

**** December 2024

Our Ref: DA-2024/50
Contact: Pascal van de Walle

Bayside Council
Address to be included

NOTICE OF DETERMINATION

Issued in accordance with section 4.16 of the *Environmental Planning and Assessment Act, 1979*

Application No:	DA-2024/50
Property:	2 Myrtle Street, BOTANY BAY NSW 1445 (Lot 1 DP 1148910)
Proposal:	Integrated Development - Demolition of existing aquatic centre structures, tree removal and construction of a recreation facility (aquatic centre) including indoor and outdoor swimming pools, leisure facilities, gymnasium, waterslides, splashpad, changerooms, amenities, landscaping, signage, and modifications to existing car park.
Authority:	Sydney Eastern City Planning Panel

Determination

Date of determination:	DRAFT
Date consent commences:	DRAFT
Date consent lapses:	DRAFT

The above development is approved subject to the following conditions:

GENERAL CONDITIONS

1. **Approved Plans and Documentation**

The development must be implemented in accordance with the approved plans, specifications and supporting documentation listed below which have been endorsed by Council's approved stamp, except where amended by conditions of this consent:

Architectural plans:

Plan Title	Drawing No	Revision	Prepared by	Date
Cover Page	DA000	D	CO-OP Studio	n.d.
Site Plan	DA101	D	CO-OP Studio	21/10/2024
General Arrangement Plan	DA201	D	CO-OP Studio	21/10/2024
Roof Plan	DA202	D	CO-OP Studio	21/10/2024
Elevations	DA401	D	CO-OP Studio	21/10/2024
Elevations	DA402	D	CO-OP Studio	21/10/2024
Sections	DA501	C	CO-OP Studio	29/02/2024
Building Signage	DA901	D	CO-OP Studio	21/10/2024

Landscape plans:

Plan Title	Drawing No	Revision	Prepared by	Date
Context Page	-	H	Sturt Noble Associates	22/10/2024
General Area Zones and Use	DA-2307-01	H	Sturt Noble Associates	22/10/2024
Master Plan	DA-2307-02	H	Sturt Noble Associates	22/10/2024
Tree Retention and Removal Plan	DA-2307-03	H	Sturt Noble Associates	22/10/2024
Front Entry Landscape Plan	DA-2307-04	A	Sturt Noble Associates	22/10/2024
Indicative Plant Schedule	DA-2307-05	H	Sturt Noble Associates	22/10/2024
Indicative Plant Schedule	DA-2307-06	H	Sturt Noble Associates	22/10/2024
Planting Plan	DA-2307-07	C	Sturt Noble Associates	22/10/2024
Seating and Fencing Plan	DA-2307-08	C	Sturt Noble Associates	22/10/2024
DA – Fence Details	SK41	-	CO.OP	30/10/2024

Civil plans:

Plan Title	Drawing No	Revision	Prepared by	Date
Cover Sheet, General Notes and Drawing Index	C001	B	Creo Consultants	6/05/2024
Site Locality Plan	C002	B	Creo Consultants	6/05/2024
Typical Civil Details – Sheet 1	C010	C	Creo Consultants	6/05/2024
Typical Civil Details – Sheet 2	C011	C	Creo Consultants	6/05/2024

Typical Civil Details – Sheet 3	C012	A	Creo Consultants	6/05/2024
Site Civil Demolition Plan	C020	B	Creo Consultants	6/05/2024
Civil Demolition Details	C021	B	Creo Consultants	6/05/2024
Site General Earthworks Plan Sheet 1	C030	A	Creo Consultants	6/05/2024
Site General Earthworks Plan Sheet 2	C031	A	Creo Consultants	6/05/2024
Civil Layout Plan Sheet 1	C040	D	Creo Consultants	6/05/2024
Civil Layout Plan Sheet 2	C041	D	Creo Consultants	6/05/2024
Civil Pavement Jointing Plan Sheet 1	C050	A	Creo Consultants	6/05/2024
Civil Pavement and Finish Levels Plan Sheet 2	C051	B	Creo Consultants	6/05/2024
Pit Schedule	C060	B	Creo Consultants	6/05/2024
OSD Catchment Plan	C080	D	Creo Consultants	6/05/2024
OSD Tank Bottom Slab and Footing Plan	C081	B	Creo Consultants	6/05/2024
OSD Tank Top Slab Plan	C082	B	Creo Consultants	6/05/2024
OSD Tank Details	C083	B	Creo Consultants	6/05/2024
Site Construction Dewatering Plan	DW01	B	Creo Consultants	6/05/2024
Existing & Demolition Plan	DA001	C	CO.OP	29/02/2024

Reports and Documents

Document Title	Reference No	Prepared by	Date
Construction Waste Management Plan	-	CO.OP Studio	16/08/2023 (as edited by Applicant in November 2024)
External Lighting Strategy Report	610101	Introba Consulting	20/09/2024
Arboricultural Impact Assessment Report	2307	Sturt Noble	6/11/2024
Environmental Noise Assessment	S200100RP4	Resonate	15/10/2024
Flood Impact Assessment	371_01_r01v05.docx	Rain Consulting	26/11/2024
BCA Statement	P221_056-2 (BCA DA) LB	Design Confidence	5/04/2024

Access Statement	P220_056-2 (ACCESS DA) JLS	Design Confidence	6/12/2023
Geotechnical Investigation	201489.03	Douglas Partners	31/07/2023
Operational Waste Management Plan	SO581	Elephants Food Recycling Solutions	26/02/2024
Remediation Action Plan	201489.01	Douglas Partners	20/10/2023
Stormwater Management Strategy	220062-004-SWMS- CL-JT, Revision D	Creo Consultants	14/03/2024

In the event of any inconsistency between conditions of this approval and the drawings/documents referred to above, the conditions prevail.

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

All building work must be carried out in accordance with the provisions of the Building Code of Australia (BCA).

3. **Construction Certificate Required**

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

4. **General Landscape Condition**

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

REASON

To ensure compliance with landscape requirements from relevant policies.

5. **Control of Nuisance**

The use of the premises shall not give rise to an environmental health nuisance to the adjoining or nearby premises and environment. There are to be no emissions or discharges from the premises, which will give rise to a public nuisance or result in an offence under the Protection of the Environment Operations Act 1997 and Regulations. The use of the premises and the operation of plant and equipment shall not give rise to the transmission of a vibration nuisance or damage other premises.

6. Complaints

Handling of complaints to be in accordance with Bayside Council's Complaints Management Policy (Ref: F14/311 - 19/198011 & F16/951 - PP19/201) dated 13 November 2019. Complaints handling register to be provided onsite and procedures will include:

- The installation of a contact phone number at the front of the premises so that any complaints regarding the premises operation can be made
- A permanent register of complaints is to be held on the premises which shall be reviewed monthly by staff to ensure any complaints are responded to. All complaints received shall be reported to management with initial action/investigation commencing within 7 days. The complainant should also be notified of the results and actions arising from the investigation. Records should be made available to Council's Officers when required.

7. Booralee Park

Booralee Park shall not be used for rear access or storage of materials throughout construction or operation.

8. Tree Removal

- a) The Applicant has consent to remove the following ON SITE trees.
 - Tree 15A, 36, 37, 41, 48, 49, 50, 5259, 65, 180A & 196 199.
 - Tree 184A. Exempt species

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

- b) No other trees located within the site, adjoining properties or Council's nature strip shall be removed or pruned, inclusive of roots with a diameter greater than 40mm, without the prior written consent of council in the form of a Permit issued under Council's Development Control Plan and/or State Environmental Planning Policy (Vegetation in Non Rural Areas) 2017.
- c) Supervision by Arborist Prior to commencement of any works / Prior to issue of any Construction Certificate, a suitably qualified project arborist (with minimum AQF Level 5 qualifications in Arboriculture) must be engaged to advise on compliance with conditions of consent relating to the protection of trees at the site and/or adjoining properties and to supervise the installation and maintenance of tree protection measures and arboricultural monitoring program required by this consent and the approved arboricultural impact assessment. Evidence of engagement of a project arborist is to be submitted to, and approved, by Council.

9. Tree Retention

The applicant shall comply with all recommendations, requirements, and management plans contained within the Arborist report (except as amended by other conditions of consent)., prepared by Tree Management Strategies, dated 02/10/2024 Trees to be retained are to be tagged with clearly visible marking tape at a height of

approximately 2 metres from ground and numbered with the corresponding number in the Arborist Report.

Trees to be retained are to be tagged with clearly visible marking tape at a height of approximately 2 metres from ground and numbered with the corresponding number in the Arborist Report.

10. Tree Protection

The following trees must be retained and protected at all times:

- (i) On Site. 35, 38, 46, 47, 47A, 51, 53, 60, 61, 62, 63, 64, 178B, 179, 179A, 179B, 180 – 190 & 200-206
- (ii) Adjacent Lots. Tree 14, 15, 16, 18, 19, 20, 21, 34, 39, 40, 43 & 45
- (iii) Tree Transplanting. Consent is granted for the transplanting of trees 22-33.

11. Carrying out of Works Wholly Within the Site

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

12. Swimming Pools – New Pools (modified)

- a) The design and construction of the swimming pool and associated fencing and equipment must comply with:

- i. *Swimming Pools Act 1992*, and
- ii. *Swimming Pool Regulations 2018*, and
- iii. National Construction Code, and
- iv. AS 1926.1 – Swimming Pool Safety – Safety Barriers for Swimming Pools, and
- v. *Protection of the Environment Operations Act 1997*.

Details demonstrating compliance with the requirements of this condition are to be submitted to the Principal Certifier prior to the issue of the Construction Certificate and must be complied with prior to the issue of the Occupation Certificate.

- b) The swimming pool shall be designed and constructed in a manner that does not allow water to be drained to the adjoining properties, and
- c) Waste water from the pool or spa shall be discharged into the Sydney Water system, and
- d) The pool / spa shall not be filled until the safety fences have been completed in accordance with this consent and inspected by the Principal Certifier, and
- e) The motor, filter, pump, and sound producing equipment or fittings associated with or forming part of the pool filtering system shall be sound insulated and/or isolated so as not to create an offensive noise to neighbours, and

REASON

To minimise impacts and achieve compliance with relevant legislation

13. No Encroachment onto Drainage Easements/Overland Flow Path

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

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

REASON

To ensure that overland flow paths and easements remain unrestricted.

14. No Intensification of Activities

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

REASON

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

15. Health Impacts (non-residential uses)

The use of the premises shall not give rise to an environmental health nuisance to the adjoining or nearby premises and environment. There are to be no emissions or discharges from the premises, which will give rise to a public nuisance or result in an offence under the *Protection of the Environment Operations Act 1997* and Regulations. The use of the premises and the operation of plant and equipment shall not give rise to the transmission of a vibration nuisance or damage other premises.

REASON

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

16. Noise from Mechanical Plant / Ventilation and Air Conditioning

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

REASON

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

17. Adopt Acoustic Measures

Adopt and implement all recommendations contained in the acoustic report prepared by Resonate – “Botany Aquatic Centre Environmental Noise Assessment Environmental Noise Assessment – Reference S200100RP4 Revision G dated Tuesday, 15 October 2024”.

Reason

To ensure that adverse amenity impacts are minimised.

REQUIREMENTS OF CONCURRENCE, INTEGRATED AND OTHER AUTHORITIES

18. ARTC

The following conditions are imposed by ARTC

- a) The flow of stormwater toward the rail corridor must not be increased by the proposed development.
- b) Further consultation with ARTC should occur if construction will involve the use of cranes that could have the potential to affect the rail corridor, or involve any access onto ARTC's land or air space.
- c) Mitigation measures should ensure that stormwater and dust during construction cannot affect the rail corridor.

19. Sydney Airport Corporation Limited

Approval is granted under Instrument Number: CASA 229/11, to the erection of this development to a maximum height of 26 metres AHD (approval dated 3 April 2024). The approved height is inclusive of all lift over-runs, vents, chimneys, aerials, TV antennae, construction cranes etc.

The following further conditions are imposed by Sydney Airport:

- a) Sydney Airport advises that approval to operate construction equipment (i.e. cranes) should be obtained prior to any commitment to construct.
- b) Pursuant to s. 183 of the *Airports Act 1996* and Reg 7 of the *Airports (Protection of Airspace) Regulations 1996*, the Proponent must apply through the Airport to the Secretary of the Department of Infrastructure and Regional Development for approval of the operation of cranes ("*controlled activity*").
- c) An Application for approval must be given to the Airport at least 28 days before commencement of the operation.
- d) The operation must not commence without approval and must only proceed in compliance with any conditions imposed on such approval.
- e) Sydney Airport has delegated authority from the Secretary to determine "short term" operations (less than 3 months).
- f) The Airport is required to invite submissions from CASA and Airservices regarding the proposed operation.
- g) The Secretary and the Airport, as applicable, may request further information before determining an application.
- h) The "**Important Notes**" must be read and accepted.
- i) The Proponent must complete this Application and provide it to Sydney Airport, with a copy to the Council as part of the relevant Development Application.

20. General Terms of Approval – Water Management Act 2000

- (a) Before any Construction Certificate is issued for any excavation under the development consent, the applicant must: (a) Apply to the department for, and obtain, an approval under the Water Management Act 2000 or Water Act 1912, for any water supply works required by the development; and (b) Notify the department of the programme for the dewatering activity to include the commencement and proposed completion date of the dewatering activity.

- (b) Water extracted by the proposed dewatering activity must not be disposed of via the stormwater system and must be transferred to an appropriate treatment facility.
- (c) This General Terms of Approval (GTA) only applies to the proposed aquifer interference described in the plans and associated documents relating to Development Application ref: DA-2024/50 provided by Council to Department of Climate Change, Energy, the Environment and Water
- (d) Any amendments or modifications to the proposed water supply work and/or use may render the GTA invalid. If the proposed works or activity is amended or modified, the Department of Climate Change, Energy, the Environment and Water must be notified in writing to determine if any variations to the GTA will be required.

21. Ausgrid

The following conditions are imposed by Ausgrid:

(a) Method of Electricity Connection

The method of connection will be in line with Ausgrid's Electrical Standard (ES)1 – 'Premise Connection Requirements.

(b) Supply of Electricity

It is recommended for the nominated electrical consultant/contractor to provide a preliminary enquiry to Ausgrid to obtain advice for the connection of the proposed development to the adjacent electricity network infrastructure. An assessment will be carried out based on the enquiry which may include whether or not:

- The existing network can support the expected electrical load of the development.
- A substation may be required on-site, either a pad mount kiosk or chamber style and;
- site conditions or other issues that may impact on the method of supply.
- Please direct the developer to Ausgrid's website, www.ausgrid.com.au about how to connect to Ausgrid's network.

Ausgrid notes the architectural plans indicate a proposal for two new kiosk substations to be established. The proponent should be aware that a previous certified design attached to this development has now expired

(c) Underground Cables

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

Should ground levels change above Ausgrid's underground cables in areas such as footpaths and driveways, Ausgrid must be notified, and written approval provided prior to the works commencing.

Should ground anchors be required in the vicinity of Ausgrid underground cables, the anchors must not be installed within 300mm of any cable, and the anchors must not pass over the top of any cable

22. **NSW Police**

The following recommendations are made by NSW Police:

- d) High quality CCTV cameras to be installed and positioned strategically throughout the premises (Both internal and external). Pay particular attention to entry and exit points as well as any blind spots. Common areas should have sufficient CCTV as well as any storage areas (Bike racks).
- e) Each specific area of the premises should have CCTV covering it sufficiently.
- f) CCTV to cover any bicycle parking spaces.
- g) CCTV to cover outdoor pool areas, indoor pool areas, and learn to swim areas.
- h) CCTV to cover outdoor seating areas including grandstand and seating areas.
- i) CCTV is to cover the footpath on Myrtle Street.
- j) CCTV is to cover carpark
- k) CCTV is to cover Aquatic Centre at the rear (Lord Street end)
- l) Lighting should be installed/upgraded and positioned strategically throughout the premises particularly on Myrtle Street and Carpark. Lighting should create visibility at night. Any lighting near CCTV cameras should be installed in such a way where it complements the recording ability as opposed to hindering image/video quality.
- m) CCTV management plan to be implemented with protocols to allow police prompt access in case of an incident.
- n) CCTV to be retained for no less than one month.
- o) CCTV hardware/equipment (Except cameras) should be kept out of sight and stored in a secure area (Locked office etc.) A code/password should be used to secure access to the CCTV system. Staff should be trained on how to use and operate the CCTV system.
- p) Commercial tenancies should have site cameras covering internal and external areas sufficiently.
- q) Commercial tenancies should not have items/office equipment positioned on any frontage to the point where it blocks a significant amount vision from inside/outside the premises. This is to ensure a high-level of passive surveillance is maintained.
- r) Security systems/alarms to be installed for commercial premises (Including duress/panic alarms).
- s) Consider impact resistant window and door glass for any individual commercial/retail premises. This is to make it difficult for offenders to break into/cause malicious damage.
- t) Make sure staff and contractors are aware of emergency evacuation procedures and evacuation assembly points. It should be emphasised that personal security is the responsibility of the individual.
- u) Any Comms, electrical, meters cupboard/s etc. for the premises are to be always secured. Only staff or qualified personnel are to have access to these

locations.

- v) Limit any potential climbing points an offender may use to try and gain access.
- w) Any pipes/gutters/external protrusions are to be installed as far away from balconies/windows as possible. This is to make it harder for offenders to get access to balconies/windows should they try and use these as climbing points.
- x) Address number to be clearly displayed at the front of the complex. This is to be visible at night and should be easily seen from the street. Any hedges and greenery need to be maintained regularly and should not block or grow over the address number.
- y) Mailbox area to be internal of the building and to be covered by CCTV.
- z) Additional landscaping items and or furniture should be fixed to the ground or be of such weight it makes it difficult to be moved by an individual.
- aa) Signage such as 24/7 CCTV, trespassers will be prosecuted, do not leave valuables inside your car etc. to be implemented and placed strategically around the premises.
- bb) Bicycle storage should be in a secure area with bicycle racks/strong fixed points for owners to secure their bicycles effectively.
- cc) Conditions of entry to be displayed at the entrance to the premises.
- dd) Consider alarm systems for the premises. As well as one way glazing for sensitive areas such as office space windows/doors.
- ee) Conduct regular white level inspections of the entire premises. This is where staff look for anything that is out of place or anything that poses a risk. If relevant, address the issue yourself or contact police if something serious is identified. (Suspicious packages, broken doors, and windows etc.)
- ff) In the event of a criminal incident on the premises, there is an expectation by police that staff co-operate in any investigation. This includes prompt supply of evidence such as CCTV as well as legal statements.
- gg) Repair and or address maintenance issues promptly, i.e faulty locks/CCTV not working etc.
- hh) Consider using graffiti resistant materials for external surfaces. Remove any graffiti as soon as possible.
- ii) After hours emergency contact number to be displayed at the front entrance and or provided to police.
- jj) Emergency contact numbers/addresses to be displayed in key areas for staff in any retail/office spaces.
- kk) Take all reasonable steps to continually identify any issues and implement effective crime preventative measures.

PRIOR TO THE ISSUE OF THE CONSTRUCTION CERTIFICATE

23. Design Amendments

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

- a) The wall along the western edge of the driveway (marked with a TOW 37.000) is to be reduced in length, such that the length is dictated only by the requirements of the Building Code of Australia (i.e., if the Building Code of Australia does not require the wall to be as long as depicted on the plans, then the length shall be reduced accordingly).
 - a. To extend an eastward outlook from the indoor aquatic centre, the glazing at the northern end of the eastern façade of the aquatic centre, is to be extended further to the south by an additional length of between 5 metres and 8 metres. The associated horizontal shade is to be extended by an equivalent length.
 - b. To ensure that the extended eastward outlook from the indoor aquatic centre is unimpeded by the rainwater tank, the rainwater tank located on the eastern side of the aquatic centre buildings is to be relocated underground.
 - c. To improve pedestrian and cyclist amenity and access to the site, the entry footpath, running along the eastern side of the exit driveway, is to be widened to 2.5m.
 - d. Fencing of a minimum height of 2.1m is to be provided to the boundaries/perimeter of the aquatic centre that are shared with both the railway line and 40 Lord Street (Lot 1 DP1001894). Existing fencing which meets this requirement is sufficient for this purpose. This requirement does not apply to fencing that adjoins the car park.

Details shall be submitted to the satisfaction of the Principal Certifier prior to the issue of a Construction Certificate.

REASON

Various reasons aimed at improving amenity, the response to the surroundings, and crime prevention.

24. Surrender of Consent

Written evidence is to be provided to the certifier demonstrate that development consent, DA-2021/187, has been surrendered.

REASON

To avoid cumulative impacts of development approved under multiple development consents.

25. Long Service Levy Fee

Before the issue of the relevant Construction Certificate, the long service levy of \$157,642.00 as calculated at the date of this consent, must be paid to the Long Service Corporation or Council under the *Building and Construction Industry Long Service Payments Act 1986*, section 34, and evidence of payment is to be provided to the Certifier.

REASON

To ensure the long service levy is paid.

26. Detailed Landscape Plan

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

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

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

- a) A planting plan at 1:100 showing all plant locations/groupings and plant centres/species.
- b) **Parking area:**
 - i) Increase the number of canopy trees proposed in the parking area. Proposed *Corymbia maculata* shall be completed with other canopy tree species, include at least some wide canopy tree species to result in larger areas with natural shade. Tree Pot size to be supplied and planted in parking areas is to be at minimum 100 Litre pot size.
 - ii) Details of any proposed WSUD elements. If raingardens are retained in the proposed size, these are to include large canopy trees, *Melaleuca quiquenervia*, or other suitable to raingardens. Otherwise these shall be reduced or removed, to prioritise canopy trees.
 - iii) Provided details of pavement treatment in parking areas, ensure the design delivers a contrast of paving materials to break up large sections of paving and to delineate pedestrian areas, entries, car parks, special use areas or transition zones between different uses. Pervious or semipervious paving is to be utilised wherever possible.
- c) **Area nominated 13** in Landscape plan- Provide details of how bike racks relate to the adjacent proposed retaining wall/seating area. include sections. This area might need to be redesigned to avoid seating next to the bike parking area or deliver undesirable corners in public spaces.
- d) Construction details of all proposed pavement surfaces, edges and interfaces with soft landscape proposed and existing.
- e) A Landscape Maintenance Schedule shall be submitted that covers a 12 month period providing clear and comprehensive maintenance guide to the landowner or occupier to achieve optimum landscape growth. The schedule must 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).
- f) Location and details of Water bottle refill stations/bubblers with inclusive access, park furniture, equipment, pavement treatment and other elements in the open space are to be of strong lasting materials. Nominated products shall be reviewed and approved by council prior to installation. Refer to Council Open

Spaces Catalogue and contact Council for further assistance in selection of furniture.

- g) All areas and furniture shall be fully accessible. Picnic tables and chairs and any proposed BBQ equipment shall have inclusive access.
- h) 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.
- i) Details of all fencing, privacy screening, arbors and the like- elevations and materials, impacting or visible to public domain areas.
- j) Details of all other hardscape landscape elements such as street furniture, pedestrian amenity lighting, bins, bollards. Location to be clearly identified on plan. Provide sectional construction details and elevations if required.
- k) All trees shall be located within mulched landscaped beds except where this may interfere with the performance of an above ground stormwater system.

REASON

To ensure compliance with landscape requirements from relevant policies.

27. Landscape Maintenance Schedule

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

REASON

To ensure compliance with landscape requirements from relevant policies.

28. Sydney Water Tap-in (modified)

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

As part of this process the applicant shall seek approval for the acceptance of pool balance tank overflows being connected to sewer

Sydney Water's Tap in® online service is available at:

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

REASON

To ensure compliance with Sydney Water requirements.

29. **Erosion and sediment control plan**

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

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

REASON

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

30. **Detailed Design Stormwater Management Plan (modified)**

Prior to the issue of any Construction Certificate, detailed drainage design plans for the management of stormwater are to be submitted to Bayside Council Director of City Futures (or delegate) for assessment and approval. Engineering design certification and drainage design calculations are to be submitted with the plans. Bayside Technical Specification Stormwater Management sets out the minimum documentation requirements for detailed design plans. Stormwater management requirements for the site, including the final discharge/end connection point, must comply with Bayside Technical Specification Stormwater Management.

The detailed drainage design plans shall incorporate the provisions generally made in the stormwater concept plans prepared by Creo Consultants, "BOTANY AQUATIC CENTRE REDEVELOPMENT JASMINE STREET, BOTANY NSW 2019 CIVIL WORKS DRAWINGS" project/job number 220602, prepared by Creo Consultants, dated 06/05/2024, Revision B along with the revisions/requirements detailed below:

- a) DRAINS model and catchment plan to be provided if/as required.
- b) Internal pit dimensions shall comply with AS3500 and Council Technical Specification.
- c) Water quality – The proposal is to meet the reduction targets as outlined in the Botany Bay & Catchment Water Quality Improvement Plan prepared by the Sydney Metropolitan CMA. A MUSIC model and supporting water quality catchment plan are to be provided.
- d) *Rainwater tanks are to be shown on the stormwater plans including inflow and outlet/overflow pipes.*
- e) In accordance with section 3.2.5 of the Bayside technical specification stormwater management, confirmation from the designer that the new inflow pipe flow does not exceed 1/3 capacity of the existing Council pipe. These connections may still be permitted; however, they require more detailed investigation to determine the impacts, or optimum pipe configuration. In some instances, the solution may require upgrading the Council pipes further downstream.

- f) The stormwater system to account for all pervious and impervious areas of the development.

REASON

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

31. Water quality (Car Park)

Prior to the issue of any Construction Certificate, a device capable of removing oil and sediment from the driveway and carpark stormwater run-off is to be submitted to the Bayside Council Director of City Futures (or delegate) for assessment and approval. The device shall meet the requirements detailed in section 3.6.1 of *Council's Stormwater Management Technical Guidelines / Specifications*. A *cleaning and maintenance schedule* is to be submitted with the above for approval.

REASON

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

32. Detailed Roof Drainage

Prior to the issue of any Construction Certificate, a detailed roof drainage plan is to be prepared by a qualified Civil Engineer and be designed strictly in accordance with AS/NZS3500.3 2021. The detailed roof drainage plan is to be submitted to the Principal Certifier for assessment and approval. Engineering design certification and drainage design calculations are to be submitted with the plans.

REASON

To ensure that the roof drainage system is designed in accordance with relevant standards.

33. Building/Driveway within Proximity of On-Site Detention (modified)

Prior to the issue of any Construction Certificate, any part of the proposed building within three (3) metres of the proposed detention tank or underground rainwater tank 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.

These requirements shall be reflected on the Construction Certificate plans and supporting documentation.

REASON

To ensure compliance with Council's Technical Specification for Stormwater Management.

34. Structural Certification for Flood Prone Land

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

REASON

To ensure the development meets flood planning requirements.

35. Flow Through Fencing

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.

REASON

To ensure the development meets flood planning requirements.

36. Updated Flood impact Assessment

Prior to the issue of a Construction Certificate, an Updated Flood Impact Assessment must be submitted to, and approved by, the Bayside Council Director of City Futures (or delegate).

The updated assessment must:

1. Be prepared by a suitably qualified hydraulic engineer.
2. Take into account the final stormwater management design, including any changes made in the Construction Certificate phase.
3. Assess the potential impacts of the development on flood behaviour, including but not limited to:
 - o Flood levels, velocities, and extents on-site and on adjoining properties.
 - o Compliance with relevant flood planning controls and policies outlined in section 9.5 of Councils DCP
 - o Climate change. Year 2050 - 10% increase on the current 1% AEP rainfall intensity, or the current 0.5% AEP rainfall intensity. Year 2100 - 20% increase on the 1% AEP rainfall intensity, or the current 0.2% AEP rainfall intensity. An alternative method of calculation for climate change rainfall intensity may be acceptable subject to agreement with Council.
 - o Blockage factors are to be incorporated in all modelled events.
4. Ensure that the final stormwater design does not increase flood risk to adjoining properties or infrastructure and complies with the Council's flood risk management policies and relevant standards.

The findings of the Updated Flood Impact Assessment must demonstrate that the development is consistent with flood planning objectives, and any required mitigation measures must be incorporated into the design and documentation for the Construction Certificate.

REASON

To ensure the development meets flood planning requirements.

37. Detailed Flood Risk Management Plan

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

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

REASON

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

38. Flooding Requirements

Prior to the issue of the Construction Certificate, details are to be submitted to the Principal Certifier demonstrating compliance with the following:

a) Storage of Materials Damaged by Flood

Materials which may be damaged by flood waters shall be stored, or able to be stored, at or above 500mm above the 1% Annual Exceedance Probability (AEP) Flood Level.

b) Pool Pump / Filter Flood Proofed

The pool pump / filter and all electrical connections are to be flood proofed or sealed to a minimum of 500mm above the 1% AEP Flood Level and shall not be placed in the overland flow path.

REASON

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

39. Payment of Security Deposits

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

- (a) make payment of \$29,350 Builders Damage Deposit for a security deposit to the consent authority, and
- (b) if a Principal Certifier is required to be appointed for the development provide the Principal Certifier with written evidence of the payment and the amount paid.

REASON

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

40. Construction Site Management Plan

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:

- (a) The location and materials for protective fencing and hoardings on the perimeter of the site;
- (b) Provisions for public safety;
- (c) Pedestrian and vehicular site access points and construction activity zones;

- (d) Details of construction traffic management including:
 - i. Proposed truck movements to and from the site;
 - ii. Estimated frequency of truck movements; and
 - iii. Measures to ensure pedestrian safety near the site;
- (e) Details of any bulk earthworks to be carried out;
- (f) The location of site storage areas and sheds;
- (g) The equipment used to carry out all works;
- (h) The location of a garbage container with a tight-fitting lid;
- (i) Dust, noise and vibration control measures;
- (j) The location of temporary toilets;
- (k) The protective measures for the preservation of trees on-site and in adjoining public areas including measures in accordance with:
 - i. AS 4970 - Protection of trees on development sites;
 - ii. An applicable Development Control Plan;
 - iii. An arborist's report approved as part of this consent.

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

REASON

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

41. Utilities and Services

Before the issue of the relevant Construction Certificate, written evidence of the following service provider requirements must be provided to Principal Certifier:

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

REASON

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

42. Erosion and sediment control plan

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

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

REASON

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

43. Detailed Parking Facility Design Requirements and Certification

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

- a) Compliance with AS2890 Car, Bicycle and Motorcycle Parking:
 - i. The parking facility (including parking spaces, ramps, aisles, vehicular crossing etc.) must comply in full with AS2890.1. The longitudinal profile(s) of the access driveway and any ramps within the parking facilities must comply with the Ground Clearance, Gradient (%) and Length requirements of the 2890 Australian Standards Series, and
 - ii. All vehicles are to enter and exit the site in a forward direction, and
 - iii. The minimum number of accessible car parking spaces shall be in accordance with the relevant disability legislation. The design and construction of accessible car parking spaces shall be in accordance with AS2890.6 and
 - iv. Pedestrian sightlines for vehicles existing the site are to comply with AS2890.1, and
 - v. A minimum of 8 bicycle parking spaces and 12 motorcycle parking spaces must be provided as part of the development and designed in accordance with AS2890.3:2015 and AS2890.1 respectively, and
- b) Compliance with AS2890.2 Commercial (Service) Vehicle Parking:
 - i. Loading and unloading within the site shall be designed and be restricted to commercial vehicles not exceeding the size and mass description of the HRV from AS2890.2:2018. Commercial vehicles greater in size and mass than the HRV are not permitted to enter the site, and
 - ii. The design of the parking facility (including driveways/access ramps/vehicular crossings etc.) shall conform with Australian Standards AS2890.2:2018 along the travel path of the service vehicles, and
 - iii. All service vehicles shall enter the property front in front out, and
 - iv. Swept path analysis shall be provided for manoeuvring of HRV commercial vehicles, depicting a forward entry and forward exit manoeuvre to/from the site via the loading dock(s) proposed within the development, and

- v. All waste collection must be undertaken on-site, no bins/waste are permitted to be presented to the street for collection.

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

REASON

To ensure compliance with the relevant Australian Standard.

44. **Geotechnical Certification**

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

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

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

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

REASON

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

45. **Equal Access to Premises**

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

REASON

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

46. **Sustainability**

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

- a) Detailed design for the photovoltaic cells systems is to be provided, and photovoltaic cells are to occupy the roof area as depicted on the architectural plans (or a greater area).
- b) Electric hot water and electric appliances are to be utilised instead of gas.
- c) Use of admixtures in concrete to minimise cement and reduce embodied carbon.
- d) Provision of Electric Vehicle (EV) charging car parking spaces. At least 2 car parking spaces must be designed to be equipped with EV charging facilities. The EV charging systems shall be provided as 'Level 2' charging infrastructure with a power range of 7kW-22kW or greater, as defined by NSW Electric and Hybrid Vehicle Plan Future Transport 2056.
- e) The roof and walls of the aquatic centre are to be provided with R values that exceed R4.0.
- f) Glazing to the aquatic centre is to be provided with a U-value of less than 1.6.
- g) The materials nominated for recycling in the approved Waste Management Plan (WMP) are to be demolished and removed from the site in a manner that is suitable for their recycling. For each material that is nominated for recycling, either 60% of the removed material, or the volume nominated in the WMP (whichever is the greater), are to be recycled.
- h) The development is to employ the following design initiatives: smart lighting controls, heat recovery for HVAC systems, sub-metering with a Building Management System.
- i) Check metering is to be provided for each of the following:
 - a. All electrical power, lighting and mechanical services.
 - b. Water use, including irrigation, pool use and other on-site water use.
 - c. On-site rooftop rainwater harvesting.
- j) Rainwater tank/s are to be used, at a minimum, to supply water for WC flushing, concourse/bin room, roof, and grease arrestor washdown, and irrigation demands.
- k) Water fixtures and fitting are to be provided with the following minimum WELS ratings:
 - a. Taps: 5 star
 - b. Urinals: 5 star
 - c. Toilets: 4 star
 - d. Showers: 3 star

REASON

To ensure sustainability measures are provided as required by State Environmental Planning Policy (Sustainable Buildings) 2022.

47. Video CCTV for Council Stormwater Pipe before Construction

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

- a) The internal surface of the drainage pipe shall be viewed and recorded in a clear and concise manner, and
- b) The CCTV camera used shall be capable to pan, tilt and turning at right angles to the pipe axis over an entire vertical circle to view the conduit joints, and
- c) Distance from the drainage pit shall be accurately measured, and
- d) The inspection survey shall be conducted from manhole to manhole.
- e) The written report, together with a copy of the digital video footage of the pipeline shall be submitted to the satisfaction of Bayside Council prior to the commencement of any works. A written acknowledgment shall be obtained from Bayside Council attesting to this condition being appropriately satisfied and submitted to the Principal Certifier. If the existing pipe is full of debris preventing the effective inspection of the pit and pipe system, the contractor shall clear the pipe to a degree where CCTV inspection is possible at the applicant's expense.

REASON

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

48. Appointment of Site Auditor

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

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

49. Encroachment of Structures not Permitted

No part of any structure, including gutters and eaves and front fences (including footings), may encroach or overhang any property boundary and/or public footway.

50. Lighting

Prior to the issue of a construction certificate, a detailed study to demonstrate compliance with AS 4282:2019 *Control of the Obtrusive Effects of Outdoor Lighting* shall be undertaken. This shall take into account specific locations and specifications of all external lighting (including decorative building lighting) and the positioning of adjacent residences, roadways, and businesses. In order to control the obtrusive light

spill from the development and the potential affects on sensitive viewers, the following measures shall be considered:

- Highly controlled optics to illuminate specific areas in place of wide angle 'flood' type luminaires that incorporate little control of the light distribution.
- Position luminaires away from boundaries or behind physical obstructions which will assist in controlling the spread of light.
- Provide backlight shields and glare reduction hoods as a last resort where other methods are not effective or applicable.

Where possible, lighting should also address the impacts of light pollution on wildlife, through the following measures:

- Choose lighting options with little or no short wavelength (400-500 nanometres)
- The Australian Government National Light Pollution Guidelines for Wildlife (January 2020) is to be consulted and considered prior to selection and installation of lighting.

51. Trade Waste Agreement

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

REASON

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

52. Food Premises

The proposed development must be designed, constructed and operated in compliance with the following legislation and/or requirements, with details demonstrating compliance submitted to the Principal Certifier prior to issue of the Construction Certificate:

- Food Act 2003*, and
- Food Regulation 2015*, and
- Australia and New Zealand Food Standards Code, and
- Standard 3.2.3 – Food Premises and Equipment.

REASON

To ensure compliance with relevant standards and legislation.

53. Tree Offset Controls.

The proposed development includes the removal of twenty-two (22) live trees. To offset the loss of canopy the applicant is required to replace the tree at a 3:1 replacement ratio, therefore a total of sixty-six (66) new trees shall be planted to offset the canopy loss for environmental reasons.

The consent specifies that a Tree Location Plan must be lodged with Council prior to the issue of a Construction Certificate, nominating the location and species of trees to be replanted.

54. **Essential Fire Safety Measures**

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

REASON

To ensure compliance with the EP&A Regulation 2021.

PRIOR TO THE COMMENCEMENT OF ANY WORK (INCLUDING DEMOLITION AND EXCAVATION)

55. **Erosion and Sediment Controls in Place - Building Works**

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

REASON

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

56. **Erosion and sediment controls in place**

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

REASON

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

57. **Dilapidation Report – Public Domain - Pre-Construction - Major**

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

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

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

REASON

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

58. Utility Services Adjustments

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

REASON

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

59. Construction Details Sign (Prescribed)

A sign must be erected at the front boundary of the property clearly indicating the Development Approval Number, description of work, builder's name, licence number and house number before commencement of work. If owner/builder, the Owner/Builder Permit Number must be displayed.

60. Construction Works Signage

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

- a) stating that unauthorised entry to the work site is prohibited, and
- b) showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours.
- c) Any such sign is to be removed when the work has been completed.
- d) This condition does not apply to:
 - i. building work carried out inside an existing building or
 - ii. building work carried out on premises that are to be occupied continuously (both during and outside working hours) while the work is being carried out.

61. Tree Protection

- (i) Prior to commencement of any work on site, in order to ensure that trees listed within condition 10(i) and 10 (ii) are protected against adverse conditions during demolition and construction, and the health and structural stability ensured, all Tree Protection Zones (TPZs) shall be established as follows:
 - A. To protect and retain trees in accordance with AS49702009 protective fences consisting of chain wire mesh temporary fence panels with a height 1.8m shall be erected outside the dripline. The fence panels must be securely mounted . and braced to prevent movement. The area within the fencing must be mulched with leaf mulch to a depth of 100mm and a weekly deep watering program undertaken, and
 - B. Protective fences at least 1.5 metres high erected, at the greater of the drip line or 1.5 metres from the trunk of each tree which is to be retained. The protective fences shall consist of para-webbing or chain wire mesh mounted on star pickets or similar metal posts, shall be in place prior to the commencement of any work on site and shall remain until the completion of all building and hard landscape construction, and
 - C. Fencing shall be erected to ensure that the public footway is unobstructed. If there is insufficient space to erect fencing, wrap the trunk with hessian or carpet underlay to a height of 2.5m or to the trees first lateral branch, whichever is greater, and affix timber palings around the tree with strapping or wire (not nails), and
 - D. The applicant is required to contact Council for an inspection and/or provide photographic evidence of the fenced tree protection zones. Council approval is required prior to commencement of any works.
- (ii) All TPZ's as well as the entire Council nature strip are a 'No-Go' zone. There shall be no storage of waste bins, materials and equipment, site residue, site sheds, vehicle access, concrete / chemical mixing/disposal, or washing down of tools and equipment permitted within the TPZ's at any time.

62. Environmental Protection Measures

Prior to construction work beginning, put the following measures in place:

- Identify suitable locations and install six (6) nest boxes to replace the removal of hollows in *Melaleuca quinquenervia*. Replacement nest boxes are to be appropriate to the size of hollows removed, and are to be installed prior to removal of *Melaleuca quinquenervia* trees.
- A qualified ecologist is to undertake pre-clearance survey of trees to be removed, in particular hollow-bearing trees to be removed. Any fauna found within the study area are to be relocated in accordance with a Council approved Fauna Relocation Management Plan.
- Landscape plans/planting schedules are to use locally indigenous species, consistent with locally occurring native PCTs where possible.

DURING ANY WORKS (INCLUDING EXCAVATION AND CONSTRUCTION)

63. Implementation of the Site Management Plans

While site work is being carried out:

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

REASON

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

64. Site Management - Principal Certifier Inspections

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

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

REASON

To protect public safety and water quality around building sites.

65. Inspection of Stormwater Connections

The stormwater connection to Council drainage system shall be inspected by Council public domain and referrals team prior to backfill. A minimum of five (5) working days' notice shall be given to Council prior to inspection. An inspection fee is required to be paid prior to inspection.

REASON

To ensure compliance with approved stormwater design.

66. Responsibility for changes to public infrastructure

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

REASON

To ensure payment of approved changes to public infrastructure.

67. Shoring and Adequacy of Adjoining Property

If the development involves an excavation that extends below the level of the base of the footings of a building, structure or work on adjoining land (including any structure

or work within a road or rail corridor), the person having the benefit of the development consent must, at the person's own expense –

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

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

REASON

Prescribed condition – EP&A Regulation, Section 74.

68. Construction Activities – Minimise Pollution

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

- a) Building, demolition and construction works not to cause stormwater pollution and being carried out in accordance with Council's stormwater pollution control requirements. Pollutants such as concrete slurry, clay and soil shall not be washed from vehicles onto roadways, footways or into the stormwater system. Drains, gutters, roadways and access ways shall be maintained free of sediment. Where required, gutters and roadways shall be swept regularly to maintain them free from sediment, and
- b) Stormwater from roof areas shall be linked via a temporary downpipe to an approved stormwater disposal system immediately after completion of the roof area, and
- c) All disturbed areas shall be stabilised against erosion within 14 days of completion, and prior to removal of sediment controls, and
- d) Building and demolition operations such as brick cutting, washing tools or paint brushes, and mixing mortar shall not be performed on the roadway or public footway or any other locations which could lead to the discharge of materials into the stormwater drainage system, and
- e) Stockpiles are not permitted to be stored on Council property (including nature strip) unless prior approval has been granted. In addition, stockpiles of topsoil, sand, aggregate, soil or other material shall be stored clear of any drainage line or easement, natural watercourse, kerb or road surface, and
- f) Wind blown dust from stockpile and construction activities shall be minimised by one or more of the following methods:
 - i) spraying water in dry windy weather, and
 - ii) cover stockpiles, and
 - iii) fabric fences
- g) All vehicles transporting soil, sand or similar materials and demolition material to or from the site shall cover their loads at all times, and

- h) The applicant shall conduct all construction works and any related deliveries/activities wholly within the site, and
- i) During the construction works, the Council nature strip shall be maintained in a clean and tidy state at all times and shall be suitably repaired and/or replaced in accordance with Council Specifications at the completion of construction works, and
- j) Access to the site shall be restricted to no more than two 3m driveways. Council's footpath shall be protected at all times. Within the site, provision of a minimum of 100mm coarse crushed rock is to be provided for a minimum length of two metres to remove mud from the tyres of construction vehicles, and

An All-Weather Drive System or a vehicle wheel wash, cattle grid, wheel shaker or other appropriate device, shall be installed prior to commencement of any site works or activities, to prevent mud and dirt leaving the site and being deposited on the street. Vehicular access is to be controlled so as to prevent tracking of sediment onto adjoining roadways, particularly during wet weather or when the site is muddy. Where any sediment is deposited on roadways it is to be removed by means other than washing and disposed of appropriately.

REASON

To protect neighbourhood amenity and the quality of the waterways.

69. Site Fencing

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

REASON

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

70. Site Fencing and Hoarding

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

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

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

Where a development site adjoins a public thoroughfare with a footpath alongside the common boundary then, in addition to the hoarding required above, the footpath must

be covered by an overhead protective structure, type B Hoarding, and the facing facade protected by heavy duty scaffolding unless either:

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

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

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

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

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

The developer must ensure that all hoarding erected on the site is maintained in a clean and tidy condition, free from graffiti. Any graffiti must be removed within 48 hours of its appearance.

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

REASON

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

71. Protection of Council's Property

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

REASON

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

72. Vibration During Demolition Works

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

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

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

REASON

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

73. Approval and Permits under Roads Act and Local Government Act for Work Activities on Public Land

During all stages of demolition and construction, application(s) shall be made to Bayside Council (upon payment of a fee in accordance with Bayside Council's adopted fees and charges) to obtain the necessary approvals and permits for any and all works/activities on Bayside Council land or road reserve pursuant to the Roads Act 1993 and Local Government Act 1993. All applications associated with works and activities on Bayside Council's land must be made at least 7-10 days prior to the programmed completion of works and all construction must be completed and approved by Bayside Council. Refer to Bayside Council "Work Activities on Council Sites Application Form" and "Road Opening Application" to obtain permits/approvals for the following:

- Road, Footpath and Road Related Area Closure – To temporarily close any part of the road, footpath or car park to vehicle or pedestrian traffic. This permit is required to allow the applicant to close a road or part of, footpath or car park to vehicle or pedestrian traffic.
- Stand and Operate Registered Vehicle or Plant – To occupy any part of the road, footpath or car park to work from a vehicle parked on the street. This permit is required when construction activities involve working from a vehicle parked on the street including mobile crane, concrete truck, concrete pump or other similar vehicles.
- Occupy Road with Unregistered Item – To place a waste container or other item within the roadway which is not a registered vehicle. This permit is required to allow the applicant to place unregistered items within the roadway including waste containers and skip bins.
- Erection of a Works Zone – To implement a statutory Work Zone for activities adjacent to the development site. These applications are assessed by Bayside Council officers and are referred to the Traffic Committee for approval. A Work Zone being that you must not stop or park in a work zone unless you are driving a vehicle that is engaged in construction work in or near the zone.
- Placement of Scaffolding, Hoarding and Fencing – To erect a temporary structure in a public place to enclose a work area. This permit is required for all temporary

structures to enclose a work area within the public domain. These include site fencing, types A & B hoarding, type A & B hoarding with scaffolding and type B hoarding plus site sheds.

- Temporary Shoring/Support using Ground Anchors in Council Land – To install temporary ground anchors in public road to support excavation below the existing road surface level. This permit is required to allow the applicant to install temporary support system in or under a public road to support excavation below the existing road surface level. The support systems include ground anchors and shoring.
- Tower Crane – To swing or hoist over and across council property (including roadway). This permit is required when tower crane(s) are used inside the work site and will swing, slew or hoist over Council property or asset.
- Public Land Access – To access through or occupy Council land. This permit is required by applicants in order to access over or occupy Council land.
- Temporary Dewatering – To pump out groundwater from the site and discharge into council's drainage system including road gutter. This permit is required when temporary dewatering is required to pump out water from the construction site into Council stormwater drainage system including gutter, pits and pipes. Dewatering management plan and water quality plan are required for this application.
- Road Opening Application - Permit to open road reserve area including roads, footpaths or nature strip for any purpose whatsoever, such as relocation / re-adjustments of utility services. This does not apply to public domain works that are approved through Bayside Council's permit for Driveway Works (Public Domain Construction – Vehicle Entrance / Driveway Application) / Frontage Works (Public Domain Construction – Frontage / Civil Works Application) under section 138 of the Roads Act.

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

REASON

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

74. Temporary Dewatering Permit - Water Quality Requirements

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

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

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

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

REASON

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

75. Additional Information – Contamination – Cease work addition (with SAS auditor)

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

76. Remediation Works – General

All remediation work, if required, must be carried out in accordance with:

- a) NSW EPA (2020) 'Consultants reporting on contaminated land';
- b) NSW Environment Protection Authority (NSW EPA) guidelines under the Contaminated Land Management Act 1997;
- c) Chapter 4 of the State Environmental Planning Policy (Resilience and Hazards); and
- d) 'Remediation Action Plan – Botany Aquatic Centre' (RAP, ref: 201489.01.R.002.Rev4), by Douglas Partners Pty Ltd, dated 20 October 2023.

77. Asbestos

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

- a) SafeWork NSW requirements. An appropriately licensed asbestos removalist must complete all asbestos works if they consist of the removal of more than 10m² of bonded asbestos and/or any friable asbestos.
- b) Protection of the Environment Operations Act 1997.
- c) Protection of the Environment Operations (Waste) Regulation 2014.
- d) NSW Environment Protection Authority Waste Classification Guidelines 2014.

78. Acid Sulfate Soil Management – General

The management of potential and actual acid sulfate soils must be conducted in accordance with all recommendations within the Acid Sulfate Soil Management outlined in the 'Remediation Action Plan – Botany Aquatic Centre' (RAP, ref: 201489.01.R.002.Rev4), by Douglas Partners Pty Ltd, dated 20 October 2023.

79. Dewatering Water Quality Requirements

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

80. Dewatering – Permit to Discharge to Stormwater

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

81. Waste Classification – Excavated Materials

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

82. Importation of Fill (General)

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

- a) NSW Environment Protection Authority (EPA) approved guidelines; and
- b) Protection of the Environment Operations Act 1997; and
- c) Protection of the Environment Operations (Waste) Regulation 2014.

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

83. Environmental Protection Measures

During works, the following measures are to be in place:

- Ensure tree guard protection remains installed around vegetation in accordance with arboriculture recommendations and under supervision of a suitably qualified AQF Level 5 Arborist.
- Ensure adequate sediment and erosion controls are in place to contain soil within the works area, in accordance with the erosion and sediment control plan.
- Stop works if any native fauna (e.g. snakes) are present within the construction work area. Native fauna are not to be handled, and are to be permitted to leave the site themselves. In the case of injured native fauna, contact the Project Manager, project ecologist and/or WIRES for appropriate action to be taken.

84. Approved Plans Kept on Site

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

85. Noise during Construction

The following shall be complied with during construction and demolition:

a) Construction Noise

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

b) Level Restrictions

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

c) Time Restrictions

- i) Monday to Friday 7:00am to 6:00pm
- ii) Saturday 7:00am to 3:00pm
- iii) No Construction to take place on Sundays or Public Holidays.

d) Out of hours work

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

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

e) Silencing

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

REASON

To protect the amenity of the neighbourhood.

86. Support of Adjoining Structures

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

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

87. Site Management - Principal Certifier Inspections

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

- d) Sediment control measures, and
- e) Provision of perimeter fences or hoardings for public safety and restricted access to building sites, and
- f) Maintenance of the public place free from unauthorised materials, waste containers or other obstructions.

88. Registered Surveyor Certificate

A Registered Surveyor's Check Survey Certificate or Compliance Certificate shall be forwarded to the Principal Certifier detailing compliance with Council's approval at the following stage/s of construction:

- a) After excavation work for the footings, but prior to pouring of concrete, showing the area of the land, building and boundary setbacks, and
- b) Prior to construction of each floor level showing the area of the land, building and boundary setbacks and verifying that the building is being constructed at the approved level, and

- c) On completion of the building showing the area of the land, the position of the building and boundary setbacks and verifying that the building has been constructed at the approved levels, and
- d) On completion of the drainage works (comprising the drainage pipeline, pits, overland flow paths, on-site detention or retention system, and other relevant works) verifying that the drainage has been constructed to the approved levels, accompanied by a plan showing sizes and reduced levels of the elements that comprise the works.

89. Implementation of Soil and Water Management Plan

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

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

90. Toilet facilities

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

91. Construction Activities – Minimise Pollution

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

- a) Building, demolition and construction works not to cause stormwater pollution and being carried out in accordance with Council's stormwater pollution control requirements. Pollutants such as concrete slurry, clay and soil shall not be washed from vehicles onto roadways, footways or into the stormwater system. Drains, gutters, roadways and access ways shall be maintained free of sediment. Where required, gutters and roadways shall be swept regularly to maintain them free from sediment, and

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

92. Site Fencing

The site shall be secured by an 1800mm (minimum) high temporary fence for the duration of the work. Gates shall be provided at the opening points. 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.

93. Demolition Requirements During Works

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

- a) The approved Safe Work Method Statement required by this consent, and
- b) Demolition is to be carried out in accordance with Australian Standard 2601:2001: Demolition of structures, Work Health & Safety Act 2011 (NSW), Work Health & Safety Regulation 2011 (NSW) and the requirements of the NSW WorkCover Authority, and
- c) The hours of demolition work are limited to those listed within condition 85;
- d) Hazardous or intractable wastes arising from the demolition process must be removed and disposed of in accordance with the requirements of WorkCover New South Wales and the Environmental Protection Authority, and
- e) Dust control - dust emission must be minimised for the full height of the building. Compressed air must not be used to blow dust from the building site, and
- f) Demolition procedures must maximise the reuse and recycling of demolished materials in order to reduce the environmental impacts of waste disposal, and
- g) During demolition, public property (footpaths, roads, reserves etc) must be clear at all times and must not be obstructed by any demolished material or vehicles. The footpaths and roads must be swept (not hosed) clean of any material, including clay, soil and sand. On the spot fines may be levied by Council against the demolisher and/or owner for failure to comply with this condition, and
- h) All vehicles leaving the site with demolition materials must have their loads covered and vehicles must not track soil and other materials onto public property (footpaths, roads, reserves etc) and the footpaths must be suitably protected against damage when plant and vehicles access the site, and
- i) The burning of any demolished material on site is not permitted and offenders will be prosecuted. The demolition by induced collapse and the use of explosives is not permitted, and
- j) Care must be taken during demolition to ensure that existing services on the site (ie, sewer, electricity, gas, phone) are not damaged. Any damage caused to existing services must be repaired by the relevant authority at the applicant's expense. Dial Before You Dig website: www.1100.com.au should be contacted prior to works commencing, and

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

94. Demolition Requirements

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.

95. Implementation of the Waste Management Plan

The approved Waste Management Plan for the site shall be complied with at all times during demolition works and construction works, unless modified by other conditions of this development consent.

96. Disposal of Waste - Waste Management Facility

All materials removed from the site as a result of demolition, site clearing, site preparation and, or excavation shall be disposed of at a suitable Waste Management / Recycling Facility. No vegetation, article, building material, waste or the like shall be ignited or burnt.

Copies of all receipts for the disposal, or processing of all such materials shall be submitted to the PCA and Council, where Council is not the Principal Certifier.

97. Sustainability

Where relevant, the sustainability measures listed within condition 46 are to be carried out during works. Evidence is to be provided to the certifier.

REASON

To ensure sustainability measures are provided as required by State Environmental Planning Policy (Sustainable Buildings) 2022.

PRIOR TO THE ISSUE OF THE OCCUPATION CERTIFICATE

98. Occupation Certificate

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

REASON

To ensure that an Occupation Certificate is obtained.

99. Landscaping

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

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

REASON

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

100. Landscape Maintenance Plan

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

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

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

REASON

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

101. Public Facilities Inspection

An Independent Comprehensive Inspection of all new public use facilities for playgrounds and playground surfacing, water slides equipment, play zone, and playground surfacing (Including soft fall) shall be carried out by a suitably qualified person. The outcome of the review must confirm that all public use facilities meet relevant Australian standards as applicable to all installations, with details provided to the Principal Certifier prior to issue of any Occupation Certificate.

REASON

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

102. Section 73 Certificate - Sydney Water

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

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

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

103. Certification of New Stormwater System

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

REASON

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

104. Certification of Roof Drainage System

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

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

REASON

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

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

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

- (a) All stormwater drainage systems and storage systems,
- (b) Earthworks Levels
- (c) A copy of the plans must be provided to Council with the occupation Certificate

REASON

To confirm the location of works once constructed.

106. Positive Covenant Application

Prior to the issue of the Occupation Certificate, a restriction on Use of Land and Positive Covenant(s) pursuant to the *Conveyancing Act 1919* are to be created on the title of the lots on which the following systems are present:

- a) Flood storage
- b) Stormwater Quality Improvement Devices

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

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

REASON

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

107. Certification of Tanking and Waterproofing

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

REASON

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

108. Geotechnical Certification

Prior to the issue of any Occupation Certificate, a Geotechnical Engineer shall certify that the construction works have been constructed in accordance with the approved

construction geotechnical report/recommendations and include an evaluation of the completed works.

REASON

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

109. Rainwater Tank - Plumbing Certification

Prior to the issue of any Occupation Certificate, a registered Plumber shall certify that the rainwater tank has been connected to all toilet flushing and all external taps/landscape irrigations for non-potable stormwater re-use.

REASON

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

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

Prior to the issue of any Occupation Certificate, a certificate from a registered Surveyor shall be provided to the Principal Certifier, certifying that the habitable / commercial floor levels are constructed a minimum of 500 mm above the 1% Annual Exceedance Probability (AEP) Flood Level and that the non-habitable floor level is either constructed at or above 1% AEP Flood Level.

REASON

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

111. Flood Risk Management Plan - Major

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

REASON

To minimise risk to life and property.

112. Preservation of survey marks

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

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

REASON

To protect the State's survey infrastructure.

113. Section 73 Certificate - Sydney Water

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

It is recommended that applicants apply early for the Certificate, as there may be water and sewer pipes to be built and this can take some time. This can also impact on other services and building, driveway or landscape design. Application must be made through an authorised Water Servicing Coordinator. For help either visit www.sydneywater.com.au > Plumbing, building and developing > Developing > Land development or telephone 13 20 92.

REASON

To comply with Sydney Water requirements.

114. Repair of Infrastructure

Before the issue of an Occupation Certificate:

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

REASON

To ensure any damage to public infrastructure is rectified.

115. Release of Securities

When Council receives an Occupation Certificate, an application may be lodged to release the securities held in accordance with councils' fees and charges for development.

REASON

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

116. Completion of Public Utility Services

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

REASON

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

117. Geotechnical Certification

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

REASON

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

118. Parking Facility Certification

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

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

- Wheel stops shall be installed in all car parking spaces adjoining high obstructions in accordance with AS/NZS 2890.1.
- Bollards shall be erected for all accessible parking spaces that are designed in accordance with AS/NZS 2890.6.

The certification must be submitted to the Principal Certifier.

REASON

To ensure compliance with the relevant standards.

119. Green Travel Plan

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

REASON

To ensure sustainable transport alternatives are used.

120. Loading Bay Management Plan

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

REASON

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

121. Dilapidation Report – Public Domain – Post-Construction - Major

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

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

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

REASON

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

122. Video CCTV for Council Stormwater Pipe after Construction

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

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

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

REASON

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

123. Contaminated Land – Site Validation Report

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

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

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

124. Site Audit Statement – Site Suitability

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

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

125. Registration – Environmental Health

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

- a) Food Shop - Food Act 2003, and
- b) Public Swimming Pools and Spa Pools - Public Health Act 2010

REASON

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

126. Food Safety Supervisor

Prior to issue of any Occupation Certificate, the occupier of the food premises shall provide a Food Safety Supervisor (FSS) for the business. The original FSS Certificate must be kept on the premises.

For further information regarding FSS, visit the NSW Food Authority website at www.foodauthority.nsw.gov.au.

REASON

To ensure that food premises are operated in accordance with relevant policy requirements.

127. Acoustic Measures Validation

Prior to issue of Occupation Certificate the applicant shall submit to the Principal Certifying Authority (PCA) an acoustic compliance report and validation certificate to verify that the measures stated in the 'Resonate – "Botany Aquatic Centre Environmental Noise Assessment Environmental Noise Assessment – Reference S200100RP4 Revision G dated Tuesday, 15 October 2024' and all other noise mitigation measures associated with the mechanical plants (ventilation systems, exhaust fans, ventilation fans and condenser units) and equipment including air-conditioners have been carried out and certify that the construction meets the above requirements. If Council is not the PCA, a copy shall be submitted to Council concurrently.

The report shall be prepared by a suitably qualified and experienced acoustic engineer (who is a member of either the Australian Acoustical Society or the Association of Australian Acoustical Consultants).

REASON

To ensure that adverse amenity impacts are minimised.

128. Storage of Liquids

All liquids, including oils and chemicals, must be stored in a covered and bunded area. The bund is to be made of an impervious material and be large enough to hold the contents of the largest container plus 10% i.e. 110% of the total stored volume. Where applicable the construction of bunds must comply with the requirements of:

- a) *AS 1940 – The Storage and Handling of Flammable and Combustible Liquids, and*
- b) *AS4452 – The Storage and Handling of Toxic Substances, and*
- c) *Work Health and Safety Act 2011.*

The area used for the storage of chemicals, shall be bunded. The bund (walls and floor) shall be constructed of impervious materials. The bund walls shall be a minimum of 100 mm high, and be of a sufficient volume to contain 25% of the maximum volume of liquids likely to be stored within the bund or the volume of the largest container stored in the bund (whichever is the greater). Drain valves shall not be provided in the bund.

REASON

To ensure compliance with relevant standards and legislation.

129. **Emergency Spill Response Management Plan**

An Emergency Spill Response Management Plan shall be prepared and submitted to the Principal Certifier for approval prior to the issuing of the Occupation Certificate. The Plan shall include the following:

- a) list of chemicals and maximum quantities to be stored at the site, and
- b) identification of potentially hazardous situations, and
- c) procedure for incident reporting, and
- d) details of spill stations and signage, and
- e) containment and clean-up facilities and procedures, and
- f) roles of all staff in the Plan and details of staff training.

REASON

To ensure compliance with the Environmental Management Plan and minimise adverse impacts resulting from spills.

130. **Sustainability**

Evidence of compliance with the required sustainability measures listed within condition 46 is to be provided to the certifier.

REASON

To ensure sustainability measures are provided as required by State Environmental Planning Policy (Sustainable Buildings) 2022.

OPERATIONAL CONDITIONS

131. **Hours of Operation**

The development is subject to the following hours of operation:

- Aquatic Centre, swimming pools, splash pad and gym – 5:00am to 10:00pm Monday to Sunday including public holidays; and
- Waterslides – 10:00am to 7:00pm Monday to Sunday including public holidays.

132. **Lighting and Illumination**

All external lighting (including decorative building lighting and backlighting for external signage) is not to operate outside of approved operating hours, or prior to 7am. Despite this, security lighting may be maintained at entry points, and motion sensor lighting may be maintained to discourage anti-social behaviour or crime.

133. **Signage Display**

The approved signs must not have / use:

- a) flashing lights, and
- b) electronically changeable messages, and
- c) animated display, moving parts or simulated movement, and

- d) a method and level of illumination that distract or dazzle, and
- e) instructions that imitate traffic control signs by way of shape, layout or colour.

REASON

To minimise adverse impacts resulting from signage.

134. Electric Vehicle (EV) Parking

Within 5 years of the date of the first occupation certificate, or by the end of 2032 (whichever is sooner), a minimum of a further 33 car parking spaces must be designed to be equipped with EV charging facilities. The EV charging systems shall be provided as 'Level 2' charging infrastructure with a power range of 7kW-22kW or greater, as defined by NSW Electric and Hybrid Vehicle Plan Future Transport 2056 (or equivalent).

135. Maintenance of Stormwater Drainage System

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

REASON

To protect waterways and minimise adverse impacts to the environment.

136. Maintenance of Wastewater and Stormwater Treatment Device

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

REASON

To protect sewerage and stormwater systems.

137. Storage of Materials

During occupation and ongoing use of the building, materials that may cause pollution or are potentially hazardous during any flood and all chemicals associated with the pool are to be stored above the 1% AEP plus 0.5m freeboard.

REASON

To ensure the development meets flood planning requirements and minimise risk to people and the environment.

138. Operation of Vehicular Premises

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

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

REASON

To manage site operations so that adverse impacts are minimised.

139. Green Travel Plan and Transport Access Guide

The Workplace “Green” Travel Plan and Transport Access Guide shall be monitored and reviewed annually in order to revise and improve the plan to achieve the targets on the number of staff to travel by public transport, cycling and walking. Copy of the annual review shall be submitted to bayside Council. In order to ensure the certainty to implement Green Travel Plan for all future tenants of the site, a copy of the green travel plan and transport access guide shall be part of the lease agreement for all tenants.

REASON

To reduce car dependency.

140. Graffiti Removal

Where the external walls of the building, landscaped structures and / or other facilities within the property / site are vandalised by graffiti, the graffiti shall be removed with the affected areas returned to its former state within seven (7) days of the occurrence.

141. Maintenance of Food Premises

The food premises must be maintained in accordance with the following:

- a) *Food Act 2003*, and
- b) *Food Regulation 2015*, and
- c) *Australia and New Zealand Food Standards Code*, and
- d) *Standard 3.2.3 – Food Premises and Equipment*

REASON

To ensure compliance with the relevant standards and legislation.

142. Spill Control and Prevention

To ensure spill prevention and control, a ready and adequate supply of appropriate spill control and clean-up materials must be maintained and easily accessible at all times at the premises. Liquid spills shall be cleaned up using dry methods, by placing absorbent material on the spill, and sweeping or shovelling the material into a secure bin. Absorbent materials used to clean up spills shall be disposed of to an appropriately licensed waste facility.

REASON

To minimise impacts on the environment and to ensure compliance with relevant standards and legislation.

143. Maintenance of Public Swimming Pools and Spa Pools

The swimming pools must be maintained in accordance with the following:

- a) *Public Health Act 2010*, and
- b) *Public Health Regulation 2022*

REASON

To ensure compliance with the relevant standards and legislation.

144. Public Address System (Industrial, Commercial Premises)

Any public address system or sound amplifying equipment that permits the emission of sound that is audible from any public place or adjoining property must not cause offensive noise as defined by the Protection of the Environment Operations Act 1997.

REASON

To ensure that adverse impacts to the locality are minimised.

DEVELOPMENT CONSENT ADVICE

- a) Lapsing of Consent

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

- b) Consult with Utility Provider

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

c) Dial Before You Dig

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

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

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

d) Asbestos

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

- i) Work Health and Safety Act 2011, and
- ii) Work Health and Safety Regulation 2011, and
- iii) Code of Practice for the Safe Removal of Asbestos [NOHSC: 2002 (2005)], and
- iv) Code of Practice for the Management and Control of Asbestos in Workplaces [NOHSC: 2018 (2005)], and
- v) Protection of the Environment Operations (Waste) Regulation 2005

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

e) Hazardous Waste

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

- i) Work Health and Safety Act 2011, and
- ii) Work Health and Safety Regulation 2011
- iii) Protection of the Environment Operations (Waste) Regulation 2005.
- iv) Annual Fire Safety Statement

f) Noise Minimisation during Demolition and Construction

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

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

- a) choosing quiet equipment, and
- b) choosing alternatives to noisy activities, and
- c) relocating noise sources away from affected neighbours, and
- d) educating staff and contractors about quiet work practices, and
- e) informing neighbours of potentially noise activities in advance, and
- f) equipment such as de-watering pumps, that are needed to operate on any evening or night between the hours of 8.00 pm and 7.00 am, or on any Sunday or Public Holiday, shall not cause a noise nuisance to neighbours of adjoining or nearby residences.

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

g) Tree Planting

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

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

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

ADDITIONAL INFORMATION

- To confirm the date upon which this consent becomes effective, refer to Section 4.20 of the *Environmental Planning and Assessment Act, 1979*. Generally the consent becomes effective from the determination date shown on the front of this notice. However, if unsure applicants should rely on their own enquiries.

- To confirm the likelihood of consent lapsing, refer to Section 4.53 of the Act. Generally, consent lapses if the development is not commenced within five years of the date of approval. However, if a lesser period is stated in the conditions of consent, the lesser period applies. If unsure applicants should rely on their own enquiries.
- Division 8.2 of the Environmental Planning and Assessment Act 1979 allows Council to review this Determination. Should you wish to have the Determination reviewed, an application should be made in accordance with legislative requirements. An applicant may request that Council review the Determination in accordance with Division 8.2 of the Act.
- Under Section 8.7 of the Environmental Planning and Assessment Act, applicants who are dissatisfied with the decision of the consent authority have a right of appeal to the Land and Environment Court. This right must be exercised within the timeframe specified by Clause 8.10 (1) of the Environmental Planning and Assessment Act 1979, from the date of this notice.

Should you have any queries please contact