

## Development Assessment CONDITION SET

Development Application No:	DA-2024/68
Property:	116 Hattersley Street & 345 Princes Highway, Banksia NSW 2216  Lot B in DP 397535 and Lot 106 in DP 738223
Proposal:	Integrated Development - Demolition of existing structures and construction of two (2) ten (10) storey mixed use development, comprising eighty-six (86) residential units, eight (8) ground floor commercial units, three (3) levels of basement parking, and associated landscaping
Assessment Planner:	Michael Maloof
Content Manager No:	25/46106
Read in conjunction with Planning Assessment Report Content Manager No:	24/262490

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

### DEFERRED COMMENCEMENT CONDITION

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

#### DC1. Sydney Trains

This consent is not to operate until the Applicant/Developer satisfies the Council, within 24 months of the date of this consent, that it has obtained approval/certification from Sydney Trains as to the following matters and the approval/certification has been forwarded to the Council:

- A1. The Applicant/Developer shall prepare and provide to Sydney Trains for review, comment, and written endorsement the following final version items in compliance with AMB Standard Airspace and External Developments (<https://www.transport.nsw.gov.au/industry/asset-management-branch>):
1. Geotechnical and Structural report/drawings that meet Sydney Trains' requirements. The Geotechnical Report must be based on actual borehole testing conducted on the site closest to the rail corridor.

Any conditions issued as part of Sydney Trains' endorsement of the above documents will also form part of the consent conditions that the Applicant/Developer is required to comply with.

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

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

## SCHEDULE 1 – CONDITIONS OF CONSENT

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

### GENERAL CONDITIONS

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

#### 1. Limited Consent Period (Temporary Consent)

Pursuant to Section 4.17(1)(d) of the *Environmental Planning and Assessment Act 1979*, the period during which development may be carried out in accordance with this consent is limited to a period of ~~(five (5) years)~~ **five (5) years** from the date of the Notice of Determination.

#### REASON

*To limit the consent period and minimise impacts of the development.*

#### 2. Approved Plans and Supporting Documentation

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

Approved Architectural Plans (25/23712)				
Plan No.	Revision No.	Plan Title	Drawn By	Date of Plan
DA 000	Rev. C	Cover Sheet	Fuse Architects	11/11/2024
DA 001	Rev. C	Development Summary	Fuse Architects	11/11/2024
DA 005	Rev. C	Site Plan	Fuse Architects	11/11/2024
DA 008	Rev. C	Demolition Plan	Fuse Architects	11/11/2024
DA 101 to DA 103	Rev. C	Basement Plans 3 to 1	Fuse Architects	11/11/2024
DA 104 (25/27295)	Rev. D	Ground Floor Plan	Fuse Architects	28/01/2025

DA 105 to DA 109	Rev. C	Level 01 to Level 05 Plan	Fuse Architects	11/11/2024
DA 110 to DA 113	Rev. C	Level 06 to Level 09 Plan	Fuse Architects	11/11/2024
DA 114	Rev. C	Roof Plan	Fuse Architects	11/11/2024
DA 201	Rev. C	East Elevation (Princes Highway)	Fuse Architects	11/11/2024
DA 202	Rev. C	West Elevation (Hattersley Street)	Fuse Architects	11/11/2024
DA 203	Rev. C	South Elevation	Fuse Architects	11/11/2024
DA 204	Rev. C	North Elevation	Fuse Architects	11/11/2024
DA 301	Rev. C	Section A (345 Princes Hwy)	Fuse Architects	11/11/2024
DA 302	Rev. C	Section B (114-116 Hattersley St)	Fuse Architects	11/11/2024
DA 303	Rev. C	Section C (Through Access Handle)	Fuse Architects	11/11/2024
DA 304	Rev. C	Section D (Through Site Link)	Fuse Architects	11/11/2024
DA 305	Rev. C	Section E	Fuse Architects	11/11/2024
DA 306	Rev. C	Section F	Fuse Architects	11/11/2024
DA 307	Rev. C	Section G (Driveway)	Fuse Architects	11/11/2024
DA 308	Rev. C	Section H (Driveway)	Fuse Architects	11/11/2024
DA 309	Rev. C	Section I (Loading dock)	Fuse Architects	11/11/2024
DA 310	Rev. C	Flood Storage Tank Sections	Fuse Architects	11/11/2024
DA 401	Rev. C	Unit Types Sheet 1	Fuse Architects	11/11/2024
DA 402	Rev. C	Unit Types Sheet 2	Fuse Architects	11/11/2024
DA 403	Rev. C	Unit Types Sheet 3	Fuse Architects	11/11/2024
DA 404	Rev. C	Unit Types Sheet 4 (Adaptable / Livable Units 2.01)	Fuse Architects	11/11/2024
DA 405	Rev. C	Unit Types Sheet 5 (Adaptable / Livable unit 2.06)	Fuse Architects	11/11/2024
-	-	Schedule of Colours, Materials and Finishes	Fuse Architects	11/11/2024
DA 702	Rev. C	Photomontage	Fuse Architects	11/11/2024

Approved Landscape Plans (24/336372)				
Plan No.	Revision No.	Plan Title	Drawn By	Date of Plan
IS0323-DA-1	Rev. E	Site Plan	Isthmus	04/09/2024
IS0323-DA-2	Rev. E	Ground Detail Area A	Isthmus	04/09/2024
IS0323-DA-3	Rev. E	Ground Detail Area B	Isthmus	04/09/2024
IS0323-DA-4	Rev. E	Level 01	Isthmus	04/09/2024

Approved Stormwater Concept Plans Project No. 23463				
Plan No.	Issue No.	Plan Title	Drawn By	Date of Plan
000	B	Cover Sheet Plan	Telford Civil P/L	08/11/2024
101	C	Stormwater Concept Plan B3 Sheet 1 of 3		22/08/2024
102	A	Stormwater Concept Plan B3 Sheet 2 of 3		19/01/2024
103	A	Stormwater Concept Plan B3 Sheet 3 of 3		19/01/2024
104	C	Stormwater Concept Plan B2		22/08/2024
105	C	Stormwater Concept Plan B1		22/08/2024
106	F	Stormwater Concept Plan Ground Floor		08/11/2024
107	E	Stormwater Concept Plan Level 1		22/08/2024
108	C	Stormwater Concept Plan Roof		22/08/2024
109	C	Pre Vs Post OSD Catchment Plan		22/08/2024
110	D	OSD Details and Calculations Sheet 1 of 2		08/11/2024
111	B	OSD Details and Calculations Sheet 2 of 2		22/08/2024
112	D	WSU Catchment Plan and MUSIC Results		08/11/2024
113	B	Sediment and Erosion Control Plan		18/03/2024
114	A	Miscellaneous Details		19/01/2024
115	A	Flood Storage Tank Details Sheet 1 of 2		08/11/2024
116	A	Flood Storage Tank Details Sheet 2 of 2		08/11/2024
117	A	Longitudinal Section		08/11/2024

Approved Documents			
Document Title	Version No.	Prepared By	Date of Document
Statement of Environmental Effects	Final	GYDE Planning	1 March 2024

Accessibility Compliance Report	Issue D Report DA-23191	Access Link Consulting	15 February 2024
BASIX Certificate	Certificate Number: 1735355M	Credwell Energy Pty Ltd	9 February 2024
Acoustic Report	V1 2023-407	Acoustic Noise and Vibration Solutions Pty Ltd	12 December 2023
Flood Impact Assessment Report	Issue C TEL23463	Telford Civil	8 November 2024
Waste Management Plan	23227	Dickens Solutions	January 2024
Traffic and Parking Report	Ref 20008	Terraffic Pty Ltd	14 February 2024
BCA Assessment Report	Version 1	Credwell	8 February 2024
Geo-Technical Report	P2398_01 Revision 3	Metcalf	7 February 2024
Wind Environment Report	WF656-02F02 (Rev 1)	Windtech Pty Ltd	8 February 2024

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

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

#### **REASON**

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

### **3. Housing and Productivity Contribution (HPC)**

Before the release of the Occupation Certificate, the housing and productivity contribution (HPC) set out in the table below is required to be made.

<b>Housing and Productivity Contribution</b>	<b>Amount</b>
Housing and Productivity Contribution (base component)	\$ 743,654.37
Retail Premise	\$19,945.23
Transport Project Component	\$ Nil
<b>Total Housing and Productivity Contribution</b>	<b>\$ 763,599.60</b>

The HPC must be paid using the NSW Planning Portal.

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

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

The HPC is not required to be made to the extent that a planning agreement excludes the application of Subdivision 4 of Division 7.1 of the *Environmental Planning and Assessment Act 1979* to the development, or the HPC Order exempts the development from the contribution.

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

**REASON**

*To require contributions towards the provision of regional infrastructure.*

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

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

**REASON**

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

**5. Construction Certificate Required**

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

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

**REASON**

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

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

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

**REASON**

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

**7. Amendments Require Modification Application**

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

**REASON**

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

## 8. Separate Application Required for Specific Use

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

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

### **REASON**

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

## 9. Approved Materials and Finishes

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

### **REASON**

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

## 10. Earthworks Not Shown on Plans

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

### **REASON**

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

## 11. Parking Allocation

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

### **345 Princes Highway**

Use	Number of Spaces Allocated
<b>Residential</b>	
Residential market units (52 units)	79 car parking spaces allocated as per the below: <ul style="list-style-type: none"><li>• Minimum 0.5 space and maximum 1 space per studio/1 bedroom unit</li><li>• Minimum 1 space and maximum 2 spaces per 2 bedroom unit</li><li>• Minimum 1.5 space and maximum 2 spaces per 3 bedroom unit</li></ul>
Residential affordable units (10 units)	5 car parking spaces allocated as per the below: <ul style="list-style-type: none"><li>• 0.4 spaces per 1 bedroom unit</li><li>• 0.5 spaces per 2 bedroom unit</li></ul>
Residential visitor	13 visitor car parking spaces
Car Wash Bay	1 dedicated car wash bay

<b>Non-Residential</b>	
Retail	A total of 14 retail car parking spaces allocated as per the below: RETAIL 1 = 2 spaces RETAIL 2 = 2 spaces RETAIL 3 = 1 space RETAIL 4 = 1 space RETAIL 5 = 2 spaces RETAIL 6 = 3 spaces RETAIL 7 = 3 spaces
<b>Others</b>	
Loading Bay	1 MRV
Car Share	3 car share spaces
<b>Motorcycle parking</b>	
Residential	8 motorcycle spaces
Retail	2 motorcycle spaces
<b>Bicycle parking</b>	
Residential	64 bicycle spaces
Visitor	12 bicycle spaces
Retail	6 bicycle spaces

#### **116 Hattersley Street**

<b>Use</b>	<b>Number of Spaces Allocated</b>
<b>Residential</b>	
Residential market units (18 units)	2 car parking spaces allocated as per the below: <ul style="list-style-type: none"> <li>• 0.5 space per studio/1 bedroom unit</li> <li>• 1 space per 2 bedroom unit</li> <li>• 1.5 space per 3 bedroom unit</li> </ul>
Residential affordable units (6 units)	3 car parking spaces allocated as per the below: <ul style="list-style-type: none"> <li>• 0.5 spaces per 2 bedroom unit</li> </ul>
Residential visitor	nil
<b>Non-Residential</b>	
Retail	1 car parking space
<b>Others</b>	
Loading Bay	nil
<b>Motorcycle parking</b>	
Residential	2
<b>Bicycle parking</b>	
Residential	22



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

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

All residential accessible parking spaces shall be allocated to adaptable dwelling units. Any tandem / stacked parking spaces shall be allocated to a single residential / commercial unit only.

**REASON**

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

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

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

**REASON**

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

**Requirements of Concurrence, Integrated and Other Authorities**

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

**13. Transport for NSW (TfNSW)**

- A. The redundant driveway on the Fines Highway shall be removed and replaced with kerb and gutter to match existing and be designed to meet TfNSW requirements and endorsed by a suitably qualified practitioner. The design requirements shall be in accordance with AUSTROAD and other Australian Codes of Practice. The certified copies of the civil design plans shall be submitted to TfNSW for consideration and approval prior to the release of the construction certificate by the Principal Certifying Authority and commencement of road works. Please send all documentation to [development.sydney@transport.nsw.gov.au](mailto:development.sydney@transport.nsw.gov.au).

The developer is required to enter a Works Authorisation Deed (WAD) for the abovementioned works.

TfNSW fees for administration, plan checking, civil works inspections and project management shall be paid by the developer prior to the commencement of works.

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

The developer is to submit all documentation at least six (6) weeks prior to commencement of construction and is to meet the full cost of the assessment by TfNSW. Please send all documentation to [development.sydney@transport.nsw.gov.au](mailto:development.sydney@transport.nsw.gov.au). If it is necessary to excavate below the level of the base of the footings of the adjoining roadways, the person acting on the consent shall ensure that the owner/s of the

roadway is/are given at least seven (7) day notice of the intention to excavate below the base of the footings. The notice is to include complete details of the work.

- C. Any public utility connection and/or relocation works on the state road network will require detailed civil design plans for road opening/underboring to be submitted to TfNSW for review and acceptance prior to the commencement of any works. The developer must also obtain necessary approvals from the various public utility authorities and/or their agents. Please send all documentation to [development.sydney@transport.nsw.gov.au](mailto:development.sydney@transport.nsw.gov.au). A plan checking fee will be payable, and a performance bond may be required before TfNSW approval is issued.

The developer shall be responsible for all costs involved including kerb, gutter and road pavement reinstatement works.

- D. Detailed design plans and hydraulic calculations of any changes to the stormwater drainage system on Princes Highway are to be submitted to TfNSW for approval, prior to the commencement of any works. Please send all documentation to [development.sydney@transport.nsw.gov.au](mailto:development.sydney@transport.nsw.gov.au).

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

- E. The proposed development should be designed such that road traffic noise from Princes Highway is mitigated by durable material to satisfy the requirements for habitable rooms under clause 2.120 of State Environmental Planning Policy (Transport and Infrastructure) 2021.

- F. A Road Occupancy Licence (ROL) should be obtained from Transport Management Centre (TMC) for any works that may impact traffic flows on Princes Highway during construction activities. A ROL can be obtained through <https://myrta.com/oplinc2/pages/security/oplincLogin.jsf>.

#### **REASON**

*To ensure compliance with requirements of Transport for NSW (TfNSW).*

#### **14. Sydney Trains**

- All plans/documentation(s) provided and endorsed by Sydney Trains as part of the Sydney Trains Deferred Commencement Conditions will form part of this Consent, unless said plans/documentation(s) are otherwise superseded and confirmed in writing by Sydney Trains as a result of compliance with any Sydney Trains related conditions of consent. All recommendations, final findings, and subsequent requirements (including where specified in the written endorsement letter from Sydney Trains) of such plans/documentation(s) are to be reflected in the Construction Certificate construction plans/documentation(s) where relevant, and compliance with those plans/documentation(s) must be certified prior to the issue of any Occupation Certificate.
- Prior to the issue of a Construction Certificate, the Applicant shall provide an accurate survey locating the development with respect to the rail boundary and rail infrastructure. This work is to be undertaken by a registered surveyor, to the satisfaction of Sydney Trains' representative.

- If required by Sydney Trains, prior to the commencement of works or at any time during the excavation and construction period deemed necessary by Sydney Trains, a joint inspection of the rail infrastructure and property in the vicinity of the project is to be carried out by representatives from Sydney Trains and the Applicant. These dilapidation surveys will establish the extent of any existing damage and enable any deterioration during construction to be observed. The submission of a detailed dilapidation report will be required within 10 days following the undertaking of the inspection, unless otherwise notified by Sydney Trains.
- If required by Sydney Trains, prior to the issue of the Occupation Certificate, or at any time during the excavation and construction period deemed necessary by Sydney Trains, a joint inspection of the rail infrastructure and property in the vicinity of the project is to be carried out by representatives from Sydney Trains and the Applicant. These dilapidation surveys will establish the extent of any existing damage and enable any deterioration during construction to be observed. The Certifier is not to issue the final Occupation Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.
- The proposed development is to comply with the deemed-to-satisfy provisions in the Department of Planning's document titled "Development Near Rail Corridors and Busy Roads- Interim Guideline".
- Prior to the issue of a Construction Certificate the applicant is to engage an Electrolysis Expert to prepare a report on the Electrolysis Risk to the development from stray currents. The Applicant must incorporate in the development all the measures recommended in the report to control that risk. A copy of the report is to be provided to the Certifier with the application for a Construction Certificate. The Certifier must ensure that the recommendations of the electrolysis report are incorporated in the construction drawings and documentation prior to the issuing of the relevant Construction Certificate.
- The Applicant shall provide a Geotechnical Engineering report to Sydney Trains for review by Sydney Trains' Geotechnical section prior to the commencement of works. The report shall demonstrate that the development has no negative impact on the rail corridor or the integrity of the infrastructure through its loading and ground deformation and shall contain structural design details/analysis for review by Sydney Trains. The report shall include the potential impact of demolition and excavation, and demolition- and excavation-induced vibration in rail facilities, and loadings imposed on Sydney Trains Facilities by the development.
- Given the possible likelihood of objects being dropped or thrown onto the rail corridor from balconies, windows, and other external features (e.g., roof terraces and external fire escapes) that are within 20 metres of, and face, the rail corridor, the development must have measures installed, to the satisfaction of Sydney Trains (e.g., awning windows, louvres, enclosed balconies, window restrictors etc.) which prevent the throwing of objects onto the rail corridor. The Certifier is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.
- A risk analysis, which shall determine the required level of derailment protection (if any), shall be carried out in consultation with Sydney Trains. This risk analysis will determine the redundancy requirements or the minimum collision loads specified

in Australian Standard AS5100 that needs to be complied with. The risk assessment is to be prepared in accordance with the Sydney Trains Safety Management System. The Certifier shall not issue the Construction Certificate until it has received written confirmation from Sydney Trains that the risk analysis has been prepared and the Certifier has also confirmed that the measures recommended in this risk analysis have been indicated on the Construction Drawings.

- The design, installation and use of lights, signs, and reflective materials, whether permanent or temporary, which are (or from which reflected light might be) visible from the rail corridor must limit glare and reflectivity to the satisfaction of the rail operator. The Certifier is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.
- If required by Sydney Trains, prior to the issue of a Construction Certificate a Risk Assessment/Management Plan and detailed Safe Work Method Statements (SWMS) for the proposed works are to be submitted to Sydney Trains for review and comment on the impacts on rail corridor. The Certifier is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.
- No metal ladders, tapes, and plant, machinery or conductive material are to be used within 6 horizontal metres of any live electrical equipment. This applies to the train pantographs and catenary, contact and pull-off wires of the adjacent tracks, and to any aerial power supplies within or adjacent to the rail corridor.
- Prior to the issuing of a Construction Certificate the Applicant must submit to Sydney Trains a plan showing all craneage and other aerial operations for the development and must comply with all Sydney Trains' requirements. If required by Sydney Trains, the Applicant must amend the plan showing all craneage and other aerial operations to comply with all Sydney Trains' requirements. The Certifier is not to issue the Construction Certificate until written confirmation has been received from the Sydney Trains confirming that this condition has been satisfied.
- During all stages of the development, the Applicant must take extreme care to prevent any form of pollution entering the rail corridor. Any form of pollution that arises as a consequence of the development activities shall remain the full responsibility of the Applicant.
- Excess soil is not allowed to enter, be spread, or stockpiled within the rail corridor (and its easements) and must be adequately managed/disposed of.
- The Applicant must ensure that all drainage from the development is adequately disposed of and managed and not allowed to be discharged into the rail corridor unless prior written approval has been obtained from Sydney Trains.
- Copies of any certificates, drawings, approvals/certification, or documents endorsed by, given to, or issued by Sydney Trains or TAHE (Transport Asset Holding Entity) must be submitted to Council for its records prior to the issuing of the applicable Construction Certificate or Occupation Certificate.

- The Applicant must ensure that at all times they have a representative (which has been notified to Sydney Trains in writing), who:
  - oversees the carrying out of the Applicant's obligations under the conditions of this consent and in accordance with correspondence issued by Sydney Trains;
  - acts as the authorised representative of the Applicant; and
  - is available (or has a delegate notified in writing to Sydney Trains that is available) on a 7 day a week basis to liaise with the representative of Sydney Trains, as notified to the Applicant.
- Without in any way limiting the operation of any other condition of this consent, the Applicant must, during demolition, excavation and construction works, consult in good faith with Sydney Trains in relation to the carrying out of the development works and must respond or provide documentation as soon as practicable to any queries raised by Sydney Trains in relation to the works.
- Where a condition of consent requires consultation with Sydney Trains, the Applicant shall forward all requests and/or documentation to the relevant Sydney Trains External Interface Management team. In this instance the relevant interface team is **Illawarra Interface**, and they can be contacted via email on [Illawarra\\_Interface@transport.nsw.gov.au](mailto:Illawarra_Interface@transport.nsw.gov.au).

#### **REASON**

*To ensure compliance with requirements of Sydney Trains.*

#### **15. Ausgrid**

The following condition is imposed by Ausgrid in their letter received by Council on 15 May 2024 and must be complied with:

##### **Ausgrid Underground Cables in the vicinity of the development.**

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

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

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

SafeWork Australia – Excavation Code of Practice.

Ausgrid's Network Standard NS156 which outlines the minimum requirements for working around Ausgrid's underground cables.

The following points should also be taken into consideration.

Ausgrid cannot guarantee the depth of cables due to possible changes in ground levels from previous activities after the cables were installed.

Should ground levels change above Ausgrid's underground cables in areas such as

footpaths and driveways, Ausgrid must be notified, and written approval provided prior to the works commencing.

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

### **Ausgrid Overhead Powerlines are in the vicinity of the development.**

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

Consideration should be given to the positioning and operating of cranes, scaffolding, and sufficient clearances from all types of vehicles that are expected be entering and leaving the site.

The “as constructed” minimum clearances to the mains must also be maintained. These distances are outlined in the Ausgrid Network Standard, NS220 Overhead Design Manual. This document can be sourced from Ausgrid’s website at [www.ausgrid.com.au](http://www.ausgrid.com.au).

It is the responsibility of the developer to verify and maintain minimum clearances onsite. In the event where minimum safe clearances are not able to be met due to the design of the development, the Ausgrid mains may need to be relocated in this instance. Any Ausgrid asset relocation works will be at the developer’s cost.

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

Ausgrid Network standard N167 requests that proposed driveways should be located to maintain a minimum clearance of 1.5m from the nearest face of the pole to any part of the driveway, including the layback, to allow room for future pole replacements. Ausgrid should be further consulted for any deviation to this norm.

### **New or modified connection**

To apply to connect or modify a connection for a residential or commercial premises. Ausgrid recommends the proponent to engage an Accredited Service Provider and submit a connection application to Ausgrid as soon as practicable. Visit the Ausgrid website for further details; <https://www.ausgrid.com.au/Connections/Get-connected>

Additional information can be found in the Ausgrid Quick Reference Guide for Safety Clearances “Working Near Ausgrid Assets - Clearances”. This document can be found by visiting the following Ausgrid website:

[www.ausgrid.com.au/Your-safety/Working-Safe/Clearance-enquiries](http://www.ausgrid.com.au/Your-safety/Working-Safe/Clearance-enquiries)

### **REASON**

*To ensure compliance with requirements of Ausgrid.*

## **16. Sydney Airport**

The following conditions are imposed by the Sydney Airport Corporation Limited (SACL) in their letter dated 6 February 2025 and must be complied with:

The approved height of **46.2m AHD** is inclusive of all vents, chimneys, lift over-runs, chimneys, aerials, TV antennae and construction cranes etc. No permanent or temporary structure is to exceed this height without further approval from Sydney Airport Corporation Limited.

Construction cranes may be required to operate at a height significantly higher than that of the proposed development and consequently, may not be approved under the Airports (Protection of Airspace) Regulations.

Should you wish to exceed this height a new application must be submitted.

Sydney Airport advises that approval to operate construction equipment (i.e., cranes) should be obtained prior to any commitment to construct.

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

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

#### **REASON**

*To ensure compliance with requirements of Sydney Airports Corporation Limited.*

### **17. Sydney Water**

The following conditions are imposed by Sydney Water in their letter dated 10 May 2024 and must be complied with:

#### **Building Plan Approval**

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

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

#### **Tree Planting**

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

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

For guidance on types of trees that can cause damage or interference with our assets see Sydney Water webpage Wastewater blockages. For guidance on how to plant

trees near our assets, see Diagram 5 – Planting Trees within Sydney Water’s Technical guidelines – Building over and adjacent to pipe assets.

**REASON**

*To ensure compliance with requirements of Sydney Water.*

**18. Water NSW**

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

*Dewatering*

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

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

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

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



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

GT0120-00001 The design and construction of the building must prevent: (a) any take of groundwater, following the grant of an occupation certificate (and completion of construction of development), by making any below-ground levels that may be impacted by any water table fully watertight for the anticipated life of the building. Waterproofing of below-ground levels must be sufficiently extensive to incorporate adequate provision for unforeseen high water table elevations to prevent potential future inundation; (b) obstruction to groundwater flow, by using sufficient permanent drainage beneath and around the outside of the watertight structure to ensure that any groundwater mounding shall not be greater than 10 % above the pre-development level; and (c) any elevated water table from rising to within 1.0 m below the natural ground surface.

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

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

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

Dewatering work form" located on WaterNSW website [www.watarnsw.com.au/customer-service/waterlicensing/dewatering](http://www.watarnsw.com.au/customer-service/waterlicensing/dewatering)

GT0150-00001 The extraction limit shall be set at a total of 3ML per water year (being from 1 July to 30 June). The applicant may apply to WaterNSW to increase the extraction limit under this condition. Any application to increase the extraction limit must be in writing and provide all information required for a hydrogeological assessment. Advisory note: Any application to increase the extraction limit should include the following: - Groundwater investigation report describing the groundwater conditions beneath and around the site and subsurface conceptualisation - Survey plan showing ground surface elevation across the site - Architectural drawings showing basement dimensions - Environmental site assessment report for any sites containing contaminated soil or groundwater (apart from acid sulphate soils (ASS)) - Laboratory test results for soil sampling testing for ASS -If ASS, details of proposed management and treatment of soil and groundwater. Testing and management should align with the NSW Acid Sulphate Soil Manual

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

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

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

#### **REASON**

*To ensure compliance with requirements of WaterNSW.*

### **PRIOR TO ISSUE OF A CONSTRUCTION CERTIFICATE**

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

#### **19. Detailed Flood Modelling and Civil Design**

- A. Prior to the issue of any Construction Certificate, the detailed two-dimensional flood modelling presented in TELFORD CIVIL *Flood Impact Assessment* report dated November 2024 (issue C project no TEL23463) is to be refined and repeated so as to address, and be consistent with, the following matters to the written satisfaction of Bayside Council's Director - City Futures (or delegate):
  - (a) The 2D flood Model (TUFLOW model) has not included stormwater inlets and outlets to the storage tank and appears to have modelled the tank using ground level modifications which is not reflective of what is proposed to be constructed. The 2D flood model will need to be updated demonstrating the flood storage tank is able to function as intended by accepting flow through

the proposed inlets and discharging to the stormwater network including properly modelling the tank structure in TUFLOW.

- (b) Revise the TUFLOW model to accurately model the base and soffit levels of the flood storage tank and the surface levels of the entire ground floor of the development including the through site link.
- (c) The pits are to be modelled with a blockage factor of 50% in the TUFLOW model.
- (d) The cut in the deep soil area for flood storage is not supported and must be removed from the plans with the flood storage tank being enlarged to compensate for the lost flood storage and the flood modelling revised.
- (e) The 16 x 1200mm x 1200mm inlet grates proposed on the driveways shall be relocated to be at the lowest point of the driveways (or otherwise shifted to another location along the Hattersley Street frontage) to ensure they are positioned correctly to capture floodwaters.
- (f) The revised 2D flood modelling must demonstrate that:
  - i. off-site flood level increases do not result in adverse flood impacts to third parties including flood safety impacts;
  - ii. off-site flood afflux does not exceed 100mm in the 1% AEP flood event (including the climate change scenarios) and does not exceed 50mm in the PMF flood event; and
  - iii. all requirements of section 9.5 of the Bayside DCP are adhered to including the provision of all flood modelling maps.

In order to achieve (g) above design changes that influence flood behaviour may be required.

It is assumed that additional/revised inlet capacity needs to be provided along the frontage to Hattersley Street as per the below:

- iv. Provide 1200x1200 pits (with wheelguards) within the property on the through site link at the boundary to Hattersley Street draining to the flood storage tank and/or a kerb inlet pit provided in Hattersley Street along the frontage of 345 Princes Highway connected to the flood storage tank (to be confirmed through flood modelling revision and Council assessment).
- v. Additional inlet capacity (if needed) along the frontage of the Princes Highway with as additional kerb inlet pits in Hattersley Street.
- vi. The southern section of the flood storage tank shall be extended to the Hattersley Street boundary given the removal of the cut in the deep soil area. Surface grates to be provided for the extension to capture the flood waters.

- (g) Be in accordance with the final construction certificate plans

The revised 2D flood modelling and flood storage tank civil design must be peer reviewed by another reputable engineering consultancy specialising in flood modelling (consultant selection to be to the satisfaction of Bayside Council) with all costs being borne by the applicant. All comments of the peer review must be addressed in the 2D flood modelling and in the civil design of the flood mitigation measures.

The revised flood modelling files, civil plans and the revised the *Flood Assessment* report is to be submitted to the Bayside Council Director of City Futures (or delegate) for assessment and approval.

- B. Prior to the issue of any Construction Certificate, detailed drainage design plans for the management of stormwater and floodwater are to be submitted to the Bayside Council Director of City Futures (or delegate) for 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 civil design plans shall incorporate the provisions generally made in the stamped approved stormwater concept plans prepared by TELFORD CIVIL project number 23463 (as detailed in the approved plans) along with the revisions/requirements detailed below:

- (a) Include the revisions to the civil plans required above in part A.
- (b) The existing levels of the existing stormwater pits in Hattersley Street and Princes Highway shall be surveyed by a registered surveyor.
- (c) Full details to be provided for the façade integrated vertical grates along the Hattersley Street frontage of RETAIL 1.
- (d) All service penetrations through the basement and ground floor shall be shown. No service penetrations are permitted through the flood storage tank to/from the basement.
- (e) The flood storage tank must be structurally designed as a fully watertight structure that can structurally withstand the forces of floodwaters in a 1% AEP and PMF flood event.
- (f) The flood storage tank in OSD's must be provided with a minimum internal headroom clearance of 1.0m and must have a minimum 1% fall to the outlet.
- (g) The WSUD catchment plan and WSUD modelling must demonstrate compliance with Bayside Technical Specification Stormwater Management Section 7.1 to the satisfaction of Bayside Council.
- (h) The civil engineering plans must show full details of the OSD and flood storage tank (base plan, lid plan, sections etc.). The base of the flood storage tank shall have minimum 1% fall to the outlet. The flood storage tank must be designed to freely drain via a 1% fall to the public stormwater system.
- (i) All ground level surface drainage for the development is to drain into the flood storage tank.
- (j) All surface inlet pits shall be provided with ocean guards (or similar) to prevent debris accumulating in the flood storage tank.
- (k) All surface run-off in the waste/bin storage rooms and car wash bay shall be designed to drain to the sewer. Waste rooms shall be provided with a tap for the hosing down of bins.
- (l) Each building shall have its rainwater tank volume enlarged so that a minimum 10,000L rainwater tank is provided for each building. The rainwater tank for the 345 Princes Highway building must be connected to all first-floor toilet flushing, the cold water tap that supplies all first-floor clothes washing machines, and the first-floor landscape irrigation system for non-potable stormwater re-use. The rainwater tank for the 116 Hattersley Street building

must be connected to all first-floor toilet flushing, the cold water tap that supplies all first-floor clothes washing machines, and the ground floor landscape irrigation system for non-potable stormwater re-use. This must be shown on the plans with a hydraulic schematic.

**REASON**

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

**20. Design Amendments**

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

- (a) The front windows of the ground floor commercial / retail tenancies shall be clear glazing or must be kept free of shelves, and a maximum of 15% of the window display area may be covered with promotional materials, obscure glazing and/or other treatment to ensure passive surveillance is maintained to and from the tenancies. The reason for this condition is for the windows to allow passive surveillance and retain a clear visual connection between the ground floor lobbies and the street.
- (b) The balcony to unit 6.01C shall be increased from 9m<sup>2</sup> to a minimum of 10m<sup>2</sup> in area in order to comply with the minimum size requirement under the Apartment Design Guide (ADG).
- (c) The floor level of the temporary waste holding room on the ground floor shall be revised to be set at RL 13.20m AHD (the loading dock shall remain at RL 12.7m AHD). Alternatively, just the area around the bin hoist can be raised to RL 13.20m AHD with a ramp down to the temporary waste holding room level of 12.70m AHD. This is required to ensure the placement bin hoist is protected to the 1% AEP + 500mm freeboard level.
- (d) The floor level of the residential lobby RETAIL 3 and RETAIL 4 of 345 Princes Highway shall be revised to be set at RL 13.20m AHD to ensure these areas are protected from flooding (1% AEP + 500mm freeboard level).
- (e) The basement level 1 plan for 345 Princes Highway is to be amended to include the following end of trip facilities for the retail component of the development:
  - a. 6 personal lockers
  - b. 1 shower and change cubicle
  - c. 1 bicycle repair toolkit
  - d. 1 toilet and handwashing facility.

The end of trip facilities shall be located adjacent to the 6 retail bicycle spaces. Parking spaces shall be reshuffled so that space is made available for the end of trip facilities.

*Note: only 1 accessible space is required for the retail component and only 1 accessible space is required for the visitor component of the development.*

- (f) The headroom clearance for the flood storage tank must be revised to provide a minimum internal headroom clearance of 1.0m. The basement level 1 plan is to be

revised so that the accessible car parking spaces are not located below the flood storage tank to assist in providing more headroom.

The amendments required to the plans detailed above must be submitted to, and approved by, the Bayside Council Director of City Futures (or delegate).

**REASON**

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

**21. Waste Collection Indemnity**

Where on-site collection by council is required, Council will be required to be indemnified. Council will require indemnity against claims for loss or damage to the pavement, other driving surfaces, structures, and buildings.

Council will also require indemnity against liabilities, losses, damages, and any other demands arising from any on-site collection service.

A hazard risk assessment must be conducted **before** Council, or its contractor will agree to undertake any service.

**REASON**

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

**22. Detailed Landscape Plan**

1. Prior the issue of a Construction Certificate, amended landscape plans and landscape Specifications and maintenance Manual must be submitted to, and approved by, the Director City Futures (or delegate) of Bayside Council.
  - 1.1. The amended plans shall be generated in accordance with the approved Landscape Plan prepared by Lush Pty Ltd 4 September 2024 and must comprise detailed landscape construction documentation (plans and construction details). The detailed plans shall include, but not be limited to, the following:
    - 1.1.1. A planting plan at 1:100 showing all plant locations/groupings and plant centres/species.
    - 1.1.2. Provide details of all ground level areas. Ensure all built and soft landscape proposal follows CPTED principles. Provide details of all materials, furniture and finishes. All built elements shall be adequate to public spaces, of low maintenance requirements, and long lasting good quality, known to perform well in public spaces.
    - 1.1.3. Provide built in planter box sectional details and drainage details with finished levels to assess soil depths provisions.
    - 1.1.4. Indicate access to all landscaped areas to be maintained and location of tools; and specify location of required anchor points, mount specification and type of anchor points.
    - 1.1.5. All new trees are to be supplied and planted at minimum 200 litre spot size.
    - 1.1.6. Indicate the location of all basement structures and above ground structures relative to the landscape areas.
    - 1.1.7. 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 guards, tree pit treat,

areas of paving, schedule of materials, edge treatments, tactiles, privacy screening, arbors and the like- elevations and materials, impacting or visible to public domain areas.

1.1.8. Details of all other hardscape landscape elements such as street furniture, pedestrian amenity lighting, bins, bollards. Provide sectional construction details and elevations if required.

1.1.9. Conflict between landscaped beds, existing/proposed trees or landscaped areas and underground utilities (including stormwater structures) are to be avoided. Where there is a conflict, this shall be resolved with Bayside Council.

1.1.10. All utility services (including all telecommunication, high and low voltage power lines) are to be placed underground along the entire development site frontages as part of the development prior to occupation. The extent of works required in order to achieve this outcome may involve works beyond the frontage of the development site.

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

The Landscape Maintenance Manual and Specifications shall include as a minimum a 12 months Landscape Maintenance Schedule to provide a guide to the landowner or manager on how to best maintain the constructed landscaped areas; and include the following information: shrub pruning/trimming (frequency, plant requirements); Fertilising and pest control (soil testing, type, 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, waterpools, irrigation, paving, edges, pergolas, seats, and any specialised maintenance requirements);

2.1. Frequency and methodology of different maintenance requirements including the removal of green waste; irrigation system tests, waterproofing inspections.

2.2. Details of safety procedures;

2.3. Laminated copies of 'As Built' Landscape drawings;

2.4. Manufacturer's contact details and copies of manufacturers' typical details and specifications;

2.5. Copies of warranties and guarantees relating to all materials and plant used in construction;

2.6. Inspection programs based on AS/NZS 1891.4, including annual load testing of chemical and friction anchors, for all installed anchors

### **REASON**

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

## **23. Landscape Frontage Works Application**

Prior to the issue of any Construction Certificate, the applicant must submit a Frontage Works Application (Public Domain Construction – Frontage / Civil Works Application) to Bayside Council.

Prior to the commencement of public domain works, a public domain landscape improvements plan shall be submitted to Bayside Council for assessment and approval. The plans shall be undertaken by a suitably experienced Landscape

Architect and shall include, but not be limited to, new street tree planting, footpath paving (segmental/other), street tree pit treatments and tree guards, street furniture, in ground landscaping and irrigation. The landscape plan must indicate locations of lighting poles, underground services, stormwater infrastructure etc. The design shall be in accordance with Council's City Identity Program, Landscape DCP and any other Council specification or requirement. All new street trees are to be supplied and planted at minimum 200 litre pot size. Contact Council's Landscape Architect for further details of specific requirements in preparation of the plan.

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

**REASON**

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

**24. Design Architect Involvement**

- a) In order to ensure the design excellence of the development is retained:
  - i) Fuse Architects (design architect) is to have direct involvement in the design documentation, contract documentation and construction stages of the project, and
  - ii) The Design Architect is to have full access to the site and is to be authorised by the applicant to respond directly to the consent authority where information or clarification is required in the resolution of design issues throughout the life of the project, and
  - iii) Evidence of the Design Architect's commission is to be provided to the Council prior to release of the Construction Certificate.
- b) The Design Architect of the project is not to be changed without prior notice and approval of the Council.

**REASON**

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

**25. Replacement Tree Planting**

At least thirty-three (33) replacement site trees shall be planted in accordance with the Approved Landscape Plan, on completion of the building works.

The above trees may be provided considering the following Tree offset controls:

The proposed development includes the removal of eleven (11) live trees. Consent is granted for the removal of the following trees:

- Eight (8) *Corymbia maculata* (Spotted Gum) located along the Hattersley Street boundary.
- Two (2) *Howea forsteriana* (Kentia Palm).
- One (1) *Syagrus romanzoffiana* (Queen Palm).

To offset the loss of canopy loss the applicant is required to replace the tree at a 3:1 replacement ratio, therefore a total of thirty-three (33) new trees shall be planted to offset the canopy loss for environmental reasons.



If there is insufficient space to install all of the conditioned replacement trees on site, the applicant may choose to offset the remaining trees by way to Council so it can facilitate replacement planting in Public Land.

Section 3.8.2 of the Bayside Development Control Plan stipulates a monetary contribution as outlined in Councils current Fee and Charges. It is to be paid prior to the issue of the Construction Certificate and prior to any tree related works.

**REASON**

*To minimise adverse impacts on trees through their replacement and ensure best practice is implemented.*

**26. General Landscape Conditions**

- a) Landscaped areas as indicated in approved plans are not to be reduced or replaced with plant pots.
- b) New street trees shall be maintained by the Applicant / Owner / Strata Corporation for a period of **twenty-four (24)** months after final inspection by Council. Maintenance includes twice weekly watering within the first 6 months then weekly thereafter, biannual feeding, weed removal round the base, mulch replenishment at 3 monthly intervals (to 75mm depth) and adjusting cables and ties; to sustain adequate growth and health. Maintenance does not include trimming or pruning of the trees under any circumstances.
- c) Planter boxes constructed over a concrete slab shall be built in accordance with the following requirements:
- The base of the planter must be screeded to ensure drainage to a piped internal drainage outlet of minimum diameter 50mm, with no low points elsewhere in the planter. There are to be no external weep holes.
  - A concrete hob or haunch shall be constructed at the internal join between the sides and base of the planter to contain drainage to within the planter.
  - Planters are to be fully waterproofed and sealed internally with a proprietary sealing agent and applied by a qualified and experienced tradesman to eliminate water seepage and staining of the external face of the planter. All internal sealed finishes are to be sound and installed to manufacturer's directions prior to backfilling with soil. An inspection of the waterproofing and sealing of edges is required by the Certifier prior to backfilling with soil.
  - Drainage cell must be supplied to the base and sides of the planter to minimize damage to the waterproof seal during backfilling and facilitate drainage. Apply a proprietary brand filter fabric and backfill with an imported lightweight soil suitable for planter boxes compliant with AS 4419 and AS 3743. Install drip irrigation including to lawns.
  - Planter boxes must be an external finish that is consistent with the character of the colour schemes and finishes of the building (e.g. with a suitable paint, render or tile to match the character of the approved building).
  - All planter boxes shall be provided with a fully automated drip irrigation system.
  - All planter boxes shall have the required depth to sustain the proposed planting, as detailed below:
    - Trees over 8 metres: Minimum soil depth 1.3 metre.
    - Medium trees (8 metre canopy diameter at maturity): Minimum soil depth one (1) metre.
    - Small trees (4 metre canopy diameter at maturity): Minimum soil depth 800mm.
    - Shrubs: Minimum soil depths 500-600mm.

- Groundcover: Minimum soil depths 300-450mm.
- viii. Any subsurface drainage requirements are in addition to the minimum soil depths quoted above.
- d) Podium landscaping and paved areas shall be drained into stormwater drainage system. All waterproofing for planters on slab shall be installed and certified by a licensed waterproofing contractor.
- e) Irrigation. To ensure satisfactory growth and maintenance of the landscaping, a fully automatic drip irrigation system is required in all landscaped areas. The system shall be installed by a qualified landscape contractor and provide full coverage of planted areas with no more than 300mm between drippers, automatic controllers and backflow prevention devices, and should be connected to a recycled water source. Irrigation shall comply with both Sydney Water and Council requirements and be maintained in effective working order at all times.

### **REASON**

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

## **27. Construction Site Management Plan**

Before the issue of any 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.*

**28. Retaining Walls Over 600mm**

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

**REASON**

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

**29. Tanking and Waterproofing Basement Intercepting Groundwater Table**

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

**REASON**

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

**30. Structural Certification for Flood Resistant 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 100mm above the 1% AEP flood event, or flow level. All internal electrical switches, power points or similar utilities liable to flood damage shall be set at a minimum of 500mm above the 1% AEP flood level.

**REASON**

*To ensure the development meets flood planning requirements.*

**31. 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.*

### 32. Protection of Basement and Building Structures Below Flood Level

All proposed habitable floor levels and basement car park entry levels within the development site shall be set 500mm above the 1% AEP flood level. The underground basement and substructures, access stair wells, lift wells, windows, pedestrian entry / exit points etc. shall be flood proofed and physically protected to a minimum of 500mm above the 1% AEP flood level. A design certification report for floor levels of buildings and structures prepared by a suitably qualified engineer shall be submitted to the Principal Certifier prior to the issue of any Construction Certificate.

The minimum ground floor levels are to be as per the below:

<u>345 Princes Highway</u>	
Basement driveway crest	RL13.30m AHD
Loading Dock	RL12.70m AHD
Temporary waste holding room and western fire stairs to basement	RL13.20m AHD
RETAIL 1	RL13.20m AHD
RETAIL 2	RL13.20m AHD
RETAIL 3	RL13.20m AHD
RETAIL 4	RL13.20m AHD
LOBBY	RL13.20m AHD
RETAIL 5	RL12.40m AHD
RETAIL 6	RL12.40m AHD
RETAIL 7	RL12.40m AHD
Eastern fire stairs to basement	RL12.40m AHD
<u>116 Hattersley Street</u>	
RETAIL 8	RL13.10m AHD
LOBBY	RL13.10m AHD
Basement driveway crest	RL13.10m AHD
All fire stairs to the basement	RL13.10m AHD

#### **REASON**

*To ensure the development meets flood planning requirements.*

### 33. Detailed Flood Risk Management Plan

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

- Recommendations on all precautions to minimise risk to personal safety of occupants and the risk of property damage for the total development, and
- Flood warning signs / depth indicators for areas that may be inundated, and
- A flood evacuation strategy, and

- d) A flood awareness strategy, and
- e) Provide full details of the flood storage tank demonstrating its purpose and detailing that it must not be altered or restricted. A thorough maintenance regime is to be provided to ensure the flood storage tank is thoroughly inspected and cleared of debris regularly.
- f) 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.*

### **34. Detailed Parking Facility Design Requirements and Certification**

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

- a) Compliance with AS2890 Car, Bicycle and Motorcycle Parking:
  - i. The parking facility (including parking spaces, ramps/aisles, vehicular crossing etc.) must comply in full with AS2890.1. The longitudinal profile(s) of the access driveway and any ramps within the parking facilities must comply with the Ground Clearance, Gradient (%) and Length requirements of the 2890 Australian Standards Series, and
  - ii. All vehicles are to enter and exit the site in a forward direction, and
  - iii. The minimum number of accessible car parking spaces shall be in accordance with the relevant disability legislation. The design and construction of accessible car parking spaces shall be in accordance with AS2890.6 and/or AS4299, and
  - iv. The gate for the basements shall be located to permit the queuing of one (1) vehicle when waiting to enter the basement garage, and
  - v. Pedestrian sightlines for vehicles exiting the site are to comply with AS2890.1, and
  - vi. Convex mirrors shall be provided at blind corners within, and leading to, the car parking levels to provide increased sight distance for vehicles, and
  - vii. The car wash bay(s) shall be minimum 3.5m wide, and
  - viii. A minimum of 104 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 MRV from AS2890.2:2018. Commercial vehicles greater in size and mass than the MRV are not permitted to enter the site, and
  - ii. The design of the parking facility (including driveways/access ramps/vehicular crossings etc.) shall conform with Australian Standards AS2890.2:2018 along the travel path of the service vehicles, and

- iii. All service vehicles shall enter the property front in front out, and
- iv. Swept path analysis shall be provided for manoeuvring of MRV commercial vehicles, depicting a forward entry and forward exit manoeuvre to/from the site via the loading dock(s) proposed within the development, and
- v. A longitudinal section plotting headroom clearance along the travel path of the service vehicle(s) is to be provided. It must be demonstrated that a safe headroom clearance of 4.5m is achieved along the entire travel path, parking and manoeuvring areas of the MRV within the development, and
- vi. Swept path analysis shall be submitted for the 8.8m long MRV using the loading dock turntable demonstrating that sufficient clearance as per Australian standards is provided from the adjacent walls and other obstructions for the swept path of the MRV. The loading dock and turntable is to be designed to ensure appropriate clearances are provided for an 8.8m long MRV using the mechanical turntable in the loading dock, and
- vii. All waste collection for the 345 Princes Highway building must be undertaken on-site within the loading dock, no bins/waste are permitted to be presented to the street for collection for the 345 Princes Highway building. Waste for the 116 Hattersley Street Building is to be collected from the street. The bins for the 116 Hattersley Street building are only to be brought out to the street and collected when the waste contractor arrives and must be promptly returned to the waste storage room after the bins are emptied.

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

#### **REASON**

*To ensure compliance with the relevant Australian Standard.*

### **35. Mechanical Parking Facility System – Detailed Design**

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

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

- d) Details shall be provided to ensure the vehicle that uses the mechanical turntable is positioned correctly to ensure the vehicle does not hit a wall or other adjacent obstruction. People using the loading dock are to be instructed and shown where to park the vehicle on the turntable through appropriate signage and line marking. Emergency sensors should be provided to ensure a vehicle does not hit an adjacent wall, and
- e) The mechanical turntable must be designed to accommodate an 8.8m long MRV as defined in AS2890.2:2018.

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

**REASON**

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

**36. Traffic Signal System**

Prior to the issue of the Construction Certificate, a traffic light signal and sensor system shall be provided for the 116 Hattersley Street building and therefore, the following is required to be submitted to the Principal Council:

- a) A traffic signal management system (including traffic lights and vehicular sensors) to manage conflicting two-way movements on the adjacent to the one-way ramps shall be designed and certified by a Civil Engineer for implementation within the parking facility. Traffic lights are provided at both the top and bottom of each ramp in locations that are readily visible and prompt vehicles to stop where and when needed.
- b) Line marking and signage must be provided at both the entry to the basement and within the each level of the basement parking facility to clearly delineate waiting bay areas that provide for passing of vehicles entering/exiting the car park via the ramp and travel through the parking facility. The function of these waiting areas must be demonstrated using swept paths for a B85 passing a B99 vehicle with appropriate clearances as per AS/NZS 2890.1.
- c) The traffic signals shall operate with the following operational mode:
  - Automatically revert to and dwell on green for incoming.
  - Outgoing driver activates sensor.
  - Signals change to red for incoming and green for outgoing.
  - After a pre-set clearance time signals revert to red for outgoing traffic and green for incoming traffic.

**REASON**

*To minimise impacts associated with vehicle movements into and out of the site.*

**37. Sewer Main**

The Sydney Water sewer main being retained in the middle of the property at No. 345 Princes Highway running north and south from the adjoining properties or relocated elsewhere on the site. Either the sewer is retained or relocated within the development. The applicant will ensure the proposal has regard for the sewer main and it will either be incorporated into the development or relocated.

## **REASON**

*To cater and have regard for the existing infrastructure on the site.*

### **38. Affordable Housing**

- c) This approval incorporates a minimum of thirteen (13) units within the development to be used strictly for the purposes of 'Affordable Housing' as defined in Chapter 2, Section 13 of State Environmental Planning Policy (Housing) 2021.
- d) Any variation to the minimum approved number of 'Affordable' dwellings within the development, beyond that specified above, will require the submission to Council of a modification application.
- e) The 'Affordable Housing' component of the development must be used strictly for the purposes of affordable housing for a minimum period of 15 years, commencing on the day an occupation certificate is issued for the development.
- f) The affordable housing component of the development must be managed by a registered community housing provider. Details of the provider must be submitted to Council prior to the issue of any Occupation Certificate. Should the provider be changed at any time, details shall subsequently be provided to Council of the updated provider.

## **REASON**

*To ensure affordable housing is constructed and operated in accordance with the approved plans and documentation.*

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

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

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

## **REASON**

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

### **40. Waste Management Plan Requirements**

Before the issue of a Construction Certificate, a Waste Management Plan for the development must be prepared and provided to the principal certifier. The plan must be prepared:

- (a) in accordance with:
  - i) the Environmental Protection Authority's Waste Classification Guidelines as in force from time to time, and



- ii) Council's Development Control Plan 2022 that provides for waste management that applies to the land on which the work or the clearing of vegetation is carried out, and
- (b) include the following information:
  - i) the contact details of the person removing the waste,
  - ii) an estimate of the type and quantity of waste,
  - iii) whether waste is expected to be reused, recycled or sent to landfill,
  - iv) the address of the disposal location for waste.

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

**REASON**

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

**41. Design Architect Involvement**

- a) In order to ensure the design excellence of the development is retained:
  - i. Fuse Architects (design architect) is to have direct involvement in the design documentation, contract documentation and construction stages of the project, and
  - ii. The Design Architect is to have full access to the site and is to be authorised by the applicant to respond directly to the consent authority where information or clarification is required in the resolution of design issues throughout the life of the project, and
  - iii. Evidence of the Design Architect's commission is to be provided to the Council prior to release of the Construction Certificate.
- b) The Design Architect of the project is not to be changed without prior notice and approval of the Council.

**REASON**

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

**42. Payment of Fees and Security Deposits (if applicable)**

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

Soil and Water Management Sign Fee	\$25.50
Section 7.11 Contributions	\$1,793,162.69
Builders Damage Deposit (Security Deposit)	\$104,700.00

The payments will be used for the cost of:

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

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

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

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

**REASON**

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

**43. Payment of Security Deposits**

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

- make payment of \$104,700.00 for a security deposit to the consent authority, and
- if a Principal Certifier is required to be appointed for the development provide the Principal Certifier with written evidence of the payment and the amount paid.

**REASON**

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

**44. Payment of Fees**

Before any site work commences, the following must be paid to Council and written evidence of these payments provided to the Principal Certifier or Council (where a Principal Certifier is not required):

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

**REASON**

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

**45. Long Service Levy**

Before the issue of the relevant Construction Certificate, the long service levy of \$81,136.35 as calculated at the date of this consent, must be paid to the Long Service Corporation or Council under the *Building and Construction Industry Long Service Payments Act 1986*, section 34, and evidence of payment is to be provided to the Principal Certifier.

### **REASON**

*To ensure the long service levy is paid.*

#### **46. Payment of Section 7.11 Contributions**

**For developments with an estimated cost of more than \$10 million:**

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

(a) Rockdale City Council Section 94 Contributions Plan

Transport	\$ 546,811.70	AB1
Stormwater Management	\$ 79,166.69	AB2
Open Space	\$ 367,944.90	AB3
Community Services & Facilities	\$ 750,364.56	AB4
Plan Administration and Management	\$ 1,875.66	AB5
<b>Total in 2024/25</b>	<b>\$ 1,793,162.69</b>	

A Section 7.11 contribution of \$1,793,162.69 shall be paid to Council. The contribution is calculated according to the provisions contained within Council's adopted Arncliffe and Banksia Local Infrastructure Contribution Plan 2020. The amount to be paid is to be adjusted at the time of payment in accordance with the review process contained in the Contributions Plan. The contribution is to be paid prior to the issue of any compliance certificate, subdivision certificate or construction certificate. The contributions will be used towards the provision or improvement of the amenities and services identified below.

The total contribution payable to Council under this condition is \$1,793,162.69 as calculated at the date of this consent, in accordance with Council's adopted Arncliffe and Banksia Local Infrastructure Contribution Plan 2020.

The total amount payable may be adjusted at the time the payment is made, in accordance with the provisions of the Council's adopted Arncliffe and Banksia Local Infrastructure Contribution Plan 2020.

A copy of the development contributions plan is available for inspection at Council's Customer Service Centre at 444 Princes Highway Rockdale.

### **REASON**

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

#### **47. Adaptable Units**

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

**REASON**

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

**48. Car Parking Details**

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

**REASON**

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

**49. Utilities and Services**

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

- a) (a) 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.*

**50. Waste Management Plan – an approved document of this Consent**

Before the issue of a Construction Certificate, a Waste Management Plan for the development must be provided to the Principal Certifier.

**REASON**

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

**51. Provision of Detailed Plans for Construction Certificate Application**

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

Detailed plans must also show the following:

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

**REASON**

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

**52. Clear Public Access Ways**

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

**REASON**

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

**53. Hydrant Boosters**

Prior to the issue of any Construction Certificate, the Certifying Authority is to ensure any fire hydrants are visually screened from the public domain in accordance with Australian Standard 2419.1.

**REASON**

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

**54. Design Verification Statement**

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

**REASON**

*To ensure compliance with the Environmental Planning and Assessment Regulation 2021.*

**55. Materials and Finishes**

The building shall be constructed of a masonry or brick wall construction with select coloured finishes as per the approved schedule of finishes. This requirement shall be reflected on the Construction Certificate plans and supporting documentation.

**REASON**

*To ensure that works are executed in accordance with the approval.*

**56. Sydney Water Tap-in**

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.

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

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

**REASON**

*To ensure compliance with Sydney Water requirements.*

**57. Safer by Design Requirements**

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

- (a) Monitored CCTV facilities shall be implemented throughout the development. Areas of focus include the basement car park (including entry and exits), main entry areas to the development and garage/storage areas, and
- (b) A lighting maintenance policy shall be established for the development. Lighting shall be designed to the Australian and New Zealand Lighting Standards. Australia and New Zealand Lighting Standard 1158.1 - Pedestrian, requires lighting engineers and designers to consider crime risk and fear when selecting lamps and lighting levels, and
- (c) Security mirrors shall be installed within corridors and on blind corners to enable users to see around blind corners, and
- (d) Graffiti resistant materials shall be used to ground level external surfaces, and
- (e) Intercom facilities shall be installed at all vehicular and pedestrian entry/exit points to enable residents to communicate and identify with people prior to admitting them to the development, and
- (f) The front window of the ground floor tenancy must be kept free of shelves, and a maximum of 15% of the window display area may be covered with promotional materials to ensure passive surveillance is maintained to and from the tenancy, and
- (g) The ceiling of the basement car park shall be finished in light colour in order to maximise visibility.

**REASON**

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

## **58. 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.

The front fence / boundary fence / vehicular access gate must not open onto public footway. The access gate is to open inwards onto private property. Details are to be provided on the Construction Certificate plans.

### **REASON**

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

## **59. Adaptable Units and Parking**

Access must be provided to and within a minimum of thirteen (13) residential units, and between these units and their allocated car parking spaces in accordance with Council's Development Control Plan and Australian Standard 4299: Adaptable housing. The required adaptable units shall be unit numbers (102C, 203C, 202C, 203C, 301B, 302C, 303C, 401B, 402C, 403C, 501C, 502C & 503C). The units shall be constructed to comply with the requirements of AS 4299.

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

Note: Compliance with Council's Development Control Plan does not necessarily guarantee that the development meets the full requirements of the *Disability Discrimination Act 1992*. It is the responsibility of the applicant to make the necessary enquiries to ensure that all aspects of the Act are satisfied.

### **REASON**

*To ensure adaptable units are provided and designed in accordance with the relevant standards.*

## **60. Lighting**

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

### **REASON**

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

## **61. Services in Garbage Room**

Hot and cold water supply shall be provided to the garbage room.

Services or utility systems shall not be located within the garbage room.

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

**REASON**

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

**62. Inter-Tenancy Acoustic Attenuation**

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

- (a) Three (3) Star for tiled areas within kitchens, balconies, bathrooms and laundries. Tiled flooring within corridors, living areas and bedrooms is not permitted, and
- (b) Four (4) Star for timber flooring in any area, and
- (c) Five (5) Star for carpet in any area.

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

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

A suitably qualified Acoustic Engineer with MIE Australia membership or employed by a consulting firm eligible for AAAC memberships is to certify that the details provided in the said report satisfy the requirements of this condition, with the certification to be submitted to the Principal Certifier for approval prior to the issue of any Construction Certificate for the relevant stage of work.

**REASON**

*To minimise adverse amenity impacts to residents within the building.*

**63. Aircraft Noise - Report Required**

Prior to issue of the Construction Certificate a report shall be prepared demonstrating that the building is designed in accordance with AS2021- 2015: Acoustics, Aircraft Noise Intrusion, Building Siting and Construction. The report shall include any required noise attenuation to the structure of the building to meet the above standard and acoustically treated mechanical ventilation, if necessary, to comply with the above standard.

If the report recommends installation of air conditioning to meet the mechanical ventilation requirements, the installation must not prevent compliance with the standard.

**REASON**

*To minimise adverse amenity impacts to residents within the building.*

**64. Rail and/or Road Noise**

The development must be constructed to ensure compliance with the recommendations of the approved acoustic report and to meet the relevant provisions of *Australian Standard AS 2107:2000* Recommended design sound levels and reverberation times for building interiors. Compliance with this condition must be achieved within the approved building envelope, form and design. Any variations to the



approved plans externally to achieve compliance must be the subject of a Section 4.55 application to modify the approved plans. Details of the provisions must be provided on the Construction Certificate plans submitted to the Principal Certifier prior to the release of a Construction Certificate.

**REASON**

*To minimise adverse amenity impacts to residents within the building.*

**65. Hazardous Material Audit and Work Plan**

Prior to the release of a Construction Certificate for the demolition of buildings, Hazardous Materials Audit (HMA) shall be carried out to ensure that any hazardous materials that may have been used within the structural components of buildings and infrastructure are adequately addressed to protect site personnel and the public from the risk of exposure. This shall be undertaken by an appropriately qualified consultant and shall be submitted to Council and the Principal Certifier.

Should any hazardous materials be identified a Work Management Plan shall be submitted to Council in accordance with AS2601-2001 – Demolition of Buildings. The report shall contain details regarding the type and location of hazardous material and the proposed methods of containment and disposal.

**REASON**

*To avoid and/or minimise potential risks associated with hazardous or offensive industries.*

**66. Property Address Allocation**

Prior to the issue of a Construction Certificate for the development an application for street addresses (Property Address Allocation) and associated fee shall be submitted to Council for each individual residential dwelling and commercial tenancy within the development in accordance with Section 5.2 of the NSW Address Policy and User Manual dated May 2021.

The form is available for download at:

<https://www.bayside.nsw.gov.au/services/development-construction/building-or-altering-property/commonly-used-forms>

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

**REASON**

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

**67. Provision of Car Wash Bay**

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

**REASON**

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

#### **68. Structural Certificate Basement Structure Adjacent to Public Road**

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

##### **REASON**

*To minimise risk to personal safety and property.*

#### **69. Use of Neighbouring Properties and Roadways for Support**

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

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

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

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

##### **REASON**

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

#### **70. Geotechnical Certification**

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

- a) Review and ensure the appropriate construction methodology, parameters, and recommendations in the geotechnical report prepared by morrow, reference P2398\_01 rev3, dated 7 February 2024, have been implemented and relied upon during the preparation of the Construction Certificate plans and documentation.
- b) Provide detailed recommendations to allow the satisfactory implementation of the works.

- i. The appropriate means of any excavation/shoring is to be determined and detailed considering the proximity to adjacent property and structures.
  - ii. Potential vibration caused by the method of excavation and potential settlements affecting nearby footings/foundations/buildings shall be discussed and ameliorated.
  - iii. Review and certify the proposed method to temporarily and permanently support any excavation adjacent to adjoining property, structures, and road reserve if nearby (full support to be provided within the subject site).
  - iv. An implementation program is to be prepared along with a suitable monitoring program (as required) including control levels for vibration, shoring support, ground level and groundwater level movements during construction. The implementation program is to nominate suitable hold points at the various stages of the works for verification of the design intent before sign-off and before proceeding with subsequent stages.
- 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 1999.

#### **REASON**

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

### **71. Frontage Works Application**

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

Prior to the commencement of the public domain works, a Public Domain Frontage Design package must be prepared by suitably qualified professionals for all frontage works that are required to be constructed within the public domain that are subject to assessment and approval pursuant to Section 138 of the *Roads Act 1993*. Public domain frontage works can include, but not be limited to, civil, drainage, landscaping,

undergrounding of services, lighting, traffic signage, line marking, parking, and traffic devices to address and satisfy relevant development consent conditions. All frontage works shall be in accordance with Bayside Council technical manuals, specifications, master plans, town centre plans, Australian Standards, and standard design drawings.

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

**REASON**

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

**72. Separation of Parking in Mixed Use Residential Developments**

The parking bays for the residential component of the development in the 345 Princes Highway Building shall incorporate suitable security access control measures (e.g. fencing, roller door or boom gates) so that it is not accessible to the visitors / occupants of the non-residential component. Details demonstrating compliance shall be submitted to the satisfaction of the Principal Certifier prior to the issue of a Construction Certificate.

**REASON**

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

**73. Equal Access to Premises**

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

**REASON**

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

**74. Break through walls to 361 Princes Highway**

Before the issue of any Construction Certificate, plans which demonstrate that adequate provision for the future basement connection to the future redevelopment of the adjoining property to the south at No. 361 Princes Highway shall be provided on all basement levels for 345 Princes Highway. Details shall be submitted with the Construction Certificate.

An engineering design certificate is to be provided with any construction certificate application and its requirements incorporated into any construction certificate for the design of the basement system including shoring wall and future access to 361 Princes Highway. Prior to the issue of the Construction Certificate for the basement

levels, construction details shall be provided to the principal certifier demonstrating that the proposed structure is able to achieve the required link without affecting the structural stability of the building.

**REASON**

*To facilitate a future basement connection to the neighboring property to facilitate a future redevelopment.*

**75. Awnings over Public Footpath**

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

- a) A minimum setback of 600mm from the face of the kerb, maximum fascia height 600mm, minimum soffit height 3.3m and a maximum step of 900mm for sloping sites. The awnings must be entirely self-supporting; posts are not permitted, and
- b) All stormwater is to be collected and connected to Council's street gutter. In this regard awning downpipes for drainage are to be fully concealed within or recessed into the ground floor frontage of the building. Awning gutters are to be constructed so that they are not visible from the footpath, or are integral to the awning structure, and
- c) The design and certification by a Structural Engineer registered with the National Engineering Register (NER) for Roof Category R1 in accordance with AS/NZS 1170.1: 2002, AS/NZS 1170.0: 2002, and AS/NZS 1170.3: 2011. The design must incorporate all loads including dead loads, live loads, wind load (lateral, uplift, and downward pressure), and potential impact load, and
- d) The awning(s) must be constructed of non-combustible materials, and
- e) Lighting is required and must comply with AS/NZS 1158.3.1: 2005 and AS/NZS 1158.0: 2005. Lighting must be recessed into the awning and be integral to its structure with all wiring and conduits concealed, and
- f) The awning is to extend over the entire development frontage of Hattersley Street and must provide for a minimum of 4.5m soffit height over the loading dock driveway.

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

**REASON**

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

**76. Undergrounding of Overhead Services and Installation of Lighting**

All overhead cables, including electricity and telecommunication cables, along the entire length of all frontages of the development site must be relocated underground as part of the development. The Ausgrid lighting and power poles will need to be decommissioned, and new underground supplied lighting columns shall be constructed

(where necessary) satisfying the applicable requirements. Ausgrid's approval for the works must be obtained. The location of the new electrical pillars, new lighting poles, any new pits and trenches for utilities shall be confirmed with Bayside Council prior to the commencement of public domain works. The applicant is responsible for all relocation costs, including costs associated with other cabling such as telecommunications cables. These works must be completed to the satisfaction of Bayside Council prior to the issue of the Final Occupation Certificate.

Where the road reserve is congested with underground utility services and/or street trees, the person acting on the consent must design the undergrounding works around the congestion to the requirements of Ausgrid and Bayside Councils Landscape Architect/Arborist.

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

**REASON**

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

**77. Through-Site Link**

Prior to the issue of any Construction Certificate entailing any works above ground level, a Civil, Landscape, & Lighting Design shall be prepared addressing the following:

(a) Through-site Link Design

The through site link is to be designed to be fully open at all times and must follow CPTED principles. All surface drainage of the through site link shall drain into the flood storage tank and have no upward grades.

(b) Paving, Landscaping and Furniture

The paving, treatment, materials, finishes, tree planting, and furniture is to be to the satisfaction of the Bayside Council Landscape Architect.

(c) Lighting

Lighting shall be provided along the entire through-site link to provide safety and illumination. The lighting shall be designed in accordance with the AS/NZS 1158 lighting series and AS 4282-1997 "Control of the Obtrusive Effects of Outdoor Lighting". A lighting coverage assessment shall be undertaken to demonstrate a suitable lighting category is provided. All lighting shall be directed so as not to cause nuisance to the owners or occupiers of adjacent/adjoining premises or to motorists on adjoining or nearby roads.

The above details are to be submitted for approval by the Bayside Council Director of City Futures (or delegate) prior to the issue of any Construction Certificate entailing any works above ground level. The Construction Certificate shall be precisely consistent with these approved materials.

**REASON**

*To ensure the through site link is completed to Council's satisfaction.*

**78. Sustainability**

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

- a) Provision of photovoltaic cell systems on the rooftops. Detailed design for the photovoltaic cells systems is to be provided, the photovoltaic cells are to cover the entirety of the non-trafficable space on the rooftop. A storage battery is to be provided where possible. This solar power shall be utilised in communal areas and other suitable areas within the development to reduce the developments demand for electricity from the grid.
- b) Provision of a 10,000L rainwater tank for each building connected to toilet flushing, the cold water tap that supplies the clothes washing machines and the landscape irrigation system for non-potable stormwater re-use.
- c) Sensor controlled and zoned internal lighting within the building's car park and common areas.
- d) Use of admixtures in concrete to minimise cement and reduce embodied carbon.
- e) Separate circuiting for temporary power to minimal stair and corridor lighting.
- f) Use of LEDs and other low energy flicker free lighting resources.
- g) Provision for EV charging in accordance with the below requirements;
- i. All residential and retail car parking spaces must be 'EV-Ready'. An 'EV-Ready' car space requires the provision of a backbone cable tray and a dedicated spare 15A circuit within an EV Distribution Board enabling future installation of a smart EV charger and cabling to the EV Distribution Board.
  - ii. Provide EV Distribution Boards of sufficient size to allow connection of all 'EV-Ready' car spaces.
  - iii. Locate EV Distribution board(s) so that no future 'EV-Ready' car space will require a cable run greater than 35m from the parking bay to an EV distribution board and, ensure that no cables will obstruct vehicular circulation aisles. Development shall provide cable trays, electrical cabinets, and conduits sufficient to accommodate the electric circuitry to each 'EV-Ready' and 'EV Equipped' car space.
  - iv. EV Distribution Boards are to be dedicated to EV charging that is capable of supplying not less than 90% of EV connections at full power (full power being each individual connection being provided with not less than 2kW power and preferably 7kW power at any one time during off-peak periods, to minimize impacts to maximum demand loads. To deliver this, an EV Load Management System and an active suitably sized connection to the main switchboard is required.
  - v. EV Load Management System is to be capable of:
    - Reading real time current and energy from the EV chargers under management via ethernet connection;
    - Determining, based on known installation parameters and real time data, the appropriate behaviour of each EV charger to minimise building peak power demand whilst ensuring electric vehicles connected are fully recharged;
    - Scale for residents to engage an EV Load Management provider to provide additional smart chargers to residential car spots over time.

- Ensuring each multi-unit residential 'EV-Ready' car parking spaces be metered separately to their individual account as part of the 'EV-Ready' system.

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

## **79. Waste Storage (Residential and Mixed Use Developments)**

The plans shall include details of the waste storage area. The waste storage area shall not be visible from the street. The waste storage area shall be located within the lot / building in accordance with the approved plans.

The waste storage area shall be large enough to accommodate the required number of bins for the development and located in an area to suitably facilitate servicing on waste collection day.

The path to the bin room is to be at least 1.0 metres wide and kept clear and unobstructed at all times.

### **Residential Waste**

The development will require the provision of the following waste and recycling facilities:

- Domestic Waste - 1 x 120 / 1,100 litre mobile bins per unit / dwelling. Usually provided as a 240 litre or 660 litre bin using this ratio, and
- Domestic Recycling - 1 x 240 / 1,100 litre mobile bin per 3 units / dwellings, and
- Green Waste - 1 to 2 x 240 litre mobile bins per unit block, and.
- Bulk Waste Storage Area - Minimum 10 m<sup>2</sup>, and

### **OR**

Larger 1,100 litre mobile bins may be used as an alternative, but an equivalent amount of space will need to be provided. It is noted that the applicant intends to provide 6 x 1100 litre mobile bins for domestic waste. These are considered to be adequate provided they are serviced in accordance with Council's current servicing requirements.

### **Commercial Waste**

For the Commercial portion of the building appropriate waste and recycling containers and facilities will need to be provided for all specific end use businesses in accordance with the following waste generation rates:

- Retail Trading - shops, to 100 square metres - 0.1-0.2 cubic metres per 100 square metres of floor area per day, and
- Restaurants and Food Shops - 0.3-0.6 square metres per 100 meals, plus up to 0.15 cubic metres of beverage containers per 100 meals, and
- Office - 0.01-0.03 cubic metres per 100 square metres of floor area per day.

### **REASON**

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



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

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

### **80. Soil Stockpile Area**

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

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

#### **REASON**

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

### **81. 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 rehabilitated 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.*

### **82. 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.*

### 83. Dilapidation Report – Private Land

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

- a) 118 Hattersley Street BANKSIA NSW 2216
- b) 361 Princes Highway BANKSIA NSW 2216
- c) 335-343 Princes Highway BANKSIA NSW 2216

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

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

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

#### **REASON**

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

### 84. Dilapidation Report

Before any site work commences, a Dilapidation Report must be prepared by a suitably qualified engineer detailing the structural condition of adjoining buildings, structures or works and public land, to the satisfaction of the Principal Certifier.

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

#### **REASON**

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

### 85. 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.*

**86. Tree Protection Measures**

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

**REASON**

*To protect and retain trees.*

**87. Signs on site**

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

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

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

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

**REASON**

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

**88. Compliance with Home Building Act (if applicable)**

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

**REASON**

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

**89. Home Building Act requirements**

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

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

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

**REASON**

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

**90. Notice regarding Dilapidation Report**

Before the commencement of any site or building work, the Principal Certifier must ensure the adjoining building owner(s) is provided with a copy of the Dilapidation Report for their property(ies) no less than 7 days before the commencement of any site or building works and provide a copy of the report to Council at the same time.

**REASON**

*To advise neighbours and Council of any Dilapidation Report.*

**91. Vibration Monitoring**

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

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

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

Where the event requires, in the opinion of the professional engineer, any change in work practices to ensure that vibration at the level of the footings of any adjacent building does not exceed the peak particle velocity adopted by the professional engineer as the maximum acceptable peak particle velocity these changes in work

practices must be documented and a written direction given by the professional engineer to the principal contractor and any sub-contractor clearly setting out required work practice.

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

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

### **REASON**

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

## **92. Demolition Management Plan**

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

The demolition management plan must be prepared in accordance with *Australian Standard 2601 – the Demolition of Structures*, the *Code of Practice – Demolition Work*, Bayside Development Control Plan 2022 and must include the following matters:

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

- (k) Location and type of temporary toilets on-site.
- (l) A garbage container with a tight-fitting lid.

**REASON**

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

**Disconnection of Services before Demolition Work**

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

**REASON**

*To protect life, infrastructure and services.*

**93. Notice of Commencement for Demolition**

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

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

**REASON**

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

**94. Hazardous Material Survey before Demolition**

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

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

The report must include at least the following information:

- (a) The location of all hazardous material throughout the site.
- (b) A description of the hazardous material.
- (c) The form in which the hazardous material is found, e.g. AC sheeting, transformers, contaminated soil, roof dust.

- (d) An estimation of the quantity of each hazardous material by volume, number, surface area or weight.
- (e) A brief description of the method for removal, handling, on-site storage and transportation of the hazardous materials.
- (f) Identification of the disposal sites to which the hazardous materials will be taken.

**REASON**

*To require a plan for safely managing hazardous materials.*

**95. Site Preparation**

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

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

**REASON**

*To protect workers, the public and the environment.*

**96. Asbestos Removal Signage**

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

**REASON**

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

**97. Handling of Asbestos during Demolition**

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

- (a) Only an asbestos removal contractor who holds the required class of Asbestos Licence issued by SafeWork NSW must carry out the removal, handling and of any asbestos material;
- (b) Asbestos waste in any form must be disposed of at a waste facility licensed by the NSW Environment Protection Authority to accept asbestos waste; and
- (c) Any asbestos waste load over 100kg (including asbestos contaminated soil) or 10m<sup>2</sup> or more of asbestos sheeting must be registered with the EPA on-line reporting tool WasteLocate.

**REASON**

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

**98. Waste Disposal Verification Statement**

On completion of demolition work:

- (a) A signed statement must be submitted to Council verifying that demolition work, and any recycling of materials, was undertaken in accordance with the waste management plan approved under this consent,
- (b) If the demolition work involved the removal of asbestos, an asbestos clearance certificate issued by a suitably qualified person, must be submitted to Council within 14 days of completion of the demolition work.

**REASON**

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

**99. 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.*

**100. 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.*



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

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

### **101. Hours of Work**

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

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

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

#### **REASON**

*To protect the amenity of the surrounding area.*

### **102. Noise and Vibration Requirements**

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

#### **REASON**

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

### **103. Tree Protection during Work**

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

- (a) the Construction Site Management Plan approved under this consent,
- (b) the relevant requirements of AS 4970 *Protection of Trees on Development Sites*,
- (c) any Arborist's Report approved under this consent.

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

#### **REASON**

*To protect trees during the carrying out of site work.*

### **104. 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.*

#### **105. 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.*

#### **106. Waste Management**

While site work is being carried out:

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

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

#### **REASON**

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

#### **107. Soil Management**

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

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

**REASON**

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

**108. Uncovering Relics or Aboriginal Objects**

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

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

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

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

**REASON**

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

**109. Additional information – Contamination – Cease work addition**

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

**Reason:** To protect human health and the environment in accordance with legislative requirements.

#### 110. Asbestos

Any material containing asbestos found on site 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 10m<sup>2</sup> 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; and
- d. NSW EPA Waste Classification Guidelines 2014.

**Reason:** To protect human health and the environment in accordance with legislative requirements.

#### 111. Waste Classification – Excavated Materials

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

**Reason:** To protect human health and the environment in accordance with legislative requirements.

#### 112. Importation of Fill (General)

To prevent contaminated soil being used on site 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 EPA approved guidelines;
- 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.

**Reason:** To protect human health and the environment in accordance with legislative requirements.

#### 113. Dewatering – Water Quality Requirements

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

**Reason:** To ensure any groundwater encountered during works is appropriately treated and disposed of.

#### 114. Noise during Construction

The following shall be complied with during construction and demolition:

a) Construction Noise

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

b) Level Restrictions

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

c) Out of hours work

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

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

d) Silencing

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

**REASON**

To protect the amenity of the neighbourhood.

#### 115. Toilet Facilities

a) Toilet facilities must be available or provided at the work site before works begin and must be maintained until the works are completed at a ratio of one toilet plus one additional toilet for every 20 persons employed at the site, and

b) Each toilet must:

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

**REASON**

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

#### **116. 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 laying, 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 materials shall be stored clear of any drainage line or easement, natural watercourse, kerb or road surface, and
- f) Wind blown dust from stockpiles and construction activities shall be minimised by one or more of the following methods:
  - i. spraying water in dry windy weather, and
  - ii. cover stockpiles, and
  - iii. fabric fences.
- g) All vehicles transporting soil, sand or similar materials and demolition material to or from the site shall cover their loads at all times, and
- h) The applicant shall conduct all construction works and any related deliveries/activities wholly within the site, and
- i) During the construction works, the Council nature strip shall be maintained in a clean and tidy state at all times and shall be suitably repaired and/or replaced in accordance with Council Specifications at the completion of construction works, and
- j) Access to the site shall be restricted to no more than two 3m driveways. Council's footpath shall be protected at all times. Within the site, provision of a minimum of 100mm coarse crushed rock is to be provided for a minimum length of two metres to remove mud from the tyres of construction vehicles, and
- k) An All-Weather Drive System or a vehicle wheel wash, cattle grid, wheel shaker or other appropriate device, shall be installed prior to commencement of any site

works or activities, to prevent mud and dirt leaving the site and being deposited on the street. Vehicular access is to be controlled so as to prevent tracking of sediment onto adjoining roadways, particularly during wet weather or when the site is muddy. Where any sediment is deposited on roadways it is to be removed by means other than washing and disposed of appropriately.

**REASON**

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

**117. 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.*

**118. Demolition Requirements During Works**

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

- a) The approved Safe Work Method Statement required by this consent, and
- b) Demolition is to be carried out in accordance with *Australian Standard 2601:2001: Demolition of structures*, *Work Health & Safety Act 2011 (NSW)*, *Work Health & Safety Regulation 2011 (NSW)* and the requirements of the NSW WorkCover Authority, and
- c) Vibration monitors must be placed at the footings of the nearest residential and/or commercial property/properties prior to any demolition commencing; and
- d) Hazardous or intractable wastes arising from the demolition process must be removed and disposed of in accordance with the requirements of WorkCover New South Wales and the Environmental Protection Authority, and
- e) Dust control - dust emission must be minimised for the full height of the building. Compressed air must not be used to blow dust from the building site, and
- f) Demolition procedures must maximise the reuse and recycling of demolished materials in order to reduce the environmental impacts of waste disposal, and
- g) During demolition, public property (footpaths, roads, reserves etc) must be clear at all times and must not be obstructed by any demolished material or vehicles. The footpaths and roads must be swept (not hosed) clean of any material, including clay, soil and sand. On the spot fines may be levied by Council against the demolisher and/or owner for failure to comply with this condition, and
- h) All vehicles leaving the site with demolition materials must have their loads covered and vehicles must not track soil and other materials onto public property (footpaths, roads, reserves etc) and the footpaths must be suitably protected against damage when plant and vehicles access the site, and

- i) The burning of any demolished material on site is not permitted and offenders will be prosecuted. The demolition by induced collapse and the use of explosives is not permitted, and
- j) Care must be taken during demolition to ensure that existing services on the site (ie, sewer, electricity, gas, phone) are not damaged. Any damage caused to existing services must be repaired by the relevant authority at the Applicant's expense. *Dial Before You Dig* website: [www.1100.com.au](http://www.1100.com.au) should be contacted prior to works commencing, and
- k) Suitable erosion and sediment control measures in accordance with the Soil and Water Management Plan must be erected prior to the commencement of demolition works and must be maintained at all times, and
- l) Any material containing asbestos found on site during the demolition process shall be removed and disposed of in accordance with WorkCover NSW requirements. *Protection of the Environment Operations Act 1997, Protection of the Environment Operation (Waste) Regulation* and 'Waste Classification Guidelines 2014' prepared by the NSW Office of Environment and Heritage. Following completion, an Asbestos Clearance Certificate is to be provided to Council following the final asbestos clearance inspection.

**REASON**

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

**119. 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.

**REASON**

*To comply with relevant Australian Standard and Work Cover requirements.*

**120. Vibration During Demolition Works**

Vibration levels induced by the demolition activities must not exceed levels listed in Standard DIN 41523 (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.*

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

During all stages of demolition and construction, application(s) shall be made to Bayside Council (upon payment of a fee in accordance with Bayside Council's adopted



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

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

**122. Deliveries**

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

7:00am to 5:00pm on Monday to Saturday. No deliveries to be carried out on Sunday and public holidays.

**REASON**

*To protect the amenity of neighbouring properties.*

**123. Procedure for Critical Stage Inspections**

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

**REASON**

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

**124. 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.*

#### 125. Clearing for Asset Protection Zones (APZ)

While site work is being carried out, clearing or modifying vegetation to establish the APZ must be confined within the marked APZ boundary in accordance with the supporting documentation approved under this consent, to the satisfaction of the Principal Certifier or Council (where a Principal Certifier is not required).

**REASON**

*To ensure vegetation clearance or modification during construction is confined within the APZ.*

#### 126. Surveys by a Registered Surveyor

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

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

**REASON**

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

#### 127. Noise and Vibration – an approved document of this Consent

While site work is being carried out, noise generated from the site must be controlled in accordance with the requirements of the approved noise and vibration management plan.

**REASON**

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

#### 128. Implementation of BASIX Commitments

While building work is being carried out, the Applicant must undertake the development strictly in accordance with the commitments listed in the BASIX certificates(s) approved by this consent, for the development to which the consent applies.

**REASON**

*To ensure BASIX commitments are fulfilled in accordance with the BASIX certificate (prescribed condition under Section 75 EP&A Regulation).*

#### 129. Approved Plans kept on Site

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

**REASON**

*To ensure relevant information is available on site.*

#### 130. 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.*

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

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

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

**REASON**

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

**132. 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.*

**133. Site Fencing and Hoarding**

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

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

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

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

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

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

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

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

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

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

#### **REASON**

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

### **134. 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.*

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

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

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

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

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

**REASON**

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

**PRIOR TO ISSUE OF AN OCCUPATION CERTIFICATE**

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

**136. Section 73 Compliance Certificate**

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

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

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

**REASON**

*To ensure compliance with requirements of Sydney Water.*

### **137. Preservation of Survey Marks**

Before the issue of an Occupation Certificate, documentation must be submitted by a registered Surveyor to the Principal Certifier or Council (where a Principal Certifier is not required), 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.*

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

Prior to the issue of any Occupation Certificate, a Civil Engineer registered with the National Engineering Register (NER) must certify that the stormwater system and flood storage tank (including inlet design) has been constructed in accordance with the approved plans and as required by Bayside Technical Specification Stormwater Management / 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.*

### **139. Affordable Housing – Restriction on the Use of Land**

Prior to the issue of an Occupation Certificate for the development.

- a) An 88E restriction registered, in accordance with the Conveyancing Act 1919, ensuring the below is adhered to.
  - i) A total of thirteen (13) of the dwellings to which the development consent relates must be used for affordable housing (the affordable housing dwellings), and
  - ii) that affordable housing dwellings be managed by a registered community housing provider, and
  - iii) notice of a change in the registered community housing provider must be given to the Registrar of Community Housing and the consent authority no later than 3 months after the change, and

- iv) the registered community housing provider who manages the affordable housing dwellings must apply the Affordable Housing Guidelines.
- b) Evidence of an agreement with a registered community housing provider for the management of the development be given to the Registrar of Community Housing, including the name of the registered community housing provider, and
- c) Evidence that the above has been met be given to the consent authority.

**REASON**

*To ensure compliance with State Environmental Planning (Housing) 2021.*

**140. Location of Mechanical Ventilation**

During occupation and ongoing use of the building, all mechanical ventilation system(s) or other plant and equipment that generates noise must be located on the site (including in a soundproofed area where necessary) to ensure the noise generated does not exceed 5 dBA above the ambient background noise at the boundary adjacent to any habitable room of adjoining residential premises.

**REASON**

*To protect the residential amenity of neighbouring properties.*

**141. 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, contractor 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 damaged public infrastructure is rectified.*

**142. Certification of Tanking and Waterproofing**

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

**REASON**

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

**143. 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.*

**144. Rainwater Tank - Plumbing Certification**

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

**REASON**

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

**145. Erection of Signage**

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

a) Flooding:

Flood sign plaques shall be fixed to a prominent place within the flood affected areas (Hattersley Street frontage, Princes Highway frontage and the through site link), approved by the Principal Certifier, in such a way that it cannot be removed. The flood sign shall contain the wording "The site is subject to flooding in heavy storms. Keep clear of the area when flooding occurs".

b) Flood Storage:

The flood storage tank shall be marked by the permanent fixing of a marker plate of minimum size 200mm by 150mm to the nearest permanent surface near all pits. The plate shall be non-corrosive metal or 4mm thick laminated plastic that contains the following wording "This is an on-site flood storage tank that will pond water during heavy storms. The outlet must be cleared of debris regularly".

c) Vehicles Enter & Exit - Forward Direction:

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

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

**REASON**

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

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

Prior to the issue of any Occupation Certificate, a certificate from a registered surveyor shall be provided to the Principal Certifier, certifying that the habitable / commercial floor levels are constructed a minimum of 500 mm above the 1% Annual Exceedance

Probability (AEP) Flood Level and that the basement parking level is protected from inundation to a minimum of 500mm above the 1% AEP Flood Level at all entries to the basement level.

**REASON**

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

**147. Release of Securities**

When Council receives an Occupation Certificate, an application may be lodged to release the securities held in accordance with Council's Fees and Charges 2024/2025.

**REASON**

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

**148. Post-Construction Dilapidation Report**

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

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

**REASON**

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

**149. Occupation Certificate**

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

**REASON**

*To ensure that an Occupation Certificate is obtained.*

**150. Separate Approval for Signage**

A separate consent must be obtained for any proposed signage, in addition to signage specifically approved under this consent / prior to the erection of any additional signage, (other than exempt and complying development).

Advisory Note: 'signage' is defined as follows:

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

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

**REASON**

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

**151. General Landscape Prior to the issue of the Occupation Certificate**

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

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.

A Landscape Architect shall provide a report to the principal certifier (with a copy provided to Council, if Council is not the principal certifier) certifying that the landscape works have been carried out in accordance with the approved plans and documentation.

The certificate shall, amongst other matters included in approved plans, confirm compliance with the following requirements:

- i) All new trees, as indicated in approved plans are planted at minimum 200 litres pot size. Trees at time of occupation shall have a minimum height of 3.5 meters, calliper at 300mm greater than 60mm, with a clear trunk height of minimum 1.5meters, installed with stakes and ties within a mulch bed or equivalent.
- ii) A fully automated irrigation system has been installed to all landscaped areas, including ground and podium planting.
- iii) Podium landscaping and paved areas are drained into the stormwater drainage system.

- 2) Prior to the issue of an Occupation Certificate, final approved Landscape Maintenance Manual and Specifications with laminated "As Built" landscape plans consistent with Final approved landscape plans are to be provided to the Strata manager and a copy kept on site at all times.

**REASON**

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

**152. Public Domain Landscape Improvements**

Prior the issue of the Occupation Certificate, the Landscape works within the Public Domain shall comply with the following unless other wise specified by Council or in Public Domain Frontage Works Brief:

- a) Works to be completed in public space owned by Council and TfNSW, will be of no cost to Council or the TfNSW, including the following: Landscaping and embellishment of all frontages to the development site, including footpaths, paving, street trees, lighting, tree pits/grates and other planting, and street furniture, etc.
- b) All street trees have to be supplied in a pot size not less than 200 Litre. Trees supplied shall be healthy and vigorous, free of pest and disease, free from injuries. Trees provided shall conform to NATSPEC guide.
- c) Each new Street tree shall include a 50mm diameter slotted watering pipe with geotextile sleeve around rootball connected to watering grate (or kerb hole if WSUD option used) Root Rain Urban or equivalent.
- d) An experienced Landscape Contractor shall be engaged to undertake all landscaping public domain work and shall be provided with a copy of both the approved landscape drawing and the conditions of approval to satisfactorily construct the landscape to Council requirements. The Contractor shall be engaged weekly for a minimum period of 52 weeks from final completion of landscaping for maintenance and defects liability, replacing plants in the event of death, damage, theft or poor performance. After that time regular and ongoing maintenance is required.
- e) Root barriers shall be specified to be installed in all street trees along both kerb and footpaths. Root barriers shall be installed as far as possible to trees. Ensure 50mm of root barrier is left above finished ground height.
- f) A Dial-Before-You-Dig enquiry is required prior to stump grinding the trunk and shall occur without damage to Council infrastructure or underground services/utilities.
- g) Each new street tree shall be installed with stakes and ties - Three stakes (3) of 50 x 50 x 2500mm of durable hardwood, straight, free from knots or twists, pointed at one end. Provide ties fixed securely to the stakes, 50mm hessian webbing installed around the stakes and stem in a figure of eight pattern and stapled to the stakes.
- h) All telecommunication and utility services (including all high and low voltage power lines) are to be placed underground along the entire development site frontage including the installation of underground supplied street lighting columns. The extent of works required in order to achieve this outcome may involve works beyond the frontage of the development site. All works (including the installation of underground supplied street lighting columns) are to be completed prior to the issue of any Occupation Certificate to the satisfaction of Bayside Council.
- i) The Applicant is required to obtain a Council inspection and approval of all public domain landscape improvements prior the issue of the relevant occupation certificate. Inspections can be arranged with Council's Landscape Architect with two weeks in advanced.

#### **REASON**

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

### **153. 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.*

**154. Private Waste Collection**

Waste and recycling must be collected by a private waste contractor for both buildings in the development. A contract for waste and recycling collection must be entered into prior to issue of the Occupation Certificate and the maximum size of the waste collection vehicle shall be equal to or smaller than a MRV vehicle (as denoted by AS2890.2). The company engaged must ensure that all waste collection for the 345 Princes Highway building is undertaken on-site within the loading dock, no bins/waste are permitted to be presented to the street for collection for the 345 Princes Highway building. Waste collection for the 116 Hattersley Street Building is to be collected by a private waste contractor from the street. The bins for the 116 Hattersley Street building are only to be brought out to the street and collected when the private waste contractor arrives and must be promptly returned to the waste storage room after the bins are emptied. All recycling is collected separately from waste.

Council must be advised in writing within seven (7) days of a private contractor being engaged for waste collection services.

**REASON**

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

**155. Mechanical/Electronic Parking System – Operations and Installation Certification**

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

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

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

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

Furthermore, a suitably qualified professional is to certify the installation of the mechanical turntable within the completed development. This certification is to include testing and inspections of the system in operation.

**REASON**

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

#### **156. Provision of Easements**

Prior to the issue of any Occupation Certificate, the following easements are required:

- Right of Footway Through Site Link  
A Right of Footway easement on 345 Princes Highway, in favour of Bayside Council, along the boundary with 361 Princes Highway is to be provided for the full width of the through site link. The Right of Footway is to be covered by a Section 88B Instrument, which may only be varied or extinguished with the consent of Bayside Council.
- Right of Carriageway to 361 Princes Highway  
A Right of Carriageway easement on 345 Princes Highway, in favour of 361 Princes Highway, is to be provided for vehicular access to the future connection to 361 Princes Highway. The easement extent is to cover the vehicular circulation aisle on all basement levels, the vehicular ramps and the ground floor driveway entry. The Right of Carriageway is to be covered by a Section 88B Instrument, which may only be varied or extinguished with the consent of Bayside Council.
- Easement to drain water  
An easement to drain water on 345 Princes Highway, in favour of Bayside Council, along the entire extent of the flood storage tank and through site link is to be provided. The easement to drain water is to be covered by a Section 88B Instrument, which may only be varied or extinguished with the consent of Bayside Council.

A works as executed (WAE) plan prepared by a registered surveyor is to be provided surveying the completed works within the premises subject to these easements.

Council requires proof of lodgment of the signed Subdivision Certificate and 88B Instrument with the NSW Land Registry Services. 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 pedestrian access is provided for in perpetuity for the through site link. To ensure vehicular access for future redevelopments are accommodated. To ensure floodwaters are accommodated on the site in perpetuity.*

#### **157. Loading Dock Management Plan**

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

#### **REASON**

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

#### **158. EV Parking Facility Certification**

Prior to the issue of the Occupation Certificate, the below shall be certified as being implemented within the completed development. Written certification must be submitted to the Principal Certifier.

- Electric vehicle (EV) charging systems, including all associated electrical and control systems, shall be tested, and inspected by a suitably qualified and experienced person. A certificate shall be provided certifying the installation and operation of the EV charging systems.

##### **REASON**

*To ensure that provision is made for the charging of EVs with a safe, reliable and professional built in system that will serve the needs of the future occupants for the life of the development.*

#### **159. Undergrounding of Overhead Services and Installation of Lighting**

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

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

##### **REASON**

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

#### **160. Roads Act / Public Domain Works - Major Development Frontage Works**

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

- a) Construction of a new footpath (paved & full width with tree pits on Hattersley Street & 2.5m width shared path on Princes Highway) and planting of required street trees/landscaping along all frontages of the development site.
- b) Construction of vehicular entrance/s designed to accommodate the largest vehicle entering the site.
- c) Construction of new kerb and gutter along the frontage of the development site.

- d) Removal of the existing concrete vehicular entrance/s, kerb laybacks and other damaged/redundant public domain improvements which will no longer be required.
- e) Reconstruction of selected areas of the existing footpath, vehicular entrances, road, kerb, and gutter as required.
- f) Construct new kerb inlet pits and associated minimum 375mm diameter stormwater pipe, connecting to existing stormwater infrastructure, on Hattersley Street and Princes Highway to the applicable Bayside Council and TfNSW infrastructure specifications.

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

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

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

#### **REASON**

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

### **161. 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.*

## **162. Car Share**

The three (3) car share car parking spaces must be operated by a recognised commercial car share operator within the site. A contract for the operation of the car share space by the commercial car share provider must be entered into prior to issue of any Occupation Certificate. The car share space must be made available to car share operators without a fee or charge. The car share space must be appropriately line marked and signposted to indicate its usage to be exclusively as a car share space to the satisfaction of the car share operator. The car share space must be publicly accessible, and the intercom system must be designed to facilitate public access to the car share parking space.

The contract for the operation of the car space must provide that the car share space is to be fully operational prior to any residential use of the premises.

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

- (a) Free use of the car share space by the car share operator.
- (b) The maximum size of the car share vehicle shall be equal to, or smaller than, a B99 vehicle (as denoted by AS/NZS2890.1:2004).
- (c) Public access to the car share parking space shall be available and shall be well-lit.
- (d) Insurances, including public liability.
- (e) The car share space must be retained as common property in the strata subdivision of the development.
- (f) the car share space is to be fully operational prior to any residential use of the premises

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

If the contract with the recognised commercial car share operator required by this condition cannot be entered into, full details of the car share operators rejection to enter into a contract for the operation of the car share space and full details of the alternative car share scheme managed by the future owners of the building is to be provided to Bayside Council for assessment and approval prior to the issue of any Occupation Certificate.

### **REASON**

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

## **163. 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.*

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

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

- (a) All stormwater drainage systems and storage systems, and
- (b) All floodwater inlet systems and storage systems, and
- (c) The mechanical turntable and traffic signal system, and
- (d) The basement crest levels and headroom clearance for the loading dock have been constructed with the correct levels.
- (e) A copy of the plans must be provided to Council with the Occupation Certificate.

**REASON**

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

**165. Flooding Certifications**

Prior to the issue of any Occupation Certificate, the following shall be undertaken to the satisfaction of the Principal Certifier:

- a) A certificate from a registered surveyor shall be provided certifying that the habitable floor levels, basement fire stair levels and basement crest levels are constructed a minimum of 500mm above the 1% Annual Exceedance Probability (AEP) Flood Level as detailed in this development consent.
- b) A works as executed plan prepared by a registered surveyor shall be submitted for the flood storage tank, through site link and inlets. A qualified civil engineer shall certify the flood storage tank and through site link has been constructed in accordance with the approved design.

**REASON**

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

**166. 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) Stormwater Detention System maintenance
- (b) Stormwater Quality Improvement Device maintenance
- (c) Flood storage maintenance
- (d) Overland flow path maintenance and no obstructions
- (e) Traffic signal system maintenance

- (f) Mechanical turntable maintenance
- (g) Through site link maintenance

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.*

**167. Compliance of Works as Executed for Mixed Use**

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

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

**REASON**

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

**168. Water Authority Certification**

Before the issue of an Occupation Certificate, a certificate of compliance must be obtained in relation to the proposed uses from the Sydney Water.

**REASON**

*To ensure compliance with the water supply authority's requirements.*

**169. Pedestrian Safety Signage**

Before the issue of an Occupation Certificate, ensure appropriate signs are provided and maintained within the site to advise all vehicles to be aware of pedestrians within the shared driveways for each building.

**REASON**

*To make drivers aware of pedestrians and to ensure the safety of pedestrians using the shared driveway.*

#### **170. Managing Noise with Ongoing Acoustic Treatment**

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

Where the approved acoustic report recommends ongoing acoustic treatments, an acoustic implementation report from a suitably qualified person must be submitted to Council within a six (6) month period of the date of the issue of the Occupation Certificate.

The report must confirm the implementation of acoustic treatment and demonstrate the external and internal noise levels satisfy the criteria nominated in accordance with the approved acoustic report.

##### **REASON**

*To ensure operational noise levels comply with the approved acoustic report and do not unreasonably impact on the amenity of adjoining and nearby premises.*

#### **171. Removal of Waste Upon Completion**

Before the issue of an Occupation Certificate:

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

##### **REASON**

*To ensure waste material is appropriately disposed or satisfactorily stored.*

#### **172. Completion of Landscape and Tree Works**

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

##### **REASON**

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

#### **173. Design Verification Statement**

Prior to the issue of an Occupation Certificate for occupation or use of residential flat development, a design verification statement from a qualified designer certifying that the development achieves the design quality of the development as shown in the plans and specifications in respect of which the construction certificate was issued, having regard to Part 2 of *State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development*.

##### **REASON**

*To ensure the design quality is delivered in accordance with approved plans and the provisions under SEPP 65*

#### **174. 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](http://www.sydneywater.com.au) > Plumbing, building and developing > Developing > Land development or telephone 13 20 92.

**REASON**

*To comply with Sydney Water requirements.*

**175. BASIX / Energy Efficiency Commitments**

A Compliance Certificate must be provided to the Principal Certifier confirming that the development has been constructed in accordance with the commitments contained within the approved BASIX Report listed in Condition 1 prior to the issue of any Occupation Certificate.

**REASON**

*To ensure BASIX and Energy Efficiency commitments are fulfilled.*

**176. Anti-Graffiti Coating**

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

**REASON**

*To protect the amenity of the surrounding area.*

**177. Provision of Intercom System**

Prior to the issue of the Occupation Certificate, the entry to the car park and each pedestrian entry at the ground floor level of the building shall be provided with an intercom system.

The intercom system shall be connected to each dwelling unit / tenancy, and enable those units / tenancies to provide access to the car park for visitors.

**REASON**

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

**178. Parking Facility Certification**

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

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

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

The certification must be submitted to the Principal Certifier.

**REASON**

*To ensure compliance with the relevant standards.*

**179. Loading Dock Management Plan**

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

**REASON**

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

**180. Undergrounding of Overhead Services and Installation of Lighting**

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

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

**REASON**

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

**OPERATIONAL CONDITIONS**

#### **181. Storage of Goods during Ongoing Use**

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

##### **REASON**

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

#### **182. Signage during Ongoing Use**

During ongoing use of the premises:

- (a) Signage of the building street number and building name (where applicable) must be clearly displayed.
- (b) Advertising signs must not be placed or displayed on any public space (including the public footpath or street).
- (c) Any approved lighting of signs must comply with *Australian Standard AS 4282:209 – Control of the Obtrusive Effects of Outdoor Lighting*.
- (d) No upward facing light sources can be displayed on signs on the premises.
- (e) Signs must only be illuminated when the premises are in operation and only during the operating hours approved under its consent.

##### **REASON**

*To protect the amenity of the local area.*

#### **183. 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.*

#### **184. 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 345 Princes Highway building shall be limited to an 8.8m long MRV Vehicle (as denoted in AS2890.2).
- e) The maximum size of vehicles accessing the 116 Hattersley Street building shall be limited to a Van (B99 vehicle as denoted in AS2900.1).
- f) All manoeuvring movements of vehicles shall be carried out wholly within the site and vehicle manoeuvring area shall be kept clear at all times.
- g) 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.
- h) 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.
- i) All waste collection for the 345 Princes Highway building must be undertaken on-site within the loading dock, no bins/waste are permitted to be presented to the street for collection for the 345 Princes Highway building. Waste collection for the 116 Hattersley Street Building is to be collected by a private waste contractor from the street. The bins for the 116 Hattersley Street building are only to be brought out to the street and collected when the private waste contractor arrives and must be promptly returned to the waste storage room after the bins are emptied.

**REASON**

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

**185. Ongoing Use Mechanical Parking Facility**

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

**REASON**

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

**186. No Encroachment onto Drainage Easements/Overland Flow Path**

There shall be no encroachment of paths, fencing or other improvements onto the overland flow path and through site link 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.*

**187. Maintenance of Flood Storage Tank**

*The Flood Storage Tank and inlets must be maintained and cleared of debris so that it is fully functional at all times.*

**REASON**



*To ensure that the through site link remains unrestricted and is maintained*

**188. No Obstruction to Flood Storage**

The flood storage shall not be obstructed, restricted or altered without the approval of Bayside Council.

**REASON**

*To ensure that flood storage basins overland flow paths remain unrestricted.*

**189. Maintenance of Through Site Link**

*The through site link must be maintained in accordance with the approved construction plans at all times and must be freely accessible at all times.*

**REASON**

*To ensure that the through site link remains unrestricted and is maintained.*

**190. 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.*

**191. 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.

**REASON**

*To protect the visual amenity of the surrounding area and public domain.*

**192. Residential Apartment Laws**

- i. Balconies are not to be used as clothes drying areas, storage of household goods and air-conditioning units that would be visible from the public domain, and
- ii. An owner of a lot must ensure that all floor space within the lot complies with the acoustic conditions for floors specified in this consent, and
- iii. Any graffiti evident on the exterior facades and visible from a public place shall be removed forthwith.

- iv. No unit within the development shall be used for short-term rental accommodation.

**REASON**

*To protect the amenity of future occupants and surrounding area.*

**193. Waste Management – Private Waste Collection**

The Owner's Corporation / Operator must comply with the following at all times during operations:

- a) Compliance with the approved Waste Management Plan as referred to in Condition 1, at all times during use and operation of the premises, and
- b) The operator shall ensure that a commercial contract for the collection of trade / commercial waste and recyclables arising from the premises is in place at all times during operations. A copy of all contracts and receipts shall be kept on the premises and made available to Council Officers on request.

**REASON**

*To minimise adverse impacts to the locality.*

**194. Access to Car Park for Commercial and Visitors**

The control mechanism for the car park gate shall be arranged such that access to the car parking for registered proprietors of the commercial units, and their visitors, does not require security clearance or assisted entrance between the hours of 7.30 am and 6.00 pm, Monday to Saturday, and 7.30 am to 1.00 pm on Sunday.

Where the hours of operation of the commercial units are approved outside of these hours, the access arrangements shall match the approved hours of operation.

**REASON**

*To ensure that approved car spaces are available for users of commercial premises during operating hours.*

**195. Awnings over Footpaths**

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

**REASON**

*To minimise risk to life and property.*

**196. Landscape – Maintenance**

- a) The landscaped areas on the property / site shall be maintained in accordance with any approved landscape plans and approved maintenance Manual and specifications. Understorey planting scheme, meaning shrubs and groundcovers, as indicated in approved plans can be modified by similar shape planting, if required. If trees need to be replaced same tree species and sizes as indicated in Approved landscape plan plant schedule shall be selected. The landscaped areas shall be maintained in a clean

and tidy state and with a dense, even coverage of plants to Council's satisfaction at all times, and

b) Final approved Landscape Maintenance Manual and Specifications and laminated "As Built" landscape plans is to be kept on site at all times as a reference for maintenance staff.

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);

iv) Frequency and methodology of different maintenance requirements including the removal of green waste; irrigation system tests, waterproofing inspections.

v) Details of safety procedures;

vi) Laminated copies of 'As Built' Landscape drawings;

vii) Manufacturer's contact details and copies of manufacturer's typical details and specification;

viii) Copies of warranties and guarantees relating to all materials and plant used in construction;

c) Inspection programs based on AS/NZS 1891.4, including annual load testing of chemical and friction anchors, for all installed anchors

d) Princes Highway Gateway (3 meters landscape setback): Dead or declined trees shall be replaced with same trees as specified in approved plans. Replacement of planting material, including trees as indicated in approved landscape plan, with an alternative tree species shall be approved by the Director City Futures (or delegate) of Bayside Council. Maintenance tasks will include pruning to ensure CPTED principles are always met. All tree work must be done by a qualified arborist with a minimum level 3 in arboriculture (AQF). Trees along frontages are not to be pruned in height, unless required for safety reasons or for better development of the tree.

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

#### **REASON**

*To ensure ongoing maintenance of approved landscaping.*

## **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. Out of Hours Construction Work**

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

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

**C. 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.

**D. 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 *Before You Dig Australia* at [www.bvda.com.au](http://www.bvda.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 *Before You Dig Australia* 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 *Before You Dig Australia* service in advance of any construction or planning activities.

**E. Dividing Fences Act 1991**

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

**F. Asbestos**

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

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

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

**G. Hazardous Waste**

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

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

**H. Annual Fire Safety Statement**

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

The Annual Fire Safety Statement must be given:

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

**I. Street / Shop**

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

**J. Lead-Based Paint**

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

**K. Noise Minimisation during Demolition and Construction**

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

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

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

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

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