Report		Windtech	1 December 2023

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

REASON

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

2. Planning Agreement

- a. This consent must be read in conjunction with the executed Planning Agreement entered into by Zoe Holdings Rockdale Pty Ltd and Council on 26 November 2018 for the subject site.
- b. This consent shall operate in tandem with any Planning Agreement executed for the subject site.
- c. No Occupation Certificate can be issued until the corresponding commitments referred to in the aforementioned executed planning agreement have been finalised.
- d. The obligations under the executed planning agreement shall be satisfied to the satisfaction of Council's Director of City Futures (or delegate) by the times specified in the Planning Agreement and prior to the issue of any Occupation Certificate.

REASON

To ensure the commitments of the executed planning agreement are delivered.

3. Construction Certificate Required

A Construction Certificate must be obtained from Council or a Principal Certifier prior to the relevant building work commencing. Building work is defined under the *EPA Act Part 6*.

REASON

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

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

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

REASON

EP&A Regulation Clause 69(1).

5. Certification of External Wall Cladding

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

- a) Be satisfied that suitable evidence is provided to demonstrate that the products and systems proposed for use or used in the construction of external

walls including finishes and claddings such as synthetic or aluminium composite panels comply with the relevant requirements of the NCC, and

- b) Ensure that the documentation relied upon in the approval process include an appropriate level of detail to demonstrate compliance with the NCC as proposed and as built.

REASON

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

6. Amendments Require Modification Application

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

REASON

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

7. Fire Hydrant Booster

The fire hydrant booster is to be located within the footprint of the building as per the approved plans. Any change to the location of hydrant or its size will necessitate the submission of a modification application under Section 4.55 of the EP&A Act.

REASON

To ensure minimal impact on the streetscape.

8. Enclosure of Structures

Car spaces within the development shall not be enclosed at any future time without prior development consent.

REASON

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

9. Earthworks Not Shown on Plans

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

REASON

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

10. Approved Materials and Finishes

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

REASON

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

11. Parking Allocation

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

Use	Number of Spaces Allocated
<i>Residential</i>	
Residential units	A total of 133 residential spaces allocated as per the below: <ul style="list-style-type: none"> • A minimum of 0.6 space and a maximum of 1 space per studio/1 bedroom unit • A minimum of 0.9 space and a maximum of 2 spaces per 2 bedroom unit • A minimum of 1.4 spaces and a maximum of 2 spaces per 3 or more bedroom unit
Residential visitor	26 spaces
Car Wash Bay	2 spaces
<i>Non-Residential</i>	
Commercial/Retail	A total of 46 spaces allocated as per the below: Shop 1 – 2 spaces Shop 2 – 18 spaces Shop 3 – 8 spaces Shop 4 – 5 spaces Shared by all shops – 13 spaces
Public Parking	10 spaces accessed from Hesten Lane.
<i>Others</i>	
Loading Bay	MRV & Councils Waste Collection Vehicle
Car Share	4 spaces
<i>Motorcycle parking</i>	
Residential	9 spaces
Non-Residential	4 spaces
<i>Bicycle parking</i>	
Residential	146 spaces allocated as per the below: <ul style="list-style-type: none"> • 132 Residential • 14 Residential Visitor
Non-Residential	14 spaces

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

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

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

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

REASON

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

12. Carrying out of works wholly within the Site

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

REASON

To avoid encroachment of the development beyond the site boundaries.

13. Design Architect Involvement

- a) In order to ensure the design excellence of the development is retained:
 - i) A registered architect is to have direct involvement in the design documentation, contract documentation and construction stages of the project, and
 - ii) A registered architect is to be consulted during the signage design process and must certify the proposed signage is suitable by being compatible with the character and design of the building, and
 - iii) 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, and
 - iv) Evidence of the Design Architect's commission is to be provided to the Council prior to release of the Construction Certificate.
- b) The Registered Architect of the project is not to be changed without prior notice and approval of the Council.

REASON

To ensure design quality is achieved in accordance with the approved plans and documentation.

14. Landscape

- a. New street trees shall be maintained by the Applicant / Owner / Strata Corporation for a period of twelve (12) months after final inspection by Council. Maintenance includes twice weekly watering within the first 6 months then weekly thereafter, biannual feeding, weed removal round the base, mulch replenishment at 3 monthly intervals (to 75mm depth) and adjusting of stakes and ties; to sustain adequate growth and health. Maintenance does not include trimming or pruning of the trees under any circumstances.

- b. Landscaped areas and deep soil zones as depicted in (nominate approved landscape plan) are not to be reduced in size, and shall be provided with soft landscape treatment. Built in planter boxes approved above slab structures as indicated in approved plans are not to be reduced in size or replaced with plant pots.
- c. 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.

REASON

To ensure compliance with landscape requirements from relevant policies.

15. Separate Application Required for Specific Use

Separate approval shall be obtained for the specific use of the ground floor commercial tenancy as depicted on approved plans. Additional conditions may be applicable.

Note: Parking and loading provisions in a mixed use development may preclude certain uses.

REASON

To ensure that a proper assessment and approvals are undertaken for future uses.

REQUIREMENTS OF CONCURRENCE, INTEGRATED AND OTHER AUTHORITIES

16. General Terms of Approval

The development shall be carried out in accordance with the requirements of the General Terms of Approval (GTA) outlined below.

Approval Body	Date of GTA
Sydney Airport Corporation Limited	3 April 2025
Sydney Water	5 February 2024
Ausgrid	13 March 2024
WaterNSW	05 September 2024

A copy of the requirements of the approval Authority is attached to this consent.

REASON

To ensure compliance with General Terms of Approval provided by external authorities.

17. Water NSW

Dewatering

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

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

GT0117-00001 A water access licence, for the relevant water source, must be obtained prior to extracting more than 3ML per water year of water as part of the construction dewatering activity. Advisory Notes: 1. This approval is not a water access licence. 2. A water year commences on 1 July each year. 3. This approval may contain an extraction limit which may also restrict the ability to take more than 3ML per water year without further information being provided to WaterNSW. 4. Note that certain water sources may be exempted from this requirement – see paragraph 17A, Schedule 4 of the Water Management (General) Regulation 2018.

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

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

GT0120-00001 The design and construction of the building must prevent: (a) any take of groundwater, following the grant of an occupation certificate (and completion of construction of development), by making any below-ground levels that may be impacted

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

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

GT0122-00001 Construction Phase Monitoring programme and content: a) A monitoring programme must be submitted, for approval, to WaterNSW with the water supply work application. The monitoring programme must, unless agreed otherwise in writing by WaterNSW, include matters set out in any Guide published by the NSW Department of Planning Industry and Environment in relation to groundwater investigations and monitoring. Where no Guide is current or published, the monitoring programme must include the following (unless otherwise agreed in writing by WaterNSW): i. Pre-application measurement requirements: The results of groundwater measurements on or around the site, with a minimum of 3 bore locations, over a minimum period of 3 months in the six months prior to the submission of the approval to WaterNSW. ii. Field measurements: Include provision for testing electrical conductivity; temperature; pH; redox potential and standing water level of the groundwater; iii. Water quality: Include a programme for water quality testing which includes testing for those analytes as required by WaterNSW; iv. QA: Include details of quality assurance and control v. Lab assurance: Include a requirement for the testing by National Association of Testing Authorities accredited laboratories. b) The applicant must comply with the monitoring programme as approved by WaterNSW for the duration of the

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

GT0150-00001 - The extraction limit shall be set at a total of 3ML per water year (being from 1 July to 30 June). The applicant may apply to WaterNSW to increase the

extraction limit under this condition. Any application to increase the extraction limit must be in writing and provide all information required for a hydrogeological assessment.

Advisory note: Any application to increase the extraction limit should include the following:

- Groundwater investigation report describing the groundwater conditions beneath and around the site and subsurface conceptualisation
- Survey plan showing ground surface elevation across the site
- Architectural drawings showing basement dimensions
- Environmental site assessment report for any sites containing contaminated soil or groundwater (apart from acid sulphate soils (ASS))
- Laboratory test results for soil sampling testing for ASS
- If ASS, details of proposed management and treatment of soil and groundwater. Testing and management should align with the NSW Acid Sulphate Soil Manual.

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

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

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

18. Ausgrid

The following is imposed by Ausgrid and must be complied with:

Ausgrid Underground Cables are in the vicinity of the development.

Special care should be taken to ensure that driveways and any other construction activities do not interfere with existing underground cables located in the footpath or adjacent roadways. It is recommended that the developer locate and record the depth of all known underground services prior to any excavation in the area. Information regarding the position of cables along footpaths and roadways can be obtained by contacting Dial Before You Dig (DBYD). In addition to DBYD the proponent should refer to the following documents to support safety in design and construction. SafeWork Australia – Excavation Code of Practice. Ausgrid's Network Standard NS156 which outlines the minimum requirements for working around Ausgrid's underground cables.

Ausgrid cannot guarantee the depth of cables due to possible changes in ground levels from previous activities after the cables were installed. Should ground anchors be required in the vicinity of Ausgrid underground cables, the anchors must

not be installed within 300mm of any cable, and the anchors must not pass over the top of any cable.

Ausgrid Overhead Powerlines are in the vicinity of the development.

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

Consideration should be given to the positioning and operating of cranes, scaffolding, and sufficient clearances from all types of vehicles that are expected to be entering and leaving the site. The “as constructed” minimum clearances to the mains must also be maintained. These distances are outlined in the Ausgrid Network Standard, NS220 Overhead Design Manual. This document can be sourced from Ausgrid’s website at www.ausgrid.com.au.

It is the responsibility of the developer to verify and maintain minimum clearances onsite. In the event where minimum safe clearances are not able to be met due to the design of the development, the Ausgrid mains may need to be relocated in this instance. Any Ausgrid asset relocation works will be at the developer’s cost. Additional information can be found in the Ausgrid Quick Reference Guide for Safety Clearances “Working Near Ausgrid Assets - Clearances”. This document can be found by visiting the following Ausgrid website: www.ausgrid.com.au/Your-safety/Working-Safe/Clearance-enquiries. For new connections or to alter the existing electrical connection to the property from the Ausgrid network, the proponent should engage an Accredited Service Provider and submit a connection application to Ausgrid as soon as practicable. Visit the Ausgrid website for further details: <https://www.ausgrid.com.au/Connections/Get-connected>

REASON

To ensure the requirements of Ausgrid are adhered to.

19. Sydney Airport Corporation Limited (SACL)

Conditions imposed by the Sydney Airport Corporation Limited (SACL) in their letter dated 3 April 2025 and must be complied with.

- a. The building must not exceed a maximum height of 54.34m AHD, including all lift over-runs, vents, chimneys, aerials, antennas, lightning rods, any roof top garden plantings, exhaust flues etc.
- b. Separate approval must be sought under the Regulations for any equipment (i.e. cranes) required to construct the building. Construction cranes may be required to operate at a height significantly higher than that of the proposed controlled activity and consequently, may not be approved under the Regulations. Therefore, it is advisable that approval to operate construction equipment (i.e. cranes) be obtained prior to any commitment to construct.

- c. The Proponent must advise Airservices Australia at least three business days prior to the controlled activity commencing by emailing ifp@airservicesaustralia.com and quoting YSSY-CA-872 P2.
- d. On completion of construction of the building, the Proponent must provide SACL with a written report from a certified surveyor on the finished height of the building.
- e. A separate assessment and approval under the Regulations will be required for any further addition to the height of the building (including the installation of antennas) as it will increase the penetration of the OLS.

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

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

REASON

To ensure compliance with requirements of Sydney Airports Corporation Limited.

20. Sydney Water

The following conditions are imposed by Sydney Water in their letter dated 6 February 2024 and must be complied with:

Prior to the issue of an Occupation Certificate:

Section 73 Compliance Certificate

A compliance certificate must be obtained from Sydney Water, under Section 73 of the Sydney Water Act 1994. Our assessment will determine the availability of water and wastewater services, which may require extensions, adjustments, or connections to our mains. Make an early application for the certificate, as there may be assets to be built and this can take some time. A Section 73 Compliance Certificate must be obtained before an Occupation or Subdivision Certificate will be issued.

Applications can be made either directly to Sydney Water or through a Sydney Water accredited Water Servicing Coordinator.

Go to the Sydney Water website or call 1300 082 746 to learn more about applying through an authorised WSC or Sydney Water.

Prior to the issue of a Construction Certificate:

Building Plan Approval

The plans must be approved by Sydney Water prior to demolition, excavation or construction works commencing. This allows Sydney Water to determine if sewer, water or stormwater mains or easements will be affected by any part of your development. Any amendments to plans will require reapproval.

Please go to Sydney Water Tap in to apply. Sydney Water recommends developers apply for a Building Plan Approval early as to reduce unnecessary delays to further referrals or development timescales.

Tree Planting

Certain tree species placed in proximity to Sydney Water's underground assets have the potential to inflict damage through invasive root penetration and soil destabilisation. Section 46 of the Sydney Water Act specifies what might occur when there is interference or damage to our assets caused by trees.

For any trees proposed or planted that may cause destruction of, damage to or interference with our work and are in breach of the Sydney Water Act 1994, Sydney Water may issue an order to remove that tree or directly remove it and seek recovery for all loss and associated compensation for the removal.

For guidance on types of trees that can cause damage or interference with our assets see Sydney Water webpage Wastewater blockages. For guidance on how to plant trees near our assets, see Diagram 5 – Planting Trees within Sydney Water's Technical guidelines – Building over and adjacent to pipe assets.

Trade Wastewater Requirements

If this development is going to generate trade wastewater, the property owner must submit an application requesting permission to discharge trade wastewater to Sydney Water's sewerage system.

You must obtain Sydney Water approval for this permit before any business activities can commence. It is illegal to discharge Trade Wastewater into the Sydney Water sewerage system without permission.

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

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

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

Backflow Prevention Requirements

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

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

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

Before you install a backflow prevention device:

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

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

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

Water Efficiency Recommendations

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

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

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

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

Contingency Plan Recommendations

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

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

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

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

For further information please visit the Sydney Water website at: <https://www.sydneywater.com.au/yourbusiness/managing-trade-wastewater/commercial-trade-wastewater.html> or contact Business Customer

Services on 1300 985 227 or businesscustomers@sydneywater.com.au.

REASON

To ensure the requirements of Sydney Water are adhered to.

PRIOR TO ISSUE OF A CONSTRUCTION CERTIFICATE

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

21. Design Amendments

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

a) End of Trip Facilities

The basement level 1 plans (commercial lobby and commercial toilets) shall be reconfigured to include the following end of trip facilities in addition to the commercial toilets and hand washing facilities already provided on approved plans.

- 1 personal locker for each non-residential bicycle parking space (14 lockers required)
- 1 shower and change cubicle for every 10 non-residential bicycle spaces or part thereof (2 showers and change cubicles required)
- 1 bicycle repair toolkit and pump.

b) Driveway

Landscape and Architectural plans shall be amended to delete '*reinforced concrete*' from the driveway of the development and replace this with Granite tumbled cobblestone from the rear boundary to the shutter of the loading dock entry.

c) Awning - 83-85 Railway Street

The existing awning structure at 83-85 Railway Street shall be replaced or retained and repaired to comply with relevant legislative requirements. Details shall be depicted upon construction certificate drawings.

d) Private Open Space

Units 110, 111 and 113 at level 1 shall be provided with a minimum external private open space area of 15m² with minimum dimensions of 3m.

e) Studies

Nib walls to the study of the following units must be deleted.

- Level 1 – 115 / 116 / 117.
- Level 2 – 210 / 211 / 212.
- Level 3 – 315 / 316 / 317.
- Level 4 – 415.

Studies shall remain open at all times. No enclosing wall or structure is permitted to enclose the study into a separately enclosed room.

f) Unit 313 – Level 3 and Unit 208 Level 2

Privacy screening with a minimum height of 1.8m from finished balcony level shall be provided along the western side of the balcony for a minimum distance of 2m from the wall at the start of the balcony, extending to the south.

g) Solar Panels

Specifications of solar panels at rooftop level shall be incorporated onto the relevant construction certificate plans. Nil structures shall exceed a maximum height of 50.54RL.

h) External Building Appearance

- i) Conceal all drainage pipes within floor slabs and walls so that they do not appear in the exterior of the building, including balconies and driveway entrances.
- ii) Finish the internal entrance area of the car park that is visible from the public domain in a manner that is consistent with the overall façade design.

i) Acoustic Amelioration

The recommendations of the Acoustic Report, prepared by Pulse White Noise Acoustics dated 26 October 2023 shall be illustrated upon the relevant construction certificate drawings and implemented on site.

j) Wind Amelioration

The recommendations of the Wind Report, prepared by Windtech dated December 1 2023 shall be illustrated upon the relevant construction certificate drawings and implemented on site.

k) Access Compliance Report

The recommendations of the Access Compliance Report, prepared by AED Group dated 25/07/2024 shall be illustrated upon the relevant construction certificate drawings and implemented on site.

l) BCA Report

The recommendations of the BCA Report, prepared by AED Group dated 31/07/2024 shall be illustrated upon the relevant construction certificate drawings and implemented on site.

m) Landscaping

Landscape plans shall be revised as required by conditions of this consent and to ensure consistency with approved architectural plans.

REASON

To require amendment to the plans endorsed by the consent following assessment of the development to mitigate the impacts of the development.

22. Heston Lane – Civil Design

Prior to the issue of an above ground level works Construction Certificate, a qualified civil engineer shall prepare a civil design for the widening and extension of Heston Lane for the written approval of the Bayside Council Director of City Futures (or delegate) and the approval of the Local Traffic Committee endorsed at the Bayside Council Meeting of the elected representatives. The civil design shall be generally in accordance with public domain plans prepared by Capital Engineering Consultants, project number SW23236, revision 01, dated 26/07/2024 which shall be revised to address the following matters:

- a) The design of the retaining walls required to support the cut in Heston Lane are not supported as shown on the plans. The design of the retaining walls must be redesigned to accommodate two additional public car parking spaces in the existing end of Heston Lane “dog leg” to justify the effective closure of this part of the road (generally as per the Level 1 – Heston Lane architectural plans, rev 11 dated 27.02.25). Amended plans shall be submitted to Bayside Councils satisfaction. The retaining walls result in the effective closure of the existing end “dog leg” of Heston Lane which requires consultation with the neighbouring properties and the relevant authorities. All measures required by the *Roads Act 1993* (e.g Division 3 Closing of council public roads) must be undertaken for the partial closure of Heston Lane (the “dog leg” portion).
- b) The area to the west of the retaining wall on Heston Lane is to be landscaped, a landscape plan prepared by a landscape architect is to be provided and steps are to be provided for access.
- c) The retaining wall must be designed by a qualified structural engineer and certified accordingly.
- d) The public car parking spaces shall be designed as per AS/NZS2890.1:2004 user class 3 (i.e., 2.6m wide, 5.4m long and setback 6.0m from the face of kerb) with wheel stops. A minimum of 8 public car parking spaces must be provided on the development site and with two additional public car parking spaces provided in the Heston Lane “dog leg”.
- e) A continuous footpath treatment (CFT) shall be provided at the intersection of Heston Lane and Parker Street.
- f) Part of the Heston Lane extension creates a trapped low point in front of the driveway entry to the building which is not acceptable. An overland flow path (or other suitable drainage system) must be provided from the trapped low point to Walz Street via the section of Heston Lane (public road) to the rear of 87 Railway Street. This is necessary as the 375mm RCP may get blocked or may not be able to take the entire flow in significant storm events.
- g) A signage and line marking plan shall be submitted. All existing and proposed signage/line marking in Heston Lane shall be clearly detailed. The

signage shall be as per Australian standards (AS1742) and Council requirements. Timed parking signage shall be provided for the public parking spaces as determined by Council.

- h) The land to be dedicated to Council and the land that will be covered by easements are to be clearly shown on the plans. The existing portion of Hesten Lane owned by council is to be widened from 6.0m to 6.7m in width (measured from the existing western lane boundary to the proposed back of kerb) and an additional 1.2m wide footpath covered by easements on the development site shall be provided. The land to be dedicated is to be as per the draft subdivision plan prepared by SDG Pty Ltd.
- i) There is to be no cut or fill in Hesten Lane that will negatively impact the driveways for 2-4 Parker Street.
- j) A lighting design prepared by a qualified electrical engineer for Hesten Lane shall be submitted. The laneway shall be provided with a suitable lighting category to Councils satisfaction and a lighting coverage assessment shall be submitted. The lighting structures are not to be located in the footpath or road as an unobstructed road and footpath is required. The lighting structures are to be shown on the civil plans.
- k) The road pavement design is to be confirmed with Council. The public parking spaces shall use permeable pavers.

REASON

To ensure the Hesten lane widening and extension is designed to the requirements of Bayside Council.

23. DPE – Payment of fees and security deposits

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

Soil and Water Management Sign Fee	\$25.50
Section 7.11 Contributions	\$74,018.61
Builders Damage Deposit (Security Deposit)	\$71,004.00

Note: The amount payable must be in accordance with Council's fees and charges at the payment date.

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

REASON

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

24. DPE – Payment of Security Deposits

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

- (a) make payment of \$71,004.00 for a security deposit to the consent authority, and

- (b) if a Principal Certifier is required to be appointed for the development provide the Principal Certifier with written evidence of the payment and the amount paid.

REASON

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

25. DPE – Payment of Fees

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

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

REASON

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

26. Long Service Levy

Before the issue of the relevant Construction Certificate, the long service levy of \$157,692.64 as calculated at the date of this consent, must be paid to the Long Service Corporation or Council under the *Building and Construction Industry Long Service Payments Act 1986*, section 34, and evidence of payment is to be provided to the PRINCIPAL CERTIFIER.

REASON

To ensure the long service levy is paid.

27. Payment of Section 7.11 Contributions

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

Rockdale City Council Section 94 Contributions Plan

Regional Open Space	\$ 9,818.60	SR5204
City-wide open Space	\$ 18,096.38	SR5214
Local Open Space	\$ 28,711.63	SR5274
Car Parking	\$ -	SR5344

City-wide Town Center	\$ 2,888.26	SR5514
Rockdale Local Town Center	\$ 234.11	SR5484
Childcare Services	\$ 332.53	SC5634
Community Services	\$ 577.07	SC5644
Library Services	\$ 4,805.73	SC5654
Pollution Control	\$ 8,146.42	SR5704
Administration	\$ 407.88	SR5744
Total in 2024/25	\$ 74,018.61	

The total contribution payable to Council under this condition is \$74,018.61 as calculated at the date of this consent, in accordance with Rockdale City Council Section 94 Contributions Plan.

The total amount payable may be adjusted at the time the payment is made, in accordance with the provisions of Rockdale City Council Section 94 Contributions Plan.

A copy of the development contributions plan is available for inspection at Bayside Council offices.

This condition is to be read in conjunction with the executed Planning Agreement.

REASON

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

28. DPE – Housing and Productivity Contribution

Before the issue of any construction certificate the housing and productivity contribution (HPC) set out in the table below is required to be made.

Housing and Productivity Contribution	Amount
Housing and Productivity Contribution (base component)	\$124,095.50
Transport Project Component	-
Total Housing and Productivity Contribution	\$124,095.50

The HPC must be paid using the NSW Planning Portal.

At the time of payment, the amount of the HPC is to be adjusted in accordance with the *Environmental Planning and Assessment (Housing and Productivity Contribution) Order 2024 (HPC Order)*.

The HPC may be made wholly or partly as a non-monetary contribution (apart from any transport project component) if the Minister administering the *Environmental Planning and Assessment Act 1979* agrees.

The HPC is not required to be made to the extent that a planning agreement

excludes the application of Subdivision 4 of Division 7.1 of the *Environmental Planning and Assessment Act 1979* to the development, or the HPC Order exempts the development from the contribution.

The amount of the contribution may also be reduced under the HPC Order, including if payment is made before 1 July 2025.

REASON

To require contributions towards the provision of regional infrastructure

29. Design Verification Statement

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

REASON

To ensure compliance with the Environmental Planning and Assessment Regulation 2021

30. Design Excellence

To ensure design excellence is achieved, as required by Cl6.10 of Bayside Local Environmental Plan 2021 prior to the issue of the relevant construction certificate entailing any works above basement levels including public domain works, the following must be prepared by the registered architect commissioned for the construction of the project:

- a) Two (2) sample boards containing original samples and swatches of all external materials and colours including:
 - i) Wall and roof cladding, and
 - ii) Balustrading, and
 - iii) Louvres, and
 - iv) Glazing, and
 - v) Window edge treatments, and
 - vi) Paving/surface in front setback areas, and
 - vii) Driveway, and
 - viii) Footpaths, and
 - ix) Signage, and
 - x) Retaining wall details.
- b) Full coloured elevational details at a minimum scale of 1:10;
- c) Sections through relevant façade elements, public domain stairs, planter boxes at a minimum scale of 1:10.

The boards, elevations and sections are to be submitted and stamped as approved by the Director City Futures Bayside Council (or delegate) prior to the issue of an above ground level works Construction Certificate entailing any works above basement levels. The Construction Certificate shall be precisely consistent with these approved materials.

Any modifications to the approved materials under this condition require submission and approval of a S4.55 application.

REASON

To retain the design integrity of the development and ensure design excellence is delivered.

31. Construction Site Management Plan

Before the issue of a Construction Certificate, a construction site management plan must be prepared, provided and approved by the Bayside Council Director of City Futures (or delegate). The plan must include the following matters.

- a) The location and materials for protective fencing and hoardings on the perimeter of the site;
- b) Provisions for public safety;
- c) Pedestrian and vehicular site access points and construction activity zones;
- d) Details of construction traffic management including:
 - i) Proposed truck movements to and from the site;
 - ii) Estimated frequency of truck movements; and
 - iii) Measures to ensure pedestrian safety near the site;
- e) Details of any bulk earthworks to be carried out;
- f) The location of site storage areas and sheds;
- g) The equipment used to carry out all works;
- h) The location of a garbage container with a tight-fitting lid;
- i) Dust, noise and vibration control measures;
- j) The location of temporary toilets;
- k) Detail how the facade and structures on 83-85 Railway Street will be safely supported during all stages of excavation and construction;
- l) The protective measures for the preservation of trees in adjoining public areas including measures in accordance with:
 - i) AS 4970 - Protection of trees on development sites;
 - ii) An applicable Development Control Plan;
 - iii) An arborist's report approved as part of this consent.

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

REASON

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

32. Encroachment of Structures not Permitted

No part of any structure, including gutters and eaves and front fences (including footings), may encroach or overhang any property boundary and/or public footway. Details are to be provided on the Construction Certificate plans.

REASON

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

33. Clear Public Accessways

Before issue of an above ground level works construction certificate, construction plans must demonstrate that access doors to enclosures for building services and facilities, such as hydrant and sprinkler booster assemblies or the like, except fire stair doors, will not open over the footway or roadway.

REASON

To ensure doors used to house building services and facilities do not obstruct pedestrians and vehicles.

34. Sydney Water Tap-in

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

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

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

REASON

To ensure compliance with Sydney Water requirements.

35. Safer by Design Requirements

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

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

lamps and lighting levels, and

- (c) Security mirrors shall be installed within corridors and on blind corners to enable users to see around blind corners, and
- (d) Graffiti resistant materials shall be used to ground level external surfaces, and
- (e) Intercom facilities shall be installed at all vehicular and pedestrian entry/exit points to enable residents to communicate and identify with people prior to admitting them to the development, and
- (f) Front windows of all ground floor tenancies must be kept free of shelves, and a maximum of 15% of the window display area may be covered with promotional materials to ensure passive surveillance is maintained to and from tenancies, and
- (g) The ceiling of the basement car park shall be finished in light colour or off corn concrete, in order to maximise visibility.

REASON

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

36. Sustainability

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

- a) Provision of photovoltaic cell systems on the rooftops. Detailed design for the photovoltaic cells systems is to be provided, the provision of photovoltaic cells is to be at a rate that maximises the coverage of available non-trafficable space on the rooftop. A storage battery is to be provided where possible. This solar power shall be utilised in communal areas and other suitable areas within the development to reduce the developments demand for electricity from the grid.
- b) Provision of a minimum 19,000 litre rainwater tank connected to all ground floor level toilets and the entire ground level and level 1 landscape irrigation system for non-potable stormwater re-use.
- c) Sensor controlled and zoned internal lighting within the building's car park and common areas.
- d) Use of admixtures in concrete to minimise cement and reduce embodied carbon.
- e) Separate circuiting for temporary power to minimal stair and corridor lighting.
- f) Use of LEDs and other low energy flicker free lighting resources.
- g) Provision of Electric Vehicle (EV) charging car parking spaces. At least 9 commercial car parking spaces must be designed to be equipped with EV charging facilities. The EV charging systems shall be provided as 'Level 2' charging infrastructure with a power range of 7kW-22kW or greater, as defined by NSW Electric and Hybrid Vehicle Plan Future Transport 2056.

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

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

REASON

To maximise the sustainability of the development.

37. Car Parking Details

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

REASON

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

38. Provision of Car Wash Bays

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

REASON

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

39. Adaptable Dwellings

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

REASON

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

40. Landscape

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

The **architectural plan** shall include, but not be limited to, the following modifications:

- a) Areas available with deep soil shall be prioritised for planting.
- b) Proposed architectural and landscape design shall deliver passive surveillance. All areas with interface with the public domain shall follow CPTED principles.
- c) Outdoor seating area along Railway Street designed shall be aligned with Rockdale Town Centre Public Domain Plan.
- d) Lighting is required below all awnings to supplement existing street lighting and 'spill' lighting from shopfronts and other ground floor uses.
- e) Structures along the front setback shall be minimised to maximise the deep root planting area.
- f) Provide a depicted plan with all areas, including communal open spaces to be maintained by strata. Indicate maintenance access points, and any required anchor point, provide details of any required anchor including type of mounting.
- g) Raised planters along the interface with the public domain shall be avoided, If levels do not allow to match public domain finished levels, then retaining walls shall not exceed 500 mm from public domain finished floor levels.

- h) Planters facing the external façades shall be designed to provide the greenery to the streetscape and neighbouring.
- i) Parking spaces adjacent to northern deep soil area will maximise the inclusion of pervious pavement spaces.
- j) Construction details of all fence and gate works, including access paths to each unit.
- k) Enclosure of all service structures along the front setback shall be of minimum size possible. Finishes and materials shall be selected to blend with the landscape setting.

2. Detailed Landscape Plan

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

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

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

- a) A planting plan at 1:100 showing all plant locations/groupings and plant centres/species. There is to be a dense layered planting scheme consisting of trees, shrubs and groundcovers in all of these areas.
- b) Elevated planter box sectional details and drainage details. All planter box depths and dimensions shall be in accordance with Council's DCP and capable of supporting medium and large trees.
- c) Interface with public domain. All planting proposal along site frontages shall follow CPTED principles. Proposed architectural and landscape design shall deliver passive surveillance.
- d) Ensure all services do not negatively affect the public areas. Provide details of all services provided along the interface with the public domain, including fire Hydro boosters, substations, gas meters and other.
- e) A dense foliage buffer planting shall be provided in the front of terraces of units 105, 106, 107 and 108 and terraces of units 109, 110, 111 and 112; to establish an appropriate level of privacy in relation to the COS resulting from this development. The screen shrubs shall be planted at minimum container size of 27 litres/400mm.
- f) All trees in ground level or with interface with the public domain shall be planted at minimum 200 litres pot size. All other trees proposed within the site or above structures shall be planted at minimum 100 litres.
- g) Large canopy trees capable to reach a minimum mature height of 15 meters shall be included in the deeps oil available in the internal communal areas in ground level. All trees in the ground level are to be planted at minimum 200 litres pot size.
- h) All deep soil areas of communal ownership shall be free of turf, canopy trees and understorey shall be maximised.

- i) 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.
- j) Details of all other hardscape landscape elements such as street furniture, pedestrian amenity lighting, bins, bollards. Location to be clearly identified on plan. Provide sectional construction details and elevations.
- k) Conflict between landscaped beds, existing/proposed trees or landscaped areas and underground utilities (including stormwater structures) are to be avoided. Where there is a conflict, this shall be resolved with Bayside Council.
- l) Planters as approved in landscape plan are not to be reduced in size or soil volumes, or replace with individual pots, unless a modification with acceptable justification is provided and approved by Council landscape architect.

3. Landscape Maintenance Manual and Specifications

Landscape Maintenance Manual and Specifications- Prior the issue of the relevant Construction Certificate, a Landscape Maintenance Manual and Specifications must be submitted to, and approved by, the Director City Futures (or delegate) of Bayside Council.

The Landscape Maintenance Manual and Specifications shall include as a minimum a 12 months Landscape Maintenance Schedule to provide a guide to the landowner or manager on how to best maintain the constructed landscaped areas; and include the following information: shrub pruning/trimming (frequency, plant requirements); Fertilising and pest control (soil testing, types, rate, frequency); Mulching, weeding and soil improvement (frequency, materials); Irrigation (checks, adjustments); maintenance of plants (fertilising, mulching, tree stakes adjustments, special plants requirements, alternative plants replacements if required); Maintenance of hard landscape elements (planters, waterproofing, irrigation, paving, edges, pergolas, seats, and any specialised maintenance requirements);

- a. Frequency and methodology of different maintenance requirements including the removal of green waste; irrigation system tests, waterproofing inspections.
- b. Details of maintenance safety procedures;
- c. Laminated copies of 'As Built' Landscape drawings;
- d. Manufacturer's contact details and copies of manufacturers' typical details and specification;
- e. Copies of warranties and guarantees relating to all materials and plant used in construction;
- f. Inspection programs based on AS/NZS 1891.4, including annual load testing of chemical and friction anchors, for all installed anchors.

REASON

To ensure compliance with landscape requirements from relevant policies.

41. Landscape

Before the issue of an above ground level works construction certificate, the certifier must ensure the approved construction certificate plans (and specifications) detail the following:

- a. Planter boxes constructed over a concrete slab shall be built in accordance with the following requirements:
 - i. Soil depths must be in accordance with Council's DCP and associated Technical Specifications. The base of the planter must be screeded to ensure drainage to a piped internal drainage outlet of minimum diameter 90mm, with no low points elsewhere in the planter. There are to be no external weep holes.
 - ii. A concrete hob or haunch shall be constructed at the internal join between the sides and base of the planter to contain drainage to within the planter.
 - iii. Planters are to be fully waterproofed and sealed internally with a proprietary sealing agent and applied by a qualified and experienced tradesman to eliminate water seepage and staining of the external face of the planter. All internal sealed finishes are to be sound and installed to manufacturer's directions prior to backfilling with soil. An inspection of the waterproofing and sealing of edges is required by the Certifier prior to backfilling with soil
 - iv. Drainage cell must be supplied to the base and sides of the planter to minimize damage to the waterproof seal during backfilling and facilitate drainage. Apply a proprietary brand filter fabric and backfill with an imported lightweight soil suitable for planter boxes compliant with AS 4419 and AS 3743. Install drip irrigation including to lawns.
 - v. Planter boxes must be an external finish that is consistent with the character of the colour schemes and finishes of the building (e.g. with a suitable paint, render or tile to match the character of the approved building).
 - vi. All planter boxes shall be provided with a fully automated drip irrigation system.
 - vii. All planter boxes shall have the required depth to sustain the proposed planting, as detailed below:
 - a. Trees over 8 meters: Minimum soil depth 1.3 metre,
 - b. Medium trees (8 metre canopy diameter at maturity): Minimum soil depth one (1) metre,
 - c. Small trees (4 metre canopy diameter at maturity): Minimum soil depth 800mm.
 - d. Shrubs: Minimum soil depths 500-600mm.
 - e. Groundcover: Minimum soil depths 300-450mm.

REASON

To ensure compliance with landscape requirements from relevant policies.

42. Landscape Frontage Works Application

Prior to the issue of any Construction Certificate, the applicant must submit a Frontage Works Application (Public Domain Construction – Frontage / Civil Works Application) to Bayside Council. Prior to the commencement of public domain works, a public domain landscape improvements plan shall be submitted to Bayside Council for assessment and approval. The plans shall be undertaken by a suitably

experienced Landscape Architect and shall include, but not be limited to, new street tree planting, footpath paving (segmental/other), street tree pit treatments and tree guards, street furniture, in ground landscaping and irrigation. The landscape plan must indicate locations of lighting poles, underground services, stormwater infrastructure etc. The design shall be in accordance with Council's City Identity Program Arncliffe and Banksia Public Domain Plan and Technical Manual, Landscape DCP and any other Council specification or requirement.

Contact Council's Landscape Architect for further details of specific requirements in preparation of the plan. Any new street tree required shall be supplied and planted at minimum 200n litres pot size.

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

REASON

To ensure compliance with landscape requirements from relevant policies.

43. Accessibility for Commercial Premises

The design and fitout of the commercial / retail areas must be in accordance with the current version of Australian Standard 1428.1 and the relevant Council Development Control Plan.

Note: Compliance with the relevant Council Development Control Plan and the Building Code of Australia does not necessarily guarantee that the development meets the full requirements of the Commonwealth Disability (Access to Premises – Buildings) Standards 2010 (the Premises Standard).

It is the responsibility of the applicant to make the necessary enquiries to ensure that all aspects of the DDA legislation are met.

REASON

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

44. Glazing Reflectivity

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

REASON

To ensure that adverse reflectivity impacts are minimised.

45. External Lighting

All proposed external lighting shall comply with the Australian Standard AS4282 - Control of the Obtrusive Effects of Outdoor Lighting. In this regard, the lighting of the premises shall be directed so as not to cause nuisance to the owners or

occupiers of adjacent/adjoining premises or to motorists on adjoining or nearby roads.

REASON

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

46. Services in Garbage Room and Room Design

The garbage/waste storage rooms shall be designed to comply with all the relevant provisions of Bayside Council Waste Management Technical Specification 2022.

- a) The size being large enough to accommodate all waste generated on the premises, with allowances for the separation of waste types;
- b) The floor being graded and drained to a drainage outlet connected to the sewer, with minimum 0.5% gradient to the sewer outlet, and having a smooth, even surface, coved at all intersections with walls;
- c) Hot and cold water shall be provided in the waste storage room/garbage room. Services or utility systems shall not be located within the garbage room.
- d) The room shall be adequately ventilated (either natural or mechanical) in accordance with the Building Code of Australia.

Details demonstrating compliance shall be provided to the satisfaction of the Principal Certifier, prior to the issue of the relevant Construction Certificate.

REASON

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

47. Inter-Tenancy Acoustic Attenuation

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

- (a) Three (3) Star for tiled areas within kitchens, balconies, bathrooms and laundries, and
- (b) Four (4) Star for timber flooring in any area, and
- (c) Five (5) Star for carpet in any area.

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

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

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

provided in the said report satisfy the requirements of this condition, with the certification to be submitted to the Principal Certifier for approval prior to the issue of the relevant Construction Certificate for the relevant stage of works.

REASON

To minimise adverse amenity impacts to residents within the building.

48. Aircraft Noise – Compliance with submitted Report

Prior to issue of the relevant Construction Certificate, the measures required in the acoustical assessment report Pulse White Noise Acoustics dated 26 October 2023 shall be included in the construction drawings and in accordance with the provisions of AS 2021 - 2015: Acoustics - Aircraft Noise Intrusion - Building Siting and Construction.

REASON

To minimise adverse amenity impacts to residents within the building.

49. Utilities and Services

Before the issue of the relevant Construction Certificate, written evidence of the following service provider requirements must be provided to the PRINCIPAL CERTIFIER.

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

REASON

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

50. Provision of Detailed Plans for Construction Certificate Application

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

Detailed plans must also show the following:

- i) Car parking facilities
- ii) Acoustic Report
- iii) Disability Access Plan
- iv) Pedestrian access
- v) Signage location and structures
- vi) Mechanical ventilation.

REASON

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

51. Erosion and Sediment Control Plan

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

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

REASON

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

52. Awnings over Public Footpath

Prior to issue of the relevant Construction Certificate, details of the approved street awning, including plans and sections, must be provided to the Principal Certifier. The awning shall be consistent with the approved development application plans unless specifically varied below. The details must include:

- a) A minimum setback of 600mm from the face of the kerb, maximum fascia height 600mm, minimum soffit height 3.3m. Where the awning soffit is less than 3.3m the awning is to be deleted instead of providing a step in the awning. The awnings must be entire self-supporting; posts are not permitted, and
- b) All stormwater is to be collected and connected to Council's street gutter. In this regard awning downpipes for drainage are to be fully concealed within or recessed into the ground floor frontage of the building. Awning gutters are to be constructed so that they are not visible from the footpath or are integral to the awning structure, and
- c) The design and certification by a Structural Engineer registered with the National Engineering Register (NER) for Roof Category R1 in accordance with AS/NZS 1170.1: 2002, AS/NZS 1170.0: 2002, and AS/NZS 1170.3: 2011. The design must incorporate all loads including dead loads, live loads, wind load (lateral, uplift, and downward pressure), and potential impact load, and
- d) The awning(s) must be constructed of non-combustible materials, and
- e) Lighting is required and must comply with AS/NZS 1158.3.1: 2005 and AS/NZS 1158.0: 2005. Lighting must be recessed into the awning and be integral to its structure with all wiring and conduits concealed.

Subject to compliance with the requirements above, Bayside Council grants approval pursuant to Section 138 of the *Roads Act 1993*. Council's approval

remains whilst the structure is in place and the structural stability of the awning is not compromised. Maintenance of the awning is the responsibility of the owner of the land.

REASON

To ensure that awnings are designed, constructed and maintained in accordance with relevant requirements and standards

53. Dilapidation Report

Before any site work commences, a Dilapidation Report must be prepared by a suitably qualified Engineer detailing the structural condition of adjoining buildings specifically 2-4 Parker Street Rockdale, 87 Railway Street, Rockdale and 3-7 Walz Street Rockdale, structures or works and public land, to the satisfaction of the Principal Certifier.

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

REASON

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

54. Waste Management Plan Requirements

Before the issue of a Construction Certificate, a Waste Management Plan for the development must be prepared and provided the PRINCIPAL CERTIFIER. The plan must be prepared as follows:

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

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

REASON

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

55. Waste Facilities

The development will require the provision of the following waste and recycling facilities at minimum. A linear track system for waste and recycling is to be installed within the development.

Residential

- General Waste: 7 x 660L MGBs collected 2 x weekly
- Recycling: 16 x 1100L MGBs collected 1 x weekly
- Garden Organic: 28 x 240L MGBs collected fortnightly
- Service Bins: 3 x 660L MGB & 3 x 1100L MGB

Commercial

- General Waste: 2 x 1100L MGBs collected 2 x weekly
- Cardboard/Paper Recyclables: 2 x 1100L MGBs collected 2 x weekly
- Commingled Recyclables: 2 x 1100L MGBs collected 1 x weekly

REASON

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

56. Property Address Allocation

Prior to the issue of the relevant Construction Certificate an application for street addresses Property Address Allocation and associated fee shall be submitted to Council for each individual dwelling within the development in accordance with the NSW Address Policy and User Manual dated October 2024.

The form is available for download at:

https://www.bayside.nsw.gov.au/sites/default/files/2024-07/24_177042_Property_Address_Allocation_Application_Form_2024%E2%80%9325.pdf

Derivation and production of address data components is governed by the NSW Address Policy and User Manual October 2024 to ensure consistency of application.

https://www.nsw.gov.au/sites/default/files/noindex/2024-11/NSW%20Address%20Policy%20and%20User%20Manual_2024.pdf

REASON

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

57. Retaining Walls Over 600mm

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

REASON

To ensure the structural adequacy of new retaining walls.

58. Detailed Design Stormwater Management Plan

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

The detailed drainage design plans shall incorporate the provisions generally made in the stormwater concept plans prepared by CAPITAL ENGINEERS CONSULTANTS, project number SW23236, dated 26.07.2024, revision D along with the requirements detailed below:

- a. The basement level 3 drainage plan 'SW010' is to provide a minimum 0.3m cover for all pipes as per AS/NZS3500.3 2021.
- b. All stormwater basement plan is revised to show the civil grading with the minimum 0.5% crossfall towards the rainwater outlets and the grated surface pits. The surface level for the rainwater outlets to be shown on the basement 1 and basement 2 stormwater plans.
- c. A base plan showing the base levels of the pump out pit is to be provided, showing the minimum 1% fall towards the sump.
- d. A minimum 19,000 litre rainwater tank shall be provided for the development, connected to all ground floor toilets and the entire ground floor and level 1 landscape irrigation system for non-potable stormwater re-use. Only non-trafficable roof areas to drain into the rainwater tank. Planter boxes, balconies, podium and terraces to drain directly into the WSUD chamber.
- e. The combined OSD and WSUD tank to be reconfigured to ensure the overflow from the rainwater tank overflows into the WSUD chamber to ensure treatment prior to entering into the OSD chamber.
- f. The DRAINS Model is to be revised to exclude the WSUD chamber as a part of the OSD volume. The Permissible Site Discharge (PSD) from the site shall be designed to restrict the discharge to the predeveloped runoff in the "state of nature/greenfield" condition for the 20%, 10%, 5%, 2%, and 1% AEP storm events for the post development flows.

REASON

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

59. Detailed Roof Drainage

Prior to the issue of the relevant Construction Certificate, a detailed roof drainage plan to be prepared by a qualified hydraulic engineer designed in accordance with AS/NZS 3500.3 and to be submitted to the Principal Certifier for assessment and approval. Engineering design certification and drainage design calculations are to be submitted with the plans.

REASON

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

60. Tanking and Waterproofing Basement Intercepting Groundwater Table

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

REASON

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

61. Detailed Parking Facility Design Requirements and Certification

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

- a) Compliance with AS2890 Car, Bicycle and Motorcycle Parking:
 - i. The parking facility (including parking spaces, ramps, aisles, vehicular crossing etc.) must comply in full with AS2890.1. The longitudinal profile(s) of the access driveway and any ramps within the parking facilities must comply with the Ground Clearance, Gradient (%) and Length requirements of the 2890 Australian Standards Series, and
 - ii. All vehicles are to enter and exit the site in a forward direction, and
 - iii. The minimum number of accessible car parking spaces shall be in accordance with the relevant disability legislation. The design and construction of accessible car parking spaces shall be in accordance with AS2890.6 and

- iv. The gate for the basement shall be located to permit the queuing of two (2) passenger vehicles when waiting to enter the basement garage. The control mechanism for the gate shall be arranged such that access to the basement garage for registered proprietors of the commercial units, and their visitors, does not require security clearance or assisted entrance between the hours of 7:30am to 6:00pm Monday to Saturday and 7:30am to 1:00pm on Sunday. Where the hours of operation of the commercial units are approved outside of these hours, the access arrangements shall match the approved hours of operation, and
 - v. Pedestrian sightlines for vehicles exiting the site are to comply with AS2890.1 and AS2890.2, and
 - vi. Convex mirrors shall be provided at blind corners within, and leading to, the car parking levels to provide increased sight distance for vehicles, and
 - vii. The car wash bays shall be a minimum 3.5m wide, and
 - viii. 146 residential bicycle parking spaces (132 residential and 14 visitor) and 14 commercial/retail bicycle spaces must be provided & designed in accordance with AS2890.3:2015. Residential bicycle parking for residents of a building is to be in the form of a well-lit secure room/structure monitored by security camera surveillance (security level B from table 1.1 of AS2890.3:2015). All visitor/commercial bicycle spaces shall be designed as security level C from table 1.1 of AS2890.3:2015, and
 - ix. A minimum of 9 residential motorcycle parking spaces and 4 commercial/retail motorcycle parking spaces must be provided & designed as per AS/NZS2890.1:2004, and
 - x. The commercial/retail car park shall provide a minimum of at least 2 hour of free parking. The location of any boom gates to restrict and ingress and egress to be clearly shown on the plans and not result in any queuing on the Council road network. Full details of any ticketed or ticketless parking system is to be provided along with the queuing assessment.
 - xi. All commercial/retail car parking spaces to be designed as per user class 3 as per AS2890.1 2004.
- b) Compliance with AS2890.2 Commercial (Service) Vehicle Parking:
- i. Loading and unloading within the site shall be designed and be restricted to commercial vehicles not exceeding the size and mass description of the MRV from AS2890.2:2018 and Councils Waste Collection Vehicle from Bayside Waste Management Technical Specification 2022. Commercial vehicles greater in size and mass than the MRV and Councils Waste Collection Vehicle are not permitted to enter the site, and
 - ii. The design of the parking facility (including driveways/access ramps/vehicular crossings etc.) shall conform with Australian Standards

- AS2890.2:2018 along the travel path of the service vehicles, and
- iii. All service vehicles shall enter the property front in front out, and
 - iv. Swept path analysis shall be provided for manoeuvring of MRV commercial vehicles, and Councils Waste Collection Vehicle from Bayside Waste Management Technical Specification 2022 (section 13.5), depicting a forward entry and forward exit manoeuvre to/from the site via the loading dock proposed within the development, and
 - v. Swept path analysis shall be submitted for the 8.8m long MRV and Councils Waste Collection Vehicle from Bayside Waste Management Technical Specification 2022 (section 13.5) using the loading dock turntable demonstrating that sufficient clearance as per Australian standards is provided from the adjacent walls and other obstructions for the swept path of the trucks, and
 - vi. A longitudinal section plotting headroom clearance along the travel path of the service vehicle(s) is to be provided. It must be demonstrated that a safe headroom clearance of 4.5m is achieved along the entire travel path, parking and manoeuvring areas of the MRV and Councils Waste Collection Vehicle within the development, and
 - vii. All waste collection must be undertaken on-site, no bins/waste are permitted to be presented to the street for collection. It must be demonstrated that Councils Waste Collection Vehicle can enter and exiting the loading bay on the site for on-site waste collection.

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

REASON

To ensure compliance with the relevant Australian Standard.

62. Mechanical Parking Facility System – Detailed Design

Prior to the issue of the relevant Construction Certificate, the design of the mechanical parking facility system proposed (turntable) must address the following criteria:

- a) Ensure operating noise and vibration levels are limited to acceptable levels in accordance with appropriate standards and any plant equipment is housed in noise attenuating housing as required/appropriate;
- b) Provide detailed design and manufacturer specifications for the mechanical parking facility system(s) required within the development. A detailed design certificate from an experienced/practicing and qualified manufacture designer/installer that confirms that the mechanical parking facility system(s) are functional, workable, fit for purpose and are designed in accordance with the relevant Australian standards shall be provided;

- c) Provide operational details/management plan of the entire facility, demonstrating safe and functional access for all users, including details of safety protection systems for users and non-users; and
- d) The turntable must be designed to accommodate an MRV vehicle as per AS2890.2 2018 and Council Waste Collection Vehicle as per section 13.5 of Bayside Waste Management Technical Specification 2022, and
- e) Details shall be provided to ensure the vehicle that uses the mechanical turntable is positioned correctly to ensure the vehicle does not hit a wall or other adjacent obstruction. People using the loading dock are to be instructed and shown where to park the vehicle on the turntable through appropriate signage and line marking. Sensors should be provided to ensure a vehicle does not hit an adjacent wall, and

The design must be certified by an engineer registered with the National Engineering Register (NER).

REASON

To ensure the mechanical parking facility is designed and constructed in accordance with specifications and relevant standards.

63. Driveway Profile

Prior the issue of the relevant Construction Certificate, a longitudinal driveway profile to be prepared by a qualified Civil Engineer shall be submitted to the Principal Certifier for assessment and approval. The profile shall start in the centre of Hesten Lane (extension) and be along the critical edge (worst case) of the driveway. Gradients and transitions shall be in accordance with AS2890.1 & AS2890.2. The profile shall include all relevant levels, grades (%), headroom clearances and lengths. A driveway crest level of minimum 120mm above the gutter invert level is to be provided. A ground clearance test must be undertaken for Councils waste collection vehicle (as per section 13.5 of Bayside Waste Management Technical Specification 2022) confirming no scraping.

REASON

To protect property and structures from water ingress.

64. Structural Certificate Basement Structure Adjacent to Public Road

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

REASON

To minimise risk to personal safety and property

65. Use of Neighbouring Properties and Roadways for Support

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

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

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

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

REASON

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

66. Geotechnical Certification

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

- a) Review and ensure the appropriate construction methodology, parameters, and recommendations in the geotechnical report prepared by EI Australia, report no. E26114.G03_Rev1, dated 05/06/2024, have been implemented and relied upon during the preparation of the Construction Certificate plans and documentation.
- b) Demonstrate that a fully "tanked" basement is provided for this development. A report is to be prepared detailing the methodology and structural design to be used to fully tank the basement to prevent the ingress of groundwater and withstand hydrostatic pressure.
- c) Provide detailed recommendations to allow the satisfactory implementation of the works.
 - i. The appropriate means of any excavation/shoring is to be determined and detailed considering the proximity to adjacent property and structures.
 - ii. Potential vibration caused by the method of excavation and potential settlements affecting nearby footings/foundations/buildings shall be discussed and ameliorated.
 - iii. Review and certify the proposed method to temporarily and permanently support any excavation adjacent to adjoining property, structures, and road reserve if nearby (full support to be provided within the subject site).

- iv. An implementation program is to be prepared along with a suitable monitoring program (as required) including control levels for vibration, shoring support, ground level and groundwater level movements during construction. The implementation program is to nominate suitable hold points at the various stages of the works for verification of the design intent before sign-off and before proceeding with subsequent stages.
- 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.
- e) Certify that the construction certificate plans and supporting documentation are satisfactory from a geotechnical perspective.
- f) Inspect the works as they progress at frequencies determined by the geotechnical engineer (where necessary).

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

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

REASON

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

67. Frontage Works Application

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

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

A public domain performance bond is to be provided to Bayside Council prior to the issue of the Final Occupation Certificate. The performance bond is calculated by

Bayside Council as part of the frontage works process as per Bayside Council's adopted fees and charges. The performance bond will be kept for a period of 12 months after the completion of all external works and the issuing of a Final Occupation Certificate (defects liability/street tree maintenance period). The bond may be applied by Bayside Council to rectify defective/non-conforming public domain works and the establishment and maintenance of landscaping & street trees. Bayside Council is entitled to recover any monies expended more than the bond amount in undertaking such works. The public domain performance bond value shall be reduced by the value of the *Rectification Security* paid under the executed Planning Agreement previously detailed in this consent, but not less than \$0.

REASON

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

68. Separation of Parking in Mixed Use Residential Developments

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

REASON

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

69. DPE - Equal Access to Premises

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

REASON

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

70. Undergrounding of Overhead Services and Installation of Lighting

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

Where the road reserve is congested with underground utility services and/or street trees, the person acting on the consent must design the undergrounding works

around the congestion to the requirements of Ausgrid and Bayside Councils Landscape Architect/Arborist.

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

REASON

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

BEFORE BUILDING WORK COMMENCES (including demolition and excavation)

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

71. Soil Stockpile Area

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

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

REASON

To minimise adverse impacts on surrounding properties and the environment.

72. Erosion and Sediment Controls in Place

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

REASON

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

73. Signs on site

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

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

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

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

REASON

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

74. DPE – Notice regarding dilapidation report

Before the commencement of any site or building work, the principal certifier must ensure the adjoining building owners is provided with a copy of the dilapidation report for their properties no less than 7 days before the commencement of any site or building works and provide a copy of the report to Council at the same time.

REASON

To advise neighbours and Council of any dilapidation report.

75. Demolition Management Plan

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

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

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

- h) Details of the equipment that is to be used to carry out demolition work and the method of loading and unloading excavation and other machines.
- i) Details of any bulk earthworks to be carried out.
- j) Details of re-use and disposal of demolition waste material in accordance with Rockdale Development Control Plan 2011.
- k) Location of any reusable demolition waste materials to be stored on-site (pending future use).
- l) Location and type of temporary toilets on-site.
- m) A garbage container with a tight-fitting lid.

REASON

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

76. Disconnection of Services before Demolition Work

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

REASON

To protect life, infrastructure and services.

77. Notice of Commencement for Demolition

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

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

REASON

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

78. Vibration Monitoring

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

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

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

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

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

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

REASON

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

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

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

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

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

REASON

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

80. Dilapidation Report – Private Land

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

- a) 2-4 Parker Street Rockdale
- b) 87 Railway Street Rockdale
- c) 3-11 Walz Street Rockdale - limited to buildings directly adjacent to the common boundary with the site.

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

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

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

REASON

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

81. Video CCTV for Council Stormwater Pipe before Construction

Prior to the issue of any Construction Certificate or the commencement of any works on site, whichever occurs first, a qualified practitioner shall undertake a closed-circuit television (CCTV) inspection and then report on the existing condition of Bayside Council's stormwater drainage infrastructure on Parker Street and Railway Street, adjacent to the site. The camera and its operation shall comply with the following:

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

- c. Distance from the drainage pit shall be accurately measured, and
- d. The inspection survey shall be conducted from manhole to manhole.

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

REASON

To require details of the condition of Council's stormwater asset prior to commencement of any works.

82. Utility Services Adjustments

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

REASON

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

83. Hazardous Material Survey before Demolition

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

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

The report must include at least the following information:

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

REASON

To require a plan for safely managing hazardous materials.

84. Site Preparation

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

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

REASON

To protect workers, the public and the environment.

85. Asbestos Removal Signage

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

REASON

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

86. Waste Data Maintained

During demolition and construction phases a waste data file will be maintained, recording building/demolition contractors' details as well as waste disposal receipts/dockets for any waste from the site produced during these stages.

REASON

To meet aims and objectives of Bayside Waste Management Technical Specification 2022.

87. Handling of Asbestos during Demolition

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

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

REASON

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

DURING BUILDING WORKS (including Demolition, Excavation and Construction)

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

88. Approved Plans Kept on Site

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

REASON

To ensure relevant information is available on site.

89. Noise during Construction

The following shall be complied with during construction and demolition:

a) **Construction Noise**

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

b) **Level Restrictions**

Any building works being carried out must ensure that any noise caused by demolition, vegetation removal or construction does not exceed the NSW Environmental Protection Authority's Interim Construction Noise Guidelines and the *Protection of the Environment Operations Act 1997*.

c) **Out of hours work**

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

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

d) **Silencing**

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

REASON

To protect the amenity of the neighbourhood.

90. Hours of Work

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

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

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

REASON

To protect the amenity of the surrounding area.

91. Deliveries

While site work is being carried out, deliveries of material and equipment must only be carried out between 7:00am to 5:00pm on Monday to Saturday. No deliveries to be carried out on Sunday and public holidays.

REASON

To protect the amenity of neighbouring properties.

92. Procedure for Critical Stage Inspections

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

REASON

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

93. Implementation of the Site Management Plans

While site work is being carried out:

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

REASON

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

94. Site Management – Principal Certifier Inspections

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

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

REASON

To protect public safety and water quality around building sites.

95. Surveys by a Registered Surveyor

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

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

REASON

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

96. Noise and Vibration

While site work is being carried out, noise generated from the site must be controlled in accordance with the NSW Environmental Protection Authority's Interim Construction Noise Guidelines and the Protection of the Environment Operations Act 1997.

REASON

To protect the amenity of the neighbourhood during construction.

97. Noise and Vibration Requirements

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

REASON

To protect the amenity of the neighbourhood during construction.

98. Responsibility for changes to Public Infrastructure

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

REASON

To ensure payment of approved changes to public infrastructure.

99. Shoring and Adequacy of Adjoining Property

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

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

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

REASON

Prescribed condition – EP&A Regulation, Section 74.

100. Implementation of Soil and Water Management Plan

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

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

REASON

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

101. Toilet Facilities

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

REASON

To ensure compliance with the Local Government Act 1993.

102. Construction Activities – Minimise Pollution

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

- a) Building, demolition and construction works not to cause stormwater pollution and being carried out in accordance with Council's stormwater pollution

control requirements. Pollutants such as concrete slurry, clay and soil shall not be washed from vehicles onto roadways, footways or into the stormwater system. Drains, gutters, roadways and access ways shall be maintained free of sediment. Where required, gutters and roadways shall be swept regularly to maintain them free from sediment, and

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

REASON

To protect neighbourhood amenity and the quality of the waterways.

103. Site Fencing

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

REASON

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

104. Site Fencing and Hoarding

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

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

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

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

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

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

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

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

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

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

REASON

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

105. Demolition Requirements During Works

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

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

- k) Suitable erosion and sediment control measures in accordance with the Soil and Water *Management Plan* must be erected prior to the commencement of demolition works and must be maintained at all times, and
- l) Any material containing asbestos found on site during the demolition process shall be removed and disposed of in accordance with WorkCover NSW requirements. *Protection of the Environment Operations Act 1997, Protection of the Environment Operation (Waste) Regulation* and 'Waste Classification Guidelines 2014' prepared by the NSW Office of Environment and Heritage. Following completion, an Asbestos Clearance Certificate is to be provided to Council following the final asbestos clearance inspection.

REASON

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

106. Protection of Council's Property

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

REASON

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

107. Vibration During Demolition Works

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

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

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

REASON

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

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

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

Roads Act 1993 and Local Government Act 1993. All applications associated with works and activities on Bayside Council's land must be made at least 7-10 days prior to the programmed completion of works and all construction must be completed and approved by Bayside Council. Refer to Bayside Council "Work Activities on Council Sites Application Form" and "Road Opening Application" to obtain permits/approvals for the following:

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

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

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

REASON

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

109. Waste Management

While site work is being carried out:

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

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

REASON

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

110. Waste Disposal Verification Statement

On completion of demolition work:

- a) A signed statement must be submitted to Council verifying that demolition work, and any recycling of materials, was undertaken in accordance with the waste management plan approved under this consent,

And

- b) If the demolition work involved the removal of asbestos, an asbestos clearance certificate issued by a suitably qualified person, must be submitted to Council within 14 days of completion of the demolition work.

REASON

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

111. Soil Management

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

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

REASON

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

112. Waste Classification

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

REASON

To ensure the appropriate removal of waste from the site in accordance with relevant legislative requirements.

113. Importation of Fill (General)

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

- NSW Environment Protection Authority (EPA) approved guidelines; and
- Protection of the Environment Operations Act 1997; and

- Protection of the Environment Operations (Waste) Regulation 2014.

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

REASON

To appropriately manage any fill on site.

PRIOR TO ISSUE OF AN OCCUPATION CERTIFICATE

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

114. Occupation Certificate

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

REASON

To ensure that an Occupation Certificate is obtained.

115. Planning Agreement

The works and material public benefit as specified in the executed Planning Agreement previously detailed in this consent, shall be completed and implemented to the satisfaction of Council prior to the issue of any Occupation Certificate.

REASON

To ensure the delivery of nominated public benefits specified in the Planning Agreement.

116. Design Verification Statement – before Occupation Certificate

Prior to the issue of an Occupation Certificate for occupation or use of residential flat development, a design verification statement from a qualified designer certifying that the development achieves the design quality of the development as shown in the plans and specifications in respect of which the construction certificate was issued, having regard to *State Environmental Planning Policy (Housing) 2021 and the Apartment Design Guide*.

REASON

To ensure the design quality is delivered in accordance with approved plans and the provisions of SEPP (Housing) 2021.

117. Consolidation of Lots

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

REASON

To encourage the orderly and economic use of the land.

118. Acoustic Certification

Before the issue of an Occupation Certificate, a suitably qualified person must provide details demonstrating compliance to the Principal Certifier that the acoustic measures have been installed in accordance with the Acoustic Report approved under this consent.

REASON

To ensure the effectiveness of acoustic mitigation measures.

119. Section 73 Certificate - Sydney Water

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

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

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

REASON

To comply with Sydney Water requirements.

120. Landscape

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

- a. All landscape works are to be carried out in accordance with the approved landscape plans prior Construction Certificate by Bayside Council for the approved development.
- b. A Landscape Architect shall provide a report to the principal certifier (with a copy provided to Council, if Council is not the principal certifier) certifying that the landscape works have been carried out in accordance with the approved plans and documentation. The certificate shall, amongst other matters included in approved plans, confirm compliance with the following requirements:
 - i. Trees planted above structures at time of inspection shall have a height of 2.2 to 2.5 meters, calliper at 300mm greater than 40mm, installed with stakes and ties within a mulch bed or equivalent.
 - ii. Trees in ground level or along interfaces with public spaces shall be planted at minimum 200 litres, trees at time of inspection shall have a minimum height of 3.5 meters, calliper at 300mm greater than 60mm, installed with stakes and ties within a mulch bed or equivalent.
 - iii. A fully automated irrigation system has been installed to all podium landscaping, in ground levels and in roof terraces.
 - iv. Podium landscaping and paved areas are drained into the stormwater drainage system.

- c. Prior to the issue of an Occupation Certificate, a maintenance plan is to be submitted and approved by the Principal Certifying Authority. A copy of the maintenance plan is to be kept on site at all times during construction and shall be produced to Council on request following completion. The Maintenance Manual shall include as a minimum:
 - i. A 12 months Landscape Maintenance Schedule to provide a guide to the landowner or manager on how to best maintain the constructed landscaped areas; and include the following information: shrub pruning/trimming (frequency, plant requirements); Fertilising and pest control (soil testing, types, rate, frequency); Mulching, weeding and soil improvement (frequency, materials); Irrigation (checks, adjustments); maintenance of plants (fertilising, mulching, tree stakes adjustments, special plants requirements, alternative plants replacements if required); Maintenance of hard landscape elements (planters, waterproofing, irrigation, paving, edges, pergolas, seats, and any specialised maintenance requirements);
 - ii. Frequency and methodology of different maintenance requirements including the removal of green waste; irrigation system tests, waterproofing inspections.
 - iii. Details of safety procedures;
 - iv. Laminated copies of 'As Built' Landscape drawings, and a site plan with nominating all communal open spaces to be maintained by Strata.
 - v. Manufacturer's contact details and copies of manufacturers' typical details and specification;
 - vi. Copies of warranties and guarantees relating to all materials and plant used in construction;

REASON

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

121. Public Domain Landscape

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

- a. Works to be completed in public space owned by Council and TfNSW, will be of no cost to Council or the TfNSW, including the following: Landscaping and embellishment not only of verges adjacent to the development site but others close to the site, including footpaths, paving, street trees, tree pits/grates and other planting, and street furniture, etc. All upgrades are to be as specified by Council, generally aligned with Rockdale Town Centre Public Domain Plan. Public domain proposal is to increase the urban canopy and greenery.
- b. Comply with the pedestrian lighting requirements detailed in the Australian Standard AS/NZS 1158 3.1:1999 Pedestrian Area (Category P) Lighting.
- c. All street trees have to be supplied in a pot size not less than 200 Litre. Height shall be minimum 3.5meters, calliper at 300mm greater than 60mm, with a clear trunk height of 1.5 meters. Trees supplied shall be healthy and vigorous, free of

pest and disease, free from injuries. Trees provided shall conform to NATSPEC guide.

- d. 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.
- e. Each new street tree required along Railway Street are to be installed with strata vault or equivalent.
- f. 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.
- g. Root barriers shall be specified to be installed in all street trees along both kerb and footpaths, or relevant services to be protected. Root barriers shall be installed as far as possible of trees. Ensure 50mm of root barrier is left above finished ground height. Root barrier shall be preferably 2 meters long to each side of the tree.
- h. Mulching - Tree pit mulched shall conform to AS 4454 and free of deleterious extraneous matter such as soil, weeds, wood slivers, stones. Mulch shall be in all tree pits to a depth of 100mm, when plants are installed, clear of all plant stems, and rake to an even surface flush with the surrounding finished levels.
- i. A Dial-Before-You-Dig enquiry is required prior to stump grinding the trunk and shall occur without damage to Council infrastructure or underground services/utilities.

REASON

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

122. Anti-Graffiti Coating

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

REASON

To protect the amenity of the surrounding area.

123. Provision of Intercom System

Prior to the issue of the Occupation Certificate, the entry to the car park and each pedestrian entry at the ground floor level of the building shall be provided with an intercom system. The intercom system shall be connected to each unit / tenancy and enable those units / tenancies to provide access to the car park for visitors.

REASON

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

124. Positive Covenant - Aircraft Noise

Prior to the issue of the Occupation Certificate, a positive covenant shall be registered on the Title of the site which:

- a) Acknowledges that:
 - i. The land is within a 25-30 ANEF contour, and
 - ii. The noise attenuation work does not extend to or include outdoor areas such as balconies, terraces and the like, and
 - iii. Requires the Owner to maintain the noise attenuation work in accordance with this Consent, and
 - iv. The terms of such positive covenant shall provide that it can only be varied by Bayside Council.

REASON

To protect the amenity of future occupants.

125. Preservation of Survey Marks

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

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

REASON

To protect the State's survey infrastructure.

126. Sustainability Commitments

A Compliance Certificate must be provided to the Principal Certifier confirming that the development has been constructed in accordance with the sustainability requirements nominated in this consent, prior to the issue of any Occupation Certificate.

REASON

To ensure sustainability commitments are fulfilled.

127. Loading Dock Plan of Management

Prior to the issue of the Occupation Certificate, the Applicant shall prepare a detailed loading and servicing management plan for the development which includes, but shall not be limited to, operation hours, use of off-peak deliveries, waste collection, methods to avoid congestion of service vehicles, booking system, how the vicinity will be shared and general mitigation measures to prevent amenity impacts to neighbouring properties.

The plan shall be prepared by a suitably qualified professional and submitted to the Principal Certifier. The management plan is to be implemented for the lifetime of the use of the development.

REASON

To minimise conflict in the use of loading areas on site.

128. Annual Fire Safety Certificate

During occupation and ongoing use of the building, the applicant must provide an annual fire safety statement to Council and the Commissioner of Fire and Rescue NSW in accordance with section 89 of the *EP&A (Development Certification and Fire Safety) Regulation 2021*.

REASON

To ensure annual checks on fire safety measures.

129. Repair of Infrastructure

Before the issue of an Occupation Certificate:

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

REASON

To ensure any damage to public infrastructure is rectified.

130. Release of Securities

When Council receives an Occupation Certificate, an application may be lodged to release the securities held.

REASON

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

131. Certification of New Stormwater System

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

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

REASON

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

132. Certification of Roof Drainage System

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

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

REASON

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

133. Completion of Public Utility Services

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

REASON

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

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

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

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

REASON

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

135. Positive Covenant Application

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

- a) Stormwater Detention System

- b) Stormwater Pump System
- c) Stormwater Quality Improvement Devices

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

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

REASON

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

136. Certification of Tanking and Waterproofing

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

REASON

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

137. Geotechnical Certification

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

REASON

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

138. Rainwater Tank - Plumbing Certification

Prior to the issue of any Occupation Certificate, a registered plumber shall certify that the rainwater tank has been connected to all ground floor toilet flushing and the entire ground floor and level 1 landscape irrigation system for non-potable stormwater re-use.

REASON

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

139. Parking Facility Certification

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

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

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

The certification must be submitted to the Principal Certifier.

REASON

To ensure compliance with the relevant standards.

140. Erection of Signage

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

- a) On-Site Detention System (OSD) and confined space:

The OSD shall be marked by the permanent fixing of a marker plate of minimum size 200mm by 150mm to the nearest permanent surface. The plate shall be non-corrosive metal, or 4mm thick laminated plastic.

- b) Maximum Vehicle Height:

Maximum vehicle height flexible striker bars are to be installed at the vehicular entrance to the site to let motorists know of the maximum height of vehicle permitted to enter the site.

- c) Vehicles Enter & Exit in Forward Direction:

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

REASON

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

141. Video CCTV for Council Stormwater Pipe after Construction

Prior to the issue of the Final Occupation Certificate, a qualified practitioner shall undertake a closed-circuit television (CCTV) inspection and then report on the post construction condition of Bayside Council stormwater drainage infrastructure on Parker Street and Railway Street, adjacent to the site. The camera and its operation shall comply with the following:

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

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

REASON

To ensure the integrity of Council's infrastructure has not been compromised.

142. Waste Collection

All waste and recycling must be collected within the site at all times, bins are not permitted to be presented to the street for collection.

Bayside Councils waste team must be contacted prior to the issue of the Occupation Certificate to confirm Council's ability to collect residential waste from the completed development. Council will be required to be indemnified. Council will require indemnity against claims for loss or damage to the pavement, other driving surfaces, structures, and buildings. Council will also require indemnity against liabilities, losses, damages, and any other demands arising from any on-site collection service. A hazard risk assessment must be conducted before Council, or its contractor will agree to undertake any service.

If Bayside Council confirms in writing that it cannot collect residential waste from the development, then a contract for residential waste and recycling collection must be entered into with a private contractor prior to issue of the Occupation Certificate to collect waste within the development. The maximum size of the private waste collection vehicle shall be equal to or smaller than an MRV vehicle (as denoted by AS2890.2). The company engaged must ensure that all recycling is collected separately from waste.

REASON

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

143. Compliance of Works as Executed for Mixed Use

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

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

REASON

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

144. Undergrounding of Overhead Services and Installation of Lighting

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

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

REASON

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

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

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

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

- d) Removal of the existing concrete vehicular entrance/s, kerb laybacks and other damaged/redundant public domain improvements which will no longer be required.
- e) Reconstruction of selected areas of the existing footpath, vehicular entrances, road, kerb, and gutter as required.
- f) Construct new kerb inlet pits (including butterfly grates) and associated minimum 375mm diameter stormwater pipe, connecting to existing stormwater infrastructure, to Bayside Council infrastructure specifications. All required drainage/overland flow paths must be constructed to ensure the trapped low point in Hesten Lane is provided with adequate overflow mechanisms.
- g) Construction of the entire Hesten Lane widening and extension in accordance with the civil design approved by Bayside Council and the *Works* specified in the executed Planning Agreement previously detailed in this consent.

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

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

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

REASON

To ensure that required public domain outcomes are achieved.

146. Mechanical/Electronic Parking Systems – Operations and Installation Certification

Prior to the issue of an Occupation Certificate, the Principal Certifier must ensure that an Operation and Management Plan has been prepared and implemented for the mechanical/electronic parking systems (mechanical turntable)

The Plan must set out the following, at a minimum:

- a) The proposed maintenance regime, specifying that the system is to be regularly inspected and checked by qualified practitioners, and
- b) The proposed method of management of the facility, including procedures, directions to users, safety protection systems, emergency response plan in the event of mechanical failure, etc., and
- c) Any person required to operate the parking system must be trained to do so, and

- d) Provide signage that shall be erected prominently alongside the mechanical parking facility stipulating the maximum height/width/length of vehicle that can enter the facility, and

The Plan must be prepared by a suitably qualified professional and provided to the Principal Certifier prior to the issue of an Occupation Certificate.

Furthermore, a qualified Engineer or a qualified professional is to certify the installation of the Mechanical/Electronic Parking Systems within the completed development. This certification is to include testing and inspections of the system in operation.

REASON

To ensure that mechanical parking facilities are operated and maintained in good working order at all times.

147. Dedication of Land to Bayside Council for Road Widening

Prior to the issue of any Occupation Certificate, the entire section of road and footpath along the Hesten Lane extension and the public car parking shall be dedicated at no cost to Bayside Council with dimensions as shown in the draft plan of subdivision prepared by SDG Pty LTD, plan number PPN DP1308317 and dated 24/07/2024.

This land shall be dedicated, at no cost to Council, as road widening on a plan of subdivision prepared by a Registered Surveyor and submitted to Bayside Council with an application for a Subdivision Certificate.

Bayside Council requires proof of lodgement and registration of the signed Subdivision Certificate with NSW Land Registry Services prior to issue of any Occupation Certificate. A written acknowledgment shall be obtained from Bayside Council (attesting to this condition being appropriately satisfied) and submitted to the Principal Certifier.

REASON

To ensure that road widening land is dedicated to Council.

148. Provision of Easements

Prior to the issue of the Occupation Certificate, a 1.2m wide right of footway easement, 1.2m wide easement to drain water and 1.2m wide easement for services, in favour of Bayside Council, over the extent of the footpath along the entire boundary with Hesten Lane (both the widened portion and extended portion) is to be provided. The easements are to be covered by a Section 88B Instrument, which may only be varied or extinguished with the consent of Bayside Council. If lighting columns are located on the development site these are to be covered by an easement as well. A works as executed (WAE) plan prepared by a registered surveyor is to be provided, surveying the completed works within the area(s) subject to this easement. Council requires proof of lodgement and registration of the signed Subdivision Certificate and 88B Instrument with the NSW Land Registry Services. A written acknowledgement shall be obtained from Bayside Council (attesting to this condition being appropriately satisfied) and submitted to the Principal Certifier.

REASON

To ensure pedestrian and services are legally provided for.

149. Post-Construction Dilapidation Report

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

- a) after comparing the pre-construction dilapidation report to the post-construction dilapidation report required under this condition, there has been any structural damage to any adjoining buildings, inclusive of the Guild Theatre which is a locally listed heritage item as per Bayside LEP 2021; and
- b) where there has been structural damage to any adjoining buildings, that it is a result of the building work approved under this development consent, and
- c) a copy of the post-construction dilapidation report must be provided to Council (where Council is not the Principal Certifier or a Principal Certifier is not required) and to the relevant adjoining property owner(s).

REASON

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

150. Dilapidation Report – Public Domain – Post-Construction

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

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

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

REASON

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

151. Car Share

The four (4) car share car parking spaces must be operated by a recognized commercial car share operator within the site. A contract for the operation of the car share space by the commercial car share provider must be entered into prior to

issue of any Occupation Certificate. The car share space must be made available to car share operators without a fee or charge. The car share space must be appropriately line marked and signposted to indicate its usage to be exclusively as a car share space to the satisfaction of the car share operator. The car share space must be publicly accessible at all times and the intercom system must be designed to facilitate public access to the car share parking space.

The use and operation of the car share space must be accommodated in the titling and management of the residential development, including covenants, building/strata management statement, by laws and other instruments prior to the issue of any Occupation Certificate. The titling and management of the development must provide for:

- (a) Free use of the car share space by the car share operator.
- (b) The maximum size of the car share vehicle shall be equal to, or smaller than, a B99 vehicle (as denoted by AS/NZS2890.1:2004).
- (c) Public access to the car share parking space shall always be available (all 7 days of the week and all 24 hours of each day) and shall be well-lit.
- (d) Insurances, including public liability.
- (e) The car share space must be retained as common property in the strata subdivision of the development.

The car share space is to be fully operational, and the commercial car share operator is to confirm its operation to the Principal Certifier and Bayside Council prior to the issue of any Occupation Certificate.

REASON

To ensure the provision of, and legal access to, the designated off-street car parking space for car share use.

152. Removal of Waste Upon Completion

Before the issue of an Occupation Certificate:

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

REASON

To ensure waste material is appropriately disposed or satisfactorily stored.

153. Completion of Landscape Works

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

REASON

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

OPERATIONAL CONDITIONS

154. Amenity of Waste Storage Areas

During occupation and use all waste storage rooms/areas will be fully screened from public view and located clear of all landscaped areas, driveways, turning areas, truck standing areas and car parking spaces. No materials, waste matter or products will be stored outside the building or any approved waste storage area at any time.

REASON

To meet the requirements of Council's Waste Management Technical Specification and to maintain the amenity of the area.

155. Waste Storage Room on Premises

During occupation and use a waste storage room will be provided on the premises and will be constructed to comply with all the relevant provisions of Waste Management Technical Specification 2022.

- a) The size being large enough to accommodate all waste generated on the premises, with allowances for the separation of waste types;
- b) The floor being graded and drained to an approved drainage outlet connected to the sewer and having a smooth, even surface, coved at all intersections with walls;
- c) Hot and cold water being provided in the room or adjacent to the storage room
- d) The room shall be adequately ventilated (either natural or mechanical) in accordance with the Building Code of Australia.

REASON

To ensure provision of adequate waste storage arrangements and the ability to clean and maintain the bins and the storage area.

156. Bulky Waste Storage

During occupation and use the storage area must be readily accessible to all residents and located close to main waste storage area. It must also be secure and caged to allow the contents to be visible from the outside when located in a basement and have a minimum 2m doorway width to allow for easy movement of large items.

The size of the storage area should be 12 meters squared for up to 40 dwellings, with an additional 3 meters squared for every 10 dwellings thereafter.

REASON

To allow residents to neatly store bulky waste items for collection and prevent incidents of illegal dumping.

157. Operation of Vehicular Premises

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

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

REASON

To manage site operations so that adverse impacts are minimised.

158. Landscape Maintenance

- a) The landscaped areas on the property / site shall be maintained in accordance with the approved Maintenance Schedule provided as part of the landscape documentation. Where vegetation approved as part of this consent dies, it must be replaced with new landscaping that achieves a similar height and form to that approved under the landscape plan, and
- b) All trees and understorey planting of the site as indicated in Approved final CC landscape plans is to be maintained at all times to ensure amenity and privacy is delivered.
- c) Maintenance tasks of trees in ground level will include pruning to ensure CPTED principles are always met. All tree maintenance works must be done by a qualified arborist with a minimum level 3 in arboriculture (AQF). Trees in ground level, in communal internal courtyard and along Railway Street are not to be pruned in height, unless required for safety reasons or for better development of the tree.
- d) A landscape contractor shall be engaged weekly for a minimum period of 52 weeks from completion of the landscape installation to maintain the landscaping. After that time monthly maintenance is required, and

- e) An automatic drip irrigation system shall be installed and maintained in working order for all landscaped areas.

REASON

To ensure ongoing maintenance of approved landscaping.

159. DPE - Storage and Disposal of Waste Materials during Ongoing Use

During ongoing use of the premises:

- (a) An adequate number and size of bins must be put on the premises for the storage of any waste that is generated (including for recycling).
- (b) All garbage and recyclable materials generated from the premises must be stored wholly within any approved storage area and must not be stored outside the premises (including any public place) at any time.
- (c) Arrangements must be implemented for the separation of recyclable materials from garbage.
- (d) Any approved waste storage area must be appropriately maintained to prevent litter and the entry of pests.
- (e) Where Council does not provide commercial garbage and recyclable materials collection services:
 - (i) A contract must be entered into with a licensed contractor to provide these services for the premises; and
 - (ii) A copy of the contract must be kept on premises and provided to relevant authorities including Council officers on request.
- (f) All liquid trade waste discharged to sewerage system must comply with the trade waste approval issued by the relevant water authority.
- (g) All liquid trade waste pre-treatment devices must be regularly maintained to remain effective in accordance with the conditions of the liquid trade waste approval issued by the relevant water authority.

REASON

To ensure proper handling of waste, garbage and recyclable materials generated during operation of the premises

160. Waste Collection

The Operator must comply with the following at all times during operations:

- a) Compliance with the approved Waste Management Plan as referred to under "Approved Plans and Supporting Documents" condition, at all times during use and operation of the premises, and
- b) On the day of service, a waste collection vehicle will enter the site from Heston Lane and park in the loading bay on site. Once bins are serviced, the collection vehicle will exit the site onto Heston Lane in a forward direction.

- c) Waste and recyclable material must not be collected between the hours of 9.00pm and 8.00am.
- d) The operator shall ensure that a commercial contract for the collection of trade / commercial waste and recyclables arising from the premises is in place at all times during operations. A copy of all contracts and receipts shall be kept on the premises and made available to Council Officers on request.

REASON

To minimise adverse impacts to the locality.

161. Ongoing Use Mechanical Parking Facility

The Operation and Management Plan for the mechanical/electronic parking systems (turntable), approved with the Occupation Certificate, must be implemented and kept in a suitable location on site at all times. The systems shall be regularly cleaned, maintained and repaired to ensure the efficient operation of the systems at all times.

REASON

To manage and maintain the mechanical parking facility so that approved on-site parking remains available at all times.

162. No Encroachment onto Drainage Easements/Overland Flow Path

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

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

REASON

To ensure that overland flow paths and easements remain unrestricted.

163. Awnings over Footpaths

The awnings over the footpaths adjacent to the development site shall be maintained in a structurally sound and safe condition at all times by the Owner / Owner's Corporation of the building. The awning must be inspected and regular maintenance be carried out to ensure the awning's structural integrity, aesthetic and functional qualities are maintained.

REASON

To minimise risk to life and property.

164. Illumination

All cables, wiring and conduits of externalised lighting shall be concealed. No consent is given nor implied for any form of floodlighting. Lighting must not give rise to obtrusive light or have adverse impacts on the amenity of surrounding properties. External lighting must not flash or intermittently illuminate unless required for safe

ingress/egress of vehicles crossing a pedestrian footway or approved vehicle entrance.

REASON

To ensure external lighting is provided for safety reasons and to protect the amenity of the local area.

165. Maintenance of Stormwater Drainage System

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

REASON

To protect waterways and minimise adverse impacts to the environment.

166. Maintenance of Wastewater and Stormwater Treatment Device

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

REASON

To protect sewerage and stormwater systems.

167. Waste Management – Comply with Approved WMP

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

REASON

To minimise adverse impacts to the locality.

DEVELOPMENT CONSENT ADVICE

Lapsing of Consent

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

Out of Hours Construction Work

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

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

Consult with Utility Provider

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

Dial Before You Dig

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

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

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

Dividing Fences Act 199

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

Asbestos

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

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

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

Hazardous Waste

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

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

Annual Fire Safety Statement

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

The Annual Fire Safety Statement must be given:

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

Street

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

Lead-Based Paint

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

Noise Minimisation during Demolition and Construction

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

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

- a) choosing quiet equipment, and
- b) choosing alternatives to noisy activities, and
- c) relocating noise sources away from affected neighbours, and
- d) educating staff and contractors about quiet work practices, and
- e) informing neighbours of potentially noise activities in advance, and

- f) equipment such as de-watering pumps, that are needed to operate on any evening or night between the hours of 8.00 pm and 7.00 am, or on any Sunday or Public Holiday, shall not cause a noise nuisance to neighbours of adjoining or nearby residences.

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

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