

# DRAFT CONDITIONS OF CONSENT – Version 2

## 573 Gardeners Road, Mascot

Amendments from version 1 **highlighted in yellow**

### GENERAL CONDITIONS

#### 1. Approved Plans and Supporting Documentation

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

##### Approved Plans

Plan No.	Revision No.	Plan Title	Drawn By	Date of Plan
1203	DA-01	Site Plan	fjcstudio	24/5/24
2000	DA-03	Basement 01 GA Ground Floor Plan	fjcstudio	25/10/24
2001	DA-02	Ground GA Floor Plan	fjcstudio	25/10/24
2002	DA-02	Mezzanine GA Floor Plan	fjcstudio	25/10/24
2003	DA-02	Level 01 GA Floor Plan	fjcstudio	25/10/24
2004	DA-02	Level 02 GA Floor Plan	fjcstudio	25/10/24
2005	DA-02	Level 03 GA Floor Plan	fjcstudio	25/10/24
2006	DA-02	Level 04 GA Floor Plan	fjcstudio	25/10/24
2007	DA-02	Level 05 GA Floor Plan	fjcstudio	25/10/24
2008	DA-02	Level 06 GA Floor Plan	fjcstudio	25/10/24
2009	DA-02	Level 07 GA Floor Plan	fjcstudio	25/10/24
2010	DA-02	Roof GA Plan	fjcstudio	25/10/24
2100	DA-01	Demolition Plan	fjcstudio	24/5/24
3101	DA-02	North Elevation	fjcstudio	25/10/24
3102	DA-02	East Elevation	fjcstudio	25/10/24
3103	DA-02	South Elevation	fjcstudio	25/10/24
3104	DA-02	West Elevation	fjcstudio	25/10/24
4101	DA-02	Long Section	fjcstudio	25/10/24
4102	DA-03	Cross Section	fjcstudio	25/10/24
5203	DA-01	Adaptable Units Compliance Plans	fjcstudio	24/5/24
5300	DA-01	Driveway Ramp Profile	fjcstudio	24/5/24
0001	F	Tree Retention and Removal Plan	Site Image	28/10/24
0002	G	Deep Soil Area Plan	Site Image	28/10/24
0003	G	Landscaped Area Plan	Site Image	28/10/24
1001	F	Ground Floor Landscape Plan	Site Image	28/10/24
1011	F	Level 1 Landscape Plan	Site Image	28/10/24
1071	E	Level 7 Landscape Plan	Site Image	25/10/24
2001	F	Ground Floor Planting Plan	Site Image	28/10/24
2011	F	Level 1 Planting Plan	Site Image	28/10/24
2071	E	Level 7 Planting Plan	Site Image	25/10/24
5001	A	Landscape Details	Site Image	2/5/24
5002	B	Landscape Details	Site Image	15/10/24

Plan No.	Revision No.	Plan Title	Drawn By	Date of Plan
6001	C	Landscape Sections	Site Image	25/10/24
C101	B	Erosion and Sediment Control	Van der Meer Consulting	28/5/24
C311	B	Driveway Plan and Long Section	Van der Meer Consulting	28/5/24
C401	C	Drainage Layout – Ground Level	Van der Meer Consulting	25/10/24
C402	C	Drainage Layout – Level 01	Van der Meer Consulting	25/10/24
C421	C	Drainage Catchment Plan	Van der Meer Consulting	25/10/24
C422	C	MUSIC Catchment Plan	Van der Meer Consulting	25/10/24
C451	B	Drainage and Pavement Details	Van der Meer Consulting	28/5/24
C452	C	Drainage Details – Sheet 2	Van der Meer Consulting	25/10/24
C501	B	Public Domain Plan	Van der Meer Consulting	28/5/24

#### Approved Documents

Document Title	Version No.	Prepared By	Date of Document
Accessibility Report	20028, Revision 02	Purely Access	28/5/24
Acoustic Report	2232/2	West & Associates Pty Ltd	28/5/24
Arboricultural Impact Assessment Report		Blues Bros Arboriculture	27/5/24
BASIX Certificate	1746094M_02	Aspire	28/5/24
BCA Assessment Report	240189-r2-BCA 2022_DA Stage	Credwell	29/5/24
Fire Engineering Letter	JN24-00070, Version 01	Red Fire Engineers	18/10/24
Stage 1 and 2 Environmental Site Assessment	E19007MAS-R01F	Geo-Environmental Engineering	22/5/19
Hazardous Materials Survey Report		Australian Industry Group	February 2024
Report on Geotechnical Investigation and Acid Sulfate Assessment	PRE0000362, Revision 1	Douglas Partners	30/4/24
Groundwater Monitoring	226439.00, R.002.Rev0	Douglas Partners	19/4/24
ESD Report	P162001, 2.0	Aspire	28/5/24
Solar Light Reflectivity Study	WE659-04F02(REV0)-SR REPORT	Windtech	10/4/24
Section J Report	P162001, 2.0	Aspire	29/5/24
Traffic Impact Assessment	19.005r02v02	Traffix	May 2024
Response to Request for Information	19.005r04v03	Traffix	25/10/24
Operational and Construction Waste Management Plan		Waste Audit	October 2024

Document Title	Version No.	Prepared By	Date of Document
Pedestrian Wind Environment Study	WE659-04F03(REV1) - WE REPORT	Windtech	30/5/24
Urban Design Report	Rev 8	fjcsudio	31/5/24
Remedial Action Plan	280524/1	ET Consults	May 2024
Flood Impact Assessment	113077-08 / L241025	WMA Water	25/10/24
Dewatering Management Plan and Water Quality Plan	SYDGE361578-AB_Rev04	Tetra Tech Coffey	29/7/24
Interim Site Audit Advice	2023032/L6	(Esher Environmental Services	28/6/24

**REASON**

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

**2. 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.*

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

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

**REASON**

*EP&A Regulation Clause 98(1)(a).*

**4. Amendments Require Modification Application**

Alterations and/or additions to the subject building, including the relocation of the fire booster valves, any changes to landscape area within the setbacks, 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.*

**5. Enclosure of Structures**

The unenclosed balconies must not be enclosed at any future time without prior development consent.

**REASON**

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

**6. Approved Materials and Finishes**

The finishes, materials and colour 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.*

**7. 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 clause 97A(2) EP&A Regulation)*

**8. Parking Allocation**

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

Use	Number of Spaces Allocated
<b>Residential</b>	
Residential units	A total of 68 residential spaces to be allocated as per below:  0.6 space per studio/1 bedroom unit  0.9 space per 2 bedroom unit  1.4 space per 3 or more bedroom unit
Residential visitor	16 spaces (including car wash bay and car share)
Car Wash Bay	2 spaces (shared with visitor)
<b>Non-Residential</b>	
Commercial	2 spaces
<b>Others</b>	
Loading Bay	1 MRV
Car Share	2 spaces
<b>Motorcycle parking</b>	
Residential	4 spaces
Non-Residential	2 spaces
<b>Bicycle parking</b>	
Residential	88 spaces
Non-Residential	2 spaces

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

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.*

**9. Communal Open Space / Landscape Planting / Deep Soil Areas – dedicated as Common Property in any future Strata subdivision plan**

All communal open space and all deep soil landscape areas located within the front setback, western side setback and rear setback must be dedicated as 'common property' in any future strata subdivision of the site. These areas must not be allocated to an individual lot.

Management and maintenance of landscape planting and trees shall be in accordance with the approved plans (see Condition 1) and relevant conditions of this consent.

**REASON**

*To ensure that landscaping and tree planting located within setbacks provide screening to and from the development in accordance with relevant policy.*

**10. 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, **unless prior approval is obtained from Council or the relevant landowner.**

**REASON**

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

**11. No Intensification of Activities**

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

**REASON**

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

**12. Adopt Acoustic Report - Managing Noise**

Adopt and implement all recommendations contained in the acoustic report prepared West & Associates Pty Ltd, 'Acoustic Report' dated 28 May 2024.

Details to be shown in the Construction Certificate Plans and documentation, and implemented prior to issue of any Occupation Certificate.

**REASON**

*To protect the amenity of the local area.*

**13. Certification of External Wall Cladding**

The external walls of the building, including attachments must comply with the relevant requirements of the National Construction Code (NCC). Prior to the issue of **the relevant** Construction Certificate and Occupation Certificate the Principal Certifier must:

- (a) Be satisfied that suitable evidence is provided to demonstrate that the products and systems proposed for use or used in the construction of external walls including finishes and claddings such as synthetic or aluminium composite panels comply with the relevant requirements of the NCC, and
- (b) Ensure that the documentation relied upon in the approval process include an appropriate level of detail to demonstrate compliance with the NCC as proposed and as built.

**REASON**

*To ensure development complies with the NCC and fire safety requirements.*

**14. 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.*

**15. 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 of stakes 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:
  - (i) The base of the planter must be screeded to ensure drainage to a piped internal drainage outlet of minimum diameter 90mm, with no low points elsewhere in the planter. There are to be no external weep holes.
  - (ii) A concrete hob or haunch shall be constructed at the internal join between the sides and base of the planter to contain drainage to within the planter.
  - (iii) Planters are to be fully waterproofed and sealed internally with a proprietary sealing

agent and applied by a qualified and experienced tradesman to eliminate water seepage and staining of the external face of the planter. All internal sealed finishes are to be sound and installed to manufacturer's directions prior to backfilling with soil. An inspection of the waterproofing and sealing of edges is required by the Certifier prior to backfilling with soil.

- (iv) Drainage cell must be supplied to the base and sides of the planter to minimize damage to the waterproof seal during backfilling and facilitate drainage. Apply a proprietary brand filter fabric and backfill with an imported lightweight soil suitable for planter boxes compliant with AS 4419 and AS 3743. Install drip irrigation including to lawns.
  - (v) Planter boxes must be an external finish that is consistent with the character of the colour schemes and finishes of the building (e.g. with a suitable paint, render or tile to match the character of the approved building).
  - (vi) All planter boxes shall be provided with a fully automated drip irrigation system.
  - (vii) All planter boxes shall have the required depth to sustain the proposed planting, as detailed below:
    - Trees over 8 metres: Minimum soil depth 1.3 metre.
    - Medium trees (8 metre canopy diameter at maturity): Minimum soil depth one (1) metre.
    - Small trees (4 metre canopy diameter at maturity): Minimum soil depth 800mm.
    - Shrubs: Minimum soil depths 500-600mm.
    - Groundcover: Minimum soil depths 300-450mm.
  - (viii) Any subsurface drainage requirements are in addition to the minimum soil depths quoted above.
- (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.*

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

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

The following conditions are imposed by Transport for NSW (TfNSW) in their letter dated 4 July 2024 and must be complied with:

- (a) Proposed driveway should be designed and constructed in accordance with AS 2890.1- 2004 (Parking Facilities, Part 1: Off-Street car parking), and TfNSW requirements.
- (b) The redundant driveway on the Gardeners Road boundary shall be removed and replaced with kerb and gutter. The design and construction of the kerb and gutter crossing on Gardeners Road shall be in accordance with TfNSW requirements. Details of these requirements should be obtained by email to [developerworks.sydney@transport.nsw.gov.au](mailto:developerworks.sydney@transport.nsw.gov.au).

Detailed design plans of the proposed kerb and gutter crossing are to be submitted to TfNSW

for approval prior to the issue of a construction certificate and commencement of any road works. Please send all documentation to [development.sydney@transport.nsw.gov.au](mailto:development.sydney@transport.nsw.gov.au).

A plan checking fee and lodgement of a performance bond is required from the applicant prior to the release of the approved road design plans by TfNSW.

- (c) The developer is required to enter a Works Authorisation Deed (WAD) for the abovementioned works.
- (d) All vehicles are to be wholly contained on site before being required to stop.
- (e) 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.
- (f) 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.

- (g) Detailed design plans and hydraulic calculations of any changes to the stormwater drainage system on Gardeners Road 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 is issued.

- (h) Any proposed public utility adjustment/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 any 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.
- (i) A Road Occupancy Licence (ROL) should be obtained from Transport Management Centre (TMC) for any works that may impact on traffic flows on Gardeners Road 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).*

**17. Sydney Airport**

The following conditions are imposed by the Sydney Airport Corporation Limited (SACL) in their letter dated 20 June 2024 and must be complied with:

- (a) The maximum approved height of 40 metres AHD is inclusive of all vents, 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.
- (b) Should the height of any temporary structure and/or equipment be greater than 15.24 metres



AEGH, a new approval must be sought in accordance with the Civil Aviation (Buildings Control) Regulations Statutory Rules 1988 No. 161.

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.*

**18. Ausgrid**

The following conditions are imposed by Ausgrid:

(a) Ausgrid Underground Cables are in the vicinity of the development

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

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

(b) 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.

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) Should you have any enquiries, please contact Ausgrid at [development@ausgrid.com.au](mailto:development@ausgrid.com.au)

For new connections or to alter the existing electrical connection to the property from the Ausgrid network, the proponent should engage an Accredited Service Provider and submit a connection application to Ausgrid as soon as practicable. Visit the Ausgrid website for further details: <https://www.ausgrid.com.au/Connections/Get-connected>

(c) New Driveways - Proximity to Existing Poles

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

(d) New or modified connection

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

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

**19. Water NSW**

Compliance is required with the General Terms of Approval issued by WaterNSW on 8 August 2024, which are as follows:

Dewatering

- (a) 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.

- (b) GT0116-00001: Before any construction certificate is issued for any excavation under the development consent, the applicant must:
- (i) 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
  - (ii) notify WaterNSW of the programme for the dewatering activity to include the commencement and proposed completion date of the dewatering activity

Advisory Note:

- (i) An approval under the Water Management Act 2000 is required to construct and/or install the water supply works. For the avoidance of doubt, these General Terms of Approval do not represent any authorisation for the take of groundwater, nor do they constitute the grant or the indication of an intention to grant, any required Water Access Licence (WAL). A WAL is required to lawfully take more than 3ML of water per water year as part of the dewatering activity.
  - (ii) A water use approval may also be required, unless the use of the water is for a purpose for which a development consent is in force.
- (b) 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:

- (i) This approval is not a water access licence.
  - (ii) A water year commences on 1 July each year.
  - (iii) 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.
  - (iv) Note that certain water sources may be exempted from this requirement – see paragraph 17A, Schedule 4 of the Water Management (General) Regulation 2018.
- (c) 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:
- (i) record water taken for which the exemption is claimed, and
  - (ii) record the take of water not later than 24 hours after water is taken, and
  - (iii) make the record on WAL exemption form located on WaterNSW website "Record of groundwater take under exemption", and
  - (iv) keep the record for a period of 5 years, and
  - (v) give the record to WaterNSW either via email to [Customer.Helpdesk@waterNSW.com.au](mailto:Customer.Helpdesk@waterNSW.com.au) or post completed forms to - PO Box 398 Parramatta NSW 2124:
    - not later than 28 days after the end of the water year (being 30 June) in which the

- water was taken, or
  - if WaterNSW directs the person in writing to give the record to WaterNSW on an earlier date, by that date.
- (d) 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.
- (e) GT0120-00001: The design and construction of the building must prevent:
  - (i) 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;
  - (ii) 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
  - (iii) any elevated water table from rising to within 1.0 m below the natural ground surface.
- (f) GT0121-00001: Construction phase monitoring bore requirements GTA:
  - (i) A minimum of three monitoring bore locations are required at or around the subject property, unless otherwise agreed by WaterNSW.
  - (ii) The location and number of proposed monitoring bores must be submitted for approval, to WaterNSW with the water supply work application.
  - (iii) The monitoring bores must be installed and maintained as required by the water supply work approval.
  - (iv) The monitoring bores must be protected from construction damage.
- (g) GT0122-00001: Construction Phase Monitoring programme and content:
  - (i) 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):
    - 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.
    - Field measurements: Include provision for testing electrical conductivity; temperature; pH; redox potential and standing water level of the groundwater;
    - Water quality: Include a programme for water quality testing which includes testing for those analytes as required by WaterNSW;
    - QA: Include details of quality assurance and control
    - Lab assurance: Include a requirement for the testing by National Association of Testing Authorities accredited laboratories.

- (ii) The applicant must comply with the monitoring programme as approved by WaterNSW for the duration of the water supply work approval (Approved Monitoring Programme)
- (h) GT0123-00001:
  - (i) 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.
  - (ii) 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.
  - (iii) 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)
- (i) 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
- (j) 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.
  - (k) 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.

- (l) GT0155-00001: The following construction phase monitoring requirements apply (Works Approval):
  - (i) 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.

- (ii) The applicant must comply with the monitoring programme as amended by this approval (Approved Monitoring Programme).
- (iii) 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.*

**20. Sydney Water**

Prior to the issue of the relevant Construction Certificate, compliance is required with any Sydney Water requirements in their letter dated 29 July 2024 (their reference 214268, 216731), and including the following:

- (a) Written evidence from Sydney Water confirming their support for the proposed decommissioning of the existing DN450 sewer branch traversing the centre of the site.

**BEFORE THE ISSUE OF A CONSTRUCTION CERTIFICATE**

**21. Design Amendments**

Prior to issue of any Construction Certificate for above ground works, amended plans addressing the following matters shall be submitted to, and approved by, Bayside Council's Director of City Futures (or Delegate), with such detail included in any plans and documentation submitted with the Construction Certificate Application:

- (a) The provision of end of trip facilities for the commercial tenancy, as per Part 3.5.4 of the Bayside DCP 2022.
- (b) The retail space on the ground floor is a habitable space and therefore the retail space needs to be protected by revising the finished floor level to be set at a minimum level of RL 9.75m AHD.

**22. Payment of security deposits**

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

- (a) make payment of \$45,370 Builders Damage Deposit for a security deposit to the consent authority, and
- (b) if a Principal Certifier is required to be appointed for the development provide the Principal Certifier with written evidence of the payment and the amount paid.

**REASON**

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

**23. Long Service Levy**

Before the issue of the relevant Construction Certificate, the long service levy of \$84,541.31, 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 Certifying Authority.

**REASON**

*To ensure the long service levy is paid.*

**24. Payment of Section 7.11 Contributions**

- (a) 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).
- (b) The applicant must pay the following contributions to Council for:

Community Facilities	\$142,744.34
Recreation and Open Space	\$1,150,895.16
Transport Facilities	\$293,480.23
Administration	\$12,880.27

The total contribution payable to Council under this condition is \$1,600,000 as calculated at the date of this consent, in accordance with former City of Botany Bay s7.11 Development Contributions Plan (Amendment 1) and having regard to the Ministerial Directive of 21 August 2012 (the \$20,000 cap).

The total amount payable may be adjusted at the time the payment is made, in accordance with the provisions of the former City of Botany Bay s7.11 Development Contributions Plan (Amendment 1). A copy of the development contributions plan is available for inspection at 444-446 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.*

**25. Housing and Productivity Contribution**

Before the issue of the relevant Construction 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)	\$828,894.82
Transport Project Component	\$0
<b>Total Housing and Productivity Contribution</b>	<b>\$828,894.82</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.*

**26. Construction Site Management Plan**

Before the issue of a Construction Certificate, a construction site management plan must be prepared, and provided to the Principal Certifying Authority. 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.*

**27. Design Verification Statement**

Prior to the issue of the relevant 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*



**REASON**

*To ensure compliance with the Environmental Planning and Assessment Regulation 202*

**28. Design Excellence**

To ensure design excellence is achieved in accordance with the Bayside DCP 2022, prior to the issue of any construction certificate entailing any works above basement levels including public domain works, the following must be prepared by the registered architect commissioned for the construction of the project:

- (a) One (1) sample board containing original samples and swatches of all external materials (where relevant) and colours including:
  - (i) Wall and roof cladding, and
  - (ii) Columns located in front of the corner retail tenancy (including vertical elements attached to columns), and
  - (iii) Balustrading, and
  - (iv) Louvres, and
  - (v) Glazing, and
  - (vi) Window edge treatments, and
  - (vii) Paving/surface in front setback areas, and
  - (viii) Driveway, and
  - (ix) Footpaths, and
  - (x) Retaining wall details, and
  - (xi) Roof top garden (including all surface treatments).
- (b) Full coloured elevational details at a minimum scale of 1:20;
- (c) Sections through relevant façade elements, public domain stairs, planter boxes at a minimum scale of 1:20.

The boards, elevations and sections are to be submitted for approval and stamped as approved by the Director City Futures (or delegate) prior to the issue of any Construction Certificate entailing any works above basement levels. The Construction Certificate shall be precisely consistent with these approved materials.

Any modifications to the approved materials under this condition require submission and approval of a S4.55 application.

**29. Sydney Water Tap-in**

Prior to the issue of the Construction Certificate, the approved plans must be submitted to Sydney Water Tap in<sup>TM</sup> 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<sup>TM</sup> 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.*

**30. 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 relevant** 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 garbage/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, shelving or other obscuring (e.g. obscure glazing / obscure film, etc), and tinted glass must not be used. In this regard, a minimum of 85% of the glazing for the shop fronts to Botany Road and the ground level windows to the SOHO units must be clear glazed to ensure that 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.*

**31. Wind Report**

The development shall be constructed in accordance with the approved Wind Report listed under "Approved Plans and Supporting Documents" condition. Details are to be provided on the Construction Certificate plans

**REASON**

*To ensure that adverse impacts from wind are minimised in accordance with specified performance measures.*

**32. 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 the sixteen (16) 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.*

### 33. Glazing Reflectivity

The reflectivity index of glazing and finishing materials used on the facades and roof of the building shall not exceed 20%. Details demonstrating compliance with the above requirement shall be submitted to the satisfaction of the Principal Certifier prior to the issue of a Construction Certificate for the relevant stage of works.

#### **REASON**

*To ensure that adverse reflectivity impacts are minimised.*

### 34. 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.*

### 35. 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 bedrooms is not permitted, and
- (b) Four (4) Star for hard flooring in corridors or habitable areas, 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 membership 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 the relevant Construction Certificate for the relevant stage of works.

#### **REASON**

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

### 36. Road Traffic Noise and Vibration

The building shall be designed to minimise impacts from noise and vibration in accordance with *State Environmental Planning Policy (Transport and Infrastructure) 2021*, the relevant provisions of *Australian Standard AS 2107:2000* Recommended design sound levels and reverberation times for building interiors and the Department of Planning Interim Guideline - Development Near Rail Corridors and Busy Roads.

Appropriate measures shall be incorporated to ensure that the following LAeq levels are not

exceeded:

- (a) in any bedroom in the residential accommodation - 35 dB(A) at any time between 10.00 pm and 7.00 am, and
- (b) anywhere else in the residential accommodation (other than a garage, kitchen, bathroom or hallway) - 40 dB(A) at any time.

Details shall be submitted to Principal Certifier prior to the release of **the relevant** Construction Certificate.

**REASON**

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

**37. Erosion and Sediment Control Plan**

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

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

**REASON**

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

**38. 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 Certifying Authority.

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 Certifying Authority, 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.*

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

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

**REASON**

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

**40. Property Address Allocation – Multi-level sites**

Prior to the issue of a Construction Certificate for the development an application for Property

Address Allocation and associated fee are required to be submitted to Council. All determination of address numbers are in accordance with AS/NZS 4819:2011 Rural and Urban Addressing Standard and Section 5.2 of the NSW Address Policy and User Manual May 2021.

The form is available for download at:

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

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

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

The numbering (sub-addresses) of the individual units in multi-level sites should be consistent with Australian Standards AS/NZS 4819:2011 Rural and Urban Addressing Standard and NSW Address Policy and User Manual May 2021.

Developers of multi-level buildings are required to submit their schedule of addresses to Council for addressing approval prior to registration of the subdivision plan. Finalised architectural and survey plans of the site, identifying the location and nature of the development have to be submitted to Council. The applicant can suggest new street number allocation for the new development.

#### **REASON**

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

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

The plans and documentation submitted with the Construction Certificate shall include details of the waste storage areas as shown in the approved plans and Waste Management Plan listed in Condition 1, and shall demonstrate compliance with the following matters to the satisfaction of the Principal Certifier, prior to the issue of **the relevant** Construction Certificate:

- (a) Hot and cold water supply shall be provided to each garbage room.
- (b) Services or utility systems shall not be located within the garbage room.
- (c) The path to the bin room is to be at least 1.0 metres wide and kept clear and unobstructed at all times.
- (d) Waste bins shall be provided as per the below requirements

- (i) 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 10m<sup>2</sup>, and

Larger 1,100 litre mobile bins may be used as an alternative, but an equivalent amount of space will need to be provided.

(ii) 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.*

42. **Waste Handling Systems**

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

**REASON**

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

43. **Utilities and Services**

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

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

**REASON**

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

44. **Erosion and sediment control plan**

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

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

**REASON**

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

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

Before the issue of **the relevant** 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 requirements**
- (c) **Pedestrian access**
- (d) **Signage location and structures**
- (e) **Mechanical ventilation**

**REASON**

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

**46. 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.*

**47. Detailed Design Stormwater Management Plan**

Prior to the issue of **the relevant** Construction Certificate, detailed drainage design plans for the management of stormwater are to be submitted to the Principal Certifier for assessment and approval. Engineering design certification and drainage design calculations are to be submitted with the plans. Bayside Technical Specification Stormwater Management sets out the minimum documentation requirements for detailed design plans. Stormwater management requirements for the site, including the final discharge/end connection point, must comply with Bayside Technical Specification Stormwater Management.

The detailed drainage design plans shall incorporate the provisions made in the civil engineering plan in the deferred commencement along with the requirements detailed below:

- (a) The stormwater basement plan must show the basement as a fully “tanked” system (full structural tanking and waterproofing) with adequate provision for future fluctuation of the water table. 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 note on the basement drainage plan to state the above-mentioned wording regarding fully tanked system.
- (b) A stormwater basement plan is to be provided with a pump out pit along with calculations. The minimum fall to the surface pits is to be minimum 0.5% crossfall. The pump out pit to be designed per the Bayside Technical Specification Stormwater Management Section 4.4 and

AS/NZS3500.3 2021. The pump out pit to drain surface run-off only. The catchment area draining into the pump out tank to be shown.

- (c) The rising main from the basement pump out pit to be connected to the WSUD chamber.
- (d) The pump out pit section to be provided to show the surface level, base levels, top water level (TWL), and minimum 1% fall towards the pumps. The top water level (TWL) is to be 100mm lower than the invert level of the inlet pipe.
- (e) A sump plan showing the base levels of the pump out pit is to be provided, showing the minimum 1% fall towards the pumps.
- (f) A OSD base plan is to be provided for the OSD, showing all base levels and minimum 1% fall towards the outlet pipe. The dimensions of the internal walls to be shown of the OSD including the weir levels.
- (g) The discharge from the OSD to the kerb and gutter to be a maximum of 50l/s.
- (h) A minimum 10,000 litre rainwater tank shall be provided for the development, connected to all ground floor toilets, car wash bays and landscape irrigation for non-potable stormwater re-use. Only non-trafficable roof areas to drain into the rainwater tank. Planter boxes, balconies and terraces to drain directly into the WSUD chamber.
- (i) A maintenance schedule is to be provided for the stormwater drainage system including the roof gutters and the Water Sensitive Urban Design (WSUD) products.
- (j) A pit schedule to be provided showing the pit size, surface level and invert level.

**REASON**

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

**48. Detailed Roof Drainage**

Prior to the issue of the relevant Construction Certificate, a detailed roof drainage plan to be prepared by a qualified engineer designed in accordance with AS/NZS 3500.3 2021 and to be submitted to the Principal Certifier for assessment and approval. Engineering design certification and drainage design calculations are to be submitted with the plans.

**REASON**

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

**49. Detailed Flood Mitigation Design**

Prior to the issue of the relevant Construction Certificate, the civil engineering design prepared by VAN DER MEER, job number SY242-005, dated 25/10/24, revision C shall be revised to address the following flood related matters and show full details of the flood mitigation measures as outlined within the approved WMA Flood Report (Ref 113077-08/L241025, date:25/10/24)

- (a) The civil engineering plans and flood report is to be coordinated with each other and provide sufficient details of the flood mitigation measures for the box culvert and flow through fencing including plans and sections. Full details for the proposed culvert are to be provided including detailed sections (with soffit and invert levels detailed), base plan, lid plan and inlet/outlet design for all culverts.
- (b) The spacing of the sealed access pits for the box culvert is to be provided at 6m intervals



(6m from the centre of the pit to pit) to allow access for maintenance.

- (c) Full details of the flow through fencing shall be provided on the plans.
- (d) Sufficient inlet capacity for the box culvert is to be provided and coordinated as per the approved flood report. The following inlet design details shall be addressed in the civil design:
  - (i) Full details of the façade-integrated vertical grate (inlet design) is to be provided including base level and soffit level.
  - (ii) The surface grated inlet on the driveway is to be relocated to the lowest point of the driveway to capture the 1% AEP flood water.
- (e) The outlet design is to be revised to the satisfaction of Bayside Council at the rear of the building. The outlet design must be the same as the inlet design (with façade integrated vertical grates) to ensure flow can be maintained along the flow path.
- (f) The sizing of the absorption system is to be maximized as much as possible along the rear setback without impacting the tree planting in the deep soil area to assist in the draining the flood storage culvert.
- (g) The culverts are to be designed to be a watertight structure to ensure that no flood water can enter the basement.

**REASON**

*To ensure that the flood mitigation design is constructed as approved.*

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

Prior to the issue of the 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.*

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

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

**REASON**

*To ensure the development meets flood planning requirements.*

**52. Flow Through Fencing**

Prior to the issue of **the relevant** 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.*

**53. 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 except for the retail and foyer for the residential lobby. 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 **the relevant** Construction Certificate.

**REASON**

*To ensure the development meets flood planning requirements.*

**54. Detailed Flood Risk Management Plan**

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

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

**REASON**

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

**55. Detailed Parking Facility Design Requirements and Certification**

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

- (a) Compliance with AS2890 Car, Bicycle and Motorcycle Parking:
  - (i) The parking facility (including parking spaces, ramps, aisles, vehicular crossing etc.) must comply in full with AS2890.1. The longitudinal profile(s) of the access driveway and any ramps within the parking facilities must comply with the Ground Clearance, Gradient (%) and Length requirements of the 2890 Australian Standards Series, and

- (ii) All vehicles are to enter and exit the site in a forward direction, and
- (iii) The minimum number of accessible car parking spaces shall be in accordance with the relevant disability legislation. The design and construction of accessible car parking spaces shall be in accordance with AS2890.6 and
- (iv) The gate for the basement shall be located to permit the queuing of one vehicles when waiting to enter the basement garage, and
- (v) Pedestrian sightlines for vehicles existing the site are to comply with AS2890.1, and
- (vi) Convex mirrors shall be provided at blind corners within, and leading to, the car parking levels to provide increased sight distance for vehicles, and
- (vii) The car wash bay shall be a minimum 3.5m wide, and
- (viii) A minimum of 90 bicycle parking spaces and 6 motorcycle parking spaces must be provided as part of the development and designed in accordance with AS2890.3:2015 and AS2890.1 respectively, and
- (ix) Line marking and signage must be provided at both the entry to the basement and within 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 traversing 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.

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

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

**REASON**

*To ensure compliance with the relevant Australian Standard.*

**56. Provision of Car Wash Bay**

The Construction Certificate plans must show the provision of 2 x 3.5m wide car wash bays. A visitor car space can be utilised for this purpose. A cold-water tap (typically connected to the rainwater tank) and waterproof power outlet shall be provided along with a sign fixed to the wall saying, 'Visitor Car Space and 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.*

**57. Use of Neighbouring Properties and Roadways for Support**

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

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

- (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.*

**58. Geotechnical Certification**

Prior to the issue of **the relevant** Construction Certificate, a qualified Geotechnical Engineer registered with the National Engineering Register (NER) must:

- (a) Review and ensure the appropriate construction methodology, parameters, and recommendations in the geotechnical report prepared by DOUGLAS PARTNERS, report no. 226439.00, dated 30/4/2024, 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) Details of the fully “tanked” basement construction methodology must be detailed.
- (f) Demonstrate that there will be no adverse impact on surrounding properties and infrastructure as a result of construction of the development (including construction dewatering and post construction building design):
  - (i) As a result of changes in the local hydrogeology (behaviour of groundwater) created by the required method of construction and excavation.
  - (ii) From changes to the permanent hydrogeology (behaviour of groundwater) of the surrounding area, created by the nature of the required “fully tanked” constructed subsurface structure form.
  - (iii) The cumulative impact will require hydrogeological modelling to demonstrate no adverse impact on the surrounding property or infrastructure. The extent of modelling must consider the potential for future development to extend the damming effect and must, as a minimum, extend between street blocks.
  - (iv) Provide details of temporary dewatering method (with required licences and permits) and details of volume and flow rates of extracted groundwater, and
  - (v) Determine the existing groundwater levels through long term groundwater monitoring and quantify seepage and provide a recommendation for seepage management during construction, noting that permanent dewatering is not permitted.
  - (vi) Permanent changes to the groundwater level as a result of construction must be kept within the historical range of natural groundwater fluctuations. Where data is limited or unavailable the permanent change in the level of the natural water table due to the development is not to exceed 0.10m.
  - (vii) Demonstrate and certify that the permanent changes to the groundwater level as a result of construction will not exceed 0.10m or negatively impact surrounding building structures within 50m of the proposed development.
- (g) Inspect the works as they progress at frequencies determined by the geotechnical engineer (where necessary).

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

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

#### **REASON**

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

### **59. Frontage Works Application**

Prior to the issue of the relevant 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.*

**60. Equal Access to Premises**

Before the issue of **the relevant** 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.*

**61. Adaptable Units and Parking**

Access must be provided to and within a minimum of 16 residential unit(s), and between these unit(s) and their allocated car parking space(s) in accordance with Council's Development Control Plan and Australian Standard 4299: Adaptable housing. The required adaptable units shall be consistent with those referenced in the Approved Plans in Condition 1. 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 **the relevant** 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.*

**62. Storage**

The plans and documentation submitted with the Construction Certificate must show a minimum provision of storage within units (m<sup>3</sup>), and within the basement if required, in accordance with Design Criteria 1, Objective 4G-1 of the Apartment Design Guide (ADG).

In addition, storage shall generally be designed provided in accordance with requirements of both Objective 4G-1 and 4G-2.

**REASON**

*To ensure adequate storage is provided within units in accordance with the ADG.*

**63. 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.*

**64. Sustainability**

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

- (a) Provision of photovoltaic cell systems on the rooftops. Detailed design for the photovoltaic cells systems is to be provided, the provision of photovoltaic cells is to be at a rate that maximises the coverage of available non-trafficable space on the rooftop. A storage battery is to be provided where possible. This solar power shall be utilised in communal areas and other suitable areas within the development to reduce the developments demand for electricity from the grid.
- (b) Sensor controlled and zoned internal lighting within the building's car park and common areas.
- (c) Use of admixtures in concrete to minimise cement and reduce embodied carbon.
- (d) Separate circuiting for temporary power to minimal stair and corridor lighting.
- (e) Use of LEDs and other low energy flicker free lighting resources.
- (f) Provision for EV charging in accordance with the below requirements;
  - (i) All residential car parking spaces must be 'EV-Ready'. An 'EV-Ready' car space requires the provision of a backbone cable tray and a dedicated spare 15A circuit within an EV Distribution Board enabling future installation of a smart EV charger and cabling to the EV Distribution Board.
  - (ii) Provide EV Distribution Boards of sufficient size to allow connection of all 'EV-Ready' car spaces.



- (iii) Locate EV Distribution board(s) so that no future 'EV-Ready' car space will require a cable run greater than 55m from the parking bay to an EV distribution board and, ensure that no cables will obstruct vehicular circulation aisles. Development shall provide cable trays, electrical cabinets, and conduits sufficient to accommodate the electric circuitry to each 'EV-Ready' and 'EV Equipped' car space.
- (iv) EV Distribution Boards are to be dedicated to EV charging that is capable of supplying not less than 50% of EV connections at full power (full power being each individual connection being provided with not less than 2kW power and preferably 7kW power) at any one time during off-peak periods, to minimize impacts to maximum demand loads. To deliver this, 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.

#### 65. Detailed Landscape Plan

- (1) Prior the issue of **the relevant** 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.
  - (a) The amended plans shall be generally in accordance with the approved Landscape Plan prepared by Site Image, issue C and dated 21 June 2024 and must comprise detailed landscape construction documentation (plans and construction details). The detailed plan shall include, but not be limited to, the following:
    - (i) A planting plan at 1:100 showing all plant locations/groupings and plant centres/species
    - (ii) Front setback:
      - At least four (4) new trees in the front setback shall be provided, and these shall be supplied and planted at minimum 200 litres pot size.
      - 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.
    - (iii) Level 1 planting on terraces of units 01 and 02 shall be consistent with



architectural CC plans, and include built in raised planter boxes with suitable soil depths and irrigation system. Planters and planters shall be designed to perform greenery to the streetscape. Architectural detailed drawings shall be submitted to assess these items.

- (iv) Provide built in planter box sectional details and drainage details with finished levels to assess soil depths provisions.
  - (v) 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.
  - (vi) All new trees that are not located in the front setbacks are to be supplied and planted at minimum 100 litre spot size.
  - (vii) Indicate the location of all basement structures and above ground structures relative to the landscape areas.
  - (viii) 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.
  - (ix) Details of all other hardscape landscape elements such as street furniture, pedestrian amenity lighting, bins, bollards. Provide sectional construction details and elevations if required.
  - (x) 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.
  - (xi) 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.
  - (xii) Services along front setbacks: Above-ground utilities including fire boosters must be appropriately screened in an enclosure integrated to the built form proposed, or free of structures integrated to the landscape treatment. Details of the proposed screen and landscape treatment around structures shall be submitted to Bayside Council's Landscape Architect prior to the issue of the relevant Construction Certificate.
- (2) Landscape Maintenance Manual and Specifications- Prior the issue of **the relevant** 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, 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);

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

**REASON**

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

**66. Landscape Frontage Works Application**

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

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

**REASON**

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

**67. Connecting to Country**

Prior a Construction Certificate for the relevant stage of works, a Connecting to Country report must be submitted to, and approved by, the Director City Futures (or delegate) of Bayside Council which shall provide a framework for developing connections to Country in relation to design, planning and construction of this new development. Based on the local aboriginal significance provide practical actions, including art, and aboriginal perspectives into the proposal.

**REASON**

*To provide a framework for developing connections to Country.*

**68. Contamination – Amended Detailed Site Investigation**

Prior to the issue of any construction certificate for excavation or construction works, an amended Environmental Site Assessment (ESA) must be completed to address the following data gaps:

- (a) Ecological considerations along the southern and western boundaries outside the footprint of the basement excavation;
- (b) TRH impacts potentially associated with the underground storage tanks (USTs), including but not limited to (1) management limits associated with TRH which were not adequately addressed; and (2) TRH vapour risks associated with basement within 2m from the groundwater table (in this case, basement would likely extending into the groundwater table, thus the Groundwater HSLs for vapour intrusion would not be applicable)

The amended ESA must be completed by a suitably qualified and experienced environmental consultant in accordance with:

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

and must be provided to the Site Auditor (Contaminated Land), the Council and the Principal Certifying Authority written approval prior to the issue of any Construction Certificate.

**REASON**

*To address data gaps identified in the Detailed Site Investigation*

**69. Contaminated Land – Amended Remedial Action Plan**

Following the amended Detailed Site Investigation, an amended Remedial Action Plan (RAP) must be prepared that addresses remediation of the two underground petroleum storage tanks and associated infrastructure, and the data gaps outlined above in Condition 68 being:

- (a) Ecological considerations along the southern and western boundaries outside the footprint of the basement excavation;
- (b) TRH impacts potentially associated with the underground storage tanks (USTs), including but not limited to (1) management limits associated with TRH which were not adequately addressed; and (2) TRH vapour risks associated with basement within 2m from the groundwater table (in this case, basement would likely extending into the groundwater table, thus the Groundwater HSLs for vapour intrusion would not be applicable)

The amended RAP must be completed by a suitably qualified and experienced environmental consultant in accordance with:

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

The amended RAP must be provided to the Site Auditor (Contaminated Land), the Council and the Principal Certifying Authority for written approval prior to the issue of any Construction Certificate.

**REASON**

*To address remediation of the two underground petroleum storage tanks and associated infrastructure*

**70. Interim Site Audit Advice**

To ensure that the Remediation Action Plan (RAP) proposed for the site is sufficient to enable the site to be made suitable for the proposed development, an Interim Site Audit Advice must be completed by the accredited site auditor under the Contaminated Land Management Act 1997 and must be submitted to Council clearly demonstrating that any proposed remediation and management is appropriate to make the development suitable for the proposed uses.

This must be provided prior to the issue of any construction certificate for excavation or construction.

**REASON**

*To ensure that the Remediation Action Plan (RAP) proposed for the site is sufficient*

**71. Aircraft Noise – Compliance with submitted Report**

Prior to issue of **the relevant** Construction Certificate, the measures required in the acoustical assessment report prepared by West & Associates Pty Ltd shall be included in the construction drawings and in accordance with the provisions of AS 2021 - 2015: Acoustics - Aircraft Noise Intrusion - Building Siting and Construction.

**REASON**

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

**72. Fire Hydrants**

Prior to the issue of **the relevant** 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, with the location to be determined in consultation with and approved by Council's Director of City Futures or their delegate.

**REASON**

*To ensure the appropriate screening of fire hydrants to the satisfaction of the Australian Standard as well as Council*

**BEFORE BUILDING WORKS COMMENCE**

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

Before any site work commences, the Principal Certifying Authority 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.*

**74. 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).*

## **75. 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* and Bayside Development Control Plan 2022).
- (f) Erosion and sediment control measures which are to be implemented during demolition and methods to prevent material being tracked off the site onto surrounding roadways.
- (g) Dust, noise and vibration control measures, in accordance with any Noise and Vibration Control Plan approved under this consent.
- (h) Details of the equipment that is to be used to carry out demolition work and the method of loading and unloading excavation and other machines.
- (i) Details of any bulk earthworks to be carried out.
- (j) Details of re-use and disposal of demolition waste material in accordance with Bayside Development Control Plan 2022.
- (k) Location of any reusable demolition waste materials to be stored on-site (pending future use).
- (l) Location and type of temporary toilets on-site.

- (m) A garbage container with a tight-fitting lid.

**REASON**

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

**76. 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.*

**77. Notice of Commencement for Demolition**

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

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

**REASON**

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

**78. 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.*

**79. 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) 563 Gardeners Road MASCOT

- (b) 577 Gardeners Road MASCOT
- (c) G14/555 Gardeners Road MASCOT
- (d) 12-26 Miles Street MASCOT

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

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

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

#### **REASON**

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

#### **80. 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.*

**81. 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.*

**82. 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 BUILDING WORKS****83. 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.*

**84. 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.*

**85. 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.*

**86. 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.*

**87. 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.*

**88. 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.*

**89. 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 clause 97A(2) EP&A Regulation)*

**90. Site Maintenance**

While demolition work is being carried out, the following requirements, as specified in the approved demolition management plan, must be maintained until the demolition work and demolition waste removal are complete:

- (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.*

**91. Site Management - Principal Certifier Inspections**

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

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

**REASON**

*To protect public safety and water quality around building sites.*

**92. 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.*

**93. 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.*

**94. 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.*

**95. 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.*

**96. 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.*

**97. 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.*

**98. Demolition Requirements During Works**

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

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

**99. Construction Activities – Minimise Pollution**

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

- (a) Building, demolition and construction works not to cause stormwater pollution and being carried out in accordance with Council's stormwater pollution control requirements. Pollutants such as concrete slurry, clay and soil shall not be washed from vehicles onto roadways, footways or into the stormwater system. Drains, gutters, roadways and access ways shall be maintained free of sediment. Where required, gutters and roadways shall be swept regularly to maintain them free from sediment, and
- (b) Stormwater from roof areas shall be linked via a temporary downpipe to an approved stormwater disposal system immediately after completion of the roof area, and
- (c) All disturbed areas shall be stabilised against erosion within 14 days of completion, and prior to removal of sediment controls, and
- (d) Building and demolition operations such as brick cutting, washing tools or paint brushes, and mixing mortar shall not be performed on the roadway or public footway or any other locations which could lead to the discharge of materials into the stormwater drainage system, and
- (e) Stockpiles are not permitted to be stored on Council property (including nature strip) unless prior approval has been granted. In addition, stockpiles of topsoil, sand, aggregate, soil or other material shall be stored clear of any drainage line or easement, natural watercourse, kerb or road surface, and
- (f) Wind blown dust from stockpile and construction activities shall be minimised by one or more of the following methods:
  - (i) spraying water in dry windy weather, and
  - (ii) cover stockpiles, and
  - (iii) fabric fences
- (g) All vehicles transporting soil, sand or similar materials and demolition material to or from the site shall cover their loads at all times, and
- (h) The applicant shall conduct all construction works and any related deliveries/activities wholly within the site, and
- (i) During the construction works, the Council nature strip shall be maintained in a clean and tidy state at all times and shall be suitably repaired and/or replaced in accordance with Council Specifications at the completion of construction works, and
- (j) Access to the site shall be restricted to no more than two 3m driveways. Council's footpath shall be protected at all times. Within the site, provision of a minimum of 100mm coarse

crushed rock is to be provided for a minimum length of two metres to remove mud from the tyres of construction vehicles, and

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

**REASON**

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

**100. 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.*

**101. Vibration During Demolition Works**

Vibration levels induced by the demolition activities must not exceed levels listed in Standard DIN 4150-3 (1999-02), *Structural vibration Part 3 – Effects of vibration on structures Table 12-7*. The operation of plant and equipment must not give rise to the transmission of vibration nuisance or damage to other premises.

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

**REASON**

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

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

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

- Road, Footpath and Road Related Area Closure – To temporarily close any part of the road, footpath or car park to vehicle or pedestrian traffic. This permit is required to allow the applicant to close a road or part of, footpath or car park to vehicle or pedestrian traffic.

- Stand and Operate Registered Vehicle or Plant – To occupy any part of the road, footpath or car park to work from a vehicle parked on the street. This permit is required when construction activities involve working from a vehicle parked on the street including mobile crane, concrete truck, concrete pump or other similar vehicles.
- Occupy Road with Unregistered Item – To place a waste container or other item within the roadway which is not a registered vehicle. This permit is required to allow the applicant to place unregistered items within the roadway including waste containers and skip bins.
- Erection of a Works Zone – To implement a statutory Work Zone for activities adjacent to the development site. These applications are assessed by Bayside Council officers and are referred to the Traffic Committee for approval. A Work Zone being that you must not stop or park in a work zone unless you are driving a vehicle that is engaged in construction work in or near the zone.
- Placement of Scaffolding, Hoarding and Fencing – To erect a temporary structure in a public place to enclose a work area. This permit is required for all temporary structures to enclose a work area within the public domain. These include site fencing, types A & B hoarding, type A & B hoarding with scaffolding and type B hoarding plus site sheds.
- Temporary Shoring/Support using Ground Anchors in Council Land – To install temporary ground anchors in public road to support excavation below the existing road surface level. This permit is required to allow the applicant to install temporary support system in or under a public road to support excavation below the existing road surface level. The support systems include ground anchors and shoring.
- Tower Crane – To swing or hoist over and across council property (including roadway). This permit is required when tower crane(s) are used inside the work site and will swing, slew or hoist over Council property or asset.
- Public Land Access – To access through or occupy Council land. This permit is required by applicants in order to access over or occupy Council land.
- Temporary Dewatering – To pump out groundwater from the site and discharge into council's drainage system including road gutter. This permit is required when temporary dewatering is required to pump out water from the construction site into Council stormwater drainage system including gutter, pits and pipes. Dewatering management plan and water quality plan are required for this application.
- Road Opening Application - Permit to open road reserve area including roads, footpaths or nature strip for any purpose whatsoever, such as relocation / re-adjustments of utility services. This does not apply to public domain works that are approved through Bayside Council's permit for Driveway Works (Public Domain Construction – Vehicle Entrance / Driveway Application) / Frontage Works (Public Domain Construction – Frontage / Civil Works Application) under section 138 of the Roads Act.

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

#### **REASON**

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



**103. Additional Information – Contamination – Cease Work Addition (with SAS Auditor)**

Any new information that comes to light during demolition or construction which has the potential to alter previous conclusions about site contamination and remediation must be notified to Council, the appointed Site Auditor (Contaminated Land) and the Principal Certifier immediately.

All work on site shall cease until the Council is notified and appropriate measures to assess and manage the contamination in accordance with any relevant NSW EPA adopted guidelines is completed by an appropriately qualified and experienced environmental consultant and reviewed and approved by the Site Auditor (Contaminated Land).

**REASON**

*To protect the environment and human health.*

**104. Remediation Works – General**

All remediation work must be carried out in accordance with:

- (a) NSW Office of Environment and Heritage (OEH) 'Contaminated Sites – Guidelines for Consultants Reporting on Contaminated Sites', and
- (b) NSW Environment Protection Authority (NSW EPA) guidelines under the *Contaminated Land Management Act 1997*, and
- (c) State Environmental Planning Policy (Resilience and Hazards) 2021 – Chapter 4, and
- (d) 'Remedial Action Plan', reference 260624/2C, by ET Consults, dated September 2024 (must be updated to include measures outlined in the 'Advice on Groundwater Aspects', no reference, by Environmental Risk Sciences, dated 15 October 2024).

**REASON**

*To ensure compliance with relevant guidelines and legislation.*

**105. 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 meet the relevant default guideline values.*

**106. Dewatering – Permit to Discharge to Stormwater**

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

**REASON**

*To ensure that relevant engineering and water quality provisions are met.*

**107. Waste Classification – Excavated Materials**

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

**REASON**

*To ensure materials are properly disposed of.*

**108. Importation of Fill (General)**

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

- (d) NSW Environmental Protection Authority (EPA) approved guidelines; and
- (e) Protection of the Environment Operations Act 1997; and
- (f) 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 ensure compliance with relevant guidelines and legislation.*

**109. Monitoring**

Results of the monitoring of any field parameters for soil, groundwater, surface water, air or noise must be made available to Council Officers on request throughout the remediation and construction works.

**REASON**

*To ensure results are available upon request.*

**BEFORE ISSUE OF AN OCCUPATION CERTIFICATE**

**110. 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.*

**111. Design Verification Statement – before Occupation Certificate**

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.*

**112. 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.*

**113. 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 listed under "Approved Plans and Supporting Documents" condition prior to the issue of any Occupation Certificate.

**REASON**

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

**114. 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.*

**115. Preservation of survey marks**

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

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

**REASON**

*To protect the State's survey infrastructure.*

**116. Consolidation of Lots**

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

Certificate.

**REASON**

*To encourage the orderly and economic use of the land.*

**117. Repair of Infrastructure**

Before the issue of an Occupation Certificate:

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

**REASON**

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

**118. Release of Securities**

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

**REASON**

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

**119. Car Share**

The two 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 at all times and the intercom system must be designed to facilitate public access to the car share parking space.

The use and operation of the car share space 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 always be available (all 7 days of the week and all 24 hours of each day) 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.

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 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.*

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

**REASON**

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

**121. Certification of Roof Drainage System**

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

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

**REASON**

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

**122. 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.*

**123. 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) Civil driveway profile.
- (c) Footpath adjacent to Madden Close and Lenthien Lane.

**REASON**

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

**124. Positive Covenant Application**

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

- (a) Stormwater Detention System
- (b) Stormwater Absorption System
- (c) Stormwater Pump System
- (d) Box Culvert (Flood mitigation measure)
- (e) Overland flow path
- (f) On-Site Private Waste Collection

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.*

**125. 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.*

**126. 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.*

**127. 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 cold water tap that supplies the ground floor clothes washing machines on the ground floor, the car wash bays, 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.*

**128. 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.

The certification must be submitted to the Principal Certifier.

**REASON**

*To ensure compliance with the relevant standards.*

**129. Erection of Signage**

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

**(a) Flooding:**

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

**(b) On-Site Detention System (OSD) and confined space:**

The OSD shall be marked by the permanent fixing of a marker plate of minimum size 200mm by 150mm to the nearest permanent surface. The plate shall be non-corrosive metal, or 4mm thick laminated plastic.

(c) Maximum Vehicle Height:

Maximum vehicle height flexible striker bars are to be installed at the vehicular entrance to the site to let motorists know of the maximum height of vehicle permitted to enter the site.

The owners shall preserve the plaques in a good condition and keep it visible.

**REASON**

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

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

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

**REASON**

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

**131. 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.*

**132. Private Waste Collection**

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

**REASON**

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

**133. 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) Access for people with disabilities
- (d) Pedestrian access



- (e) Signage location and structures
- (f) Mechanical ventilation

**REASON**

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

**134. 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.*

**135. 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.*

**136. 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 and planting of required street trees/landscaping along the frontage 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.

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.*

**137. Post-construction dilapidation report**

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

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

**REASON**

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

**138. 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.*

**139. General Landscape**

- (a) 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 along the front setback are planted at minimum 200 litres pot size. Trees at time of inspection shall have a minimum height of 3.5 metres, calliper at 300mm greater than 60mm, with a clear trunk height of minimum 1.5metres, installed with stakes and ties within a mulch bed or equivalent.
  - (ii) All other trees are to be planted at minimum 100 litres. Trees at time of inspection shall have a minimum height of 2.5 meters, calliper at 300mm greater than 50mm, with a clear trunk height of minimum 1.5metres, installed with stakes and ties within a mulch bed or equivalent.
  - (iii) A fully automated irrigation system has been installed to all landscaped areas, including ground floor, deep soil areas and podium planting.
  - (iv) Podium landscaping and paved areas are drained into the stormwater drainage system.
- (b) 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).*

**140. Public Domain Landscape Improvements**

Prior the issue of the Occupation Certificate, the Landscape works within

- (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 of 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.*

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

A Site Validation Report (SVR) must be prepared by a suitably qualified contaminated land consultant for any remediation actions related to basement excavation or shoring works and must be in accordance with:

- (a) NSW EPA (2020) 'Consultants reporting on contaminated land';
- (b) NSW Environment Protection Authority (NSW EPA) approved guidelines under the Contaminated Land Management Act 1997; and
- (c) State Environmental Planning Policy 55 (SEPP55) – Remediation of Land.

The site validation report must provide a notice of completion of remediation works, whether there are any ongoing site management requirements, and a clear statement on the suitability of the proposed site uses. The report must be submitted to the Bayside Council for written concurrence at completion of excavation and shoring works.

**REASON**

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

**142. Site Audit Statement – Site Suitability (no park dedication to Council)**

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

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

**REASON**

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

**143. Construction and Installation of Ventilation System**

Before the issue of an Occupation Certificate, a suitably qualified person must provide details demonstrating compliance to the Principal Certifier which demonstrates that the mechanical exhaust ventilation system has been constructed and installed in accordance with the approved plans and conditions of consent (including ventilation above roof top level).

**REASON**

*To ensure the mechanical ventilation system has been constructed and installed as approved.*

**144. Acoustic Measures Validation**

Prior to issue of Occupation Certificate the applicant shall submit to the Principal Certifying Authority (PCA) an acoustic compliance report to verify that the measures stated in the Acoustic Report prepared by West & Associates Pty Ltd and dated 28 May 2024, and all other noise mitigation measures associated with the mechanical plants (ventilation systems, exhaust fans, ventilation fans and condenser units) and equipment including air-conditioners have been carried out and certify that the construction meets the above requirements. If Council is not the PCA, a copy shall be submitted to Council concurrently. The report shall be prepared by a suitably qualified and experienced acoustic engineer (who is a member of either the Australian Acoustical Society or the Association of Australian Acoustical Consultants).

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

**REASON**

*To ensure that adverse amenity impacts are minimised.*

**OCCUPATION AND ONGOING****145. Operation of commercial tenancies**

The operations of the commercial / retail premises at the Gardeners Road frontage must comply with the following, unless otherwise approved by Council:

- (a) The use of the commercial tenancies fronting Gardeners Road are restricted to either business premises, retail premises and medical centres in accordance with the Active Frontage requirements in Bayside LEP 2021.
- (b) The hours of operation of the approved use are limited to:
  - (i) Monday to Friday: 7:00am to 10:00pm, and
  - (ii) Saturday: 7:00am to 10:00pm, and
  - (iii) Sunday and Public Holidays: 7:00am to 8:00pm, and
- (c) The approved hours of operation include trading, preparation, waste collection and deliveries to and from the premises, and
- (d) Parking allocation must be provided in accordance with the conditions of this consent, and
- (e) Materials, goods or machinery shall not be stored, placed or otherwise permitted to stand between the building line and the street alignment, or any other part of the public road at any time without Council's consent, and
- (f) All loading, unloading and transfer of goods / waste to and from the loading bay and premises shall take place wholly within the property, and in accordance with Condition 1 (and any other relevant conditions) of this Consent, and
- (g) The front windows of the ground floor commercial / retail tenancies must be kept free of shelves, and a maximum of 15% of the window display area may be covered with promotional materials, obscure / tinted glazing and/or other treatment to ensure passive surveillance is maintained to and from the tenancies. In this regard, a minimum of 85% of the shop frontage windows must be clear glazed at all times, and
- (h) Any proposed signs must, unless separately approved, comply with the requirements of the State Environmental Planning Policy (Exempt and Complying Development Code) 2008.

In addition, any signage cannot have / use:

- (i) flashing lights, and
- (ii) electronically changeable messages, and
- (iii) animated display, moving parts or simulated movement, or
- (iv) a method and level of illumination that distracts or dazzles.

**REASON**

*To minimise impacts to the community.*

**146. Waste Management – Comply with Approved WMP**

- a) The approved Waste Management Plan, as referred to under "*Approved Plans and Supporting Documents*" condition, shall be complied with at all times during use and operation of the premises, and
- b) A sign shall be erected within or adjacent to the garbage room encouraging residents to recycle and not place recyclables into waste bins. Details demonstrating compliance with the requirements of this condition are to be submitted to the satisfaction of the Principal Certifier prior to the issue of the Occupation Certificate

**REASON**

*To minimise adverse impacts to the locality.*

#### **147. 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 vehicles must enter and exit the site in a left-in and left-out only direction. Signage to this effect shall be erected and maintained within the site at all times.
- (c) 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.
- (d) 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).
- (e) The maximum size of vehicles accessing the site shall be limited to **an 8.8m long MRV Vehicle** (as denoted in AS2890.2).
- (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.

##### **REASON**

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

#### **148. 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 ensure regular maintenance of the stormwater drainage system.*

#### **149. 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.*

**150. 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 specialized maintenance requirements);
  - (i) Frequency and methodology of different maintenance requirements including the removal of green waste; irrigation system tests, waterproofing inspections.
  - (ii) Details of safety procedures;
  - (iii) Laminated copies of 'As Built' Landscape drawings;
  - (iv) Manufacturer's contact details and copies of manufacturers' typical details and specification;
  - (v) Copies of warranties and guarantees relating to all materials and plant used in construction;
  - (vi) Inspection programs based on AS/NZS 1891.4, including annual load testing of chemical and friction anchors, for all installed anchors
- (c) Front landscape setback to Gardeners Road and rear deep soil zone: Dead or declined trees shall be replaced with same trees as specified in approved plans. Replacement of planting material, including trees as indicated in approved landscape plan, with an alternative tree species shall be approved by the Director City Futures (or delegate) of Bayside Council. Maintenance tasks will include pruning to ensure CPTED principles are always met. All tree works must be done by a qualified arborist with a minimum level 3 in arboriculture (AQF). Trees along frontages are not to be pruned in height, unless required for safety reasons or for better development of the tree.
- (d) An automatic drip irrigation system shall be installed and maintained in working order for all landscaped areas.

**REASON**

*To ensure ongoing maintenance of approved landscaping.*

**151. Noise from Air-Conditioning Units**

Residential air conditioners shall not cause 'offensive noise' as defined by the Protection of the *Environment Operations Act 1997* or contravene provisions of the Protection of the *Environment (Noise Control) Regulation 2008* where emitted noise from a residential air conditioner can be heard within a habitable room in any other residential premises at night.



## **REASON**

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

## **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 *Dial Before You Dig* at [www.1100.com.au](http://www.1100.com.au) or telephone on 1100 before excavating or erecting structures (This is the law in NSW).

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

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

### **(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:

- (i) *Work Health and Safety Act 2011*, and
- (ii) *Work Health and Safety Regulation 2011*, and
- (iii) *Code of Practice for the Safe Removal of Asbestos [NOHSC: 2002 (2005)]*, and

(iv) *Code of Practice for the Management and Control of Asbestos in Workplaces [NOHSC: 2018 (2005)]*, and

(v) *Protection of the Environment Operations (Waste) Regulation 2005*.

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

(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:

(i) *Work Health and Safety Act 2011*, and

(ii) *Work Health and Safety Regulation 2011*, and

(iii) *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

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) **Signage May Require Separate Approval**

Some forms of signage require separate development consent. Please refer to relevant planning policies for more information.

(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:

- (i) choosing quiet equipment, and
- (ii) choosing alternatives to noisy activities, and
- (iii) relocating noise sources away from affected neighbours, and
- (iv) educating staff and contractors about quiet work practices, and
- (v) informing neighbours of potentially noise activities in advance, and
- (vi) 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.

**(l) Transport for NSW**

- (i) Vehicular access to the site should be from the kerbside lane with no encroachment into the second lane from the kerb. The swept path for the 8.8m medium rigid vehicle (MRV) appears to indicate that the vehicle is likely to straddle into the adjacent lane to enter the proposed driveway on Gardeners Road.
- (ii) Left in/left out (LILO) movement would be expected in this location due to dual right turning lanes opposite the proposed driveway location and the high traffic volume on Gardeners Road. The vehicular access should be restricted to LILO movements with a requirement for the provision of "Left Only" signage within the site and/or installation of a raised central median on Gardeners Road (if feasible) to enforce this LILO movement.
- (iii) The layout of the proposed car parking areas associated with the subject development (including, driveways, grades, turn paths, sight distance requirements in relation to landscaping and/or fencing, aisle widths, aisle lengths, and parking bay dimensions) should be in accordance with AS 2890.1-2004, AS2890.6-2009 and AS 2890.2-2018 for heavy vehicle usage.
- (iv) Existing "No Stopping" restriction should be maintained along Gardeners Road frontage of the subject site to maintain the required sight distances at the driveway.
- (v) Sight distances from the proposed vehicular crossings to road users on Gardeners Road are to be in accordance with the Austroads Guide to Road Design: Part 4A: Unsignalised and Signalised Intersections (Section 3 – Sight Distance) and AS 2890. Vegetation and proposed landscaping/fencing must not hinder sight lines to and from the vehicular crossings to motorists, pedestrians, and cyclists.
- (vi) Consideration should be given to installation of an appropriate mitigation measure such as mirror or flashing light on the ramp curvature, warning vehicles entering and exiting basement car park of oncoming vehicle from ground / basement level.

**(m) NSW Police**

- High quality CCTV cameras to be installed and positioned strategically throughout the premises (Both internal and external). Pay particular attention to entry and exit points as well as any blind spots. Common areas should have sufficient CCTV as well as any stair wells and lifts.
- Each level of the premises should have CCTV covering it sufficiently.
- CCTV to cover any bicycle parking spaces.
- CCTV is to cover the footpath on Gardeners Road.
- Lighting should be installed/upgraded and positioned strategically throughout the premises particularly on Gardeners Road. Lighting should create visibility at night. Any lighting near CCTV cameras should be installed in such a way where it complements the recording ability as opposed to hindering image/video quality.

- CCTV management plan to be implemented with protocols to allow police prompt access in case of an incident.
- CCTV to be retained for no less than one month 30 days.
- CCTV hardware/equipment (Except cameras) should be kept out of sight and stored in a secure area (Locked office etc.) A code/password should be used to secure access to the CCTV system. Staff should be trained on how to use and operate the CCTV system.
- Commercial tenancies should have site cameras covering internal and external areas sufficiently.
- Commercial tenancies should not have items/office equipment positioned on any frontage to the point where it blocks a significant amount vision from inside/outside the premises. This is to ensure a high-level of passive surveillance is maintained.
- Height markers could be installed at entry exit points for any commercial/retail premises.
- Security systems/alarms to be installed for commercial premises (Including duress/panic alarms).
- Consider impact resistant window and door glass for any individual commercial/retail premises. This is to make it difficult for offenders to break into/cause malicious damage.
- Make sure staff and contractors are aware of emergency evacuation procedures and evacuation assembly points. It should be emphasised that personal security is the responsibility of the individual.
- Any Comms, electrical, meters cupboard/s etc. for the premises are to be always secured. Only staff or qualified personnel are to have access to these locations.
- Limit any potential climbing points an offender may use to try and gain access.
- Any pipes/gutters/external protrusions are to be installed as far away from balconies/windows as possible. This is to make it harder for offenders to get access to balconies/windows should they try and use these as climbing points.
- Address number to be clearly displayed at the front of the complex. This is to be visible at night and should be easily seen from the street. Any hedges and greenery need to be maintained regularly and should not block or grow over the address number.
- Mailbox area to be internal of the building and to be covered by CCTV.
- Additional landscaping items and or furniture should be fixed to the ground or be of such weight it makes it difficult to be moved by an individual.
- Signage such as 24/7 CCTV, trespassers will be prosecuted, do not leave valuables inside your car etc. to be implemented and placed strategically around the premises.
- Bicycle storage should be in a secure area with bicycle racks/strong fixed points for owners to secure their bicycles effectively.
- Conditions of entry to be displayed at the entrance to the premises.
- Consider alarm systems for the premises. As well as one way glazing for sensitive areas such as office space windows/doors.
- Conduct regular white level inspections of the entire premises. This is where building managers look for anything that is out of place or anything that poses a risk. If relevant, address the issue yourself or contact police if something serious is identified. (Suspicious packages, broken doors, and windows etc.)
- In the event of a criminal incident on the premises, there is an expectation by police that staff co-operate in any investigation. This includes prompt supply of evidence such as CCTV as well as legal statements.
- Repair and or address maintenance issues promptly, i.e faulty locks/CCTV not working etc.
- Consider using graffiti resistant materials for external surfaces. Remove any graffiti as soon as possible.
- After hours emergency contact number to be displayed at the front entrance and or provided to police.
- Emergency contact numbers/addresses to be displayed in key areas for staff in any retail/office spaces.
- Take all reasonable steps to continually identify any issues and implement effective crime preventative measures.