



Bayside Council

Serving Our Community

NOTICE OF DETERMINATION OF A DEVELOPMENT APPLICATION

Application number	DA-2024/53 PAN-411038
Applicant	Bruno Bezjak 33 BANKS AVENUE DACEYVILLE 2032
Description of development	Alterations and additions to an educational establishment (Hartford College) including alterations to Buildings A, B and C, construction of a two storey building, new parking area and vehicle crossover location, outdoor play area and associated site works
Property	33 BANKS AVENUE DACEYVILLE 2032 3875/-/DP752015
Determination	Approved Consent Authority - Sydney / Regional Planning Panel
Date of determination	19/09/24
Date from which the consent operates	19/09/24
Date on which the consent lapses	19/09/29

Under section 4.18(1) of the EP&A Act, notice is given that the above development application has been determined by the granting of consent using the power in section 4.16(1)(a) of the EP&A Act, subject to the conditions specified in this notice.

Reasons for approval

- The development, subject to conditions, is consistent with the objectives of the R2 Low Density Residential Zone and the relevant objectives of Bayside Local Environmental Plan 2021.
- The development, subject to conditions, is generally consistent with the objectives of the Bayside Development Control Plan 2022.
- The variation request is well founded and satisfies the requirements of s4.6 of the BLEP 2021 to support the variation to the s4.3 Height of Buildings development standard.
- The proposal is an appropriate response to the streetscape and topography and will not result in any significant impact on the environment or the amenity of nearby residents. The scale and design of the proposal is suitable for the location and is compatible with the desired future character of the locality.

Right of appeal / review of determination

If you are dissatisfied with this determination:

Request a review

You may request a review of the consent authority's decision under section 8.3(1) of the EP&A Act. The application must be made to the consent authority within 6 months from the date that you received the original determination notice provided that an appeal under section 8.7 of the EP&A Act has not been disposed of by the Court.

Rights to appeal

You have a right under section 8.7 of the EP&A Act to appeal to the Court within 6 months after the date on which the determination appealed against is notified or registered on the NSW planning portal.

The Dictionary at the end of this consent defines words and expressions for the purposes of this determination.

Marta Gonzalez-Valdes
Coordinator Development Assessment
Person on behalf of the consent authority

For further information, please contact Ayse Kiziltekin / Development Assessment Planner

Terms and Reasons for Conditions

Under section 88(1)(c) of the EP&A Regulation, the consent authority must provide the terms of all conditions and reasons for imposing the conditions other than the conditions prescribed under section 4.17(11) of the EP&A Act. The terms of the conditions and reasons are set out below.

General Conditions

1

Erection of signs

1.

This section applies to a development consent for development involving building work, subdivision work or demolition work.

2.

It is a condition of the development consent that a sign must be erected in a prominent position on a site on which building work, subdivision 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 the building work and a telephone number on which the principal contractor may be contacted outside working hours, and

c.

stating that unauthorised entry to the work site is prohibited.

3.

The sign must be—

a.

maintained while the building work, subdivision work or demolition work is being carried out, and

b.

removed when the work has been completed.

4.

This section does not apply in relation to—

a.

building work, subdivision work or demolition work carried out inside an existing building, if the work does not affect the external walls of the building, or

b.

Crown building work certified to comply with the Building Code of Australia under the Act, Part 6.

Condition reason:

Prescribed condition under section 70 of the Environmental Planning and Assessment Regulation 2021.

2

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 number	Plan title	Drawn by	Date of plan
06	01	Demolition Plan	Sam Crawford	19.12.2023

			Architects	
04	01	Site Plan	Sam Crawford Architects	19.12.2023
07	02	Ground Floor Plan	Sam Crawford Architects	30.07.2024
07a	01	Ground Floor Parking and Front Setback Plan	Sam Crawford Architects	30.07.2024
08	01	First Floor Plan	Sam Crawford Architects	19.12.2023
09	01	Roof Plan	Sam Crawford Architects	19.12.2023
10	02	Elevations Plan	Sam Crawford Architects	30.07.2024
11	02	Sections 1 and 2 Plan	Sam Crawford Architects	30.07.2024
12	02	Sections 3 and 4 Plan	Sam Crawford Architects	30.07.2024
13	01	Schedule of Colours and Materials	Sam Crawford Architects	19.12.2023
22-099W	D	Landscape Plan	Taylor Brammer	16.01.2024
Approved documents				
Document title	Version number		Prepared by	Date of document
Plan of Management	F234		CPS Pty Ltd	01.08.2024
Stormwater Drainage Plan	Drawing No. C101-001, C108-001, C108-301, C108-302, and C108-401		ACOR Consultants Pty Ltd	12.07.2024
	Revision D			
Soil and Water Management Plan	C103-001 Revision C		ACOR Consultants Pty Ltd	06.12.2023

Waste Management Plan	Ref-22267	Dickens Solutions	November 2023
Traffic Impact Assessment	610.31008.00000	SLR	20.12.2023
Arborist Report	HARTFORD/COLLEGE/AIA/A	treeiQ	15.11.2023
Access Report	113429 - Access-Rev 1	Jensen Hughes Pty Ltd	20.12.2023
Acoustic Report	PS134692-ACO-REP-01	WSP	29.11.2023
Section J Compliance Report	NSW221474 Rev B	ACOR Consultants Pty Ltd	12.12.2023
Heritage Impact Statement	J4843_	Weir Phillips	18.12.2023
Geotechnical Report	650.30017.000001-R01-v3.0	SLR	18.08.2023
BCA Assessment Report	113429-BCA-Rev 1	Jensen Hughes Pty Ltd	20.12.2023
Driveway Profile Plan	C107-001 Rev C	ACOR Consultants Pty Ltd	06.12.2023
Preliminary Site Investigation	650.30017.00000-R02-v1.0	SLR	01.02.2023
<p>In the event of any inconsistency between the approved plans and documents, the approved plans prevail.</p> <p>In the event of any inconsistency with the approved plans and a condition of this consent, the condition prevails.</p> <p>Condition reason: To ensure all parties are aware of the approved plans and supporting documentation that applies to the development.</p>			

3	Amendments require Modification Application
	Further alterations and/or additions to the subject building, including the relocation of the fire booster valves and/or provision of an electricity substation, the fitting of any form of doors and/or walls, shall not be undertaken without first obtaining approval from Council under Section 4.55 of the <i>Environmental Planning and Assessment Act</i> .
	Condition reason: To avoid changes that may result in adverse impacts without proper assessment.
4	Approved Materials and Finishes.
	The finishes, materials and colour scheme, and facade details approved under condition titled 'Approved Plans and Supporting Documentation' and any other relevant condition(s) of this consent must not be altered or amended at the construction certificate stage without a separate Section 4.55 approval.
	Condition reason: To ensure that the development is finished in accordance with the approved plans and documentation.
5	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.
	Condition reason: To avoid encroachment of the development beyond the site boundaries.
6	Compliance with the Building Code of Australia (BCA)
	Building work must be carried out in accordance with the requirements of the BCA.
	Condition reason: Environmental Planning and Assessment Regulation Clause 98(1)(a).
7	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 <i>Environmental Planning and Assessment Act Part 6</i> .
	Condition reason: To ensure that a Construction Certificate is obtained at the appropriate time.
8	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.
	Condition reason: To avoid changes that may result in adverse impacts without proper assessment.

9	No Intensification of Activities
	No intensification of activities shall occur on the premises without prior consent from Council.
	Condition reason: To avoid changes that may result in adverse impacts without proper assessment.
10	Parking Allocation.
	Parking spaces and associated facilities shall be provided and allocated in accordance with the approved drawings.
	Condition reason: To ensure that car parking is provided and allocated in accordance with the approved plans and documentation.
11	Separate Approval for Signage.
	<p>A separate consent must be obtained for any proposed signage (other than exempt and compying development). There is no signage approved under this consent.</p> <p>Advisory Note: 'signage' is defined as follows:</p> <p>'signage' means any sign, notice, device, representation or advertisment that advertises or promotes any goods, services or events and any structure or vessel that is principally designed for, or that is used for, this display of signage, and includes any of the following:</p> <ul style="list-style-type: none"> (a) an advertising structure, and (b) building identification sign, and (c) business identification sign.
	Condition reason: To avoid changes that may result in adverse impacts without proper assessment
12	Tree Protection and Management.
	<p>(a) The Applicant has permission to remove the five (5) shrubs located along the southern site boundary to Gwea Avenue to allow for the provision of the new driveway.</p> <p>No other trees located within the site, adjoining properties or Council's nature strip shall be removed or pruned without the prior written consent of Council in the form of a Permit issued under Council's Development Control Plan and/or <i>State Environmental Planning Policy (Biodiversity and Conservation) 2021</i>.</p> <p>(b) Trees numbered 1-7, as referenced in the approved Arborist Report rprepared by TreeiQ dated 1 September 2020, within the site are to be retained and protected with Tree Protection</p>

Zones. AS4970-

2009 section 3 requires a Tree Protection Zone (TPZ) setback of 2.5 metres (m) from centre of trunk (COT).

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 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.

The TPZ is to have a minimum of two signs that include the words

“Tree Protection Zone –

Keep Out”. Each sign shall be a minimum size of 60cm x 50cm and the name and contact details of the Project Arborist.

(c) The following activities shall not be carried out within any Tree Protection Zone:

- a. disposal of chemicals and liquids (including concrete and mortar slurry, solvents, paint, fuel, or oil) ;
- b. stockpiling, storage or mixing of materials;
- c. refuelling, parking, storing, washing, and repairing tools, equipment, machinery and vehicles;
- d. disposal of building materials and waste;

(d)

The following activities shall not be carried out within any Tree Protection Zone unless under the supervision of the Project Arborist (AQF Level 5):

- a. increasing or decreasing soil levels (including cut and fill) ;
- b. soil cultivation, excavation or trenching;
- c. placing offices or sheds;
- d. erection of scaffolding or hoardings; and/or
- e. any other act that may adversely affect the vitality or structural condition of the tree.

The above listed requirements and tree protection measures must be complied with at all times until completion of all building and hard landscape construction.

Condition reason: To minimise adverse impacts on trees, protect local canopy through tree

	retention and replacement and ensure best practice is implemented.
1 3	<p>Transport for NSW (TfNSW)</p> <p>The following conditions are imposed by Transport for NSW (TfNSW) in their letter dated 18 June 2024 and must be complied with:</p> <ol style="list-style-type: none"> 1. A Construction Pedestrian Traffic Management Plan (CPTMP) detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control should be submitted to Council for review and endorsement prior to the issue of a Construction Certificate. 2. The proposed amendments to the school includes new pedestrian and vehicular access points on Gwea Avenue and will require alterations to the existing school zones. Prior to the issue of any Occupation Certificate, all required School Zone signs and pavement markings shall be installed to Transport for NSW (TfNSW) requirements <p>To obtain authorisation, the Applicant must submit the following for review and approval by TfNSW:</p> <ol style="list-style-type: none"> a) A copy of the Conditions of Consent b) The proposed school commencement/opening date (if applicable) c) Two (2) sets of detailed design plans showing the following: <ul style="list-style-type: none"> • School property boundaries • All adjacent road carriageways to the school property • All proposed school access points to the public road network and any conditions imposed/proposed on their use • All existing and proposed pedestrian crossing facilities on the adjacent road network • All existing and proposed traffic control devices and pavement markings on the adjacent road network (including School Zone signs and pavement markings). • All existing and proposed street furniture and street trees. <p>It is recommended that the above information is submitted at least twelve (12) weeks prior to the issue of any Occupation Certificate.</p> <ol style="list-style-type: none"> 3. School Zone signs and pavement markings must be installed in accordance with TfNSW approval/authorisation, guidelines, and specifications. <p>Following installation of all School Zone signs and pavement markings the Applicant must arrange an inspection with TfNSW for formal handover of the assets to TfNSW. The installation date information must also be provided to TfNSW at the same time. Note: Until the assets are formally handed over and accepted by TfNSW, TfNSW takes no responsibility</p>

	for the School Zones/assets.
	Condition reason: To ensure compliance with requirements of Transport for NSW (TfNSW).
1	Sydney Water
4	<p>The following conditions are imposed by Sydney Water in their letter dated 8 April 2024 and must be complied with:</p> <ol style="list-style-type: none"> 1. Building Plan Approval <p>Prior to the issue of a Construction Certificate/Complying Development 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 approval. Please go to Sydney Water Tap in® to apply.</p> <p>Sydney Water recommends developers apply for a Building Plan Approval early as to reduce unnecessary delays to further referrals or development timescales.</p> 2. Section 73 Compliance Certificate <p>Prior to the issue of an Occupation/Subdivision Certificate, a compliance certificate must be obtained from Sydney Water, under Section 73 of the Sydney WatAct 1994. Our assessment will determine the availability of water and wastewater services, which 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.</p> <p>Applications can be made either directly to Sydney Water or through a Sydney Water accredited WatServicing Coordinator.</p> <p>Go to the Sydney Water website or call 1300 082 746 to learn more about applying through an authorised WSC or Sydney Water.</p>
	Condition reason: To ensure compliance with requirements of Sydney Water.
1	Ausgrid
5	<p>The following conditions are imposed by Ausgrid and must be complied with:</p> <p>Ausgrid Overhead Powerlines are in the vicinity of the development</p> <p>a) The developer should refer to SafeWork NSW Document – Work Near Overhead Powerlines: Code of Practice. This document outlines the minimum separation requirements between electrical mains (overhead wires) and structures within the development site throughout the construction process. It is a statutory requirement that</p>

	<p>these distances be maintained throughout the construction phase.</p> <p>b) Consideration should be given to the positioning and operating of cranes, scaffolding, and sufficient clearances from all types of vehicles that are expected be entering and leaving the site.</p> <p>c) The “as constructed” minimum clearances to the mains must also be maintained. These distances are outlined in the Ausgrid Network Standard, NS220 Overhead Design Manual. This document can be sourced from Ausgrid’s website at www.ausgrid.com.au.</p> <p>d) It is the responsibility of the developer to verify and maintain minimum clearances onsite. In the event where minimum safe clearances are not able to be met due to the design of the development, the Ausgrid mains may need to be relocated in this instance. Any Ausgrid asset relocation works will be at the developer’s cost.</p> <p>e) Additional information can be found in the Ausgrid Quick Reference Guide for Safety Clearances “Working Near Ausgrid Assets - Clearances”. This document can be found by visiting the following Ausgrid website: www.ausgrid.com.au/Your-safety/Working-Safe/Clearance-enquiries</p> <p>f) For new connections or to alter the existing electrical connection to the property from the Ausgrid network, the proponent should engage an Accredited Service Provider and submit a connection application to Ausgrid as soon as practicable. Visit the Ausgrid website for further details: https://www.ausgrid.com.au/Connections/Get-connected</p> <p>Condition reason: To ensure compliance with requirements of Ausgrid.</p>
1 6	<p>General Landscape Conditions</p> <ol style="list-style-type: none"> 1. New street trees shall be maintained by the Applicant / Owner / Strata Corporation for a period of twenty-four (24) months after final inspection by Council. Maintenance includes twice weekly watering within the first 6 months then weekly thereafter, biannual feeding, weed removal round the base, mulch replenishment at 3 monthly intervals (to 75mm depth) and adjusting of stakes and ties; to sustain adequate growth and health. Maintenance does not include trimming or pruning of the trees under any circumstances. 2. Irrigation. To ensure satisfactory growth and maintenance of the landscaping, a fully automatic drip irrigation system is required in all landscaped areas. The system shall be installed by a qualified landscape contractor and provide full coverage of planted areas with no more than 300mm between drippers, automatic controllers and backflow prevention devices, and should be connected to a recycled water source. Irrigation shall comply with both Sydney Water and Council requirements and be maintained in effective working order at all times. 3. Capture of rainwater for irrigation purposes as a sustainability measure shall be provided. <p>Condition reason: To ensure compliance with landscape requirements from relevant</p>

Building Work

Before issue of a construction certificate

17	<p>Construction Site Management Plan</p> <p>Before the issue of a Construction Certificate, a construction site management plan must be prepared, and provided to the Principal Certifier. The plan must include the following matters:</p> <ul style="list-style-type: none"> 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: <ul style="list-style-type: none"> i. Proposed truck movements to and from the site; ii. Estimated frequency of truck movements; and iii. Measures to ensure pedestrian safety near the site; e. Details of bulk earthworks to be carried out; f. The location of site storage areas and sheds; g. The equipment used to carry out 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: <ul style="list-style-type: none"> 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 <p>A copy of the construction site management plan must be kept on-site at all times while work is being carried out.</p> <p>Condition reason: To require details of measures that will protect the public, and the surrounding environment, during site works and construction.</p>
18	<p>Design amendments</p> <p>Before the issue of a construction certificate, the certifier must ensure the construction certificate plans and specifications detail the following required amendments to the approved plans and documents:</p> <ul style="list-style-type: none"> 1. The substation to be revised to provide a 1.5m footpath free of obstructions adjacent to pick-up and drop off parking space one. <p>Condition reason: To require minor amendments to the plans endorsed by the consent</p>

	authority following assessment of the development.
19	<p>Erosion and sediment control plan</p> <p>Before the issue of a Construction Certificate, an erosion and sediment control plan must be prepared by a suitably qualified person in accordance with the following documents and provided to <Insert the certifier or Council (where a certifier is not required)>:</p> <ol style="list-style-type: none"> 1. Council's relevant development control plan, 2. the guidelines set out in 'Managing Urban Stormwater: Soils and Construction' prepared by Landcom (the Blue Book) (as amended from time to time), and 3. 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). <p>Condition reason: To ensure no substance other than rainwater enters the stormwater system and waterways.</p>
20	<p>Long Service Levy</p> <p>Before the issue of a Construction Certificate, the long service levy of \$27,031.00, as calculated at the date of this consent, must be paid to the Long Service Corporation under the Building and Construction industry Long Service Payments Act 1986, section 34, and evidence of the payment is to be provided to the Principal Certifier.</p> <p>Condition reason: To ensure the long service levy is paid.</p>
21	<p>Payment of security deposits</p> <p>Before the issue of a Construction Certificate, the applicant must:</p> <ol style="list-style-type: none"> 1. make payment of \$28,000 Builders Damage Deposit for a security deposit to the consent authority; and 2. if a principal certifier is required to be appointed for the development – provide the principal certifier with written evidence of the payment and the amount paid. <p>Condition reason: To ensure any damage to public infrastructure is rectified and public works can be completed.</p>
22	<p>Utilities and services</p> <p>Before the issue of a Construction Certificate, written evidence of the following service provider requirements must be provided to the Principal Certifier:</p> <ol style="list-style-type: none"> 1. a letter from Ausgrid demonstrating that satisfactory arrangements can be made for the installation and supply of electricity; 2. a response from Sydney Water as to whether the plans accompanying the application for a Construction Certificate would affect any Sydney Water infrastructure, and whether further requirements need to be met; 3. 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.
	Condition reason: To ensure relevant utility and service providers' requirements are provided to the certifier.
23	<p>Waste Management Plan requirements</p> <p>Before the issue of a Construction Certificate, a waste management plan for the development must be prepared and provided to the Principal Certifier. The plan must be prepared:</p> <ul style="list-style-type: none"> a. in accordance with <ul style="list-style-type: none"> i. the Environment Protection Authority's Waste Classification Guidelines as in force from time to time; and ii. a development control plan that provides for waste management that applies to the land on which the work or the clearing of vegetation is carried out; and b. include the following information— <ul style="list-style-type: none"> i. the contact details of the person removing waste; ii. an estimate of the type and quantity of waste; iii. whether waste is expected to be reused, recycled or sent to landfill; iv. the address of the disposal location for waste. <p>A copy of the waste management plan must be kept on-site at all times while work approved under the development consent is being carried out.</p> <p>Condition reason: To ensure resource recovery is promoted and local amenity protected during construction.</p>
24	<p>Aircraft Noise - Compliance with submitted Report.</p> <p>1. Prior to issue of the Construction Certificate, the measures required in the acoustical assessment report prepared by WSP dated 29 November 2023 shall be included in the construction drawings and in accordance with the provisions of AS 2021 - 2015: Acoustics - Aircraft Noise Intrusion - Building Siting and Construction.</p> <p>The work detailed in the report includes:</p> <ul style="list-style-type: none"> (a) Appropriate acoustic glazing to stated windows and doors, and (b) Detailed roof and ceiling construction, and (c) Wall and ceiling corner details, and (d) External door specification, and (e) Acoustically treated mechanical ventilation. <p>2. The Acoustic Report recommends a detailed Construction Noise and Vibration Management Plan (CNVMP) to be developed by the appointed contractor prior to</p>

	<p>commencement of any construction works to ensure the final construction methodology and program comply with the criteria set out in the report.</p>
	<p>Condition reason: To minimise adverse amenity impacts to residents within the building.</p>
25	<p>Detailed Parking Facility Design Requirements and Certification.</p> <p>Prior to the issue of any Construction Certificate, the Construction Certificate plans and supporting documentation shall demonstrate compliance with the following:</p> <p>a) Compliance with AS2890 Car, Bicycle and Motorcycle Parking:</p> <ul style="list-style-type: none"> 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. Pedestrian sightlines for vehicles existing the site are to comply with AS2890.1, and v. A minimum of eight (8) bicycle parking spaces must be provided as part of the development and designed in accordance with AS2890.3:2015; and vi. The driveway from Gwea Avenue to be 'Entry Only' and the driveway on Banks Avenue to be 'Exit Only' except for mini-bus access. <p>The design of the entire car parking facility is to be certified by a qualified Traffic Engineer as being strictly in accordance with the abovementioned requirements and the Australian Standard 2890 parking facilities series.</p> <p>Condition reason: To ensure compliance with the relevant Australian Standard.</p>
26	<p>Encroachment of Structures not Permitted.</p> <p>No part of any structure, including gutters and eaves and front fences (including footings), may encroach or overhang any property boundary and / or public footway.</p> <p>Condition reason: To ensure all development is contained wholly within the site and minimise impacts on surrounding land.</p>

27	<p>Energy Efficiency (Commerical / Industrial).</p> <p>The development shall be constructed in accordance with the approved Energy Performance Report listed under "<i>Approved Plans and Supporting Documents</i>" condition. Details are to be provided on the Construction Certificate plans.</p> <p>Condition reason: To ensure that energy consumption is reduced in accordance with specified performance measures.</p>
28	<p>Sydney Water Tap-in</p> <p>Prior to the issue of the Construction Certificate, the approved plans must be submitted to Sydney Water Tap inTM online service to determine whether the development will affect any Sydney Water sewer or water main, stormwater drains and/or easement, and if further requirements need to be met.</p> <p>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</p> <p>Condition reason: To ensure compliance with Sydney Water requirements.</p>
29	<p>Detailed Design Stormwater Management Plan</p> <p>Prior to the issue of the relevant Construction Certificate, detailed drainage design plans for the management of stormwater are to be submitted to the Principal Certifier for assessment and approval. Engineering design certification and drainage design calculations are to be submitted with the plans. Bayside Technical Specification Stormwater Management sets out the minimum documentation requirements for detailed design plans. Stormwater management requirements for the site, including the final discharge/end connection point, must comply with Bayside Technical Specification Stormwater Management.</p> <p>The detailed drainage design plans shall incorporate the provisions generally made in the stormwater concept plans prepared by ACOR CONSULTANTS, project number NS221474, dated 12/07/2024, revision/issue D along with the revisions/requirements detailed below:</p> <ol style="list-style-type: none"> 1. The calculations provided for the absorption system is for 410 Jumbo trenches and not for the slotted pipe absorption system. The absorption system to be revised either to use 410 jumbo trenches or revised the calculations for the slotted pipe. The calculations for the slotted pipe and other absorption system can be provided. 1. The dimensions for the absorption system to be shown on ground floor stormwater plan. 1. The surface level and invert level of the proprietary stormwater treatment products to be shown in the details. 2. The surface level of the rainwater outlets to be shown including the minimum 1% crossfall as per AS3500.3 2018. 3. The MUSIC Model to be revised to reflect the correct impervious areas including

	<p>catchment four, six and seven which is 100% impervious.</p> <p>4. A sediment and erosion control plan to be provided.</p>
	<p>Condition reason: To ensure compliance with Council's Stormwater Management Technical Guidelines / Specifications.</p>
30	<p>Detailed Roof Drainage</p> <p>Prior to the issue of the relevant Construction Certificate, a detailed roof drainage plan to be prepared by a qualified engineer designed in accordance with AS/NZS 3500.3 2018 and to be submitted to the Principal Certifier for assessment and approval. Engineering design certification and drainage design calculations are to be submitted with the plans.</p> <p>Condition reason: To ensure that the stormwater system is constructed as approved and in accordance with relevant standards.</p>
31	<p>Structural Certification for Flood Prone Land</p> <p>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.</p> <p>Condition reason: To ensure the development meets flood planning requirements.</p>
32	<p>Flow Through Fencing</p> <p>Prior to the issue of the Construction Certificate, flow through open form fencing is required for all new boundary fencing and all new internal fences and gates up to the 1% AEP flood level. This requirement shall be reflected on the Construction Certificate plans and supporting documentation. Details of approved types of fencing can be obtained from Council.</p> <p>Condition reason: To ensure the development meets flood planning requirements.</p>
33	<p>Detailed Flood Risk Management Plan</p> <p>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:</p> <ol style="list-style-type: none"> 1. Recommendations on all precautions to minimise risk to personal safety of occupants and the risk of property damage for the total development, and 2. Flood warning signs / depth indicators for areas that may be inundated, and 3. A flood evacuation strategy, and 4. A flood awareness strategy, and 5. On site response plan to minimise flood damage, demonstrating that adequate

	<p>storage areas are available for hazardous materials and valuable goods above the flood level.</p>
	<p>Condition reason: To ensure the development meets flood planning requirements and minimise risk to personal safety and property.</p>
34	<p>Building/Driveway within Proximity of On-Site Detention / Absorption System</p> <p>Prior to the issue of any Construction Certificate, any part of the proposed building within three (3) metres of the proposed detention tank, underground rainwater tank or absorption system shall be constructed on a pier and beam foundation with piers extending no less than 300mm below the bottom of the tank or trench base.</p> <p>Any driveway over the absorption system shall be either constructed on a pier and beam foundation with piers extending no less than 300mm below the bottom of the trench base or constructed as a structural slab so that no load is transferred to the plastic trench. These requirements shall be reflected on the Construction Certificate plans and supporting documentation.</p> <p>Condition reason: To ensure compliance with Council's Stormwater Management Technical Guidelines / Specifications.</p>
35	<p>Frontage Works Application</p> <p>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.</p> <p>Prior to the commencement of the public domain works, a Public Domain Frontage Design package must be prepared by suitably qualified professionals for all frontage works that are required to be constructed within the public domain that are subject to assessment and approval pursuant to Section 138 of the Roads Act 1993. Public domain frontage works can include, but not be limited to, civil, drainage, landscaping, undergrounding of services, lighting, traffic signage, line marking, parking, and traffic devices to address and satisfy relevant development consent conditions. All frontage works shall be in accordance with Bayside Council technical manuals, specifications, master plans, town centre plans, Australian Standards, and standard design drawings.</p> <p>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</p>

	<p>monies expended more than the bond amount in undertaking such works.</p> <p>Condition reason: To ensure that public domain works are designed and constructed in accordance with relevant requirements and standards.</p>
36	<p>Essential Fire Safety Measures</p> <p>Prior to the issue of a Construction Certificate, a list of the essential fire safety measures that are existing and/or proposed in relation to the land and any building on the land as a consequence of the building work must be provided to the Principal Certifier. Such a list must also specify the minimum standard of performance for each essential fire safety measure included in the list.</p> <p>Condition reason: To ensure compliance with the EP&A Regulation 2021.</p>
37	<p>Building Upgrade – Partial Conformity with the NCC</p> <p>Pursuant to Part 4, Division 1, Section 62 and/or 64 of the Environmental Planning and Assessment Regulation 2021, the existing building must be brought into partial conformity with the Building Code of Australia in respect to the provisions of:</p> <ol style="list-style-type: none"> 1. Access and egress from the building - Section D, and 2. Fire separation between existing occupancies- Section C, and 3. Fire safety services and equipment - Section E, and 4. Protection to openings that stand less than 3 metres from the boundary or fire source feature - Section C. <p>In this regard, detailed construction plans and specifications that demonstrate compliance with the above requirements of the BCA must be submitted to the Principal Certifier with the Construction Certificate Application. Should there be any non-compliance, an alternative method of fire protection and structural capacity must be submitted, with all supporting documents prepared by a suitably qualified person.</p> <p>Condition reason: To ensure compliance with the EP&A Regulation 2021.</p>
38	<p>Detailed Landscape Plan</p> <ol style="list-style-type: none"> 1. Prior the issue of a Construction Certificate, amended landscape plans must be submitted to, and approved by, the Principal Certifying Authority. 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), but not be limited to, and include the following: <ol style="list-style-type: none"> a. Concrete, plastic or rubber wheel stops shall be installed in all car spaces adjoining garden beds in accordance with Council specifications and Australian Standard AS/NZZ 2890.1:2004 to prevent overhang and damage to garden beds. b. All new canopy trees within the site are to be supplied and planted at minimum 100 litres pot size.

	<ul style="list-style-type: none"> c. 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. d. All trees shall be located within mulched landscaped beds except where this may interfere with the performance of an above ground stormwater system. e. A minimum of 80% of the proposed planting scheme is to consist of native or indigenous plants. Deep soil areas shall only include indigenous tree species, deciduous species may be included only if sun access is required in living areas. <p>1. Include a Landscape Maintenance Schedule and Specifications. 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).</p>
	<p>Condition reason: To ensure compliance with landscape requirements from relevant policies.</p>
39	<p>Landscape Frontage Works Application</p> <p>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.</p> <p><i>Note: Only one frontage works application needs to be submitted for the development consent.</i></p> <p>Condition reason: To ensure compliance with landscape requirements from relevant policies.</p>

Before building work commences

40	Dilapidation report
	Before any site work commences, a dilapidation report must be prepared by a suitably qualified engineer detailing the structural condition of adjoining buildings, structures or works and public land, to the satisfaction of the Principal Certifier.
	Where access has not been granted to any adjoining properties to prepare the dilapidation report, the report must be based on a survey of what can be observed externally and demonstrate, in writing, to the satisfaction of the Principal Certifier, that all reasonable steps were taken to obtain access to the adjoining properties.
	No less than seven (7) days before any site work commences, adjoining building owner(s) must be provided with a copy of the dilapidation report for their property(ies) and a copy of the report(s) must be provided to Council (where Council is not the principal certifier) at the same time.
	Condition reason: To establish and document the structural condition of adjoining properties and public land for comparison as site work progresses and is completed and ensure neighbours and Council are provided with the dilapidation report.
41	Erosion and sediment controls in place
	Before any site work commences, the Principal Certifier must be satisfied the erosion and sediment controls in the erosion and sediment control plan are in place. These controls must remain in place until any bare earth has been restabilised in accordance with 'Managing Urban Stormwater: Soils and Construction' prepared by Landcom (the Blue Book) (as amended from time to time).
	Condition reason: To ensure sediment laden runoff and site debris do not impact local stormwater systems and waterways.
42	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 construction site management plan are in place.
	Condition reason: To protect and retain trees.
43	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.
	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

	<p>cover shall be a minimum of \$10 million.</p> <p>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.</p> <p>Should the owners of properties (or their agents) refuse access to carry out inspections, after being given reasonable written notice, this shall be reported to Council to obtain Council's agreement to complete the report without access. Reasonable notice is a request for access in no sooner than 14 days between 8.00 am and 6.00 pm.</p> <p>Condition reason: To establish and document the structural condition of adjoining properties for comparison as building work progresses and is completed.</p>
44	<p>Dilapidation Report - Public Domain - Pre-Construction - Major</p> <p>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.</p> <p>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.</p> <p>The liability for any damage to public infrastructure in the vicinity of the site, where such damage is not accurately recorded by the requirements of this condition, will be borne by the Applicant. The Applicant shall bear the cost of all restoration works to Council's property damaged by the Applicant during this development.</p> <p>Condition reason: To advise Council of, and provide Council with, the required dilapidation report.</p>
45	<p>Utility Services Adjustments</p> <p>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.</p> <p>Condition reason: To ensure required changes to public utility services are completed, in accordance with the relevant agency requirements, before occupation.</p>

During building work

46	Hours of work
	<p>Site work must only be carried out between 7am to 5pm, Mondays to Saturdays only. No work permitted on Sundays or Public Holidays.</p> <p>Site work is not to be carried out outside of these times except where there is an emergency, or for urgent work directed by a police officer or a public authority.</p>
	Condition reason: To protect the amenity of the surrounding area.
47	Implementation of the site management plans
	<p>While site work is being carried out:</p> <ol style="list-style-type: none"> 1. the measures required by the construction site management plan and the erosion and sediment control plan (plans) must be implemented at all times; and 2. a copy of these plans must be kept on site at all times and made available to Council officers upon request.
	Condition reason: To ensure site management measures are implemented during the carrying out of site work.
48	Noise and Vibration requirements
	<p>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 a lot boundary of the site.</p>
	Condition reason: To protect the amenity of the neighbourhood during construction.
49	Responsibility for changes to public infrastructure
	<p>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 provider pits, street trees or any other infrastructure in the street footpath area) must be paid as directed by the consent authority.</p>
	Condition reason: To ensure payment of approved changes to public infrastructure.
50	Tree protection during work
	<p>While site work is being carried out, all required tree protection measures must be maintained in good condition in accordance with:</p> <ol style="list-style-type: none"> 1. the construction site management plan required under this consent; 2. the relevant requirements of AS 4970 Protection of trees on development sites; 3. Part 3.7 and 3.8 of Council's relevant development control plan (in force as at the date of determination of this consent); and 4. any arborist's report approved under this consent. <p>This includes maintaining adequate soil grades and ensuring all machinery, builders refuse, spoil and materials remain outside tree protection zones.</p>

	Condition reason: To protect trees during the carrying out of site work.
51	<p>Soil management</p> <p>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:</p> <ol style="list-style-type: none"> 1. 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. 2. To prevent contaminated soil being used onsite and to ensure that it is suitable for the proposed land use, all imported fill must be appropriately certified material and must be validated in accordance with the: <ol style="list-style-type: none"> a. NSW Environment Protection Authority (EPA) approved guidelines; b. Protection of the Environment Operations Act 1997; and c. Protection of the Environment Operations (Waste) Regulation 2014. <p>All imported fill must be accompanied by documentation from the supplier which certifies that the material has been analysed and is suitable for the proposed land use.</p> <p>Condition reason: To ensure soil removed from the site is appropriately disposed of and soil imported to the site is not contaminated and is safe for future occupants.</p>
52	<p>Approval and Permits under Roads Act and Local Government Act for Works Activities on Public Land</p> <p>During all stages of demolition and construction, application(s) shall be made to Bayside Council (upon payment of a fee in accordance with Bayside Council's adopted fees and charges) to obtain the necessary approvals and permits for any and all works/activities on Bayside Council land or road reserve pursuant to the <i>Roads Act 1993</i> and <i>Local Government Act 1993</i>. 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:</p> <ul style="list-style-type: none"> • 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

	<p>street including mobile crane, concrete truck, concrete pump or other similar vehicles.</p> <ul style="list-style-type: none"> • Occupy Road with Unregistered Item – To place a waste container or other item within the roadway which is not a registered vehicle. This permit is required to allow the Applicant to place unregistered items within the roadway including waste containers and skip bins. • Erection of a Works Zone – To implement a statutory Work Zone for activities adjacent to the development site. These applications are assessed by Bayside Council officers and are referred to the Traffic Committee for approval. A Work Zone being that you must not stop or park in a work zone unless you are driving a vehicle that is engaged in construction work in or near the zone. • Placement of Scaffolding, Hoarding and Fencing – To erect a temporary structure in a public place to enclose a work area. This permit is required for all temporary structures to enclose a work area within the public domain. These include site fencing, types A & B hoarding, type A & B hoarding with scaffolding and type B hoarding plus site sheds. • Temporary Shoring/Support using Ground Anchors in Council Land – To install temporary ground anchors in public road to support excavation below the existing road surface level. This permit is required to allow the Applicant to install temporary support system in or under a public road to support excavation below the existing road surface level. The support systems include ground anchors and shoring. • Tower Crane – To swing or hoist over and across Council property (including roadway). This permit is required when tower crane(s) are used inside the work site and will swing, slew or hoist over Council property or asset. • Public Land Access – To access through or occupy Council land. This permit is required by Applicants in order to access over or occupy Council land. • Temporary Dewatering – To pump out groundwater from the site and discharge into Council's drainage system including road gutter. This permit is required when temporary dewatering is required to pump out water from the construction site into Council stormwater drainage system including gutter, pits and pipes. Dewatering management plan and water quality plan are required for this application. • Road Opening Application Permit to open road reserve area including roads, footpaths or nature strip for any purpose whatsoever, such as relocation / re-adjustments of utility services. This does not apply to public domain works that are approved through Bayside Council's permit for Driveway Works (Public Domain Construction – Vehicle Entrance / Driveway Application) / Frontage Works (Public Domain Construction – Frontage / Civil Works Application) under section 138 of the <i>Roads Act</i>. <p>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.</p> <p>Condition reason: To ensure appropriate permits are applied for and comply with the Roads Act 1993.</p>
--	---

53	<p>Approved Plans kept on Site</p> <p>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.</p> <p>Condition reason: To ensure relevant information is available on site.</p>
54	<p>Construction Activities - Minimise Pollution</p> <p>The following conditions are necessary to ensure minimal impacts during construction:</p> <p>(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</p> <p>(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</p> <p>(c) All disturbed areas shall be stabilised against erosion within 14 days of completion, and prior to removal of sediment controls, and</p> <p>(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</p> <p>(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</p> <p>(f) Windblown dust from stockpile and construction activities shall be minimised by one or more of the following methods:</p> <ul style="list-style-type: none"> (i) spraying water in dry windy weather, and (ii) cover stockpiles, and (iii) fabric fences. <p>(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</p> <p>(h) The applicant shall conduct all construction works and any related deliveries/activities wholly within the site, and</p>

	<p>(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</p> <p>(j) Access 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.</p> <p>(k) An All-Weather Drive System or a vehicle wheel wash, cattle grid, wheel shaker or other appropriate device, shall be installed prior to commencement of any site works or activities, to prevent mud and dirt leaving the site and being deposited on the street. Vehicular access is to be controlled so as to prevent tracking of sediment onto adjoining roadways, particularly during wet weather or when the site is muddy. Where any sediment is deposited on roadways it is to be removed by means other than washing and disposed of appropriately.</p> <p>Condition reason: To protect neighbourhood amenity and the quality of the waterways.</p>
55	<p>Demolition Requirements</p> <p>All demolition work shall be carried out in accordance with AS2601 – 2001. The Demolition of Structures and with the requirements of the WorkCover Authority of NSW.</p> <p>Condition reason: To comply with relevant Australian Standard and Work Cover requirements.</p>
56	<p>Demolition Requirements During Works</p> <p>Demolition is to be carried out in the accordance with the following:</p> <p>(a) The approved Safe Work Method Statement required by this consent, and</p> <p>(b) Demolition is to be carried out in accordance with Australian Standard 2601:2001: Demolition of structures, <i>Work Health & Safety Act 2011 (NSW)</i>, <i>Work Health & Safety Regulation 2011 (NSW)</i> and the requirements of the NSW WorkCover Authority, and</p> <p>(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</p> <p>(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</p> <p>(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</p>

	<p>(f) Demolition procedures must maximise the reuse and recycling of demolished materials in order to reduce the environmental impacts of waste disposal, and</p> <p>(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</p> <p>(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</p> <p>(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</p> <p>(j) Care must be taken during demolition, excavation or erection of structures to ensure that existing services on the site (ie, sewer, electricity, gas, phone) are not damaged. Please contact Before You Dig (Website: www.byda.com.au) or phone 1100 before commencement of works. Any damage caused to existing services must be repaired by the relevant authority at the Applicant's expense, and</p> <p>(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</p> <p>(l) Any material containing asbestos found on site during the demolition process shall be removed and disposed of in accordance with WorkCover NSW requirements. <i>Protection of the Environment Operations Act 1997, Protection of the Environment Operation (Waste) Regulation</i> 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.</p> <p>Condition reason: To protect the amenity of the neighbourhood and ensure public safety.</p>
57	<p>Implementation of Soil and Water Management Plan</p> <p>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.</p> <p>Council's warning sign for soil and water management must be displayed on the most</p>

	<p>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.</p> <p>Condition reason: To ensure no substance other than rainwater enters the stormwater system and waterways.</p>
58	<p>Noise during Construction</p> <p>The following shall be complied with during construction and demolition:</p> <p>(a) Construction Noise</p> <p>Noise from construction activities associated with the development shall comply with the NSW Environmental Protection Authority's Interim Construction Noise Guidelines and the <i>Protection of the Environment Operations Act 1997</i>.</p> <p>(b) Level Restrictions</p> <p>Any building works being carried out must ensure that any noise caused by demolition, vegetation removal or construction does not exceed an LAeq (15min) of 5dB(A) above background noise, when measured at any lot boundary of the property where the construction is being carried out.</p> <p>(c) Out of hours work</p> <p>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.</p> <p>(d) Silencing</p> <p>All possible steps should be taken to silence construction site equipment.</p> <p>Condition reason: To protect the amenity of the neighbourhood.</p>
59	<p>Protection of Council's Property</p> <p>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.</p>

	Condition reason: To ensure public safety at all times and to protect the function and integrity of public infrastructure.
60	<p>Site Fencing</p> <p>The site shall be secured by an 1800mm (minimum) high temporary fence for the duration of the work. Gates shall be provided at the opening points and open and secured in such a way as to not obstruct the public footway. Such protection work, including fences, is to be constructed, positioned and maintained in a safe condition to the satisfaction of the Principal Certifier, prior to the demolition of the existing structures and commencement of building operations.</p> <p>Condition reason: To protect the amenity of the neighbourhood and ensure public safety.</p>
61	<p>Site Fencing and Hoarding</p> <p>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:</p> <p>(a) is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or</p> <p>(b) building involves the enclosure of a public place.</p> <p>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.</p> <p>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:</p> <p>(a) the vertical height above footpath level of the structure being demolished is less than 4m, or</p> <p>(b) have a clear height above the footpath of not less than 2.1m, and</p> <p>(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</p> <p>(d) together with its supports, be designed for a uniformly distributed live load of not less than 7 kPa.</p>

	<p>The 'B' Class hoarding is to be lit by fluorescent lamps with anti-vandalism protection grids.</p> <p>Any such hoarding, fence or awning is to be removed when the work has been completed.</p> <p>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.</p> <p>Condition reason: To protect the amenity of the neighbourhood and ensure public safe.</p>
62	<p>Site Management - Principal Certifier Inspections</p> <p>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:</p> <ul style="list-style-type: none"> (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. <p>Condition reason: To protect public safety and water quality around building sites.</p>
63	<p>Toilet Facilities</p> <ul style="list-style-type: none"> (a) Toilet facilities must be available or provided at the work site before works begin and must be maintained until the works are completed at a ratio of one toilet plus one additional toilet for every 20 persons employed at the site, and (b) Each toilet must: <ul style="list-style-type: none"> i. Be a standard flushing toilet connected to a public sewer, or ii. Have an on-site effluent disposal system approved under the <i>Local Government Act 1993</i>, or iii. Be a temporary chemical closet approved under the <i>Local Government Act 1993</i>. <p>Condition reason: To ensure compliance with the Local Government Act 1993.</p>

64	Absorption/Infiltration Systems Inspection
	All absorption systems must be inspected prior to back filling and proceeding to subsequent stages of construction to the satisfaction of Principal Certifier. Supporting evidence shall be issued by a professional Civil Engineer experienced in stormwater system design and construction. The maximesh screens and removable geotextile are to be installed in the absorption system prior to connection of the downpipes, to ensure the effective performance of the system during construction, and the long term viability of the system.
	Condition reason: To ensure that the stormwater system is constructed as approved and in accordance with relevant standards.
65	Payment of section 7.12 contributions
	Before the issue of a construction certificate the applicant must pay a total contribution of \$118,940.27 calculated at the date of this consent to Council under section 7.12 of the EP&A Act in accordance with the City of Botany Bay S94A Development Contributions Plan 2016. The total amount payable may be adjusted at the time the payment is made, in accordance with the provisions of the City of Botany Bay S94A Development Contributions Plan 2016. A copy of the development contributions plan is available for inspection at the Bayside Council Customer Service Centre, 444-446 Princes Highway Rockdale.
	Condition reason: To address the increased demand for regional infrastructure resulting from the approved development.
66	Asbestos
	Any material containing asbestos found on site during the demolition process shall be removed and disposed of in accordance with: <ol style="list-style-type: none"> 1. 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, and 2. Protection of the Environment Operations Act 1997, and 3. Protection of the Environment Operations (Waste) Regulation 2014, and 4. NSW Environment Protection Authority Waste Classification Guidelines 2014.
	Condition reason: To ensure compliance with relevant guidelines and legislation.

Before issue of an occupation certificate

67	Certification of acoustic measures
	Before the issue of an occupation certificate, a suitably qualified person must provide details demonstrating compliance to the principal certifier that the acoustic measures have been installed in accordance with the acoustic report approved under this consent

	Condition reason: To protect the amenity of the local area
68	<p>Completion of public utility services</p> <p>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.</p> <p>Condition reason: To ensure required changes to public utility services are completed, in accordance with the relevant agency requirements, before occupation.</p>
69	<p>Pedestrian safety signage</p> <p>Before the issue of an occupation certificate, ensure an appropriate sign(s) is provided and maintained within the site to advise all vehicles to be aware of pedestrians within the shared driveway.</p> <p>Condition reason: To make drivers aware of pedestrians and to ensure the safety of pedestrians using the shared driveway</p>
70	<p>Post-construction dilapidation report</p> <p>Before the issue of an Occupation Certificate a post-construction dilapidation report must be prepared by a suitably qualified engineer, to the satisfaction of the Principal Certifier detailing whether:</p> <ul style="list-style-type: none"> 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 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). <p>Condition reason: To identify any damage to adjoining properties resulting from site work on the development site.</p>
71	<p>Preservation of survey marks</p> <p>Before the issue of an Occupation Certificate, documentation must be submitted by a registered surveyor to the Principal Certifier which demonstrates that:</p> <ul style="list-style-type: none"> a. no existing survey mark(s) have been removed, damaged, destroyed, obliterated or defaced; or b. any survey mark(s) that were damaged, destroyed, obliterated or defaced have been re-established in accordance with the Surveyor General's Direction No. 11 – Preservation of Survey Infrastructure <p>Condition reason: To protect the State's survey infrastructure.</p>

72	Removal of waste upon completion
	<p>Before the issue of an Occupation Certificate:</p> <ol style="list-style-type: none"> all refuse, spoil and material unsuitable for use on-site must be removed from the site and disposed of in accordance with the approved waste management plan; and written evidence of the waste removal must be provided to the satisfaction of the principal certifier.
	Condition reason: To ensure waste material is appropriately disposed or satisfactorily stored.
73	Repair of infrastructure
	<p>Before the issue of an Occupation Certificate:</p> <ol style="list-style-type: none"> 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 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.
	Condition reason: To ensure any damage to public infrastructure is rectified.
74	BASIX / Energy Efficiency Commitments.
	A Compliance Certificate must be provided to the Principal Certifier confirming that the development has been constructed in accordance with the commitments contained within the approved Energy Efficiency Report listed under " <i>Approved Plans and Supporting Documents</i> " condition prior to the issue of any Occupation Certificate.
	Condition reason: To ensure BASIX and Energy Efficiency commitments are fulfilled.
75	Dilapidation Report – Public Domain – Post-Construction - Major
	<p>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.</p> <p>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.</p>

	<p>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.</p> <p>Condition reason: To identify damage to adjoining properties resulting from building work on the development site</p>
76	<p>Occupation Certificate.</p> <p>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.</p> <p>Condition reason: To ensure that an Occupation Certificate is obtained.</p>
77	<p>Parking Facility Certification</p> <p>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.</p> <p>Furthermore, the below shall be certified as being implemented within the completed development:</p> <ul style="list-style-type: none"> • 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. • All traffic signage is erected. <p>The certification must be submitted to the Principal Certifier.</p> <p>Condition reason: To ensure compliance with the relevant standards.</p>
78	<p>Section 73 Certificate - Sydney Water</p> <p>Prior to the issue of the Final Occupation Certificate, a Section 73 Compliance Certificate under the <i>Sydney Water Act 1994</i> must be obtained from Sydney Water.</p> <p>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.</p> <p>Application must be made through an authorised Water Servicing Coordinator. For help</p>

	<p>either visit www.sydneywater.com.au > Plumbing, Building and Developing > Developing > Land development or telephone 13 20 92.</p> <p>Condition reason: To comply with Sydney Water requirements.</p>
79	<p>Certification of New Stormwater System</p> <p>Prior to the issue of any Occupation Certificate, a Civil Engineer registered with the National Engineering Register (NER) must certify that the stormwater system has been constructed in accordance with the approved plans and as required by Bayside Technical Specification Stormwater Management. The constructed stormwater drainage system shall be inspected, evaluated, and certified. The certification shall demonstrate compliance with the approved plans, relevant Australian Standards, Codes and Council Specifications. A works-as-executed (WAE) drainage plan shall be prepared by a registered surveyor based on a survey of the completed works. The WAE plan must clearly illustrate the surveyed dimensions and details of all drainage aspects. The certification and WAE plan(s) shall be supplied to the Principal Certifier and Bayside Council.</p> <p>Condition reason: To ensure that the stormwater system is constructed as approved and in accordance with relevant standards.</p>
80	<p>Certification of Roof Drainage System</p> <p>Prior to the issue of any Occupation Certificate, a qualified engineer must certify that the roof drainage system has been constructed in accordance with the approved plans and in accordance relevant Australian Standard and Codes.</p> <p>The constructed roof drainage system shall be inspected, evaluated, and certified. The certification shall demonstrate compliance with the approved plans, relevant Australian Standards, Codes and Council Specifications.</p> <p>Condition reason: To ensure that the roof drainage system is constructed as approved and in accordance with Australian Standards relevant standards.</p>
81	<p>Positive Covenant Application</p> <p>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:</p> <ol style="list-style-type: none"> 1. Stormwater Absorption System 2. Stormwater Quality Improvement Devices <p>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.</p> <p>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</p>

	documents with the NSW Land Registry Services prior to the issue of the Occupation Certificate.
	Condition reason: To ensure that the approved stormwater system is maintained in good working condition.
82	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 al floor toilet flushing for the new building, and the landscape irrigation system for non-potable stormwater re-use. Condition reason: To ensure that the rainwater will be reused within the site in accordance with this approval.
83	Erection of Signage Prior to the issue of the Occupation Certificate, the following signage shall be erected: 1. Vehicular Entry & Exit Clearly Marked & Signposted: The vehicular entry in Gwea Avenue to be clearly marked and signposted “entry” from the street and “no exit” internally. The vehicular exit in Banks Avenue to be clearly marked and signposted “NO ENTRY - buses excepted” from the street and “exit” internally. A signage stating “private property no through access” is to be provided on the Banks Avenue driveway. 1. 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. Condition reason: To ensure that signposting occurs where required to advise people of restrictions or hazards.
84	Surveyor’s Certificate for Finished Floor Level (Flooding) Prior to the issue of any Occupation Certificate, a certificate from a registered surveyor shall be provided to the Principal Certifier, certifying that the habitable floor levels are constructed a minimum of 500 mm above the 1% Annual Exceedance Probability (AEP) Flood Level and that the non-habitable/garage floor level is either constructed at or above the 1% AEP Flood Level. Condition reason: To ensure that floor levels are built in accordance with required flood planning levels.

85	<p>Flood Risk Management Plan - Major</p> <p>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.</p> <p>Condition reason: To minimise risk to life and property.</p>
86	<p>Roads Act / Public Domain Works - Major Development Frontage Works</p> <p>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:</p> <ol style="list-style-type: none"> 1. Construction of a new footpath and planting of required street trees/landscaping along all frontages of the development site to the extent as required by Bayside Council. 2. Construction of vehicular entrance(s) designed to accommodate the largest vehicle entering the site. 3. Construction of new kerb and gutter along the frontage of the development site where required. 4. Removal of the existing concrete vehicular entrance/s, kerb laybacks and other damaged/redundant public domain improvements which will no longer be required. 5. Reconstruction of selected areas of the existing footpath, vehicular entrances, road, kerb, and gutter as required. <p>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).</p> <p>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.</p> <p>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.</p> <p>Condition reason: To ensure that required public domain outcomes are achieved.</p>
87	<p>Release of Securities</p> <p>When Council receives an Occupation Certificate, an application may be lodged to release</p>

	<p>the securities held in accordance with councils' fees and charges for development.</p> <p>Condition reason: To allow release of securities and authorise Council to use the security deposit to complete works to its satisfaction.</p>
88	<p>General Landscape</p> <p>Prior to the issue of the Occupation Certificate, the following must be complied with to the satisfaction of the Principal Certifier:</p> <ol style="list-style-type: none"> 1. All landscape works are to be carried out in accordance with the approved landscape plans prepared by Taylor Brammer Revision D and dated 16th January 2023 for the approved development. 1. A Landscape Architect shall provide a report to the principal certifier (with a copy provided to Council, if Council is not the principal certifier) certifying that the landscape works have been carried out in accordance with the approved plans and documentation. The certificate shall, amongst other matters included in approved plans, confirm compliance with the following requirements: <ol style="list-style-type: none"> a. Concrete, plastic or rubber wheel stops shall be installed in all car spaces adjoining garden beds in accordance with Council specifications and Australian Standard AS/NZZ 2890.1:2004 prior the issue of an Occupation Certificate to prevent overhang and damage to garden beds. b. All new trees within the site are to be supplied and planted at minimum 100 litres pot size. Trees at time of inspection shall have a minimum height of 2.4 meters, calliper at 300mm greater than 50mm, installed with stakes and ties within a mulch bed or equivalent. c. A fully automated irrigation system has been installed to the podium landscaping. <p>Condition reason: To ensure the approved landscaping works have been completed before occupation, in accordance with the approved landscaping plan(s).</p>
89	<p>Public Domain Landscape Improvements</p> <p>Prior the issue of the Occupation Certificate, the Landscape works within the Public Domain shall comply with the following:</p> <ol style="list-style-type: none"> 1. Works to be completed in public space owned by Council will be of no cost to Council including the following: Landscaping and embellishment of Banks Avenue and Gwea Avenue frontages to the development site, including footpaths, paving, street trees, tree pits/grates and other planting, and street furniture, etc. 2. All new required street trees have to be supplied in a pot size not less than 200 Litre. Trees supplied shall be healthy and vigorous, free of pest and disease, free from injuries. Trees provided shall conform to NATSPEC guide. 3. Each new Street tree shall include a 50mm diameter slotted watering pipe with geotextile sleeve around rootball connected to watering grate (or kerb hole if WSUD option used) Root Rain Urban or equivalent.

	<ol style="list-style-type: none"> 4. An experienced Landscape Contractor shall be engaged to undertake all landscaping public domain work and shall be provided with a copy of both the approved landscape drawing and the conditions of approval to satisfactorily construct the landscape to Council requirements. The Contractor shall be engaged weekly for a minimum period of 52 weeks from final completion of landscaping for maintenance and defects liability, replacing plants in the event of death, damage, theft or poor performance. After that time regular and ongoing maintenance is required. 5. Root barriers shall be specified to be installed in all street trees along both kerb and footpaths. Root barriers shall be installed as far as possible of trees. Ensure 50mm of root barrier is left above finished ground height. Root barrier shall be minimum 2 meters long to each side. Root barriers shall be installed alongside the landscape element to be protected in accordance with manufacturer's recommendations. 6. Mulching - Tree pit mulched shall conform to AS 4454 and free of deleterious extraneous matter such as soil, weeds, wood slivers, stones. Mulch shall be in all tree pits to a depth of 100mm, when plants are installed, clear of all plant stems, and rake to an even surface flush with the surrounding finished levels. 7. A Dial-Before-You-Dig enquiry is required prior to stump grinding the trunk and shall occur without damage to Council infrastructure or underground services/utilities. 8. Each new street tree shall be installed with a tree guard. 9. Prior to the issue of any Occupation Certificate and in the event of damages to the grass verge during works, trim the strip of land between the property boundary and the road, spread topsoil on top of the trimmed surface and lay approved turfing on the prepared surfaces. The turf shall be protected from vehicular traffic and kept watered until established. 10. New street trees shall be maintained by the Applicant/Owner/Strata Corporation for a period of twenty four (24) months after final inspection by Council. Maintenance includes twice weekly watering within the first 6 months then weekly thereafter to sustain adequate growth and health, biannual feeding, weed removal round the base, mulch replenishment at 3 monthly intervals (to 75mm depth) and adjusting of stakes and ties. Maintenance but does not include trimming or pruning of the trees under any circumstances. <p>Condition reason: To ensure the approved landscaping and public domain works have been completed before occupation, in accordance with the approved plan(s), and will be maintained for the lifetime of the development.</p>
--	---

Occupation and ongoing use

90	Managing noise
	During ongoing use of the premises, the premises must be operated in accordance with the acoustic report approved under this consent.
	Condition reason: To protect the amenity of the local area

91	<p>Noise from Air-Conditioning Units</p> <p>Residential air conditioners shall not cause ‘offensive noise’ as defined by the Protection of the <i>Environment Operations Act 1997</i> or contravene provisions of the <i>Protection of the Environment (Noise Control) Regulation 2008</i> where emitted noise from a residential air conditioner can be heard within a habitable room in any other residential premises at night.</p> <p>Condition reason: To manage noise from air-conditioning units so that adverse impacts to the locality are minimised.</p>
92	<p>Plan of Management – Compliance with Approved PoM</p> <p>The approved Plan of Management (as referred to under the "<i>Approved Plans and Supporting Documents</i>" condition) shall be complied with at all times. Any amendments to the Plan of Management shall require a separate approval from Council.</p> <p>A copy of the Plan of Management must be displayed on site at all times and made available to all staff and/or occupants.</p> <p>Condition reason: To manage site operations so that adverse impacts are minimised</p>
93	<p>Operation of Vehicular Premises</p> <p>The operation of the development and movements of vehicles shall comply with the following requirements:</p> <ol style="list-style-type: none"> 1. All vehicles must enter and exit the site in a forward direction. 2. The driveway from Gwea Avenue to be ‘Entry Only’ and the driveway on Banks Avenue to be ‘Exit only’ except for mini-bus access. 3. The maximum size of vehicles accessing the site shall be limited to an 7m long B99 vehicle (e.g. Toyota Coaster) which is essentially a mini-bus. 4. All manoeuvring movements of vehicles shall be carried out wholly within the site and vehicle manoeuvring area shall be kept clear at all times. 5. 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. 6. 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. <p>Condition reason: To manage site operations so that adverse impacts are minimised.</p>
94	<p>Maintenance of Stormwater Drainage System</p> <p>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</p>

	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.
	Condition reason: To protect waterways and minimise adverse impacts to the environment.
95	Maintenance of Wastewater and Stormwater Treatment Device
	During occupation and ongoing use of the building, all wastewater and stormwater treatment devices (including drainage systems, sumps and traps, and on-site detention) must be regularly maintained to remain effective and in accordance with any positive covenant (if applicable).
	Condition reason: To protect sewerage and stormwater systems.
96	Additional information – Contamination – Cease Work
	Any new information that comes to light during demolition or construction, which has the potential to alter previous conclusions about site contamination and remediation, must be notified to Council and the Principal Certifier immediately. All work on site shall cease until the council is notified of the appropriate measures to be implemented, by an appropriately qualified and experienced environmental consultant, to assess and manage the contamination in accordance with any relevant NSW EPA adopted guidelines.
	Condition reason: To protect the environment and human health.

General advisory notes

This consent contains the conditions imposed by the consent authority which are to be complied with when carrying out the approved development. However, this consent is not an exhaustive list of all obligations which may relate to the carrying out of the development under the EP&A Act, EP&A Regulation and other legislation. Some of these additional obligations are set out in the [Conditions of development consent: advisory notes](#). The consent should be read together with the *Conditions of development consent: advisory notes* to ensure the development is carried out lawfully.

The approved development must be carried out in accordance with the conditions of this consent. It is an offence under the EP&A Act to carry out development that is not in accordance with this consent.

Building work or subdivision work must not be carried out until a construction certificate or subdivision works certificate, respectively, has been issued and a principal certifier has been appointed.

A document referred to in this consent is taken to be a reference to the version of that document which applies at the date the consent is issued, unless otherwise stated in the

conditions of this consent.

DRAFT

Dictionary

The following terms have the following meanings for the purpose of this determination (except where the context clearly indicates otherwise):

Approved plans and documents means the plans and documents endorsed by the consent authority, a copy of which is included in this notice of determination.

AS means Australian Standard published by Standards Australia International Limited and means the current standard which applies at the time the consent is issued.

Building work means any physical activity involved in the erection of a building.

Certifier means a council or a person that is registered to carry out certification work under the *Building and Development Certifiers Act 2018*.

Construction certificate means a certificate to the effect that building work completed in accordance with specified plans and specifications or standards will comply with the requirements of the EP&A Regulation and *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*.

Council means BAYSIDE COUNCIL.

Court means the Land and Environment Court of NSW.

EPA means the NSW Environment Protection Authority.

EP&A Act means the *Environmental Planning and Assessment Act 1979*.

EP&A Regulation means the *Environmental Planning and Assessment Regulation 2021*.

Independent Planning Commission means Independent Planning Commission of New South Wales constituted by section 2.7 of the EP&A Act.

Local planning panel means Bayside Local Planning Panel

Occupation certificate means a certificate that authorises the occupation and use of a new building or a change of building use for an existing building in accordance with this consent.

Principal certifier means the certifier appointed as the principal certifier for building work or subdivision work under section 6.6(1) or 6.12(1) of the EP&A Act respectively.

Site work means any work that is physically carried out on the land to which the development the subject of this development consent is to be carried out, including but not limited to

building work, subdivision work, demolition work, clearing of vegetation or remediation work.

Stormwater drainage system means all works and facilities relating to:

- the collection of stormwater,
- the reuse of stormwater,
- the detention of stormwater,
- the controlled release of stormwater, and
- connections to easements and public stormwater systems.

Strata certificate means a certificate in the approved form issued under Part 4 of the *Strata Schemes Development Act 2015* that authorises the registration of a strata plan, strata plan of subdivision or notice of conversion.

Sydney district or regional planning panel means Sydney Eastern City Planning Panel.