

## **DEFERRED COMMENCEMENT**

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

The following conditions shall be satisfied prior to the operation of the consent:

**A. Right of Carriageway Easement Conflict**

The existing right of carriageway easements on 13A Church Avenue conflicts with the proposed footprint of the building and must be modified to remove this conflict. All vehicular access to 19-21 Church Avenue MASCOT NSW 2020 (SP 82064) and 13A Church Avenue (development site) shall occur via 8 John Street MASCOT NSW 2020 (Lot 100 DP 1278578). As part of this modification/extinguishment to existing easements, it shall be demonstrated that the appropriate legal instruments are in place (registered with the NSWLRS) to ensure legal rights for vehicular access are provided to all properties mentioned above. A right of carriageway shall be in place for the first 13m into the property aligned with the 6.07m wide driveway crossing.

**B. Loading Dock Easement**

An easement shall be registered over the loading dock of 8 John Street to permit loading/unloading and waste collection activities for 13A Church Avenue. Including demonstrating legal access to the loading dock over the entire travel path of the 8.8m long MRV vehicle entering and exiting the site in a forward direction to Church Avenue.

**C. Services relocation to remove the conflict with the driveway**

Full details of the relocation of the existing services located on 8 John Street (shown on the ground floor architectural plan as “existing services to be relocated”) to the western boundary of the development site shall be submitted (including the Ausgrid pillars). The services shall be integrated into the façade and screened from view. This shall be reflected in the architectural drawings (plans and elevations). Owners consent from the owners of 8 John Street shall be obtained for the works to be undertaken on this land. An easement covering the services needs to be registered burdening 13A Church Avenue and benefiting 8 John Street over the new location of the services.

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

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

## **GENERAL CONDITIONS**

### **1. Approved Plans and Supporting Documentation**

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

|                       |
|-----------------------|
| <b>Approved Plans</b> |
|-----------------------|

| Plan Number            | Revision | Plan Title  | Prepared By        | Date       |
|------------------------|----------|---|--------------------|------------|
| A01.004                | D        | Site Laneway Access to 8 John Street                    | Batessmart         | 04.10.2024 |
| A03.00                 | G        | General Arrangement Plan - Ground                       | Batessmart         | 04.10.2024 |
| A03.00                 | G        | General Arrangement Plan - Level 01                     | Batessmart         | 04.10.2024 |
| A03.02                 | C        | General Arrangement Plan Typical Lower Levels -L02-05   | Batessmart         | 04.10.2024 |
| A03.06                 | D        | Level 06  | Batessmart         | 04.10.2024 |
| A03.007                | C        | General Arrangement Plan Typical Upper Levels - L07-L11 | Batessmart         | 04.10.2024 |
| A03.012                | C        | General Arrangement Plan Level 12                       | Batessmart         | 04.10.2024 |
| A03.013                | C        | General Arrangement Plan Roof Level                     | Batessmart         | 04.10.2024 |
|                        |          | North Elevation (Church Ave)                            | Batessmart         | 04.10.2024 |
| A09.002                | C        | East Elevation  | Batessmart         | 04.10.2024 |
| A09.003                | C        | South Elevation   | Batessmart         | 04.10.2024 |
| A09.004                | C        | West Elevation  | Batessmart         | 04.10.2024 |
| 10.001                 | C        | Section AA  | Batessmart         | 04.10.2024 |
| A10.002                | C        | Section BB  | Batessmart         | 04.10.2024 |
| A13.101                | B        | Typical Room Modules                                    | Batessmart         | 04.10.2024 |
| <b>Landscape Plans</b> |          |   |                    |            |
| 3.1                    | B        | Site Plan   | RPS East Australia | 04/06/2024 |
| 3.2                    | B        | Master Plan   | RPS East Australia | 04/06/2024 |
| 3.2                    | B        | Site Program  | RPS East Australia | 04/06/2024 |
| 3.4                    | B        | Ground Level  | RPS East Australia | 04/06/2024 |
| 3.5                    | B        | Ground Level Movement                                   | RPS East Australia | 04/06/2024 |
| 3.6                    | B        | Ground Level Section                                    | RPS East Australia | 04/06/2024 |

|                   |    |  |                                   |           |            |
|-------------------|----|--|-----------------------------------|-----------|------------|
| 3.7               | B  | Level 1                                      | RPS East                          | Australia | 04/06/2024 |
| 3.8               | B  | Level 1 Section                              | RPS East                          | Australia | 04/06/2024 |
| 3.9               | B  | Level 6                                      | RPS East                          | Australia | 04/06/2024 |
| 3.10              | B  | Level 6 Section                              | RPS East                          | Australia | 04/06/2024 |
| 4.1               | B  | Deep Soil Diagram                            | RPS East                          | Australia | 04/06/2024 |
| 4.2               | B  | Vegetation Management Plan                   | RPS East                          | Australia | 04/06/2024 |
| 4.3               | B  | Water Management and Irrigation Concept Plan | RPS East                          | Australia | 04/06/2024 |
| 4.4               | B  | Lighting Plan                                | RPS East                          | Australia | 04/06/2024 |
| 4.5 (page one)    | B  | Planning Palette                             | RPS East                          | Australia | 04/06/2024 |
| 4.5 (pages two)   | B  | Planning Palette                             | RPS East                          | Australia | 04/06/2024 |
| 4.6               | B  | Ground Level Planning Plan                   | RPS East                          | Australia | 04/06/2024 |
| 4.7               | B  | Level 1 Planning Plan                        | RPS East                          | Australia | 04/06/2024 |
| 4.8               | B  | Level 6 Planning Plan                        | RPS East                          | Australia | 04/06/2024 |
| 4.9               | B  | Planting Schedule                            | RPS East                          | Australia | 04/06/2024 |
| 4.10              | B  | Material Palette                             | RPS East                          | Australia | 04/06/2024 |
| 5.1               | B  | Typical Details                              | RPS East                          | Australia | 04/06/2024 |
| 5.2 (page one)    | B  | Specification Notes                          | RPS East                          | Australia | 04/06/2024 |
| 5.2 (page two)    | B  | Specification Notes                          | RPS East                          | Australia | 04/06/2024 |
| 5.3               |    | Maintenance Guidelines                       | RPS East                          | Australia | 04/06/2024 |
| <b>Civil Plan</b> |    |  |                                   |           |            |
| 00001             | P2 | General Cover sheet                          | Taylor Thomson Whitting Pty. Ltd. | (TTW)     | 04/06/2024 |

|       |    |  |   |            |
|-------|----|--|---|------------|
| 00002 | P2 | General Notes                                  | Taylor Thomson Whitting (TTW) Pty. Ltd. | 04/06/2024 |
| 00011 | P2 | General Arrangement                            | Taylor Thomson Whitting (TTW) Pty. Ltd. | 04/06/2024 |
| 04041 | P2 | Stormwater Details                             | Taylor Thomson Whitting (TTW) Pty. Ltd. | 04/06/2024 |
| 09201 | P2 | Environmental Erosion Notes and Legend Sheet 1 | Taylor Thomson Whitting (TTW) Pty. Ltd. | 04/06/2024 |
| 09202 | P2 | Environment Erosion Control Plan               | Taylor Thomson Whitting (TTW) Pty. Ltd. | 04/06/2024 |

| Approved Documents  |             |   |                  |
|---|-------------|---|------------------|
| Document Title  | Version No. | Prepared By                             | Date of Document |
| Iglu Co-Living Operation Plan of Management<br>Iglu Mascot II 13A Church Avenue, Mascot                                 |             | Iglu Pty Ltd                            | 08 December 2023 |
| Stormwater Management Report<br>Report No. 231865   |             | Taylor Thomson Whitting (TTW) Pty. Ltd. | 4 June 2024      |
| Access Report 02 (Rev A)<br>Development Application<br>IGLU 13A Church Avenue, Mascot<br>Project Number.17000           | A           | Architecture & Access (Aust) Pty Ltd    | 19 December 2023 |
| Iglu Pty Ltd Acid Sulfate Soil Management Plan<br>13A Church Avenue, Mascot, NSW<br>Project Number. 66056/156,350       | A           | JBS&G Australia Pty Ltd                 | 15 December 2023 |
| Iglu Mascot II<br>13A Church Avenue, Mascot<br>Noise Impact Assessment<br>Document reference<br>202311147.1/2111A/R0/RG |             | Acoustic Logic                          | 21 November 2023 |
| Iglu Mascot II<br>BCA Assessment Report for DA Submission<br>Report 2023/2469 R1.1                                      | R1.1        | Steve Watson and Partners Pty Ltd       | 3 June 2024      |
| 13a Church Ave, Mascot, NSW   |             | JBS&G Australia Pty Ltd                 | 18 December 2023 |

|  |     |   |                  |
|--|-----|---|------------------|
| Iglu Pty Ltd<br>Detailed Site Investigation  |     |   |                  |
| ESD Report<br>Iglu Mascot II   | 0   | Atelier Ten                                   | 12.12.2023       |
| Flood Emergency<br>Management Plan<br>Iglu II – Mascot<br>Report No. 231865            |     | Taylor Thomson<br>Whitting (TTW)<br>Pty. Ltd. | 21 December 2023 |
| Geotechnical Assessment  | 2   | JK Geotechnics                                | 7 December 2023  |
| Pedestrian Wind Study<br>RWDI # 2401467  | A   | RWDI Australia<br>Pty Ltd                     | 12 December 2023 |
| Social Impact Assessment<br>Iglu Pty Limited   |     | The Planning<br>Studio                        | 4 June 2024      |
| Stormwater Management<br>Letter  |     | Taylor Thomson<br>Whitting (TTW)<br>Pty. Ltd. | 4 June 2024      |
| Iglu Co-living Housing<br>13A Church Avenue, Mascot<br>Transport Impact<br>Assessment  | V02 | he Transport<br>Planning<br>Partnership       | 19 December 2023 |
| Iglu Co-Living<br>Waste Management Plan<br>Iglu Mascot II<br>13A Church Avenue, Mascot |     | Iglu Pty Ltd                                  | 13 December 2023 |

In the event of any inconsistency between the approved plans and documents, the approved plans prevail.

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

**REASON**

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

**2. Occupants of the Development**

This consent is for student accommodation development and does not authorise the permanent residential occupation of the building and prohibits any permanent strata-titling of the building as a residential flat building.

The proposed student boarding rooms shall accommodate a maximum 305 rooms and a maximum of 305 single beds and a maximum of 305 students (including guest) at any one time for the premises.

**REASON**

*To ensure use is constructed and operated in accordance with the approved plans and documentation and to avoid adverse impacts.*

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

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

**REASON**

*EP&A Regulation Clause 69(1).*

**4. Construction Certificate Required**

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

Building work is defined under the *EPA Act Part 6*.

**REASON**

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

**5. 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 any Construction Certificate and any 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. Enclosure of Structures**

Outdoor common area(s) 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.*

**7. 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.*

**8. Approved Materials and Finishes**

The finishes, materials and colour approved under conditions of this consent, must not be altered or amended at the construction certificate stage without first obtaining approval from Council under Section 4.55 of the *EP&A Act*.

**REASON**

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

**9. Carrying out of works wholly within the Site**

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

**REASON**

*To avoid encroachment of the development beyond the site boundaries.*

**10. No Intensification of Activities**

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

**REASON**

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

**11. Food Act 2003 and Food Regulations 2015.**

The proposed development shall be operated in compliance with the requirements of the Food Act 2003 and Food Regulations 2015.

**REASON**

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

**12. Preparation of Food**

No handling or preparation of food shall take place on the premises. No intensification of activities of the food premises shall occur without the prior consent from Council.

**REASON**

To ensure compliance with relevant standards and legislation.

**13. Tree Protection and Management**

(a) The Applicant has permission to remove:

- Tree 1, 2, 3, 4, 6, 7 & 11. *Celtis occidentalis* (Common Hackberry).
- Tree 5. *Olea Africana* var *Cuspidata* (African Olive).

These trees must not be removed until a Construction Certificate has been issued, unless otherwise agreed to in writing by Council.

(b) No other trees located within the site, adjoining properties or Council's nature strip shall be removed or pruned without the prior written consent of Council in the form of a Permit issued under Council's Development Control Plan and/or State Environmental Planning Policy (Biodiversity and Conservation) 2021.

- (c) The Applicant does not have permission to remove the following within the public domain
- Tree 8 *Ulmus parvifolia*, (Chinese Elm)
- (d) The Applicant does not have permission to remove the following within the Adjoining Property:
- Tree 9. Group of seven (7) *Syzygium australe* (Lilli Pilli).
  - Tree 10, *Corymbia maculata* (Spotted Gum)
  - Tree 12, 13, 14, 15, 16 & 17. *Elaeocarpus reticulatus* (Blueberry Ash)
- (e) The above-mentioned trees in (c) and (d) are to be protected with a TPZ. Development Impacts: AS4970-2009 section 3 requires a Tree Protection Zone (TPZ) setback of 2.5 metres from centre of trunk (COT).
- (i) In accordance with **AS4970-2009** protective fences consisting of chain wire mesh temporary fence panels with a height 1.8m shall be erected outside the drip line. The fence panels must be securely mounted and braced to prevent movement. The area within the fenced area is to be mulched with leaf mulch to a depth of 100mm and a weekly deep watering program undertaken.
  - (ii) The protective fence shall consist of chain wire mesh mounted on star pickets or similar metal posts, shall be placed prior to the commencement of any work on site and shall remain until the completion of all building and hard landscape construction.
  - (iii) Or alternatively shall be erected to ensure that the public footway is unobstructed. If there is insufficient to erect fencing, then the trees are to be physically protected by wrapping the trunk with hessian or carpet underlay to a height of 2.5 meters or to the tree's first lateral branch, whichever is greater, and affix timber palings around the tree with strapping or wire (not nails).
  - (iv) Trees located within adjoining properties or Council's nature strip shall not be removed or pruned without the written consent of Council in the form of a Permit issued under Council's Development Control Plan.
  - (v) Any pruning of branches or roots of trees growing from within adjoining properties requires the prior written consent of the tree's owners and the prior written consent of Council in the form of a Permit issued under Council's Development Control Plan 2022. The work must be carried out in accordance with **AS4373-2007** by an experienced Arborist with minimum AQF Level 2 qualifications in Arboriculture.
  - (vi) Where drainage or paving works are proposed to be constructed in the area below the dripline of trees, the proposed works and construction methods must not damage the tree. Where either the trees or works were not shown in detail on the approved plans, the Council approval must be obtained by contacting Council's Tree Management Officer.
  - (vii) Underground Services such as pipelines or cables to be located close to trees, must be installed by boring or by such other method that will not damage the tree rather than open trench excavation. The construction method must be approved by Council's Tree Management Officer.
  - (viii) Existing soil levels within the drip line of trees to be retained shall not be altered without reference to Council's Tree Management Officer.
  - (ix) Building materials, site residue, machinery and building equipment shall not be placed or stored under the dripline of trees required to be retained

#### 14. General Landscape Conditions



- (a) New street trees shall be maintained by the Applicant / Owner / Operator for a period of twenty-four (24) 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) Approved planting in deep soil is not to be reduced, Planting areas approved above structures are not to be reduced in size or replace with individual removable 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.
- (d) Planter boxes constructed over a concrete slab shall be built in accordance with the following requirements:
- (i) The base of the planter must be screeded to ensure drainage to a piped internal drainage outlet of minimum diameter 90mm, with no low points elsewhere in the planter. There are to be no external weep holes.
  - (ii) A concrete hob or haunch shall be constructed at the internal join between the sides and base of the planter to contain drainage to within the planter.
  - (iii) Planters are to be fully waterproofed and sealed internally with a proprietary sealing agent and applied by a qualified and experienced tradesman to eliminate water seepage and staining of the external face of the planter. All internal sealed finishes are to be sound and installed to manufacturer's directions prior to backfilling with soil. An inspection of the waterproofing and sealing of edges is required by the Certifier prior to backfilling with soil.
  - (iv) Drainage cell must be supplied to the base and sides of the planter to minimize damage to the waterproof seal during backfilling and facilitate drainage. Apply a proprietary brand filter fabric and backfill with an imported lightweight soil suitable for planter boxes compliant with AS 4419 and AS 3743. Install drip irrigation including to lawns.
  - (v) Planter boxes must be an external finish that is consistent with the character of the colour schemes and finishes of the building (e.g. with a suitable paint, render or tile to match the character of the approved building).
  - (vi) All planter boxes shall be provided with a fully automated drip irrigation system.
  - (vii) All planter boxes shall have the required depth to sustain the proposed planting, as detailed below:
- Trees over 8 metres: Minimum soil depth 1.3 metre.
  - Medium trees (8 metre canopy diameter at maturity): Minimum soil depth one (1) metre.
  - Small trees (4 metre canopy diameter at maturity): Minimum soil depth 800mm.
  - Shrubs: Minimum soil depths 500-600mm.
  - Groundcover: Minimum soil depths 300-450mm.

- (viii) Any subsurface drainage requirements are in addition to the minimum soil depths quoted above

**REASON**

*To ensure compliance with landscape requirements from relevant policies.*

**15. Separate Approval for Signage**

A separate consent must be obtained for any proposed signage (other than exempt and complying development).

Advisory Note: 'signage' is defined as follows:

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

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

**REASON**

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

**REQUIREMENTS OF CONCURRENCE, INTEGRATED AND OTHER AUTHORITIES**

These conditions have been imposed by other NSW Government agencies either through their role as referral bodies, concurrence authorities or by issuing General Terms of Approval under the Integrated provisions of the *Environmental Planning and Assessment Act 1979*:

**16. Ausgrid**

The following conditions are imposed by Ausgrid in their letter received 15 August 2024 and must be complied with:

**A. Ausgrid Underground Cables are in the vicinity of the development.**

Special care should be taken to ensure that driveways and any other construction activities do not interfere with existing underground cables located in the footpath or adjacent roadways.

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

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

- SafeWork Australia – Excavation Code of Practice.
- Ausgrid's Network Standard NS156 which outlines the minimum requirements for working around Ausgrid's underground cables.

The following points should also be taken into consideration.

- Ausgrid cannot guarantee the depth of cables due to possible changes in ground levels from previous activities after the cables were installed.
- Should ground levels change above Ausgrid's underground cables in areas such as footpaths and driveways, Ausgrid must be notified, and written approval provided prior to the works commencing.

## **B. Ausgrid Kiosk Substation in the vicinity of the development**

The substation ventilation openings, including substation duct openings and louvered panels, must be separated from building air intake and exhaust openings, natural ventilation openings and boundaries of adjacent allotments, by separation distances which meet the requirements of all relevant authorities, building regulations, BCA and Australian Standards including AS 1668.2: The use of ventilation and air-conditioning in buildings - Mechanical ventilation in buildings.

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

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

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

For further details on fire segregation requirements refer to Ausgrid's Network Standard 141.

Existing Ausgrid easements, leases and/or right of ways must be maintained at all times to ensure 24-hour access. No temporary or permanent alterations to this property tenure can occur without written approval from Ausgrid.

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

## **C. New Driveways - Proximity to Existing Poles**

Proposed driveways shall be located to maintain a minimum clearance of 1.5m from the nearest face of the pole to any part of the driveway, including the layback, this is to allow room for future pole replacements. Ausgrid should be further consulted for any deviation to this distance.

## **D. New or modified connection**

To apply to connect or modify a connection for a residential or commercial premises. Ausgrid recommends the proponent to 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>

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:

**REASON**

*To ensure compliance with requirements of WaterNSW.*

**17. Sydney Airport**

**A. CASA: F24/3132-7**

The height of the proposed building is 51.25 m AHD or 43 m Above Ground Level. The proposed building will infringe the inner horizontal surface by 0.25 m.

Any future addition to the height of the building will require a separate assessment. This assessment does not include any cranes required for construction. Cranes that exceed a height of 51 m AHD will require a separate assessment.

**B. Sydney Airport's Comment of The Proposed Activity**

- (a) At the completion of the construction of the building, a certified surveyor is to notify (in writing) the airfield design manager of the finished height of the building.
- (b) Separate approval must be sought under the Airports (Protection of Airspace) Regulations 1996 for any cranes required to construct the buildings. 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 Airports (Protection of Airspace) Regulations, therefore Sydney Airport advises that approval to operate construction equipment (ie cranes) should be obtained prior to any commitment to construct.

**REASON**

*To ensure compliance with requirements of Ausgrid.*

**18. Sydney Water**

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

**A. Section 73 Compliance Certificate**

Prior to the issue of an Occupation/Subdivision 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 extension, adjustment or connection to our mains. Make 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.

**B. Building Plan Approval**

Prior to the issue of a Construction Certificate 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 re-approval. Please go to Sydney Water Tap in® to apply.

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

### **C. 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.

Attachment 2 – Requirements for Commercial and Industrial Developments (for information)

### **D. 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 can be made on Sydney Water's web page via Sydney Water's Tap in™.

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.

### **E. 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:

1. Get your hydraulic consultant or plumber to check the available water pressure versus the property's required pressure and flow requirements.

2. 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>

## **F. Water Efficiency Recommendations**

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

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

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

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

## **G. 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 15 meters head at the main tap. This is equivalent to 146.8kpa or 21.29psi to meet reasonable business usage needs.

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

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

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

For further information please visit the Sydney Water website at: <https://www.sydneywater.com.au/your-business/managing-trade-wastewater/commercial-trade-wastewater.html> or contact Business Customer Services on 1300 985 227 or [businesscustomers@sydneywater.com.au](mailto:businesscustomers@sydneywater.com.au).

**REASON**

*To ensure compliance with requirements of Sydney Water.*

**19. NSW Police**

The following advisory conditions are imposed by NSW Police:

- (a) CCTV should be installed at entry / exit points, to building, surrounding building and isolated areas.
- (b) Adequate lighting should be positioned in surrounding areas of building to create visibility at night and to reduce opportunity for hidden areas.
- (c) Clear signage on Buildings (Church Ave) number and building name, should be clearly displayed, with light shining on signs at night to allow clear visibility for Police.
- (d) All shrubs to be no higher than 1 metre, so visibility and clear sight lines can be maintained onto the premise.
- (e) Security may be needed to monitor entry/exit points and or anti-social behaviour.
- (f) Information for International Students should be provided regarding Local Police station / contact numbers. Information also containing personal safety and awareness.

**REASON**

*To ensure compliance with requirements of NSW Police*

**PRIOR TO ISSUE OF A CONSTRUCTION CERTIFICATE**

The following conditions must be completed prior to the issue of any Construction Certificate (or prior to the commencement of any works where indicated):

**20. Voluntary Planning Agreement**

A Voluntary Planning Agreement (VPA) is to be entered into between Council and the applicant (The Trustee for Iglu Property Trust No. 216) consistent with the Letter of Offer endorsed by Council prior to the issue of any Construction Certificate.

**REASON**

*To ensure any voluntary planning agreement is finalised at the appropriate time.*

**21. Design Amendments**

Before the issue of any Construction Certificate, the Certifier must ensure the approved Construction Certificate plans and specifications detail the following required amendments to the approved plans and documents:

- (a) All rainwater pipes and mechanical services are to be concealed within the fabric of the building. No rainwater pipes or mechanical services are to be visible on the external face of the building.
- (b) The setbacks to the rear first floor terrace/ BBQ Zone are to be amended from 2.9m to 4.5m. A 1m planter box is to be located along the eastern elevation.

Therefore, the steps access the ground floor open spaces will be setback at 5.5m from the boundary property.

- (c) The internal laundry shall be designed to ensure:
- a minimum of 1 x 5kg capacity automatic washing machine and one domestic dryer for every 12 residents or part thereof
  - a minimum of 1 large laundry tub with hot and cold running water
  - that adequate drying facilities are provided to ensure that outdoor clothes drying facilities are not visible from the public domain
- (d) External lighting shall be provided along the western elevation towards the easement to enable causal surveillance of the shared space.
- (a) The bicycle storage is to be designed to accommodating 102 bicycle spaces.

Plans demonstrating compliance with this condition must be submitted for approval by the Certifier prior to the issue of any Construction Certificate.

**REASON**

*To require minor amendments to the plans endorsed by the consent following assessment of the development.*

**22. Plan of Management**

The Plan of Management (PoM) is required to be amended as follows:

- (a) Identify that the occupants are students only.
- (b) Document should detail procedures for handling complaints related to the operation of the premises. At a minimum the revised documents should require
- (i) Complaint date and time,
  - (ii) Name, contact, and address details of the complainant,
  - (iii) Nature of the complaint,
  - (iv) Name of staff on duty; and
  - (v) Actions taken by the premises to resolve the complaint.

The revised POM must be submitted for approval to Council's Director City Futures prior to the issue of any Construction Certificate.

**REASON**

*To require minor amendments to the plans endorsed by the consent following assessment of the development.*

**23. Payment of Fees and Security Deposits**

Before the commencement of any works on the site or the issue of any 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     |
| Builders Damage Deposit (Security Deposit) | \$67,357.00 |
| Tree Preservation Bond (Security Deposit)  | \$2,000.00  |

The payments will be used for the cost of:

- making good any damage caused to any Council property (including street trees) as a consequence of carrying out the works to which the consent relates,



- completing any public work such as roadwork, kerbing and guttering, footway construction, stormwater drainage and environmental controls, required in connection with this consent, and
- any inspection carried out by Council in connection with the completion of public work or the making good any damage to Council property.

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

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

**REASON**

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

**24. DPE – Payment of Security Deposits**

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

- make payment of \$67,357.00 Builders Damage Deposit for a security deposit to the consent authority, and
- 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. Long Service Levy**

Before the issue of any Construction Certificate, the long service levy of \$160161.1 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.*

**26. Housing and Productivity Contribution**

The housing and productivity contribution (HPC) set out in the table below, but as adjusted in accordance with point 2, is required to be made

| <b>Housing and Productivity Contribution</b>           | <b>Amount</b>       |
|--|---------------------|
| Housing and Productivity Contribution (base component) | \$256,682.48        |
| Transport Project Component                            | \$0                 |
| <b>Total Housing and Productivity Contribution</b>     | <b>\$256,682.48</b> |

The amount payable at the time of payment is the amount shown in condition 1 as the total housing and productivity contribution adjusted by multiplying it by:

$$\frac{\text{highest consent}}{\text{PPI}} \times \frac{\text{PPI}}{\text{number}}$$

where:

*highest PPI* number is the highest PPI number for a quarter following the June quarter 2023 and up to and including the 2nd last quarter before the quarter in which the payment is made, and *consent PPI* number is the PPI number last used to adjust HPC rates when consent was granted, and *June quarter 2023* and PPI have the meanings given in clause 22 (4) of the *Environmental Planning and Assessment (Housing and Productivity Contribution) Order 2023*.

If the amount adjusted in accordance with this condition is less than the amount at the time consent is granted, the higher amount must be paid instead.

The HPC must be paid before the issue first construction certificate in relation to the development, or before the commencement of any work authorised by this consent (if no construction certificate is required). However, if development is any of the kinds set out in the table below, the total housing and productivity contribution must be paid as set out in the table:

| Development  | Time by which HPC must be paid                         |
|--|--|
| Development consisting only of residential subdivision within the meaning of the HPC Order   | Before the issue of the first subdivision certificate  |
| High-density residential development within the meaning of the HPC Order for which no construction certificate is required   | Before the issue of the first strata certificate       |
| Development that consists only of residential strata subdivision (within the meaning of the HPC Order) or only of residential strata subdivision and a change of use of an existing building | Before the issue of the first strata certificate       |
| Manufactured home estate for which no construction certificate is required   | Before the installation of the first manufactured home |

In the Table, HPC Order means the Environmental Planning and Assessment (Housing and Productivity Contribution) Order 2023.

The HPC must be paid using the NSW Planning Portal (<https://pp.planningportal.nsw.gov.au/>).

If the Minister administering the *Environmental Planning and Assessment Act 1979* agrees, the HPC (apart from any transport project component) may be made, instead of as a monetary contribution, in the following ways:

- the dedication or provision of land for the purpose of regional infrastructure in the region in which the development will be carried out,
- the carrying out of works for the purpose of regional infrastructure in the region in which the HPC development will be carried out.

If the HPC is made partly as a monetary contribution, the amount of the part payable is the amount of the part adjusted in accordance with condition 2 at the time of payment.

5. Despite point 1, a housing and productivity contribution 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 Environmental Planning and Assessment (Housing and Productivity Contribution) Order 2023 exempts the development from the contribution. The amount of the contribution may also be reduced under the order, including if payment is made before 1 July 2025.

**REASON**

*To comply with relevant legislation*

**27. Public Domain Tree Protection Bond**

Prior to the commencement of any work the applicant is to submit payment for a Tree Preservation Bond of \$2,000.00 to ensure the protection of the retained tree in the Public Domain.

The duration of the Bond shall be limited to a period of 12 months after the occupation certificate is issued. At completion of the Bond period (12 months) the Bond shall be refunded pending an inspection of the tree by Council. If a tree is found to be dead, pruned or dying and will not recover, the applicant will forfeit all or part of the Bond to replace or maintain the tree.

**REASON**

*To protect and retain trees.*

**28. Appointment of Site Auditor**

A Site Audit Statement will be required for this site prior to the issue of any Occupation Certificate. To ensure the necessary assessment and remediation is completed, a NSW Environment Authority (EPA) Accredited Site Auditor must be appointed to the site prior to the commencement of any remediation works, excavation or commencement of works at the site.

The Site Auditor must review and endorse any additional investigation and remediation proposed prior to the commencement of any works. Written evidence of this appointment must be provided to council prior to the issue of any construction certificate.

**REASON**

*To protect the environment and ensure remediation of land is in accordance with legislative requirements.*

**29. Contaminated Land – Remedial Action Plan (General)**

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

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

The RAP must incorporate all findings and recommendations in the Preliminary Site Assessment and Detailed Site Assessment for the site, it must clearly state proposed clean-up objectives, and demonstrate how the site will be made suitable for the proposed use.

The RAP must be submitted to Council for review and written concurrence prior to the commencement of any remedial action and prior to the issue of any construction certificate.

**REASON**

*To protect the environment and ensure remediation of land is in accordance with legislative requirements.*

**30. Essential Fire Safety Measures**

Prior to the issue of a Construction Certificate, a list of the essential fire safety measures that are existing and/or proposed in relation to the land and any building on the land as a consequence of the building work must be provided to the Principal Certifier. Such a list must also specify the minimum standard of performance for each essential fire safety measure included in the list.

**REASON**

*To ensure compliance with the EP&A Regulation 2021.*

**31. Detailed Landscape Plan**

Prior the issue of a Construction Certificate, amended landscape plans must be submitted to, and approved by, the Director City Futures (or delegate) of Bayside Council. The amended plans shall be generally in accordance with the approved Landscape Plan listed in Condition 1 and must comprise detailed landscape construction documentation (plans and specifications).

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

- (a) A planting plan at 1:100 showing all plant locations/groupings and plant centres/species.
- (b) All ground levels planting shall follow CPTED principles, in the internal courtyard and in the front setback.
- (c) Raised planter beds (around periphery of the building) shall include a dense small foliage screening shrubs capable to reach 1 meter height and to be planted in advanced form to deliver a good level of privacy and amenity towards neighbours at time of occupation.
- (d) Provide built in planter box sectional details and drainage details with finished levels to assess soil depths provisions.
- (e) Indicate all top of walls of all planting areas above structures, include soil depths and volumes proposed in all planting areas. Provide architectural plans consistent with landscape plans for Council assessment.
- (f) All new trees around the perimeter of the site are to be supplied and planted in super advanced form, of minimum 200 litres.
- (g) All deep soil areas to include canopy trees where feasible to mitigate the loss of existing mature trees on site and to provide a level of amelioration to the buildings.
- (h) Indicate access of all landscape areas for maintenance purposes. Include location and type of anchor points where required.
- (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 fencing, privacy screening, arbors and the like- elevations and materials, impacting or visible to public domain areas.
- (k) 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 if required.
- (l) 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.
- (m) The front setback area shall incorporate tree planting which does not conflict with the stormwater system.
- (n) All trees shall be located within mulched landscaped beds except where this may interfere with the performance of an above ground stormwater system.
- (o) All utility services (including all telecommunication, high and low voltage power lines) are to be placed underground along the entire development site frontages as part of the development prior to occupation. The extent of works required in order to achieve this outcome may involve works beyond the frontage of the development site.

**REASON**

*To ensure compliance with landscape requirements from relevant policies.*

**32. Landscape Plan - maintenance plan**

Prior the issue of the Construction Certificate, a maintenance plan prepared by a Specialized Landscape Maintenance professional is to be submitted to and approved by the Principal Certifying Authority. A copy of the maintenance plan is to be kept on site at all times during construction and shall be produced to Council on request following completion. The Maintenance Manual shall include as a minimum:

- (a) A 12 months Landscape Maintenance Schedule to provide a guide to the landowner or manager on how to best maintain the constructed landscaped areas; and include the following information: shrub pruning/trimming (frequency, plant requirements); Fertilising and pest control (soil testing, types, rate, frequency); Mulching, weeding and soil improvement (frequency, materials); Irrigation (checks, adjustments); maintenance of plants (fertilising, mulching, tree stakes adjustments, special plants requirements, alternative plants replacements if required); Maintenance of hard landscape elements (planters, waterproofing, irrigation, paving, edges, pergolas, seats, and any specialised maintenance requirements);
- (b) Frequency and methodology of different maintenance requirements including the removal of green waste; irrigation system tests, waterproofing inspections.
- (c) Details of safety procedures related to maintenance tasks;
- (d) Laminated copies of 'As Built' Landscape drawings;
- (e) Manufacturer's contact details and copies of manufacturers' typical details and specification as required;
- (f) Copies of warranties and guarantees relating to all irrigation, drainage, pot materials and plant used in construction;
- (g) Inspection programs based on AS/NZS 1891.4, including annual load testing of chemical and friction anchors, for all installed anchors required for maintenance.

**REASON**

*To ensure compliance with landscape requirements from relevant policies.*

### **33. Landscape Frontage Works Application**

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

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

#### **REASON**

*To ensure compliance with landscape requirements from relevant policies*

### **34. Erosion and Sediment Control Plan**

Before the issue of any 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.*

### **35. Construction Site Management Plan**

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

- (a) The proposed phases of construction work on the site and the expected duration of each construction phase including the proposed order in which works on the site will be undertaken, and the method statements on how various stages of construction will be undertaken;
- (b) The location and materials for protective fencing and hoardings on the perimeter of the site;
- (c) The proposed protection measures for Council and adjoining properties, and
- (d) The proposed method of loading and unloading excavation and construction machinery, excavation and building materials, formwork and the erection of any

- part of the structure within the site. Wherever possible mobile cranes should be located wholly within the site;
- (e) The location and operation of any on site crane. Please note that a crane may require prior approval from Sydney Airports Corporation;
  - (f) The location of any Works Zone (if required) approved by Council's Traffic Committee, including a copy of that approval (noting that road widening will need to occur first for a work zone to be permitted);
  - (g) The proposed method/device to remove loose material from all vehicles and/or machinery before entering the road reserve, any run-off from the washing down of vehicles shall be directed to the sediment control system within the site;
  - (h) The proposed manner in which adjoining property owners will be kept advised of the timeframes for completion of each phase of development/construction process;
  - (i) Provisions for public safety;
  - (j) Pedestrian and vehicular site access points and construction activity zones; 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
  - (k) Details of any bulk earthworks to be carried out;
  - (l) The location of site storage areas and sheds;
  - (m) The equipment used to carry out all works;
  - (n) The location of a garbage container with a tight-fitting lid;
  - (o) Dust, noise and vibration control measures;
  - (p) The location of temporary toilets;
  - (q) The protective measures for the preservation of trees on-site and in adjoining public areas including measures in accordance with:
    - (i) AS 4970 - Protection of trees on development sites;
    - (ii) An applicable Development Control Plan;
    - (iii) An arborist's report approved as part of this consent.

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

**REASON**

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

**36. 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). Plans and specifications confirming compliance with this condition must be submitted for approval by the Certifier prior to the issue of any Construction Certificate.

**REASON**

*To ensure the structural adequacy of new retaining walls.*

**37. Encroachment of Structures not Permitted**

No part of any structure, including gutters and eaves or acoustic mechanisms may encroach or overhang any property boundary and/or public footway. Front fences (including footings) and associated entry / exit gates must not open onto public footway. The access gate is to open inwards onto private property. Details are to be provided on the Construction Certificate plans.

**REASON**

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

**38. Sydney Water Tap-in**

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

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

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

**REASON**

*To ensure compliance with Sydney Water requirements.*

**39. Lighting**

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

Specifications confirming compliance with this condition must be submitted for approval by the Certifier prior to the issue of any Construction Certificate.

**REASON**

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

**40. Lighting – Airports**

External lighting is to comply with the requirements of Section 9.21: Lighting in the Vicinity of Aerodromes, Manual of Standards, Part 139 – Aerodromes Version 1.1, February 2003. All lighting, regardless of location, which may affect the safe operation of aircraft operating at Sydney Airport are required to be compatible with the above requirements.

**REASON**

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

**41. Utilities and Services**

Before the issue of any 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) response from Sydney Water as to whether the development would affect any Sydney infrastructure, and whether further requirements need to be met.



- (c) other relevant utilities or services – that the development as proposed to be carried out is satisfactory to those other service providers, or if it is not, the changes that are required to make the development satisfactory to them.

**REASON**

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

**42. Services Relocation**

Before the issue of the relevant Construction Certificate, the construction certificate plans shall be consistent with the deferred commencement plans for the relocation of the services to the western boundary of the development and be designed to be appropriately screened from view. All service relocation works shall be undertaken prior to the issue of any Occupation Certificate.

**REASON**

*To ensure the utilities are removed from the driveway and screened from view.*

**43. Property Address Allocation**

Prior to the issue of any Construction Certificate for the development 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 Section 5.2 of the NSW Address Policy and User Manual dated May 2021.

The form is available for download at:

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

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

[https://www.gnb.nsw.gov.au/data/assets/pdf\\_file/0004/229216/NSW\\_Address\\_Policy\\_and\\_User\\_Manual\\_2021.pfd](https://www.gnb.nsw.gov.au/data/assets/pdf_file/0004/229216/NSW_Address_Policy_and_User_Manual_2021.pfd)

**REASON**

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

**44. Waste Management Plan Requirements**

Before the issue of a Construction Certificate, a Waste Management Plan for the development must be prepared and provided to the Certifier or Council where a Certifier is not required.

- (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.*

**45. Preparation of Mechanical Ventilation Plans**

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

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

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

**REASON**

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

**46. Acoustic Report**

The Principal Certifier shall not issue a Construction Certificate until a detailed acoustic assessment /report of all mechanical plants (ventilation systems, exhaust fans, ventilation fans and condenser units) and equipment including air-conditioners which meet the NSW EPA Noise Policy for Industry – 2017 and Protection Of Environment Operations Act 1997 has been carried out.

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

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

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

**REASON**

*To protect the amenity of the local area*

**47. Room Desing**

Rooms and areas designated for the storage and washing of garbage receptacles shall be designed and constructed in accordance with the following requirements

- (a) The floors and walls shall be constructed of a suitable material which is durable, smooth, resistant to corrosion, impervious to moisture and coved with a minimum radius of 25mm at the intersection of walls with floors
- (b) The floor shall be graded and drained to a floor waste gully connected to the sewerage system and traps of the premises in accordance with all Sydney Water requirements
- (c) Provide a hose tap connected to the water supply. Water used for cleaning garbage receptacles may be either potable or non potable water.
- (d) The room shall be ventilated with either natural ventilation or alternatively mechanically ventilated in accordance with the requirements of Australian Standards AS 1668.

**REASON**

*To ensure compliance with relevant standards and legislation.*

**48. Bicycle 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 bicycle parking facilities (minimum of 102 spaces) comply with the relevant parts of AS2890.3:2015

**REASON**

*To ensure bicycle parking facilities are designed in accordance with the Australian Standard*

**49. Determination of Infiltration / Absorption Rate**

Prior to the issue of any Construction Certificate, a Geotechnical Engineer shall determine the soil absorption rate (in litres / m<sup>2</sup> / second) and the depth of the groundwater table for the site prior to the design of the drainage system. The geotechnical engineer shall provide a report to the Principal Certifier and stormwater engineer which includes the details required above. A copy of the report shall be forwarded to Bayside Council prior to the issue of the Construction Certificate.

**REASON**

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

**50. Detailed Design Stormwater Management Plan**

Prior to the issue of the relevant Construction Certificate, detailed drainage design plans for the management of stormwater are to be submitted to the 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 TTW, job number 231865, dated 4/06/2024, revision P2 along with the requirements detailed below:

- (a) Details and sections of the raingarden to be provided including surface levels and ponding depth.
- (b) The absorption system location not to conflict with the tree planting and to be coordinated with the landscape plans.
- (c) A WSUD catchment plan is to be provided to show the architectural plan in the background. The catchment areas in the catchment plan are to be accurately reflected in the MUSIC Model. The WSUD catchment plan must clearly show the non-trafficable roof areas. Only non-trafficable roof areas to drain into the rainwater tank. The planter boxes and balconies must drain directly into the WSUD chamber.
- (d) The development requires the use of a Water Sensitive Urban Design Approach (WSUD) to the design of the drainage system. Bayside Technical Specification Stormwater Management Section 7 requires the development to confirm the targets for the stormwater pollution reduction and to justify the target by an analysis using MUSIC. The pollution reduction target for the Total Suspended Solid (TSS) to meet 85% reduction.
- (e) Manufacturer details is to be provided for the proprietary products for stormwater treatment.
- (f) A pit schedule to be provided with the pit size, surface level and the invert level.
- (g) A minimum 10,000L rainwater tank connected to all ground floor and level 01 toilet flushing, the cold water tap that supplies all clothes washing machines on the ground floor and level 01 and, all ground floor landscape irrigation systems for non-potable stormwater re-use.
- (h) The absorption system to be sized using the infiltration rate provided by the Geotechnical Engineer.
- (i) The surface level and invert level of the rainwater outlets on the ground floor plan to be shown.

**REASON**

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

**51. 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 the most recent 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. Balconies, planter boxes and trafficable roof areas must drain directly to the WSUD chamber, only non-trafficable roof areas are permitted to drain to the rainwater tank.

**REASON**

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

**52. Structural Certification for Flood Prone Land**

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

**REASON**

*To ensure the development meets flood planning requirements.*

**53. Floor Level Confirmation**

Prior to the issue of the relevant Construction Certificate, the habitable ground floor levels shall be set at a minimum level of RL 7.70m AHD and the non-habitable floor levels shall be set at a minimum level of RL 7.20m AHD. A Design Certification Report for floor levels of buildings and structures prepared by a suitably qualified Engineer shall be submitted to the Principal Certifier prior to the issue of the Construction Certificate.

**REASON**

*To ensure the development meets flood planning requirements.*

**54. Geotechnical Certification**

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

- (a) Conduct a thorough geotechnical investigation of the site in line with geotechnical industry standards.
- (b) Provide detailed recommendations to allow the satisfactory implementation of the works.
- (c) Prepare a Construction Methodology report demonstrating that the proposed construction methods (including any excavation, and the configuration of the built structures) will have no adverse impact on any surrounding property and infrastructure.
- (d) Certify that the construction certificate plans and supporting documentation are satisfactory from a geotechnical perspective.
- (e) Inspect the works as they progress at frequencies determined by the geotechnical engineer (where necessary).

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

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

**REASON**

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

#### **55. Frontage Works Application**

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

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

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

##### **REASON**

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

#### **56. Equal Access to Premises**

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

##### **REASON**

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

#### **57. 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.*

**58. Lighting for 8 John Street through site link**

Prior to the issue of the relevant Construction Certificate, adequate ambient lighting shall be provided along the western side of the proposed development to provide improved safety and illumination for residents and pedestrians traversing through the development and shall be designed in accordance with the AS/NZS 1158 lighting series and AS 4282-1997 "Control of the Obtrusive Effects of Outdoor Lighting". All lighting 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. CCTV cameras which are to be installed along the western side of the proposed development. A lighting design report demonstrating compliance shall be submitted. The construction certificate plans and documentation shall reflect these requirements which shall be submitted to Principal Certifier for review and approval prior to the issue of the relevant Construction Certificate.

**REASON**

*To improve the safety for people walking along the driveway.*

**59. 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 photovoltaic cells are to maximise the coverage of the 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 10,000L rainwater tank connected to all ground floor and level 01 toilet flushing, the cold water tap that supplies all clothes washing machines on the ground floor and level 01 and, all ground floor landscape irrigation systems 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.

The sustainability measures must all be implemented in the development prior to the issue of the Occupation Certificate.

#### **60. Waste Handling Systems**

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

**REASON**

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

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

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

#### **61. Community Reference Group**

- (a) Prior to the commencement of any works, a Community Reference Group (CRG) should be appointed to meet monthly with the developer (or its representative) on site to obtain updates on construction and timeframes and to provide feedback;
- (b) The CRG should be no more than 10-12 members and include at least one member from each of the surrounding developments, with at a minimum a representative from:
  - (i) Rina 3-9 Church Avenue (all buildings) SP80521
  - (ii) 19-21 Church Avenue (all buildings between Church and John) SP82064
  - (iii) 7 and 9 John Street SP86382 and SP 84886 John street
  - (iv) Aero 18-26 Church Avenue Mascot SP73802 Building B
- (c) The CRG members will be selected at an open meeting held on site with interested parties nominated from each development, and, if excess interested parties, final CRG members drawn from a hat;
- (d) The developer (or its representative) is to issue letters to each of the surrounding developments at least 7 days before the meeting is to be held to nominate the final CRG members.

**REASON**

*To minimise adverse impacts on surrounding properties and the environment.*

#### **62. 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.*

**63. Erosion and Sediment Controls in Place**

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

**REASON**

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

**64. 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) 3-9 Church Avenue Mascot
- (b) 10-14 John Street and 19-21 Church Avenue Mascot
- (c) 8 John Street Mascot

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

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

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

**REASON**

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

**65. 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).*

**66. Compliance with Home Building Act**

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

**REASON**

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

**67. Noise and Vibration Management Plan**

A Noise and Vibration Management Plan is to be prepared by a suitably qualified expert addressing the likely noise and vibration from excavation or construction works. The Plan is to identify amelioration measures to ensure the noise and vibration levels will be compliant with the relevant Australian Standards and Assessing Vibration: A technical guideline (available [www.environment.nsw.gov.au](http://www.environment.nsw.gov.au)). The report shall be prepared in consultation with any geotechnical report that itemises equipment to be used for excavation works.

**REASON**

*To minimise adverse noise and vibration impacts to surrounding residents.*

**68. Vibration Monitoring**

Prior to the commencement of demolition work, 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 damage 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.*

**69. Dilapidation Report – Public Domain - Pre-Construction**

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.*

**70. 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.*

## **71. 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.*

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

## **72. Mechanical Plant and Equipment Design**

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

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

### **REASON**

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

## **73. Trade Waste Agreement**

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

### **REASON**

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

#### **74. 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 traversing through, and 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.*

#### **DURING ANY WORKS (including Demolition, Excavation and Construction)**

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

#### **75. 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.*

#### **76. Boundary Fence**

During demolition and construction works, the applicant/builder is required to ensure the protection and preservation of all boundary fencing or boundary walls between the subject site and adjoining properties. Any damage caused as a result of such works will be at the full cost of the applicant/builder.

##### **REASON**

*To protect neighbouring development*

#### **77. Works wholly on site**

The Applicant shall conduct all demolition, construction and related deliveries wholly on site. If any use of Council's road reserve is required then separate applications are to be made at Council's Customer Services Department.

**REASON**

*To protect neighbouring development*

**78. Traffic Management Plan and Construction Management Plan**

During construction, the applicant shall ensure that all works and measures have been implemented in accordance with approved Traffic Management Plan and Construction Management Plan at all times.

**REASON**

*To protect neighbouring development*

**79. Remediation Works – General**

All remediation work must be carried out in accordance with:

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

**REASON**

*To protect the environment and human health, and to ensure the remediation of land in accordance with legislative requirements.*

**80. Additional Information – Contamination – Cease work addition**

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

**REASON**

*To protect the environment and human health, and to ensure the remediation of land in accordance with legislative requirements.*

**81. Contamination – UPSS Decommissioning and Removal**

Decommissioning and removal of underground petroleum storage systems (UPSS) must be carried out in accordance with:

- (a) Protection of the Environment Operations (Underground Petroleum Storage Systems) Regulation 2019; and
- (b) NSW EPA (2020) 'Guidelines for Implementing the Protection of the Environment Operations (Underground Petroleum Storage Systems) Regulation 2019.

**REASON**

*To protect the environment and human health, and to ensure the remediation of land in accordance with legislative requirements.*

**82. Acid Sulfate Soil Management – General**

The management of potential and actual acid sulfate soils (ASS) must be conducted in accordance with all recommendations within the ASS Management Plan including:

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

**REASON**

*To ensure compliance with relevant guidelines and legislation.*

**83. Waste Classification – Excavated Materials**

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

**REASON**

*To ensure compliance with relevant guidelines and legislation as well as protect the natural and built environment.*

**84. Vibration Levels**

Vibration levels induced by the excavation and construction 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.*

**85. 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  
Construction period of 4 weeks and under:

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

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

- (c) Time Restrictions  
Construction/demolition work shall be limited to the following hours:  
Monday to Friday: 07:00 am to 05:00 pm  
Saturday: 08:00 am to 01:00 pm  
No Construction to take place on Sundays or Public Holidays.
- (d) Silencing  
All possible steps should be taken to silence construction site equipment.

**REASON**

*To protect the amenity of the neighbourhood.*

**86. Hours of Work**

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

- (a) For building work, demolition or vegetation removal from 7:00am to 5:00pm on Monday to Fridays and from 8:00 am to 1:00 pm on Saturday.  
(b) 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.*

**87. Deliveries**

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

- (a) 7:00am to 5:00pm on Monday to Friday  
(b) 08:00 am to 01:00 pm on Saturday; and  
(c) No deliveries to be carried out on Sunday and public holidays.

**REASON**

*To protect the amenity of neighbouring properties.*

**88. Waste Classification – Excavated Materials**

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

**REASON**



*To ensure compliance with relevant guidelines and legislation.*

#### **89. Procedure for Critical Stage Inspections**

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

**REASON**

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

#### **90. Implementation of the Site Management Plans**

While site work is being carried out

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

**REASON**

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

#### **91. 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.*

#### **92. 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.*

#### **93. 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.*

**94. 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.*

**95. 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.*

**96. Construction Management Program**

Prior to the commencement of any works, a Construction Management Program shall be submitted to, and approved by the Private Certifying Authority prior to the issue of a Construction Certificate. The program shall detail:

- (a) The proposed method of access to and egress from the site for construction vehicles, including access routes through the Council area and the location and type of temporary vehicular crossing for the purpose of minimising traffic congestion and noise in the area, with no access across public parks or public reserves being allowed,
- (b) The proposed phases of construction works on the site and the expected duration of each construction phase,
- (c) The proposed order in which works on the site will be undertaken, and the method statements on how various stages of construction will be undertaken,

- (d) The proposed manner in which adjoining property owners will be kept advised of the timeframes for completion of each phase of development/construction process,
- (e) The proposed method of loading and unloading excavation and construction machinery, excavation and building materials, formwork and the erection of any part of the structure within the site. Wherever possible mobile cranes should be located wholly within the site,
- (f) The proposed areas within the site to be used for the storage of excavated materials, construction materials and waste containers during the construction period,
- (g) The proposed method/device to remove loose material from all vehicles and/or machinery before entering the road reserve, any run-off from the washing down of vehicles shall be directed to the sediment control system within the site,
- (h) The proposed method of support to any excavation adjacent to adjoining properties, or the road reserve. The proposed method of support is to be designed and certified by an Accredited Certifier (Structural Engineering), or equivalent,
- (i) Proposed protection for Council and adjoining properties, and
- (j) The location and operation of any on site crane. Please note that a crane may require prior approval from Sydney Airports Corporation.
- (k) The location of any Construction Zone (if required) approved by Council's Traffic Committee, including a copy of that approval.
- (l) Obtain Permits required under this consent.

#### **REASON**

*To protect the amenity of the neighbourhood during construction.*

### **97. Traffic Management Plan**

Prior to the commencement of any works, a detailed Traffic Management Plan for the pedestrian and traffic management of the site during construction shall be prepared and submitted to the Principal Certifier for approval. The plan shall:

- (a) be prepared by a RMS accredited consultant,
  - (i) address, but not be limited to, the following matters:
  - (ii) ingress and egress of vehicles to the site;
  - (iii) loading and unloading, including construction zones;
  - (iv) predicted traffic volumes, types and routes; and
  - (v) pedestrian and traffic management methods.
- (b) nominate a contact person who is to have authority without reference to other persons to comply with instructions issued by Council's Traffic Engineer or the Police, and
- (c) if required, implement a public information campaign to inform any road changes well in advance of each change. The campaign may be required to be approved by the Traffic Committee.
- (d) demonstrate all construction vehicle access be contained from Church Avenue. This is to reduce any impacts onto the neighbouring properties.

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

**REASON**

*To protect the amenity of the neighbourhood during construction.*

**98. Implementation of Soil and Water Management Plan**

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

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

**REASON**

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

**99. Toilet Facilities**

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

- (a) Each toilet must
  - (i) Be a standard flushing toilet connected to a public sewer, or
  - (ii) Have an on-site effluent disposal system approved under the Local Government Act 1993, or
  - (iii) Be a temporary chemical closet approved under the Local Government Act 1993.

**REASON**

*To ensure compliance with the Local Government Act 1993.*

**100. Construction Activities – Minimise Pollution**

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

- (a) Building, demolition and construction works not to cause stormwater pollution and being carried out in accordance with Council's stormwater pollution control requirements. Pollutants such as concrete slurry, clay and soil shall not be washed from vehicles onto roadways, footways or into the stormwater system. Drains, gutters, roadways and access ways shall be maintained free of sediment. Where required, gutters and roadways shall be swept regularly to maintain them free from sediment, and
- (b) Stormwater from roof areas shall be linked via a temporary downpipe to an approved stormwater disposal system immediately after completion of the roof area, and
- (c) All disturbed areas shall be stabilised against erosion within 14 days of completion, and prior to removal of sediment controls, and
- (d) Building and demolition operations such as brick cutting, washing tools or paint brushes, and mixing mortar shall not be performed on the roadway or public

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

**REASON**

*To protect neighbourhood amenity and the quality of the waterways.*

**101. 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.*

**102. 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:

- (c) extend from the common boundary to 200mm from the edge of the carriageway for the full length of the boundary, and
- (d) have a clear height above the footpath of not less than 2.1m, and
- (e) 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
- (f) 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..*

### **103. Protection of Council's Property**

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

**REASON**

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

**104. Vibration During Demolition Works**

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

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

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

**REASON**

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

**105. Approval and Permits under Roads Act and Local Government Act for 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.*

### **106. Waste Management**

While site work is being carried out:

- all waste management must be undertaken in accordance with the Waste Management Plan, and
- upon disposal of waste, records of the disposal must be compiled and provided to the principal certifier detailing the following:
  - The contact details of the person(s) who removed the waste.
  - The waste carrier vehicle registration.
  - 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.*

**107. 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.*

**108. 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.*

**109. Uncovering Relics or Aboriginal Objects**

While site work is being carried out, if a person reasonably suspects a relic or Aboriginal object is discovered:

- (a) the work in the area of the discovery must cease immediately;
- (b) the following must be notified:
  - (i) for a relic – the Heritage Council; or
  - (ii) for an Aboriginal object – the person who is the authority for the protection of Aboriginal objects and Aboriginal places in New South Wales under the National Parks and Wildlife Act 1974, section 85.

Site work may recommence at a time confirmed in writing by:

- (a) for a relic – the Heritage Council; or
- (b) for an Aboriginal object – the person who is the authority for the protection of Aboriginal objects and Aboriginal places in New South Wales under the National Parks and Wildlife Act 1974, section 85.

**REASON**

*To ensure the protection of objects of potential significance during works.*

**110. Temporary Dewatering Permit - Water Quality Requirements**

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

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

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

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

**REASON**

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

**PRIOR TO ISSUE OF AN OCCUPATION CERTIFICATE**

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

**111. Student Accommodation Covenant to be registered**

Prior to the issue of any Occupation Certificate, the following matters must be addressed to the written satisfaction of Council's Director City Future (or delegate):

- (a) An Instrument under Section 88E of the Conveyancing Act 1919 must be registered on the title of the land and lodged with the NSW Land and Property Information dealing with the following matters:

- (i) The use of the residential component of the development is to be restricted to student accommodation in perpetuity.

*For the purposes of this clause, **student accommodation** mean accommodation for students with **student** being defined as being over 16 years of age enrolled in a tertiary institution in Australia and attending a full or part time course of tertiary education in Australia*

- (ii) The following Restrictions on the Use of the Land/positive obligations will apply:

- Any resident or licensee of any part of the residential accommodation must produce to the owner/property manager prior to taking occupation, evidence of identity and of enrolment in a tertiary educational facility in Australia.
- The owner/property manager will maintain an up to date register of all details which will be available upon request by the council
- Upon completion of a tertiary education in Australia the resident will vacate the accommodation within 12 weeks of the completion date.
- All residents of the premises must be students. A student is defined as being over 16 years of age enrolled in a tertiary institution in Australia and attending a full or part time course of tertiary education in Australia.

Bayside Council is to be nominated as the Authority to release, vary or modify this instrument on the use of land. The Restriction is to be submitted to Council for written approval by Council's Director City Futures (or Delegate) prior to lodgment with NSW Land and Property Information.

**REASON**

*To ensure the use of the site for the purposes of student accommodation.*

**112. Student Accommodation**

Prior to issue of any Occupation Certificate:

- (a) The development must be registered with Council, and
- (b) Details, including name, contact number, ABN No: & email address of the on site manager are to be provided to Council. Should these details change at any time, revised information shall be provided to Council within 7 days of the change in manager, and
- (c) Each bedroom must be numbered in accordance with the approved plans, and
- (d) A schedule showing the numeral designating each bedroom and dormitory and the number of persons permitted to be accommodated in each must be conspicuously displayed on the premises, and
- (e) A sign indicating the permissible minimum length of time during which a person may board or lodge in the premises must be conspicuously displayed to public view outside the premises, and
- (f) A schedule showing the numeral designating each bedroom and the number of persons permitted to be accommodated in each bedroom must be conspicuously

displayed on the premises. Each bedroom must be clearly numbered and the maximum number of persons allowed to be accommodated in each bedroom must be displayed clearly on the door of or in each bedroom.

**REASON**

*To ensure student accommodation is constructed and operated in accordance with the approved plans and documentation and to avoid adverse impacts*

**113. Contaminated Land – Site Validation Report**

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

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

The site validation report must provide a notice of completion of remediation works, whether there are any ongoing site management requirements and a clear statement on the suitability of the likely proposed site use. The report must be submitted to the Principal Certifying Authority, and the Council if the Council is not the Principal Certifying Authority after completion of remediation works and prior to the issue of any occupation certificate.

**REASON**

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

**114. Site Audit Statement – Site Suitability**

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

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

**REASON**

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

**115. General landscape**

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

- (a) All landscape works are to be carried out in accordance with the approved landscape plans prior Construction Certificate by Bayside Council for the approved development.
- (b) A Landscape Architect shall provide a report to the principal certifier (with a copy provided to Council, if Council is not the principal certifier) certifying that the landscape works have been carried out in accordance with the approved plans and documentation.
- (c) Prior to the issue of an Occupation Certificate, a maintenance Manual 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.

**REASON**

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

**116. Noise Impact Statement**

The noise reduction measures specified in the Noise Impact Statement IGLU II – 13A Church Ave Mascot prepared by Acoustic Logic Project ID 20231147.1 dated 21/11/2023 shall be validated by a Certificate of Compliance prepared by the acoustic consultant and submitted to the Principal Certifying Authority (PCA) prior to the issue of an Occupation Certificate. If Council is not the PCA, a copy shall be submitted to Council concurrently.

**Reason**

*To ensure that adverse amenity impacts are minimised.*

**117. 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.*

**118. Trade Waste Agreement**

Liquid trade waste materials are to be disposed of in accordance with the requirements of Sydney Water, under a Trade Waste License Agreement. A copy of a Trade Waste Agreement demonstrating compliance with the requirements of this condition is to be submitted, to the satisfaction of the Principal Certifier, prior to the issue of any Occupation Certificate

**REASON**

*To ensure compliance with Sydney Water requirements.*

**119. Section 73 Certificate - Sydney Water**

Prior to the issue of any 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](http://www.sydneywater.com.au) > Plumbing, building and developing > Developing > Land development or telephone 13 20 92.

**REASON**

*To comply with Sydney Water requirements.*

**120. Energy Efficiency Commitments**

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

**REASON**

*To ensure Energy Efficiency commitments are fulfilled.*

**121. Anti-Graffiti Coating**

Prior to issue of any 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.*

**122. Repair of Infrastructure**

Before the issue of any Occupation Certificate:

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

**REASON**

*To ensure any damage to public infrastructure is rectified.*

**123. Registration – Environmental Health**

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

- (a) Food Shop - Food Act 2003, and
- (b) Boarding House - Boarding Houses Act 2012.

**REASON**

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

#### **124. 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.*

#### **125. Certification of New Stormwater System**

Prior to the issue of any Occupation Certificate, a Civil Engineer registered with the National Engineering Register (NER) or a Chartered Civil Engineer (CPEng) 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.*

#### **126. 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 stormwater system is constructed as approved and in accordance with relevant standards.*

#### **127. Video CCTV for Council Stormwater Pipe after Construction**

Prior to the issue of any Occupation Certificate, a qualified practitioner shall undertake a closed-circuit television (CCTV) inspection, and then report on the post construction condition of stormwater drainage infrastructure 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.*

**128. Works-As-Executed Plans and any other Documentary Evidence**

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

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

**REASON**

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

**129. Positive Covenant Application**

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

- (a) Stormwater Absorption System
- (b) Stormwater Quality Improvement Devices
- (c) Waste Collection occurring from 8 John Street (waste collection not to be collected from the street)

Furthermore, prior to the issue of the Occupation Certificate, a positive covenant and restriction on use of land shall be registered on the Title of the site which acknowledges that:

- (d) The development is restricted to student accommodation.

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.

The terms of such positive covenant and restriction on use of land shall be that it can only be varied by Bayside Council. The wording of the instruments shall be to the satisfaction of Bayside Council.

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.*

**130. 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.*

**131. 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 and level 01 toilet flushing, the cold water tap that supplies all clothes washing machines on the ground floor and level 01 and, all ground floor landscape irrigation systems for non-potable stormwater re-use.

**REASON**

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

**132. Erection of Signage**

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

- (a) On-Site Absorption System Signage & Confined Space Signage
- (b) Vehicles Enter & Exit in Forward Direction:

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

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

**REASON**

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

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

Prior to the issue of any Occupation Certificate, a certificate from a registered surveyor shall be provided to the Principal Certifier, certifying that the habitable floor levels are constructed to a minimum level of RL 7.70m AHD and that non-habitable floor levels are constructed to a minimum level of RL 7.20m AHD.

**REASON**

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

**134. Green Travel Plan**

Prior to the issue of the Occupation Certificate, the approved Green Travel Plan and Transport Access Guides (TAGs) must be prominently displayed within the communal areas within the development. Details and evidence are to be provided to the satisfaction of the principal certifier prior to the issue of the Occupation Certificate.

**REASON**

To ensure sustainable transport alternatives are used.

**135. Private Waste Collection**

Waste and recycling must be collected by a private waste contractor via the loading dock on 8 John Street. A contract for waste and recycling collection must be entered into prior to issue of the Occupation Certificate and the maximum size of the waste collection vehicle shall be equal to or smaller than an MRV vehicle (as denoted by AS2890.2). The company engaged must ensure that all recycling is collected separately from waste. Council must be advised in writing within seven (7) days of a private contractor being engaged for waste collection services.

**REASON**

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

**136. Loading Dock Management Plan**

Prior to the issue of the Occupation Certificate, the Applicant shall prepare a detailed loading and servicing management plan for the loading dock on 8 John Street which includes, but shall not be limited to, operation hours, use of off-peak deliveries, methods to avoid congestion of service vehicles, booking system, how the vicinity will be shared and general mitigation measures to prevent amenity impacts to neighbouring properties and residents within the site. The plan shall be prepared by a suitably qualified professional and submitted to the Principal Certifier. The management plan is to be implemented for the lifetime of the use of the development.

**REASON**

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

**137. 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.*

### **138. 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 paved footpath and planting of required street trees/landscaping along the frontage.
- (b) Demolition of existing kerb and gutter and construction of new kerb and gutter along the frontage of the development site in the new alignment.
- (c) Removal of the existing concrete vehicular entrance/s, kerb laybacks and other damaged/redundant public domain improvements which will no longer be required.
- (d) Reconstruction of selected areas of the existing footpath, vehicular entrances, road, kerb, and gutter as required.
- (e) Construction of road widening and new kerb alignment consistent with the Mascot Station precinct Public Domain Masterplan.
- (f) Construct new asphalt sheeting of half road width including construction of new road pavement and reconstruction of any damaged road pavement along the entire frontages of the development site in accordance with Council's Infrastructure specifications.
- (g) Construct new 6.07m wide access driveway crossing to Council infrastructure specifications generally aligned with 8 John Street as per the approved ground floor plan. The driveway design shall be swept path tested for a MRV vehicle entering and exiting in both directions of Church Avenue (assuming future two-way travel) and may require splays between the boundary and kerb. The driveway longitudinal profile shall be designed to accommodate a MRV vehicle and a B99 vehicle as per AS 2890.2:2018 and AS/NZS 2890.1:2004.
- (h) Remove the existing redundant no-stopping restrictions along the frontage and erect timed on-street parking restrictions (consistent with existing timed on-street parking restrictions) which requires approval from the Bayside Local Traffic Committee and subsequent endorsement at Bayside Council meeting.

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.*

### **139. Road Widening Land Dedication**

Prior to the issue of any Occupation Certificate, at no expense to the Council and generally in accordance with approved plans, dedicate the portion of land to Bayside Council for the purpose of widening Church Avenue. The areas of the land to be dedicated shall be the full length of the Church Avenue frontage of the development site and as detailed in the Bayside Development Control Plan (i.e., a minimum distance of 7.0 metres into the site measured perpendicular to the existing property boundary fronting Church Avenue is to be dedicated to Council). The Plan of Dedication shall be lodged with Bayside Council and registered with NSW Land Registry Services prior to the issue of any Occupation Certificate. Bayside Council requires proof of registration of the signed Subdivision Certificate and 88B Instrument with the Land Titles Office. A copy of the registered document must be submitted to Bayside Council for record purposes prior to the issue of the occupation certificate. Furthermore, evidence shall be provided to Bayside Council that the road widening and land dedication as required by condition 114 of development consent number DA-2019/385 has been registered with the NSWLRS.

#### **REASON**

*To ensure that required public domain outcomes are achieved.*

### **140. Post-construction dilapidation report**

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

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

#### **REASON**

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

### **141. 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.*

### **142. 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.*

## **OPERATIONAL CONDITIONS**

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

### **143. Occupants of the Development**

This consent is for student accommodation development and does not authorise the permanent residential occupation of the building and prohibits any permanent strata-titling of the building as a residential flat building.

The proposed student boarding rooms shall accommodate a maximum 305 rooms and a maximum of 305 single beds and a maximum of 305 students (including guest) at any one time for the premises.

**REASON**

*To ensure use is constructed and operated in accordance with the approved plans and documentation and to avoid adverse impacts.*

### **144. Certification of Acoustic Measures**

Adopt and implement all acoustic measures and recommendations to adhere to the noise level criteria specified in the Noise Impact Statement IGLU II – 13A Church Ave Mascot prepared by Acoustic Logic Project ID 20231147.1 dated 21/11/2023.

**REASON**

*To protect the amenity of the local area*

### **145. Use of Outdoor Areas**

The outdoor terrace, barbeque area, and all other external areas is only permitted to be used subject to the following conditions:

- (a) The outdoor central garden/terrace/BBQ at the lower ground level is only permitted to be used between 9am to 10pm, 7 days with a maximum of 100 people in the area at any one time. Management is responsible for locking the area off at 10pm.
- (b) The outdoor terrace, on level 2, at the rear of the site is only permitted to be used between 9am to 8pm, 7 days a week. Management is responsible for locking the area off at 8pm
- (c) The outdoor terrace fronting Church Street (Southern Building) is only permitted to be used between 9am to 8pm, 7 days a week. Management is responsible for locking the area off at 8pm.
- (d) Smoking and or vaping is prohibited.
- (e) Parties and Loud noise, including music is prohibited.
- (f) Appropriate lighting is to be provided.

**REASON**

*To protect the amenity of the local area*

**146. Requirements to Reduce Ongoing Noise, Light and Traffic Impacts**

The following shall be complied with at all times

- (a) All students, student guest or employees must not congregate outside the front entry at 13A Church Avenue Mascot or along the easement.
- (b) No amplified/stereo/music/speakers/ assembly speeches are permitted in all outdoor Terrace Areas, Gardens, Barbeque areas, multipurpose outdoor areas and all other external areas.
- (c) No parties are allowed in any external areas after 6pm.
- (d) All signs are not to be flashing or create any adverse impacts onto the neighbouring residential developments.
- (e) A full time manager or security officer is to be present on the site at all times.
- (f) No garbage collection associated with the development is permitted between 10pm and 6am.
- (g) Before entering a lease/occupancy agreement, all tenants and occupiers of the development are to be advised by the owner of the building that residents are not eligible to participate in on-street resident parking schemes.

The above shall be located on a prominent location such as on the notice board in the communal room and each floor, where it can easily be observed and read by persons entering the building and those who reside in the building.

**REASON**

*To protect the amenity of the local area*

**147. 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..*

**148. 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 on 8 John Street 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 (as denoted in AS2890.2).
  - (e) All manoeuvring movements of vehicles shall be carried out wholly within the site and vehicle manoeuvring area shall be kept clear at all times.

**REASON**

*To manage site operations so that adverse impacts are minimised.*

**149. Green Travel Plan and Transport Access Guide**

The Green Travel Plan and Transport Access Guide shall be monitored and reviewed annually, including gathering of transport modes for Year 1, Year 3, Year 5 and Year 10 in order to revise and improve the plan to achieve the targets on the number of staff / residents to travel by public transport, cycling and walking. Copy of the annual review shall be submitted to bayside Council. In order to ensure the certainty to implement Green Travel Plan for all future tenants of the site, a copy of the green travel plan and transport access guide shall be part of the lease/accommodation agreement for all student residents of the student accommodation.

**REASON**

*To reduce car dependency*

**150. Landscape – Maintenance**

The landscaped areas on the property / site shall be maintained in accordance with any approved landscape plans and approved Landscape Maintenance Manual.

- (a) 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 related to maintenance tasks;
  - (iv) Laminated copies of 'As Built' Landscape drawings; consistent with approved landscape plans indicated in condition 1 of this consent;
  - (v) Manufacturer's contact details and copies of manufacturers' typical details and specification as required;
  - (vi) Copies of warranties and guarantees relating to all materials and plant used in construction;
  - (vii) Inspection programs based on AS/NZS 1891.4, including annual load testing of chemical and friction anchors, for all installed anchors required for maintenance.

- (b) Green corridors/ Gateway/ landscape setbacks: Dead or declined trees shall be replaced with same trees as specified in approved plans. Replacement of planting material, including trees as indicated in approved landscape plan, with an alternative tree species shall be approved by the Director City Futures (or delegate) of Bayside Council. Maintenance tasks will include pruning to ensure CPTED principles are always met. All tree works must be done by a qualified arborist with a minimum level 3 in arboriculture (AQF). Trees along frontages are not to be pruned in height, unless required for safety reasons or for better development of the tree.
- (c) 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
- (d) An automatic drip irrigation system shall be installed and maintained in working order for all landscaped areas.

**REASON**

*To ensure ongoing maintenance of approved landscaping.*

**151. Public Domain Landscape**

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

**REASON**

*To ensure the approved landscaping and public domain works have been completed and will be maintained for the lifetime of the development.*

**152. Plan of Management**

The approved Plan of Management (POM).

- (a) The Student accommodation shall at all times be operated in accordance with the approved Plan of Management (PoM), and
- (b) A copy of the approved PoM shall be displayed in the communal room and within each of the boarding rooms at all times, and
- (c) A copy of the PoM shall be made freely available to family and visitors who frequent the facility, as well as to neighbouring property owners and local residents, if requested, and
- (d) The PoM shall be reviewed annually and provided to Council's Environmental Health Officers at time of Student accommodation premises annual inspection or as requested. If the Plan of Management is updated following the review, the operator is required to:
  - (i) provide summary of changes, and
  - (ii) ensure that the amended PoM is consistent with all conditions of this consent, and
  - (iii) the PoM is updated, if required, to include comments provided by Council.

**REASON**

*To manage site operations so that adverse impacts are minimised.*

**153. Impacts on the Amenity**



The operation of the premises shall be conducted in such a manner as not to interfere with or materially affect the amenity of the neighbourhood by reason of noise, vibration, odour, fumes, vapour, steam, soot, ash, dust, waste water, waste products, grit, oil, or otherwise.

**REASON**

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

**154. Intruder Alarm Timer (use for industrial / commercial development adjacent to residential zone)**

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

**REASON**

*To protect the amenity of residents in the surrounding area.*

**155. Noise from Mechanical Plant / Ventilation and Air Conditioning**

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

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

**REASON**

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

**156. Fixtures, Fittings, furniture etc.**

All fixtures, fittings, furniture, shall be constructed of durable, smooth, impervious materials capable of being easily cleaned. All parts of the premises and all appurtenances (including furniture, fittings, bedsteads, beds and bed linen) must be kept in a clean and healthy condition, and free from vermin.

**REASON**

*To ensure compliance with relevant standards and legislation.*

**157. Access to Beds**

If the place is one in which persons may board or lodge for 7 days or longer, an adequate number of beds (each provided with a mattress), adequate storage space and blinds, curtains or similar devices to screen bedroom and dormitory windows for privacy must be provided for the occupants.

**REASON**

*To ensure compliance with relevant standards and legislation.*

**158. Waste Management – Private Waste Collection**

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*

**159. 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.*

**160. Provide 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.
- (e) During occupation and use separate waste bins will be provided on site for recyclable waste.

**REASON**

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

**16. Management of waste storage facilities**

During occupation and use all waste storage areas will be maintained in a clean and tidy condition at all times.

**REASON**

*To ensure the ongoing management of waste storage areas.*

**161. 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 2-meter 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 meet the requirements of Council's Waste Management Technical Specification and to maintain the amenity of the area.*

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