

DRAFT CONDITIONS OF CONSENT
277 THE GRAND PARADE RAMSGATE BEACH DA-2023/370

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) A public domain civil, electrical and landscape design shall be submitted detailing the required changes to Ramsgate Road and the public carpark along the developments frontage which forms part of the road reserve. The plans require approval from the Bayside Council Local Traffic Committee including subsequent approval at the Bayside Council Meeting by the elected representatives (Councillors). Significant changes to the car park and road design need to be undertaken to facilitate the development which includes addressing the following issues:
- i. Impacts upon existing mature trees – the site requires removal of several trees in the public domain which require approval and assessment of council tree officers. If consent is not granted, then the development shall be revised to retain these street trees.
 - ii. Car parking spaces and traffic flow – full and satisfactory details are provided with regards to the traffic flow in the public car park including traffic modelling.
 - iii. Signage and line marking, full details shall be provided for signage designed as per Australian standards and Council/TfNSW requirements. The footpath along the driveway is to give priority to pedestrians.
 - iv. Pedestrian car park crossing modifications – the wider driveway requires the deletion of an existing pedestrian crossing point that allows for pedestrians to move from the bus stop on Ramsgate Road through the car park to the footpath adjacent to the shops, this pedestrian crossing point shall be relocated.
 - v. Bus stop modifications to facilitate the wider single driveway access point to Ramsgate Road require approval for the local bus authority.
 - vi. Reconfiguration of lanes on Ramsgate Road with new slip lane design – full details are to be provided
 - vii. Drainage changes to facilitate the new car park works, full details are to be provided.
 - viii. Ensure suitable lighting is provided to the public car park fronting the site supported by a lighting coverage assessment.

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.

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GENERAL CONDITIONS

1. Approved Plans and Supporting Documentation

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

Approved Plans				
Plan Number	Revision	Plan Title	Prepared By	Date
2000	05	GF Ground Floor Plans	F J Studio	17 January 2025
2001	04	L1 Level 1 Floor Plan	F J Studio	20 September 2024
2002	04	L2 Level 2 Floor Plan	F J Studio	20 September 2024
2003	04	L3 Level 3 Floor Plan	F J Studio	20 September 2024
2004	04	L4 Level 4 Floor Plan	F J Studio	20 September 2024
2005	04	L5 Level 5 Floor Plan	F J Studio	20 September 2024
2006	05	Roof Plan	F J Studio	17 October 2024
2015	05	B1 Basement 1 Floor Plan	F J Studio	17 January 2025
2016	04	B2 Basement 2 Floor Plan	F J Studio	20 September 2024
2017	04	B3 Basement 3 Floor Plan	F J Studio	20 September 2024
2100	02	Demolition Plan	F J Studio	20 September 2024
3000	04	Elevation Sheet 1 – North and East	F J Studio	20 September 2024
3001	04	Elevation Sheet 1 – West and South	F J Studio	20 September 2024
4000	04	Section Sheet 1	F J Studio	20 September 2024
5700	03	Adaptable Apartment Plans	F J Studio	20 September 2024
Landscape Plans				
01	A	Site plan	Site Desing + Studios	11 September 2024
02	A	Ground floor Plan	Site Desing + Studios	11 September 2024
03	A	Level 1	Site Desing + Studios	11 September 2024
04	A	Level 1 – Planting	Site Desing + Studios	11 September 2024

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05	A	Level 2	Site Desing + Studios	11 September 2024
06	A	Level 3,4,5,	Site Desing + Studios	11 September 2024
07	A	Public Domain	Site Desing + Studios	11 September 2024
08	A	Planting Depth	Site Desing + Studios	11 September 2024
09	A	Planting	Site Desing + Studios	11 September 2024
Stormwater Plans				
C-01-01	G	Cover Sheet Legend and Drawing List	SCP Engineering and Development Consultants	17 January 2025
C-01-02	E	Specification Notes	SCP Engineering and Development Consultants	06 December 2024
C-01-11	E	Existing Survey	SCP Engineering and Development Consultants	06 December 2024
C-03-01	G	Stormwater Drainage Concept Plan Ground Floor	SCP Engineering and Development Consultants	17 January 2025
C-03-03	A	Stormwater Drainage Concept Plan Floor B3	SCP Engineering and Development Consultants	06 December 2024
C-03-11	F	Stormwater Drainage Details Sheet 1	SCP Engineering and Development Consultants	06 December 2024
C-03-12	B	Stormwater Drainage Details Sheet 2	SCP Engineering and Development Consultants	17 January 2025

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C-03-13	A	Stormwater Drainage Details Sheet 3	SCP Engineering and Development Consultants	06 December 2024
C-03-21	E	Stormwater Treatment Catchment Plan	SCP Engineering and Development Consultants	06 December 2024
C-06-01	E	Erosion and Sediment Control Plan	SCP Engineering and Development Consultants	06 December 2024
C-06-11	E	Erosion and Sediment Control Detail	SCP Engineering and Development Consultants	06 December 2024

Approved Design Documents

Public Art Interpretation Proposal	F J Studio	Received - 23 September 2024
Materials Schedule	F J Studio	
Materials Schedule	F J Studio	

Approved Documents

Document Title	Version No.	Prepared By	Date of Document
Development Application Accessibility Report	01	Purely Access	17 September 2024
Acoustic report	1	Renzo Tonin and Associates	13 September 2024
Acid Sulfate Soil Management Plan Ref: E34871PTletRev1-ASSMP		JL Environments	9 January 2024
BASIX Certificate 1765422M			20 September 2024
Specialist Advice Report on Geotechnical Investigation 230818.00.R.002.Rev0	0	Douglas Partners	16 October 2024
Preliminary Geotechnical Investigation Ref: 34871PHrpt Rev2	2	JL Environments	4 January 2024

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Nathers Report		Sian Fishwic	20 September 2024
Preliminary (Stage 1) Site Investigation (PSI) REF: E34871PTrotRev1	1	JL Environments	9 January 2024
Remedial Action Plan Report No: 2781-RAP-01-211024.v1f	V1	Sydney Environmental Group	25 October 2024
Section Compliance Report – Section j		Illawarra Basix Solutions	20 September 2024
Traffic Report Ref23002		Varga Traffic Planning Pty LTD	1 October 2024
Operational Waste Management Plan REF: 22SYW0001	4	TTM	10 September 2024
Wind Impact		VIPAC	
Flood impact assessment	F	SCP Engineering and Development Consultants	19 January 2025
Civil Design Report	D	SCP Engineering and Development Consultants	19 January 2025

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. 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).

3. 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*.

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REASON

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

4. 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.

5. Parking Allocation

Use	Number of Spaces Allocated
Residential	
Residential units	A total of 100 car spaces allocated as per the below: 2 space per 2 bedroom unit 2 space per 3 or more bedroom unit
Residential visitor	10 car spaces
Car Wash Bay	1 space
Non-Residential	
Commercial	111 car spaces
Others	
Loading Bay	1 HRV & 1 SRV
Car Share	4 spaces
Motorcycle parking	
Residential	6 spaces
Non-Residential	9 spaces
Bicycle parking	
Residential	56 spaces
Non-Residential	28 spaces

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

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

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

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

REASON

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

6. Enclosure of Structures

Balconies and 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

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

11. General Landscape Conditions

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

- (a) 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.
- (b) 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.
- (c) 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.
- (d) 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.
- (e) 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).
- (f) All planter boxes shall be provided with a fully automated drip irrigation system.
- (g) 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.
- (h) Any subsurface drainage requirements are in addition to the minimum soil depths quoted above

REASON

To ensure compliance with landscape requirements from relevant policies.

12. Adopt Acoustic Measures

Adopt and implement all recommendations contained in the acoustic report prepared by Renzo Tonn & Associates – "Ramsgate Beach Hotel – 277 The Grand Parade Ramsgate – Amending DA Acoustic Assessment (Residential Scheme) Doc reference: TM657-04F01 Amending DA Acoustic Assessment (Residential Scheme) (r0) prepared for BRONXX dated the 15 December 2023".

REASON

To ensure that adverse amenity impacts are minimised.

13. Separate Application Required for Specific Use

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Separate approval shall be obtained for each the specific use/uses of the property prior to their commencement. Additional conditions may be applicable.

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

REASON

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

REQUIREMENTS OF CONCURRENCE, INTEGRATED AND OTHER AUTHORITIES

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*:

14. Water NSW

The following conditions are imposed by Water NSW in their letter dated 06 June 2024 and must be complied with:

- GT0115-00001 - Groundwater must only be pumped or extracted for the purpose of temporary construction dewatering at the site identified in the development application. For clarity, the purpose for which this approval is granted is only for dewatering that is required for the construction phase of the development and not for any dewatering that is required once construction is completed.
- GT0116-00001 - Before any construction certificate is issued for any excavation under the development consent, the applicant must: 1. apply to WaterNSW for, and obtain, an approval under the Water Management Act 2000 or Water Act 1912, for any water supply works required by the development; and 2. notify WaterNSW of the programme for the dewatering activity to include the commencement and proposed completion date of the dewatering activity. Advisory Note: 3. An approval under the Water Management Act 2000 is required to construct and/or install the water supply works. For the avoidance of doubt, these General Terms of Approval do not represent any authorisation for the take of groundwater, nor do they constitute the grant or the indication of an intention to grant, any required Water Access Licence (WAL). A WAL is required to lawfully take more than 3ML of water per water year as part of the dewatering activity. 4. A water use approval may also be required, unless the use of the water is for a purpose for which a development consent is in force.
- GT0117-00001 - A water access licence, for the relevant water source, must be obtained prior to extracting more than 3ML per water year of water as part of the construction dewatering activity. Advisory Notes: 1. This approval is not a water access licence. 2. A water year commences on 1 July each year. 3. This approval may contain an extraction limit which may also restrict the ability to take more than 3ML per water year without further information being provided to WaterNSW. 4. Note that certain water sources may be exempted from this requirement - see paragraph 17A, Schedule 4 of the Water Management (General) Regulation 2018.

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- GT0118-00001 - If no water access licence is obtained for the first 3ML / year (or less) of water extracted, then, in accordance with clause 21(6), Water Management (General) Regulation 2018, the applicant must: (a) record water taken for which the exemption is claimed, and (b) record the take of water not later than 24 hours after water is taken, and (c) make the record on WAL exemption form located on WaterNSW website "Record of groundwater take under exemption", and (d) keep the record for a period of 5 years, and (e) give the record to WaterNSW either via email to Customer.Helpdesk@waterNSW.com.au or post completed forms to - PO Box 398 Parramatta NSW 2124 (i) not later than 28 days after the end of the water year (being 30 June) in which the water was taken, or (ii) if WaterNSW directs the person in writing to give the record to WaterNSW on an earlier date, by that date.
- GT0119-00001 - All extracted groundwater must be discharged from the site in accordance with Council requirements for stormwater drainage or in accordance with any applicable trade waste agreement.
- GT0120-00001 - The design and construction of the building must prevent: (a) any take of groundwater, following the grant of an occupation certificate (and completion of construction of development), by making any below-ground levels that may be impacted by any water table fully watertight for the anticipated life of the building. Waterproofing of below-ground levels must be sufficiently extensive to incorporate adequate provision for unforeseen high water table elevations to prevent potential future inundation; (b) obstruction to groundwater flow, by using sufficient permanent drainage beneath and around the outside of the watertight structure to ensure that any groundwater mounding shall not be greater than 10 % above the pre-development level; and (c) any elevated water table from rising to within 1.0 m below the natural ground surface.
- GT0121-00001 - Construction phase monitoring bore requirements GTA: a) A minimum of three monitoring bore locations are required at or around the subject property, unless otherwise agreed by WaterNSW. b) The location and number of proposed monitoring bores must be submitted for approval, to WaterNSW with the water supply work application. c) The monitoring bores must be installed and maintained as required by the water supply work approval. d) The monitoring bores must be protected from construction damage.
- GT0122-00001 - Construction Phase Monitoring programme and content: a) A monitoring programme must be submitted, for approval, to WaterNSW with the water supply work application. The monitoring programme must, unless agreed otherwise in writing by WaterNSW, include matters set out in any Guide published by the NSW Department of Planning Industry and Environment in relation to groundwater investigations and monitoring. Where no Guide is current or published, the monitoring programme must include the following (unless otherwise agreed in writing by WaterNSW): i. Pre-application measurement requirements: The results of groundwater measurements on or around the site, with a minimum of 3 bore locations, over a minimum period of 3 months in the six months prior to the submission of the approval to WaterNSW. ii. Field measurements: Include provision for testing electrical conductivity; temperature; pH; redox potential and standing water level of the groundwater; iii. Water quality: Include a programme for water quality testing which includes testing for those analytes as required by WaterNSW; iv. QA: Include details of quality

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assurance and control v. Lab assurance: Include a requirement for the testing by National Association of Testing Authorities accredited laboratories. b) The applicant must comply with the monitoring programme as approved by WaterNSW for the duration of the water supply work approval (Approved Monitoring Programme)

- GT0123-00001 (a) Prior to the issuing of the occupation certificate, and following the completion of the dewatering activity, and any monitoring required under the Approved Monitoring Programme, the applicant must submit a completion report to WaterNSW. (b) The completion report must, unless agreed otherwise in writing by WaterNSW, include matters set out in any guideline published by the NSW Department of Planning Industry and Environment in relation to groundwater investigations and monitoring. Where no guideline is current or published, the completion report must include the following (unless otherwise agreed in writing by WaterNSW): 1) All results from the Approved Monitoring Programme; and 2) Any other information required on the WaterNSW completion report form as updated from time to time on the WaterNSW website. c) The completion report must be submitted using "Completion Report for Dewatering work form" located on WaterNSW website www.watarnsw.com.au/customer-service/water-licensing/dewatering.
- GT0150-00001 - The extraction limit shall be set at a total of 3ML per water year (being from 1 July to 30 June). The applicant may apply to WaterNSW to increase the extraction limit under this condition. Any application to increase the extraction limit must be in writing and provide all information required for a hydrogeological assessment. Advisory note: Any application to increase the extraction limit should include the following: - Groundwater investigation report describing the groundwater conditions beneath and around the site and subsurface conceptualisation - Survey plan showing ground surface elevation across the site - Architectural drawings showing basement dimensions - Environmental site assessment report for any sites containing contaminated soil or groundwater (apart from acid sulphate soils (ASS)) - Laboratory test results for soil sampling testing for ASS - If ASS, details of proposed management and treatment of soil and groundwater. Testing and management should align with the NSW Acid Sulphate Soil Manual.
- GT0151-00001 - Any dewatering activity approved under this approval shall cease after a period of two (2) years from the date of this approval, unless otherwise agreed in writing by WaterNSW (Term of the dewatering approval). Advisory note: an extension of this approval may be applied for within 6 months of the expiry of Term.
- GT0152-00001 - This approval must be surrendered after compliance with all conditions of this approval, and prior to the expiry of the Term of the dewatering approval, in condition GT0151-00001. Advisory note: an extension of this approval may be applied for within 6 months of the expiry of Term.
- GT0155-00001 - The following construction phase monitoring requirements apply (Works Approval): a. The monitoring bores must be installed in accordance with the number and location shown, as modified by this approval, unless otherwise agreed in writing with WaterNSW. b. The applicant must comply with the monitoring programme as amended by this approval (Approved Monitoring

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Programme). c. The applicant must submit all results from the Approved Monitoring Programme, to WaterNSW, as part of the Completion Report

REASON

To ensure compliance with requirements of WaterNSW.

15. Transport for NSW

The following conditions are imposed by Ausgrid in their letter dated 27 February 2024 and must be complied with:

1. All buildings and structures, together with any improvements integral to the future use of the site, are to be wholly within the freehold property unlimited in height or depth along The Grand Parade and Ramsgate Road boundaries.\
2. All vehicles are to be wholly off Ramsgate Road before being required to stop.
3. All vehicles are to enter and leave the site to the adjoining road network in a forward direction.
4. The design and construction of the kerb and gutter and new vehicular crossings on Ramsgate Road shall be in accordance with Council's requirements.
5. The layout of the proposed car parking areas associated with the subject development (including, driveways, grades, turn paths, sight distance requirements in relation to landscaping and/or fencing, aisle widths, aisle lengths, parking bay dimensions, internal heights/clearances) should be in accordance with AS 2890.1- 2004, AS2890.6-2022 and AS 2890.2-2018.
6. The proposed two-way driveway on Ramsgate Road should enable HRVs to enter and exit simultaneously with the entering HRV doing so, wholly from the kerbside lane. The design of the entry only driveway is to accommodate the swept path of the largest design vehicle to access the site at this location, to the satisfaction of Council.
7. Should the driveway design require any changes to the existing bus stop or reduce the existing bus stop capacity on the Ramsgate Road frontage, the applicant shall consult and obtain endorsement from TfNSW and the bus operator, prior to issue of a construction certificate.
8. Detailed design plans and hydraulic calculations of any changes to the stormwater drainage system on The Grand Parade are to be submitted to TfNSW for approval, prior to the commencement of any works. Please send all documentation to development.sydney@transport.nsw.gov.au.

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

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

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

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

10. The proposed development should be designed such that road traffic noise from The Grand Parade is mitigated by durable materials in order to satisfy the requirements for habitable rooms under Clause 2.120 (3) of State Environmental Planning Policy (Transport and Infrastructure) 2021.
11. A Road Occupancy Licence (ROL) should be obtained from the Transport Management Centre (TMC) for any works that may impact on traffic flows on the subject section of Ramsgate Road or The Grand Parade during construction activities. A ROL can be obtained through <https://myrta.com/oplinc2/pages/security/oplincLogin.jsf>

REASON

To ensure compliance with requirements of Transport for NSW.

16. Ausgrid

The following conditions are imposed by Ausgrid in their letter dated 20 February 2024 and must be complied with:

A. Service Mains

It appears the existing overhead electricity service mains, that supply the subject property, may not have sufficient clearance to the proposed construction as per the requirements of "The Installation and Service Rules of NSW".

It is recommended that the developer engage a Level 2 Accredited Service Provider (ASP) Electrician to ensure that the installation will comply with the Service Rules.

Proximity to Existing Network Assets

B. Underground Cables

There are existing underground electricity network assets in front of 277 THE GRAND PARADE.

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

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

C. Substation

There are existing electricity substation assets S10559 within 277 THE GRAND PARADE RAMSGATE BEACH

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.

For Activities Within or Near to the Electricity Easement:

D. Purpose Of Easement

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

The Following Conditions Apply for any Activities Within the Electricity Easement:

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1. Safework Australia – Excavation Code of Practice, and Ausgrid's Network Standard NS156 outlines the minimum requirements for working around Ausgrid's underground cables.
2. Ausgrid is not responsible for the reinstatement of any finished surface within the easement site.
3. Ausgrid requires 24 hour access along the easement for plant and personnel. For the purpose of exercising its rights under the easement, Ausgrid may cut fences and/or walls and install gates in them. Where the easements on a site do not provide practical access to all of Ausgrid's infrastructure, a suitable right of access at least 5m wide must be provided to each asset.
4. Access driveways shall withstand the weight of a heavy rigid truck when fully laden weighing 30 tonne.
5. Access gates, minimum 4.5 metres wide, may be required in all fences crossing the transmission line easement.
6. Driveways and other vehicle access must be capable of supporting the heaviest vehicle likely to traverse the driveway without damaging Ausgrid's assets.
7. All metal work within the easement site including metallic fencing, are to be locally earthed by a qualified electrician via a 50 sq. mm stranded copper, insulated earthwire bonded to a copper-clad earth- stake driven at least 1.6 metres into the ground.
8. Metallic fencing is generally not permitted to extend away from the easement site unless an insulating section is installed, at least 3 metres wide. This requirement maybe relaxed upon assessment of a supplied fencing design.
9. No buildings/structures or parts thereof constructed may encroach the easement.
10. No machine excavation is permitted within the easement without Ausgrid's express permission.
11. During building construction, adequate controls must be put in place to prevent vehicles and machinery from damaging the Ausgrid assets.
12. Bulk solids (e.g sand and gravels) are not to be stored within the easement area.
13. The proposed finished ground levels within the easement must provide a minimum of 600mm cover to the 11kV Distribution Cables.
14. The proposed finished ground levels within the easement must provide a minimum of 500mm cover to the Low Voltage Cables.
15. No fill material or retaining walls are to be placed within the easement without Ausgrid's written approval.
16. Any excavation adjacent to the easement must utilise adequate shoring to prevent destabilisation or subsidence of the ground around the LV cable.
17. Trees, shrubs, or plants which have root systems likely to grow greater than 250mm below ground level are not permitted within the easement or close to the cable infrastructure. The planting of other vegetation is to ensure Ausgrid's access and maintenance requirements are maintained.
18. Electric power should not be connected to the easement site without permission from Ausgrid.
19. Electric power should not be connected to the easement site without permission from Ausgrid, however electric power may be run through the easement under the conditions in the following point.

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20. Any electrical services and metallic telecoms and metallic piping, whilst installed within easement are not to be run parallel with the overhead electricity mains for a combined total distance greater than 50m per service. Any parallel length greater than this will require additional Ausgrid consent when the services design is determined. Fibre communications cable does and plastic or concrete piping does not need to meet this requirement.

REASON

To ensure compliance with requirements of Ausgrid.

17. Sydney Water

The following conditions are imposed by Sydney Water in their letter dated 12 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 extensions, adjustments, or connections to our mains. Make an early application for the certificate, as there may be assets to be built and this can take some time. A Section 73 Compliance Certificate must be obtained before an Occupation or Subdivision Certificate will be issued.

Applications can be made either directly to Sydney Water or through a Sydney Water accredited Water Servicing Coordinator Go to the Sydney Water website or call 1300 082 746 to learn more about applying through an authorised WSC or Sydney Water.

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 a Building Plan Approval early as to reduce unnecessary delays to further referrals or development timescales.

C. Tree Planting

Prior to the issue of a Construction Certificate, 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.

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

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

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

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,

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

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

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

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

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

REASON

To ensure compliance with requirements of Sydney Water.

18. Sydney Water

The following conditions are imposed by Sydney Water in their letter dated 8 February 2024 and must be complied with:

A. General Comments

1. The application sought approval for the PROPERTY DEVELOPMENT to a height of 27 metres Australian Height Datum (AHD).
2. The construction of this development is approved to a maximum height of 27 metres AHD.
3. Should the height of any temporary structure and/or equipment be greater than 45.72 metres AEGH, a new approval must be sought in accordance with the Civil Aviation (Buildings Control) Regulations Statutory Rules 1988 No. 161.
4. Construction cranes may be required to operate at a height significantly higher than that of the proposed development and consequently, may not be approved under the Airports (Protection of Airspace) Regulations.

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5. Sydney Airport advises that approval to operate construction equipment (ie cranes) should be obtained prior to any commitment to construct
6. "Prescribed airspace" includes "the airspace above any part of either an Obstacle Limitation Surface (OLS) or Procedures for Air Navigation Services – Aircraft Operations (PANS-OPS) surface for the airport (Regulation 6(1)).
7. The height of the prescribed airspace at this location is 51 metres above AHD.

B. Application pursuant to airport (protection of airspace) regulations reg 7 which is a controlled activity [Airports Act 1996] [Airports (Protection of Airspace) Regulations 1996]

1. Pursuant to s. 183 of the Airports Act 1996 and Reg 7 of the Airports (Protection of Airspace) Regulations 1996, the Proponent must apply through the Airport to the Secretary of the Department of Infrastructure and Regional Development for approval of the operation ("controlled activity") set out in the Schedule.
2. An Application for approval must be given to the Airport at least 28 days before commencement of the operation.
3. The operation must not commence without approval and must only proceed in compliance with any conditions imposed on such approval.
4. Sydney Airport has delegated authority from the Secretary to determine "short term" operations (less than 3 months).
5. The Airport is required to invite submissions from CASA and Airservices regarding the proposed operation.
6. The Secretary and the Airport, as applicable, may request further information before determining an application.
7. The "Important Notes" must be read and accepted.
8. The Proponent must complete this Application and provide it to Sydney Airport, with a copy to the Council as part of the relevant Development Application.
9. Section 182: defines "controlled activities" – includes intrusions by cranes into prescribed airspace.
10. Section 187: if a controlled activity is carried out without approval, or is carried out otherwise than in accordance with an approval, the Federal Court may order a person to carry out remedial work on a building, structure or thing; to mark it or light it or both; to reduce its height.
11. Section 183: a person who carries out a controlled activity without the approval of the Secretary or Airport commits an offence against section 183 of the Act.
12. Penalty: 250 penalty units for each such offence.
13. Regulation 8: a building authority that receives a proposal for a building activity that, if undertaken, would constitute a controlled activity in relation to an airport must give notice of the proposal to the airport
14. Penalty: 50 penalty units for each such offence.
15. If the activity is a short term activity (less than 3 months), the Airport will determine the application pursuant to delegated authority from the Secretary.
16. If the activity is a long term activity (greater than 3 months), the Secretary will determine the application.
17. If the activity is a long term intrusion into PANS-OPS, the application will not be approved. [Reg 9].

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18. The Airport will give notice of the application to, and invite submissions from, the Civil Aviation Safety Authority of Australia (CASA) and Airservices Australia. [Reg 10].
19. Upon receipt of submissions from CASA and Airservices, the Airport will refer the application and any submissions from CASA and Airservices, as well as the Airport, to the Secretary, or will determine the application itself if it is a short term activity. The Secretary or the Airport will notify you in writing of their decision.
20. Neither the Secretary or the Airport will approve any activity if CASA advises that carrying out the activity would have an unacceptable effect on the safety of existing or future air transport operations into or out of the Airport. [Reg14(6)].

REASON

To ensure compliance with requirements of Sydney Airports.

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):

16. 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) Side boundary setbacks to the exterior façade of first-floor terraces are to be setback at 9m.
- (c) The architectural basement level 1 plan to be revised to have four commercial spaces to be converted to four car share spaces.
- (d) Mailboxes are to be located in the lobbies.
- (e) 50% of storage for each unit is to be provided in the basement. For the 2 bedroom units - 8 cubic metres is to be provided and for the 3 bedroom units - 10 cubic metres is to be provided.
- (f) The windows along The Grand Parade, associated with the anchor tenant, shall not be covered at any stage and remain transparent.
- (g) Details of all above slab structures that support planting. Include construction details of planters, and how the planters have the capability to provide greenery to the streetscape.
- (h) Include drainage details for all approved planting areas.
- (i) Provide soil depths and soil volumes of all planting areas. Ensure this is consistent with landscape proposal and conditions, as well as aligned with Minimum Soil depths for plant types as recommended in Table 5 Part 4P Planting in Structures, ADG NSW Department of Planning.

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- (j) Provide details of how all landscaped areas are to be accessed for maintenance purposes, including planters in private units. Include location of tool s storage; and specify location of any required anchor point, mount specification and type of anchor points.
- (k) All landscaped areas, in deep soil or above structures are to be maintained by the body corporate. Indicate how all these areas, including areas in private units, are to be accessed for maintenance purposes.

The interface with the public domain, and public domain areas design shall consider CPTED principles, including proposed planting heights.

REASON

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

17. 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) Planter beds (indicate location: periphery of the site, northern boundary) shall include a dense layered planting scheme consisting of trees, shrubs and groundcovers in all of these areas.
- (c) Provide built in planter box sectional details and drainage details with finished levels to assess soil depths provisions.
- (d) 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
- (e) Areas of paving, schedule of materials, edge treatments, tactile and sectional construction details.
- (f) All proposed planting above structures is to be supplied and planted in super advanced form. Unless specified otherwise in this consent all new trees above structures shall be supplied and planted at minimum 100 litre spot size, and screening shrubs to provide privacy and amenity shall be supplied and planted at minimum 27 Litre spot size.
- (g) Trees in the parking area and the public domain are to be supplied and planted at minimum 200 litres pot size.
- (h) 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.
- (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.

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- (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) 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.

Parking area- 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. Parking area shall be aligned with deferred commencement civil and stormwater requirements, as well as the following landscape requirements:

- (a) Layout is to include at least one tree pit of suitable dimension for every five carpark spaces supplied. Tree pits areas shall be minimum 1.5 meters in any direction and minimum 4 sqm, for each proposed trees. Trees shall be of wide canopies, to allow for shade in the parking areas. Palms are not considered canopy trees for shade.
- (b) Northern Verge, adjacent to Ramsgate Road shall include *Araucaria* spp, matching the existing and Council nominated tree for this area.
- (c) Where space is larger the inclusion of large canopy trees shall be provided, *Corymbia citriodora*, *Angophora costata*, or other native tree capable to exceed the minimum height of 12 meters at maturity in local conditions.
- (d) All public space furniture, equipment, pergolas, pavement treatment and other elements in the open space are to be of strong lasting materials. Nominated products and shall be reviewed and approved by council prior to installation.
- (e) Minimise use of all high maintenance elements/products. Refer to Council Open Spaces Catalogue.
- (f) Where possible include bioretention and rain gardens in landscaped areas.
- (g) Irrigation plans: Separate irrigation system shall be installed for all public areas. Details of irrigation system for all different areas, include irrigation for tree pits, meter location, backflow and subsurface.
- (h) Lighting Plan: All publicly accessible areas and footpaths should be designed to a min. category P7 rating. Plans to indicate the Australian Standard P rating that the lighting has been designed to. Locations for meter/switchboards and finish/treatment is required.

Prior the issue of the Construction Certificate, a Landscape Maintenance Schedule and Specifications must be submitted to, and approved by, the Director City Futures (or delegate) of Bayside Council. Maintenance Documentation is to cover a 12 month period to provide a guide to the landowner or occupier on how to best maintain the constructed landscaped areas; and include the following information: shrub pruning/trimming (frequency, plant requirements); Fertilising and pest control (soil testing, types, rate, frequency); Mulching, weeding and soil improvement (frequency, materials); Irrigation (checks, adjustments); tree maintenance (fertilising, mulching, tree stakes adjustments, special tree requirements); Maintenance of hard landscape elements (paving, edges, walls, pergolas, seats, and planter box walls); and planter boxes/roof gardens/green wall (specialised maintenance requirements). Specification shall include also:

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

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

- (a) 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.

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- 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.

18. 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	\$35.50
Section 7.11 Contributions	\$482,223.44
Builders Damage Deposit (Security Deposit)	\$199,802.50

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.

19. Long Service Levy

Before the issue of any Construction Certificate, the long service levy of \$124,265.12 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.

20. Payment of Section 7.11 Contributions

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A Section 7.11 contribution of \$482,223.44 shall be paid to Council. The contribution is calculated according to the provisions contained within the Council's adopted Rockdale Section 94 Contributions Plan 2004 (Amendment 5). The amount to be paid is to be adjusted at the time of payment, in accordance with the review process contained in Contributions Plan. The contribution is to be paid prior the issue of any Construction Certificate,. The contributions will be used towards the provision or improvement of the amenities and services identified below. Copies of the Contribution Plan can be inspected at the Council's Customer Services Centre, Administration Building, 444-446 Princes Highway, Rockdale.

Regional Open Space	\$72,587.50
City-wide open Space	\$133,783.91
Local Open Space	\$117,913.17
City-wide Town Center	\$13,922.30
Sans Souci Local Town Center	\$ 38,881.28
Childcare Services	\$ 2,458.38
Community Services	\$ 4,266.19
Library Services	\$ 35,528.05
Pollution Control	\$ 60,225.34
Administration	\$ 2,657.32
Total in 2023/24	\$ 482,223.44

REASON

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

21. Housing and Productivity Contribution

1. 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

Housing and Productivity Contribution	Amount
Housing and Productivity Contribution (base component)	\$553,832.82
Transport Project Component	\$0
Total Housing and Productivity Contribution	\$553,832.82

2. 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:

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highest PPI number
consent PPI 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.

3. 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

4. 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:

- (a) the dedication or provision of land for the purpose of regional infrastructure in the region in which the development will be carried out,
- (b) 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

22. Tree Offset Controls

As there is insufficient space to plant the fifty-seven (57) new trees on site a monetary contribution of \$353.00 per tree is required as outlined in Council's Fee and Charges. The contribution is to be paid prior to the removal of the existing trees on site or the issue of the Construction Certificate.

REASON

To ensure the retention of Canopy Trees within the Bayside Council Locality.

23. 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

24. 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

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- (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.

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

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

REASON

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

26. Provision of Detailed Plans for Construction Certificate Application

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

Detailed plans must also show the following:

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

REASON

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

27. Bus Shelter to The Grand Parade

Prior to the issue of the Construction Certificate for above ground works, full details of how the bus shelter will be incorporated into the development's frontage to the Grand Parade to adequately service the bus stop is to be approved by the Bayside Council Director of City Futures (or delegate). The new bus shelter shall be located entirely within the development site. The design of the bus shelter shall comply with the applicable bus shelter and bus stop wayfinding standards.

REASON

To ensure the existing bus shelter on The Grand Parade is incorporated into the development.

28. Detailed Civil Design Plan

Prior to the issue of any Construction Certificate, detailed drainage design plans for the management of stormwater and floodwater 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.

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The detailed drainage design plans shall incorporate the provisions generally made in the stormwater concept plans prepared by SCP, project number S220042, drawings C-01-01 to C-06-11 along with the requirements detailed below:

- a) A stormwater basement plan to be revised with a pump out pit along with calculations designed as per Bayside Technical Specification Stormwater Management Section 4. The minimum crossfall to the surface pits to be a minimum of 0.5% as per AS3500.3 2018 towards the grated surface pits. All grading to be shown on all the basement levels. The basement pump-out tank shall pump to the WSUD chamber
- b) Details of the pump out pit was including the sizing pump out pit. The pump out must only drain basement surface run-off and not drain any groundwater. The basement must be a fully tanked structure.
- c) An oil baffle to be designed within the WSUD chamber to remove oil surface run-off within the basement (or similar as approved by council).
- d) A flood storage tank base plan is to be provided for both tanks, showing all base levels and minimum 1% fall towards the outlet pipe. Manufacturer details is to be provided for the proprietary products for stormwater treatment.
- e) A minimum 70,000 litre rainwater tank shall be provided for the development, connected to all toilets, clothes washers and external taps/landscape irrigation for non-potable stormwater re-use.

REASON

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

29. 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.

30. Tanking and Waterproofing Basement Intercepting Groundwater Table

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

REASON

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

31. 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.

32. Protection of Basement and Building Structures Below Flood Level

The proposed supermarket, loading dock, lobby and partial retail floor levels and basement car park entry levels within the development site shall be set 500mm above the 1% AEP flood level. A part of the retail one and retail two is permitted to be at the PMF flood level as shown on the approved plans. The underground basement and substructures, access stair wells, lift wells, windows, pedestrian entry / exit points etc. shall be flood proofed and physically protected to a minimum of 500mm above the 1% AEP flood level. 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 any Construction Certificate.

REASON

To ensure the development meets flood planning requirements.

33. Detailed Flood Risk Management Plan

Prior to the issue of the Construction Certificate, a Flood Risk Management Plan, prepared by a suitably qualified Civil Engineer, must be provided for the development. The flood risk and flood hazard on the site and its surrounds shall be assessed for the 1% AEP and PMF flood events. The management plan must make provision for, but not be limited to, the following:

- (a) Recommendations on all precautions to minimise risk to personal safety of occupants and the risk of property damage for the total development, and
- (b) Flood warning signs / depth indicators for areas that may be inundated, and
- (c) A flood evacuation strategy, and
- (d) A flood awareness strategy, and
- (e) On site response plan to minimise flood damage, demonstrating that adequate storage areas are available for hazardous materials and valuable goods above the flood level.

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

34. Detailed Parking Facility Design Requirements and Certification

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

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

- i. The parking facility (including parking spaces, ramps, aisles, vehicular crossing etc.) must comply in full with AS2890.1. The longitudinal profile(s) of the access driveway and any ramps within the parking facilities must comply with the Ground Clearance, Gradient (%) and Length requirements of the 2890 Australian Standards Series, and
- ii. All vehicles are to enter and exit the site in a forward direction, and
- iii. The minimum number of accessible car parking spaces shall be in accordance with the relevant disability legislation. The design and construction of accessible car parking spaces shall be in accordance with AS2890.6 and
- iv. The gate for the basement shall be located to permit the queuing of two (2) vehicles when waiting to enter the basement garage, and
- v. Pedestrian sightlines for vehicles existing the site are to comply with AS2890.1, and
- vi. Convex mirrors shall be provided at blind corners within, and leading to, the car parking levels to provide increased sight distance for vehicles, and
- vii. A minimum of 84 bicycle parking spaces and 15 motorcycle parking spaces must be provided as part of the development and designed in accordance with AS2890.3:2015 and AS2890.1 respectively, and
- viii. The retail car park shall provide a minimum 2 hours of free parking. The location of the boom gate to restrict and ingress and egress to be clearly shown on the plans and not result in any queuing on the Council road network and the Council car park. Full details of the ticketed or ticketless parking system are to be provided along with the queuing assessment.
- ix. The retail car park on basement level 1 and 2 shall be revised to include pedestrian walkways to the lifts and escalators that is line marked at both ends of the parking aisle with appropriate signs and pavement markings as per AS1742.10. Speed humps shall be provided in the retail car park to the slow the speed of vehicles approaching the pedestrian walkways.
- x. All retail car parking spaces to be designed as per user class 3A as per AS2890.1 2004.

- (b) A longitudinal driveway profile for the vehicular access for the loading dock and the basement access are to be prepared by a qualified Civil Engineer and shall be submitted to Council for assessment. The profiles shall start in the centre of the road and be along the critical edge (worst case) of the driveway. Gradients and transitions shall be in accordance with AS2890.1&AS2890.2. The profile shall include all relevant levels, grades (%), headroom clearances and lengths. The existing boundary levels shall be clearly shown on the profile, any change

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to the existing boundary levels requires approval from Bayside Council. The required crest level is to be set at RL3.5m AHD.

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

- i. Loading and unloading within the site shall be designed and be restricted to commercial vehicles not exceeding the size and mass description of the HRV from AS2890.2:2018. Commercial vehicles greater in size and mass than the HRV are not permitted to enter the site, and
- ii. The design of the parking facility (including driveways/access ramps/vehicular crossings etc.) shall conform with Australian Standards AS2890.2:2018 along the travel path of the service vehicles, and
- iii. All service vehicles shall enter the property front in front out, and
- iv. Swept path analysis shall be provided for manoeuvring of HRV commercial vehicles, depicting a forward entry and forward exit manoeuvre to/from the site via the loading dock(s) proposed within the development, and
- v. A longitudinal section plotting headroom clearance along the travel path of the service vehicle(s) is to be provided. It must be demonstrated that a safe headroom clearance of 4.5m is achieved along the entire travel path, parking and manoeuvring areas of the HRV within the development, and
- vi. All waste collection must be undertaken on-site, no bins/waste are permitted to be presented to the street for collection.

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

REASON

To ensure compliance with the relevant Australian Standard.

35. Mechanical Parking Facility System – Detailed Design

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

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

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- (c) Provide operational details/management plan of the entire facility, demonstrating safe and functional access for all users, including details of safety protection systems for users and non-users; and
- (d) The turntable to be designed to accommodate a 12.5m HRV as per AS2890.2:2018.

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

REASON

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

36. Provision of Car Wash Bay

The Construction Certificate plans must show the provision of 1 x 3.5m wide car wash bay. A cold-water tap (typically connected to the rainwater tank) and waterproof power outlet shall be provided along with a sign fixed to the wall saying, 'Car Wash Bay'. The car wash bay must be bunded in accordance with AS1940 and AS/NZS 4452 with direct connection to the sewer in accordance with a Sydney Water trade waste agreement.

REASON

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

37. Structural Certificate Basement Structure Adjacent to Public Road

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

REASON

To minimise risk to personal safety and property

38. Use of Neighbouring Properties and Roadways for Support

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

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

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

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

REASON

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

39. Awnings over Public Footpath

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

- (a) A minimum setback of 600mm from the face of the kerb, maximum fascia height 600mm, minimum soffit height 3.3m and a maximum step of 900mm for sloping sites. The awnings must be entirely self-supporting; posts are not permitted, and
- (b) All stormwater is to be collected and connected to Council's street gutter. In this regard awning downpipes for drainage are to be fully concealed within or recessed into the ground floor frontage of the building. Awning gutters are to be constructed so that they are not visible from the footpath or are integral to the awning structure, and
- (c) The design and certification by a Structural Engineer registered with the National Engineering Register (NER) for Roof Category R1 in accordance with AS/NZS 1170.1: 2002, AS/NZS 1170.0: 2002, and AS/NZS 1170.3: 2011. The design must incorporate all loads including dead loads, live loads, wind load (lateral, uplift, and downward pressure), and potential impact load, and
- (d) The awning(s) must be constructed of non-combustible materials, and
- (e) Lighting is required and must comply with AS/NZS 1158.3.1: 2005 and AS/NZS 1158.0: 2005. Lighting must be recessed into the awning and be integral to its structure with all wiring and conduits concealed.

Subject to compliance with the requirements above, Bayside Council grants approval pursuant to Section 138 of the Roads Act 1993. Council's approval remains whilst the structure is in place and the structural stability of the awning is not compromised. Maintenance of the awning is the responsibility of the owner of the land.

REASON

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

40. Geotechnical, Structural and Hydrogeologist Certification

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Prior to the issue of any Construction Certificate, tertiary qualified practicing chartered professional geotechnical, structural and hydrogeological engineer registered with the National Engineering Register (NER) must:

- (a) Review and ensure that the recommendations, construction methodologies and engineering assessment in the following reports are implemented into the detailed design of the proposal;
 - i. Geotechnical investigation report prepared by Douglas Partners, project No. 230818.00, filename 230818.00.R.002.Rev0, dated 16 October 2024, and
 - ii. Structural Report – SHORING AND BASEMENT CONSTRUCTION REVIEW prepared by TTW, ref: 241387 SAAA and dated 15 July 2024, and
- (b) Undertake the further Geotechnical investigations as detailed in section 10 of the Douglas Partners Geotechnical report (project No. 230818.00, filename 230818.00.R.002.Rev0, dated 16 October 2024), and
- (c) Conduct any further testing and assessment of the site and surrounding locality/structures as required by the engineers to ensure the appropriate recommendations and requirements are implemented into the construction certificate plans and documentation, and
- (d) Demonstrate that a fully “tanked” basement is provided for this development. A report is to be prepared detailing the methodology and structural design to be used to fully tank the basement to prevent the ingress of groundwater and withstand hydrostatic pressure. The basement design shall have a design lifetime of at least 100 years. The subsurface structure is required to be designed with consideration of uplift due to water pressure and “flotation” (buoyancy) effects. Cut off walls socketing into an impermeable stratum layer (bedrock) are to be implemented in the basement construction design to reduce the amount of groundwater extraction required for constructing the basement. Shoring wall design risk is to be minimized as far as reasonably practicable in the detailed design and construction methodology.
- (e) Provide final detailed recommendations and requirements to ensure the satisfactory implementation of the works required to excavate and construct the proposal;
 - i. Determine and detail the appropriate means of excavation/shoring in light of proximity to adjacent property and structures,
 - ii. Potential vibration caused by the method of excavation and potential settlements affecting nearby footings/foundations/buildings shall be discussed and ameliorated,
 - iii. Detail the proposed method to temporarily and permanently support the excavation for the basement adjacent to adjoining property, structures and road reserve (full support to be provided within the subject site),
 - iv. Determine the existing groundwater levels
 - v. Prepare an implementation program along with a suitable monitoring program including control levels for vibration, shoring support, ground level, structure level and groundwater level movements during construction. The implementation program is to nominate suitable hold points at the various stages of the works for verification of the design intent before sign-off and before proceeding with subsequent stages, and

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- (f) Certify the proposed method to temporarily and permanently support all excavation associated with the proposal, and
 - (g) Accurately determine the design of nearby building structure foundations and assess the impacts of the proposal on those structures, ensuring the proposed works will not compromise the structural stability of those structures, and
 - (h) Determine the existing groundwater levels through long term groundwater monitoring and quantify seepage and provide a recommendation for seepage management during construction, noting that permanent dewatering is not permitted.
 - (i) Demonstrate that all measures have been taken to minimize the volume of groundwater that needs to be extracted during temporary dewatering to construct the basement, and
 - (j) Provide details of temporary dewatering method (with required licences and permits) and details of volume and flow rates of extracted groundwater. The discharge point for the groundwater shall be detailed, and
 - (k) Demonstrate that there will be no adverse impact on surrounding adjacent properties and infrastructure as a result of hydrogeological changes associated with the construction of the development;
 - i. As a result of changes in the local hydrogeology (behaviour of groundwater) created by the required method of construction and excavation, and
 - ii. From changes to the permanent hydrogeology (behaviour of groundwater) of the surrounding area, created by the nature of the required “fully tanked” constructed subsurface structure form, and
 - iii. The cumulative impact will require hydrogeological modelling to demonstrate no adverse impact on the surrounding property or infrastructure. The extent of modelling must consider the potential for future development to extend the damming effect and must, as a minimum, extend between street blocks, and
- Temporary changes to the groundwater level as a result of construction must be kept within the historical range of natural groundwater fluctuations. See section 5 of the Sydney Coastal Councils Group Groundwater Management Handbook for further details.
- (l) Demonstrate and certify that the permanent changes to the groundwater level as a result of construction will not exceed 0.10m or negatively impact surrounding building structures within 50m of the proposed development, and
 - (m) Prepare a Construction Methodology report demonstrating that the proposed construction methods (including any excavation, and the configuration of the built structures) will have no adverse impact on any surrounding property and infrastructure, and
 - (n) Prepare a detailed final Implementation Plan including a Geotechnical and Hydrogeological Monitoring Program and Contingency Plan for the course of construction of the development, and
 - (o) Ensure that the sequence of subsurface and basement construction is followed as per the TTW Structural Report with appropriate “Hold Points” created to ensure previous step has been completed and accepted before moving to next step. Such Hold Points shall be reviewed and inspected by tertiary qualified Structural and Geotechnical Engineers registered with the (NER) to confirm the

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release of the Hold Point. An appropriate monitoring plan is recommended in order to monitor impact on surrounding structures and assets and verify design predictions. All works are to be inspected as they progress at frequencies determined by the engineers. An inspection schedule is to be prepared reflecting the above, and

- (p) Ensure that hydrostatic valves to release groundwater pressure on the basement are not implemented in the design that will result in groundwater entering the basement which is contrary to a tanked basement design. The structural tanked basement design is to account for future fluctuation of the future groundwater level and shall be designed to ensure it can withstand the hydrostatic pressures without resulting in the ingress of groundwater into the basement, and
- (q) Ensure all aspects required by the above points are implemented into the final construction certificate drawings, documentation and construction methodologies, and
- (r) Certify that all final construction certificate plans, documentation, and construction methodologies are satisfactory from a geotechnical, structural and hydrogeological perspective.

The above points are to be assessed and approved by the Principal Accredited Certifier. The Principal Certifier shall ensure the documentation submitted to address the abovementioned points listed above are peer reviewed by external consultants with equivalent qualifications registered with the NER and take their comments/assessment into consideration.

Copies of all documentation provided to satisfy this condition shall be forwarded to Council.

Note: A failure by contractors to adequately assess and seek professional engineering 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.

41. 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

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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.

42. Separation of Parking in Mixed Use Residential Developments

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

REASON

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

43. 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.

44. 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.

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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.

45. Sustainability

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

- (a) Provision of photovoltaic cell systems on the rooftops. Detailed design for the photovoltaic cells systems is to be provided, the provision of photovoltaic cells is to be at a rate that maximises the coverage of available non-trafficable space on the rooftop. A storage battery is to be provided where possible. This solar power shall be utilised in communal areas and other suitable areas within the development to reduce the developments demand for electricity from the grid.
- (b) Sensor controlled and zoned internal lighting within the building's car park and common areas.
- (c) Use of admixtures in concrete to minimise cement and reduce embodied carbon.
- (d) Separate circuiting for temporary power to minimal stair and corridor lighting.
- (e) Use of LEDs and other low energy flicker free lighting resources.
- (f) Provision for EV charging in accordance with the below requirements;
 - i. All residential car parking spaces must be 'EV-Ready'. An 'EV-Ready' car space requires the provision of a backbone cable tray and a dedicated spare 15A circuit within an EV Distribution Board enabling future installation of a smart EV charger and cabling to the EV Distribution Board.
 - ii. Provide EV Distribution Boards of sufficient size to allow connection of all 'EV-Ready' car spaces.
 - iii. Locate EV Distribution board(s) so that no future 'EV-Ready' car space will require a cable run greater than 55m from the parking bay to an EV distribution board and, ensure that no cables will obstruct vehicular circulation aisles. Development shall provide cable trays, electrical cabinets, and conduits sufficient to accommodate the electric circuitry to each 'EV-Ready' and 'EV Equipped' car space.
 - iv. EV Distribution Boards are to be dedicated to EV charging that is capable of supplying not less than 50% of EV connections at full power (full power being each individual connection being provided with not less than 2kW power and preferably 7kW power) at any one time during off-peak periods, to minimize impacts to maximum demand loads. To deliver this,

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an EV Load Management System and an active suitably sized connection to the main switchboard is required.

v. EV Load Management System is to be capable of:

- Reading real time current and energy from the EV chargers under management via ethernet connection;
- Determining, based on known installation parameters and real time data, the appropriate behaviour of each EV charger to minimise building peak power demand whilst ensuring electric vehicles connected are fully recharged;
- Scale for residents to engage an EV Load Management provider to provide additional smart chargers to residential car spots over time.
- Ensuring each multi-unit residential 'EV-Ready' car parking spaces be metered separately to their individual account as part of the 'EV-Ready' system.

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

REASON

To ensure sustainable requirements are met.

46. 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.

47. 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 Principal Certifier prior to the issue of any Construction Certificate.

REASON

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

48. Utilities and Services

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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.

49. 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

REASON

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

50. Heritage Interpretation

The details of the public art concept for Heritage Interpretation are required to be submitted for approval by Bayside Council Director City Futures prior to issue of Construction Certificate.

REASON

To protect and allow the interpretation of the significance of items of environmental heritage

51. Safer by Design Requirements

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

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- (a) Monitored CCTV facilities shall be implemented throughout the development. Areas of focus include the basement car park (including entry and exits), main entry areas to the development, to the commercial uses and garbage/storage areas, and corners along property boundaries, and
- (b) A lighting maintenance policy shall be established for the development. Lighting shall be designed to the Australian and New Zealand Lighting Standards. Australia and New Zealand Lighting Standard 1158.1 - Pedestrian, requires lighting engineers and designers to consider crime risk and fear when selecting lamps and lighting levels, and
- (c) Security mirrors shall be installed within corridors and on blind corners to enable users to see around blind corners, and
- (d) Graffiti resistant materials shall be used to ground level external surfaces, and
- (e) Intercom facilities shall be installed at all vehicular and pedestrian entry/exit points to enable residents to communicate and identify with people prior to admitting them to the development, and
- (f) The front window of the ground floor tenancy must be kept free of shelves and shall not be covered at any time
- (g) The ceiling of the basement car park shall be finished in light colour in order to maximise visibility.

REASON

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

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

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

52. 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) 211 Ramsgate Road RAMSGATE BEACH NSW 2217
- (b) 213 Ramsgate Road RAMSGATE BEACH NSW 2217
- (c) 86-88 Alfred Street SANS SOUCI NSW

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.

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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

REASON

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

53. Tree Retention/Protection

Located in the Public Domain are eleven (11) trees which **shall be protected** with a Tree Protection Zone. (TPZ). These trees include:

- Tree. 31-35, Cupanopsis anacardioides (Tuckeroo)
- Tree. 36, Araucaria columnaris (Cook Pine).
- Tree. 37, Araucaria columnaris (Cook Pine).
- Tree. 38, Corymbia maculata (Spotted Gum).
- Tree. 39, Corymbia maculata (Spotted Gum).
- Tree. 40, Corymbia maculata (Spotted Gum).
- Tree. 41, Araucaria columnaris (Cook Pine).
- Tree. 42, Cupanopsis anacardioides (Tuckeroo).

Located in the adjoining Property at 280 The Grand Parade are twelve (12) trees which **shall also be protected** with a Tree Protection Zone. (TPZ). These trees include tree number 17- 27 and 43- 45 in the submitted Arborist Impact Statement, prepared by Abnoba Arbor, dated 16/12/2023.

Prior to commencing demolition/any works on site, to ensure that the above-mentioned trees are protected during demolition and construction, and the health and structural stability are ensured; a **Tree Protection Zones** shall be established as follows.

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.

The protective fence shall consist of a 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.

Notwithstanding the above, Consent is granted for the removal of the following trees on site

- Trees. 1-13, Murraya paniculata (Mock Orange).
- Tree, 16. Agonis flexuosa (Willow Myrtle).

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Consent is granted for the removal of the following trees within the public domain:

- Trees. 28, 29 & 30, Robinia pseudoacacia (False Acacia).

REASON

To ensure the retention of Canopy Trees within the Bayside Council Locality.

54. Tree Protection Measures

Before any site work commences, the Principal Certifier, or Council where a principal certifier is not required, must be satisfied the measures for tree protection detailed in the consent are in place.

REASON

To protect and retain trees.

55. Arborist

Prior to any works commencing at the site a project Arborist must be appointed. The project Arborist should be qualified to a minimum AQF level 5 and/or equivalent qualifications and have experience in protection of trees on development sites. The appointed project arborist will assist with any development issues relating to trees that may arise.

REASON

To ensure the appropriate management of trees on site.

56. 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.

57. 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.

58. Signs on site

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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).

59. 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).

60. Home Building Act requirements

Residential building work within the meaning of the *Home Building Act 1989* must not be carried out unless the Principal Certifier for the development to which the work relates (not being the Council) has given the Council written notice of the following information –

- (a) In the case of work for which a principal contractor is required to be appointed -
 - i. the name and licence number of the principal contractor, and
 - ii. the name of the insurer by which the work is insured under Part 6 of that Act,
- (b) In the case of work to be done by an owner-builder -
 - i. the name of the owner-builder, and
 - ii. if the owner-builder is required to hold an owner-builder permit under the Act, the number of the owner-builder permit.

If arrangements for doing the residential building work are changed while the work is in progress so that the information notified becomes out of date, further work must not be carried out unless the Principal Certifier for the development to which the work relates (not being the Council) has given the Council written notice of the updated information.

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REASON

Prescribed condition EP&A Regulation, Section 71(1), (2) and (3).

61. Demolition Management Plan

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

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

- (a) The proposed demolition methods.
- (b) The materials for and location of protective fencing and any hoardings to the perimeter of the site.
- (c) Details on the provision of safe access to and from the site during demolition work, including pedestrian and vehicular site access points and construction activity zones.
- (d) Details of construction traffic management, including proposed truck movements to and from the site, estimated frequency of those movements, and compliance with *AS 1742.3 Traffic Control for Works on Roads* and parking of vehicles.
- (e) Protective measures for on-site tree preservation and trees in adjoining public domain (if applicable) (including in accordance with *AS 4970-2009 Protection of Trees on Development Sites* and Rockdale Development Control Plan 2011.
- (f) Erosion and sediment control measures which are to be implemented during demolition and methods to prevent material being tracked off the site onto surrounding roadways.
- (g) Dust, noise and vibration control measures, in accordance with any Noise and Vibration Control Plan approved under this consent.
- (h) Details of the equipment that is to be used to carry out demolition work and the method of loading and unloading excavation and other machines.
- (i) Details of any bulk earthworks to be carried out.
- (j) Details of re-use and disposal of demolition waste material in accordance with Rockdale Development Control Plan 2011.
- (k) Location of any reusable demolition waste materials to be stored on-site (pending future use).
- (l) Location and type of temporary toilets on-site.
- (m) A garbage container with a tight-fitting lid.

REASON

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

62. Disconnection of Services before Demolition Work

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

REASON

To protect life, infrastructure and services.

63. Notice of Commencement for Demolition

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

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

REASON

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

64. Asbestos Removal Control Plan

To ensure that all asbestos materials identified are managed appropriately an Asbestos Removal Control Plan (ARCP) shall be prepared and implemented during works onsite. The ARCP shall be prepared in accordance with:

- (a) SafeWork NSW Codes of Practices; and
- (b) SafeWork Australia Model Code of Practice - How to Safely Remove Asbestos 2011; and
- (c) Work Health and Safety Act and Regulations 2011; and
- (d) Australia Standard (AS) 2601-2001 The Demolition of Structures.

The report shall contain details regarding the proposed methods of containment and disposal of asbestos containing material and shall be submitted to the Principal Certifier prior to the demolition of any building or structure.

REASON

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

65. 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

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and experience in geotechnical engineering, between any potential source of vibration and any building identified by the professional engineer as being potentially at risk of movement or damage from settlement and/or vibration during the excavation and during the removal of any excavated material from the land being developed.

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

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

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

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

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

REASON

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

66. 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

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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.

67. 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.

68. 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 adjacent to the site and in the Council car park. 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.

69. Hazardous Material Survey before Demolition

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

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

The report must include at least the following information:

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

REASON

To require a plan for safely managing hazardous materials.

70. 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.

71. Asbestos Removal Signage

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

REASON

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

72. Handling of Asbestos during Demolition

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

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

REASON

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

73. 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.

74. Mechanical Plant – CC Acoustic Report

The Principal Certifying Authority shall not issue a Construction Certificate until a detailed acoustic assessment of all mechanical plants and equipment which meet the NSW EPA Noise Policy for Industry – 2017 noise emission criteria as specified in Acoustic Assessment for Development Application prepared by Renzo Tonn & Associates – “Ramsgate Beach Hotel – 277 The Grand Parade Ramsgate – Amending DA Acoustic Assessment (Residential Scheme) Doc reference: TM657-04F01 Amending DA Acoustic Assessment (Residential Scheme) (r0) prepared for BRONXX dated the 15 December 2023” has been carried out. The report shall be prepared by a suitably qualified and experienced acoustic engineer (who is a member of either the

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Australian Acoustical Society or the Association of Australian Acoustical Consultants). It shall be submitted to the Principal Certifying Authority.

REASON

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

75. 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.

76. Demolition Noise (Major Development)

Prior to commencement of any demolition works, the applicant must submit to the Principal Certifier an acoustic report prepared by a qualified practicing acoustic engineer (who is a member of either the Australian Acoustical Society or the Association of Australian Acoustical Consultants) which includes the following:

- (a) All potentially noisy activities are to be identified, and
- (b) The duration of all potentially noisy activities are to be identified, and
- (c) Detail noise mitigation measures to minimise community disturbance and to meet the following conditions, and
- (d) Recommendation to inform the community of the type and duration of essential noisy activities.

REASON

To minimise adverse noise impacts to surrounding residents.

77. Contamination – Detailed Investigation & Remediation (following building demolition)

Following demolition of the existing building, a Detailed Site Investigation (DSI) must be completed by a suitably qualified and experienced environmental consultant 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;
- (c) Chapter 4 - State Environmental Planning Policy (Resilience and Hazards); and
- (d) Section 3.11 – Contamination of Bayside Development Control Plan 2022.

The DSI must include, but not be limited to:

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- i. SafeWork NSW records (including a Dangerous Goods Register search) that was not included within the Preliminary Site Investigation report;
- ii. Details of excavation required below the lowest basement finished floor level (for footings, service trenches, and lift overrun pits) and the estimated bulk excavation level;
- iii. Additional soil assessment points to reach minimum assessment location density and site coverage (in particular, underneath the current building footprint) in accordance with the NSW EPA adopted Guidelines under the Contaminated Land Management Act, to adequately characterise the entire site area;
- iv. Deeper borehole soil sampling that is reflective of the proposed excavation depth (9.900m below the ground floor level), inclusive a natural soil testing from all sampling points, to identify the extent of potential contaminants and risks; and
- v. Additional groundwater assessment (through new monitoring wells) in order to better understand hydraulic flow direction and groundwater quality from a contamination perspective.

The DSI must make a clear conclusion about site suitability without being subject to the completion of significant investigations that would negate the site suitability conclusion. Following completion of the DSI, the prepared Remedial Action Plan (RAP) must be updated in-line with new findings and submitted to Council with the DSI.

REASON

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

78. Site Audit Statement – Section B – DSI and RAP

To ensure that the DSI has been completed appropriately and the developed RAP will result in the land being made suitable for the proposed use, a Section B Site Audit Statement (SAS) completed by an accredited site auditor under the Contaminated Land Management Act 1997 must be submitted to Council. The SAS must clearly demonstrate that the DSI required to be prepared and the RAP to be updated has been completed in accordance with the NSW guidelines, and that the land can be made suitable for the proposed use by implementation of the RAP. This SAS must be provided to the accredited certifier, and Bayside Council for written concurrence, prior to the issue of any Construction Certificate.

REASON

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

DURING ANY WORKS (including Demolition, Excavation and Construction)

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

79. Approved Plans kept on Site

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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.

80. Noise during Construction

The following shall be complied with during construction and demolition:

(a) Construction Noise

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

(b) Level Restrictions

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

(c) Out of hours work

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

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

(d) Silencing

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

REASON

To protect the amenity of the neighbourhood.

81. 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 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.

82. Deliveries

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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 Saturday.
- (b) No deliveries to be carried out on Sunday and public holidays.

REASON

To protect the amenity of neighbouring properties.

83. Additional information – Contamination – Cease work addition (with SAS auditor)

Any new information that comes to light during demolition, remediation or construction which has the potential to alter previous conclusions about site contamination and remediation must be notified to Council, the appointed Accredited Site Auditor (Contaminated Land) and the accredited certifier immediately. All work on site must cease until the Council is notified in writing and appropriate measures to assess and manage the contamination in accordance with any relevant NSW EPA adopted guidelines is completed by an appropriately qualified and experienced environmental consultant, and reviewed and approved by the Site Auditor (Contaminated Land).

REASON

To protect the environment and human health.

84. 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) 'Remedial Action Plan – 277 The Grand Parade, Ramsgate NSW' (ref: 2781-RAP-01-211024.v1f), by Sydney Environmental Group Pty Ltd, dated 25 October 2024

REASON

To ensure compliance with relevant guidelines and legislation.

85. Asbestos

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

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

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- (c) Protection of the Environment Operations (Waste) Regulation 2014; and
- (d) NSW Environment Protection Authority Waste Classification Guidelines 2014.

REASON

To ensure compliance with relevant guidelines and legislation.

86. Acid Sulfate Soil Management – Specific Plan

The management of potential and actual acid sulfate soils must be conducted in accordance with all recommendations within the 'Acid Sulphate Management Plan – Proposed Mixed Use Development – 277 The Grand Parade, Ramsgate, NSW' (ref: E34871PTletRev1-ASSMP), by JK Environments Pty Ltd, dated 9 January 2024 or as amended.

REASON

To ensure compliance with relevant guidelines and legislation

87. Dewatering Water Quality Requirements

For any water from site dewatering to be permitted to go to the stormwater system, the water must meet the relevant default guideline values (DGVs) under the Australian & New Zealand Guidelines for Fresh & Marine Water Quality. All testing must be completed by a NATA accredited laboratory. All laboratory results must be accompanied by a report prepared by a suitably qualified and experienced person indicating the water is acceptable to be released into Council's stormwater system. If it is not acceptable, details of treatment measures to ensure that the water is suitable for discharge to council's stormwater must be provided in this report. Reports must be provided to council prior to discharge of any groundwater to the stormwater system.

REASON

To protect the environment and ensure compliance with relevant guidelines and legislation.

88. Dewatering – Permit to Discharge to Stormwater

To ensure that relevant engineering and water quality provisions are met during the period of dewatering for construction, prior to any water from site dewatering to be permitted to go to council's stormwater system a permit to discharge to the stormwater must be obtained from Council. Dewatering must not commence until this is issued by Council.

REASON

To protect the environment

89. 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.

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REASON

To ensure compliance with relevant guidelines and legislation.

90. 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.

91. 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.

92. 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.

93. 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.

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- (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.

94. 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.

95. Tree Protection during Work

While site work is being carried out, all required tree protection measures must be maintained in good condition in accordance with:

- (a) the approved Construction Site Management Plan for the site,
- (b) the relevant requirements of AS 4970 Protection of Trees on Development Sites,
- (c) Rockdale DCP 2011 (in force as at the date of lodgement of the application consent), and
- (d) any Arborist's Report approved under this consent.

This includes maintaining adequate soil grades and ensuring all machinery, builders refuse, spoil and materials remain outside tree protection zones.

REASON

To protect trees during the carrying out of site work.

96. Responsibility for changes to Public Infrastructure

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

REASON

To ensure payment of approved changes to public infrastructure.

97. Shoring and Adequacy of Adjoining Property

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

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

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

REASON

Prescribed condition – EP&A Regulation, Section 74.

98. Implementation of Soil and Water Management Plan

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

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

REASON

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

99. Toilet Facilities

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:

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- (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

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

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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:

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

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

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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. Demolition Requirements During Works

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

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

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Before You Dig website: www.1100.com.au should be contacted prior to works commencing, and

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

REASON

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

104. 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.

105. 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.

106. 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

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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

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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.

107. Waste Management

While site work is being carried out:

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

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

REASON

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

108. Waste Disposal Verification Statement

On completion of demolition work:

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- (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.

109. 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.

110. 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.

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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.

111. 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:

112. 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

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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.

113. Site Audit Statement – Site Suitability

To ensure that the site is suitable for the proposed use, a Section 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 SAS prior to the issuing of any Occupation Certificate. In circumstances where the accredited Site Auditor is unable to issue a Section A SAS for the site due to remediation work not complying with the requirements of this 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.

114. 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.

REASON

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

115. Landscape maintenance

Prior to the issue of an Occupation Certificate, a maintenance plan is to be submitted and approved by the Principal Certifying Authority. A copy of the maintenance plan is to be kept on site at all times during construction and shall be produced to Council on request following completion.

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

- i) Frequency and methodology of different maintenance requirements including the removal of green waste; irrigation system tests, waterproofing inspections.
- ii) Details of safety procedures;
- iii) Laminated copies of 'As Built' Landscape drawings;
- iv) Manufacturer's contact details and copies of manufacturers' typical details and specification;
- v) Copies of warranties and guarantees relating to all materials and plant used in construction;

Practical Completion must be obtained from Council in accordance with Approved Landscape plans and Public Domain/Frontage Works Permit requirement prior to use. Practical Completion is based on joint final inspection, records of periodic inspection, testing results, certifications and safety audits of all constructed/installed components provided by the relevant consultants/contractors. Prior commencement of use and prior 12 months maintenance period of Open area 4 conduct an independent Comprehensive Inspection of all Park Facilities, including playgrounds, natural play zone, and soft fall test.

Contributed Assets Handover to Council will follow Practical Completion based on a second inspection and lodgement of contributed asset schedule, maintenance manuals/schedules, work as executed records/drawings, plus all other documents required for future maintenance. Prior Hand over of public area to Council conduct a second Independent Comprehensive Inspection of all public space Facilities, and submit all manuals and certifications to Council.

REASON

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

116. 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.

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117. Acoustic Measures Validation

A report prepared by a qualified practicing Acoustic Engineer (who is a member of either the Australian Acoustical Society or the Association of Australian Acoustical Consultants) shall be submitted, which demonstrates and certifies that noise and vibration emissions from the development comply with the relevant provisions of the Protection of the Environment Operations Act 1997, NSW EPA - Noise Policy for Industry (2017) and conditions of Council's approval, including any recommendations contained in Renzo Tonn & Associates – "Ramsgate Beach Hotel – 277 The Grand Parade Ramsgate – Amending DA Acoustic Assessment (Residential Scheme) Doc reference: TM657-04F01 Amending DA Acoustic Assessment (Residential Scheme) (r0) prepared for BRONXX dated the 15 December 2023 (Acoustic report) and referenced in the conditions of this approval.

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

REASON

To ensure that adverse amenity impacts are minimised.

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

REASON

To comply with Sydney Water requirements.

119. Consolidation of Lots

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

REASON

To encourage the orderly and economic use of the land.

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

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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. 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.

124. Certification of New Stormwater System

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

REASON

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

125. Completion of Public Utility Services

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

REASON

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

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

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

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

REASON

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

127. Positive Covenant Application

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

- (a) Stormwater Pump System
- (b) Stormwater Quality Improvement Devices
- (c) Flood Storage Tank
- (d) Basement tanking
- (e) Bus shelter.

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

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

REASON

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

128. Certification of Tanking and Waterproofing

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

REASON

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

129. Geotechnical Certification

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

REASON

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

130. Rainwater Tank - Plumbing Certification

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

REASON

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

131. Parking Facility Certification

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

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

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

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The certification must be submitted to the Principal Certifier.

REASON

To ensure compliance with the relevant standards.

132. Erection of Signage

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

(a) Flooding:

A flood sign plaque shall be fixed to a prominent place within the flood affected area, approved by the Principal Certifier, in such a way that it cannot be removed. The flood sign shall contain the wording "The site is subject to flooding in heavy storms. Keep clear of the area when flooding occurs".

(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, approved by the Principal Certifier, 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 / commercial floor levels are constructed a minimum of 500 mm above the 1% Annual Exceedance Probability (AEP) Flood Level and that the basement parking level is protected from inundation to a minimum of 500mm above the 1% AEP Flood Level at all openings (driveway, fire stair etc.).

REASON

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

134. Flood Risk Management Plan

The approved Flood Risk Management Plan and all recommendations from the Flood Awareness & Evacuation Strategy are to be implemented within the development prior to the issue of the Occupation Certificate. A copy of the Flood Risk Management Plan is to be kept on-site. Details and evidence are to be provided to the satisfaction of the Principal Certifier prior to the issue of any Occupation Certificate.

REASON

To minimise risk to life and property.

135. Video CCTV for Council Stormwater Pipe after Construction

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Prior to the issue of the Final Occupation Certificate, a qualified practitioner shall undertake a closed-circuit television (CCTV) inspection, and then report on the post construction condition of Bayside Council stormwater drainage infrastructure adjacent to, the site and the Council car park. 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.

REASON

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

136. Preservation of Survey Marks

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

- (a) If survey mark(s) exist they have not been removed, damaged, destroyed, obliterated or defaced; and
- (b) if any survey mark(s) 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.

137. Private Waste Collection

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

138. Compliance of Works as Executed for Mixed Use

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

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

REASON

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

139. Loading Dock Management Plan

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

REASON

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

140. 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 constructed (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.

141. Roads Act / Public Domain Works

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

- (a) Construction of a new footpath (paved, full width) and planting of required street trees/landscaping along all frontages of the development site.
- (b) Construction of vehicular entrance/s designed to accommodate the largest vehicle entering the site.
- (c) Construction of new kerb and gutter along the frontage of the development site.
- (d) Removal of the existing concrete vehicular entrance/s, kerb laybacks and other damaged/redundant public domain improvements which will no longer be required.
- (e) Reconstruction of selected areas of the existing footpath, vehicular entrances, road, kerb, and gutter as required.
- (f) Construct the required stormwater infrastructure as detailed in the deferred commencement plans and documentation to Bayside Council infrastructure specifications.
- (g) Construct the required public domain works, signage, line marking, lighting etc. to the public carpark on Ramsgate Road as detailed in the deferred commencement plans and documentation to Bayside Council infrastructure specifications.

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.

142. 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:

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- (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.

143. Dilapidation Report – Public Domain – Post-Construction

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

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

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

REASON

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

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

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

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

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- (a) The proposed maintenance regime, specifying that the system is to be regularly inspected and checked by qualified practitioners, and
- (b) The proposed method of management of the facility, including procedures, directions to users, safety protection systems, emergency response plan in the event of mechanical failure, etc., and
- (c) Any person required to operate the parking system must be trained to do so, and
- (d) Provide signage that shall be erected prominently alongside the mechanical parking facility stipulating the maximum height/width/length of vehicle that can enter the facility, and

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

Furthermore, an Engineer, registered with the National Engineering Register (NER), is to certify the installation of the Mechanical/Electronic Parking Systems within the completed development. This certification is to include testing and inspections of the system in operation.

REASON

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

145. Car Share

The four (4) car share car parking space(s) must be operated by a recognised commercial car share operator within the site. A contract for the operation of the car share space(s) by the commercial car share provider must be entered into prior to issue of any Occupation Certificate. The car share space(s) must be made available to car share operators without a fee or charge. The car share space(s) must be appropriately line marked and signposted to indicate its usage to be exclusively as a car share space to the satisfaction of the car share operator. The car share space(s) must be always publicly accessible, and the intercom system must be designed to facilitate public access to the car share parking space.

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

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

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

REASON

To ensure the car share space is fully operational

146. 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:

147. External façade for Supermarket

The ground floor windows along The Grand Parade shall not be covered at any stage and are to remain transparent. The layout of the supermarket shall ensure:

- a) Merchandise shelves are not placed against the windows.
- b) Advertising posters are not to be installed along this frontage.

Prior to commencement of operations the layout of the supermarket is to be submitted to Bayside Council Director City Futures for approval.

REASON

To ensure that design of the building maintains the active street front requirement stipulated on the site.

148. Shopping Trolley Management

The business operator of the supermarket must:

- a) ensure that all shopping trolleys provided for customers are clearly labelled with the name of the business, including a contact telephone number that can be used to report abandoned trolleys, and
- b) provide convenient, safe, designated trolley return bays to encourage the orderly management of shopping trolleys, and
- c) put in place measures to minimise the occurrence of shopping trolleys being taken off the site (e.g. signs, proximity wheel locking devices, coin deposit locks, etc), and
- d) implement a process to ensure that any trolleys abandoned within the site, any associated car park, and within 100m of the site are collected at least every 2 hours by scheduled staff/contractor patrols, and
- e) ensure that any trolley abandoned outside of the areas specified in (3) above reported to the business operator by Council or a member of the public is collected within 24 hours.

REASON

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To ensure shopping trolleys are returned and to minimise impacts in the area.

149. Operation of Vehicular Premises

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

- (a) All vehicles must enter and exit the site in a forward direction.
- (b) All commercial vehicles (including deliveries and garbage collection) shall enter and exit the site in a forward direction and exit the site in a forward direction.
- (c) All loading / unloading and garbage / waste collection activities shall take place on-site wholly within the dedicated loading areas and not from public places, public streets, or any road related area (e.g., footpath, nature strip, road shoulder, road reserve).
- (d) The maximum size of vehicles accessing the site shall be limited to a 12.5m long HRV Vehicle (as denoted in AS2890.2).
- (e) All manoeuvring movements of vehicles shall be carried out wholly within the site and vehicle manoeuvring area shall be kept clear at all times.
- (f) Parking spaces must not be enclosed without further approval of Bayside Council. The enclosure of car spaces is not permitted unless the enclosure complies with the design requirements of AS/NZS 2890.1.
- (g) All vehicles shall be parked in the marked parking bays. All parking bays on-site shall be set aside for parking purpose only and shall not be used for storage of goods or machinery.
- (h) A minimum of two hour of free car parking is to be provided for the retail/commercial car park.

REASON

To manage site operations so that adverse impacts are minimised.

150. 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.

151. Maintenance of Wastewater and Stormwater Treatment Device

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

REASON

To protect sewerage and stormwater systems.

152. Ongoing Use Mechanical Parking Facility

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

REASON

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

153. Landscape – Maintenance

The landscaped areas on the property shall be maintained for the lifetime of the property in accordance with any approved landscape plans and Council's Development Control Plan.

- (a) The landscaped areas on the property / site shall be maintained for the lifetime of the property in accordance with any approved landscape plans and Council's Development Control Plan. The landscaped areas shall be maintained in a clean and tidy state and with a dense, even coverage of plants to Council's satisfaction at all times, and
- (b)
- (c) 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.
- (d) A landscape contractor shall be engaged weekly for a minimum period of 52 weeks from completion of the landscape installation to maintain the landscaping. After that time a minimum of monthly maintenance is required, and
- (e) An automatic drip irrigation system shall be installed and maintained in working order for all landscaped areas, and

REASON

To ensure ongoing maintenance of approved landscaping

154. Managing Noise

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During ongoing use of the premises, the premises must be operated in accordance with the approved acoustic report.

REASON

To protect the amenity of the local area.

155. Storage of Goods during Ongoing Use

During ongoing use of the premises, all goods must be stored wholly within the premises and must not be stored or displayed outside the premises, including any public place, without Council's approval.

REASON

To ensure goods are stored wholly within the premises and protect the amenity of the local area.

156. 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.

157. Noise from Mechanical Plant / Ventilation and Air Conditioning

- (a) The use of the premises, building services, equipment, machinery and, ancillary fittings shall not give rise to an "offensive noise" as defined under the provisions of the Protection of the Environment Operations Act 1997, and
- (b) The use of mechanical plant including air conditioners, fans, compressors, condensers, freezers, swimming pool or spa pumps (whether commercial or domestic) shall not cause sound pressure levels in excess of the criteria given in the NSW EPA Noise Policy for Industry – 2017.

REASON

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

158. Noise from Air-Conditioning Units

Residential air conditioners shall not cause 'offensive noise' as defined by the Protection of the Environment Operations Act 1997 or contravene provisions of the Protection of the Environment (Noise Control) Regulation 2017 where emitted noise from a residential air conditioner can be heard within a habitable room in any other residential premises at night.

REASON

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

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159. Maintenance of Sound Attenuation

Sound attenuation must be maintained in accordance with the Acoustic Report submitted by Renzo Tonn & Associates – “Ramsgate Beach Hotel – 277 The Grand Parade Ramsgate – Amending DA Acoustic Assessment (Residential Scheme) Doc reference: TM657-04F01 Amending DA Acoustic Assessment (Residential Scheme) (r0) prepared for BRONXX dated the 15 December 2023.

REASON

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

160. Public Address System

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

REASON

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

161. Spruikers and Speakers

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

REASON

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

162. Vibration from Plant and Equipment (Commercial, Industrial Uses)

The use of the premises and the operation of plant and equipment shall not give rise to the transmission of a vibration nuisance or damage to other premises as defined in the Environment Protection Authority's Technical Guidelines for Assessing Vibration.

REASON

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

163. Odour Control

The operation shall not give rise to offensive odour or other air impurities in contravention of the Protection of the Environment Operations Act 1997. The principal contractor shall ensure that all practical means are applied to minimise odour from the site.

REASON

To ensure compliance with the Protection of the Environment Operations Act 1997.

164. Water Pollution and OEMP

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The operation of the premises shall be conducted in a manner which does not pollute water as defined by the Protection of the Environment Operations Act. Treated overflow or other discharge shall not cause pollution of the council's stormwater system in accordance with the Protection of the Environment Operations Act 1997. Management of the site shall be undertaken in accordance with measures outlined in the Operational Environmental Management Plan (OEMP).

REASON

To ensure compliance with the Protection of the Environment Operations Act 1997.

165. Water Pollution Prevention

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

REASON

To ensure compliance with the Protection of the Environment Operations Act 1997.

166. No Encroachment onto Drainage Easements/Overland Flow Path

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

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

REASON

To ensure that overland flow paths and easements remain unrestricted.

167. Awnings over Footpaths

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

REASON

To minimise risk to life and property.