

**MODIFICATIONS TO DRAFT CONDITIONS (VERSION 1, UPLOADED TO THE PLANNING PORTAL ON 13 MARCH 2025)
DA-2024/190: 98 and 106 Banks Avenue, Eastgardens**

Notes:

- *An error was identified with the numbering in the original draft version where Condition 7 was followed by Condition 2 (again) and all subsequent conditions were ordered from there:*

7. Planning Agreement

- (a) All requirements contained within the PA that is entered into must be complied with prior to the relevant stage as specified in the PA.
- (b) No Construction Certificate or Occupation Certificate can be issued until any corresponding obligation in the PA has been satisfied.
- (c) The obligations under the PA shall be satisfied to the satisfaction of Council's Director of City Futures (or delegate) by the times specified in the PA and prior to the issue of any Occupation Certificate.

REASON

To ensure any planning agreement is finalised at the specified time.

2. Planning Agreement

The works and material public benefit as specified in the executed Planning Agreement previously detailed in this consent, shall be completed and implemented to the satisfaction of Council prior to the issue of any Occupation Certificate.

REASON

To ensure the delivery of nominated public benefits specified in the Planning Agreement.

3. Enclosure of Structures

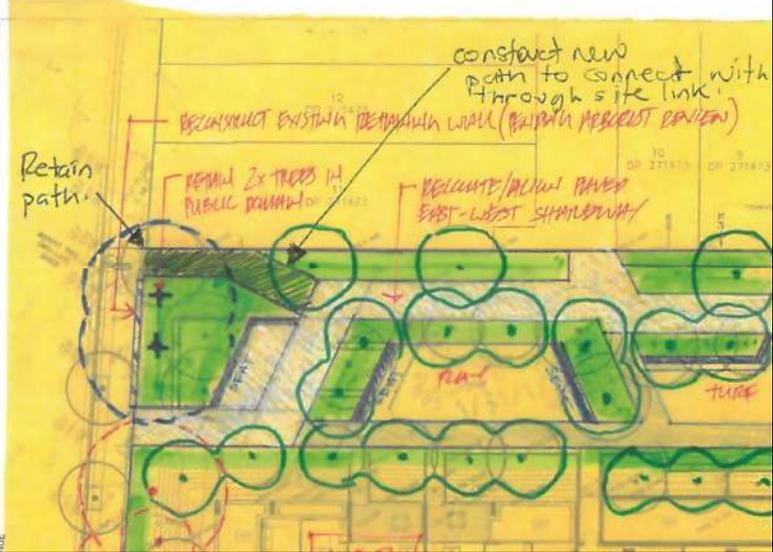
The balconies shall not be enclosed at any future time without prior development consent.

- *Enclosure of Structures is now Condition 8 in Version 2 (uploaded to the Planning Portal on 20 March 2025), with subsequent conditions ordered sequentially from there.*
 - *The Comments from Council column will start with the new condition number as referenced in Version 2, as some conditions have been relocated to a later milestone or deleted.*
-

Existing condition	Proposed change	Comments from applicant	Comments from Council
<p>1. Approved Plans and Supporting Documentation</p> <ul style="list-style-type: none"> • DA-8003 B • DA-8006 B 	<p>DA-8003 B-C DA-8006 B C</p>	<p>Incorrect revision numbers.</p>	<p>Agreed, amendment will be made</p>
<p>7. Design Architect Involvement</p> <p>(iii) Evidence of the Design Architect's commission is to be provided to the Council prior to release of the Construction Certificate.</p>	<p>(iii) Evidence of the Design Architect's commission is to be provided to the Council prior to release of the relevant Construction Certificate.</p>	<p>Not related to excavation. Evidence of commissioning the design architect can be provided while excavating.</p>	<p>NOW CONDITION 13 Agreed, amendment will be made</p>
<p>13. Tree Removal</p> <ul style="list-style-type: none"> • Tree 87 <p>No other trees located within the site, adjoining properties or Council's nature strip shall be removed or pruned, inclusive of roots with a diameter greater than 40mm, without the prior written consent of council in the form of a Permit issued under Council's Development Control Plan and/or State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017.</p>	<p>13. Tree Removal</p> <ul style="list-style-type: none"> • Tree 87 • Tree 12 • Tree 13 • Tree 14 • Tree 15 • Tree 17 	<p>These trees are within the public domain and are proposed to be removed in the Arborist Report and the Tree Management Plan.</p>	<p>NOW CONDITION 19 Agreed, amendment will be made</p>
<p>14. Deed of Agreement</p>	<p>14. Deed of Agreement</p>	<p>This condition becomes irrelevant</p>	<p>Agreed, deleted</p>

Existing condition	Proposed change	Comments from applicant	Comments from Council
<p>In accordance with Bayside Council Development Control Plan 2020 3.8.2 accepts offset planting on public land subject to an application or property owner entering into a deed of agreement that is supported by a condition of consent under s4.16 of the Environmental Planning and Assessment Act.</p> <p>The Agreement is to provide for a funding arrangement between the applicant and Council where Council has approved removal of tree's required by way of a condition of consent. An applicant may choose to replant all required trees on private land at the required ratio or enter into an arrangement with Council to provide funding to Council for the replanting of tree on public land.</p>	<p>In accordance with Bayside Council Development Control Plan 2020 3.8.2 accepts offset planting on public land subject to an application or property owner entering into a deed of agreement that is supported by a condition of consent under s4.16 of the Environmental Planning and Assessment Act.</p> <p>The Agreement is to provide for a funding arrangement between the applicant and Council where Council has approved removal of tree's required by way of a condition of consent. An applicant may choose to replant all required trees on private land at the required ratio or enter into an arrangement with Council to provide funding to Council for the replanting of tree on public land.</p>	<p>because the replacement trees are covered under Condition 66.</p>	
<p>20. Design Amendments</p>			

Existing condition	Proposed change	Comments from applicant	Comments from Council
<p>(a) An additional footpath is to be provided in open space 2 adjacent to 100 Banks Avenue with minimum width of 1.2m. This additional footpath will provide a second access point to and from Open Space 02 and Banks Avenue, and generally retains (and extends) an existing path between the existing trees that are to be retained and No.100 Banks Avenue.</p>	<p>(a) — An additional footpath is to be provided in open space 2 adjacent to 100 Banks Avenue with minimum width of 1.2m. This additional footpath will provide a second access point to and from Open Space 02 and Banks Avenue, and generally retains (and extends) an existing path between the existing trees that are to be retained and No.100 Banks Avenue.</p>	<p>As discussed with Council, this will not be approved by the Arborist. Due to the level differences between Banks Avenue and the existing tree level, it would significantly compromise the Tree Protection Zone.</p> <p>The current single path has been carefully aligned to minimise the impact on existing trees.</p> <p>See figure below that shows the additional footpath to the north is within the tree protection zone.</p>	 <p>NOW CONDITION 25</p> <p>Not agreed to delete the condition. The footpath already exists along the townhouses. For the purposes of clarification, it will be re-worded as below:</p> <p><i>A portion of the existing path along the boundary with 100 Banks Avenue and to the north of Tree 96 as identified in the Arboricultural Impact Assessment Report is to be incorporated within the Open Space 2 design. This additional footpath will provide a second access point to and from Open Space 02 and Banks Avenue.</i></p>

Existing condition	Proposed change	Comments from applicant	Comments from Council
			
<p>(g) Deep soil setbacks to site frontages</p> <p>(i) All basement plans to show deep setbacks to boundaries that comply with the approved Concept Plan (DA-2019/386, as amended), as follows:</p> <ul style="list-style-type: none"> A minimum 6m deep soil setback to Banks Avenue, with no temporary or permanent structures permitted within this deep soil setback zone (including no 	<ul style="list-style-type: none"> A minimum 6m deep soil setback to Banks Avenue, with no temporary or permanent structures except for footpaths / driveways / fire egress leading into / from buildings, plant / services permitted within this deep soil setback zone (including no temporary shoring walls); 	<p>Wording to be made same as the approved Concept DA condition 42.</p> <p>42. Landscape Setbacks / Deep Soil Zones</p> <p>b) <i>Soft landscape treatment with canopy cover is to be maximized within deep soil zones. Deep soil zones shall not be covered by buildings, hard surfacing or</i></p>	<p>Agreed, amendment will be made</p>

Existing condition	Proposed change	Comments from applicant	Comments from Council
<p>temporary shoring walls);</p> <ul style="list-style-type: none"> A minimum of 4m deep soil setback is provided to the sites eastern boundary to the internal road. 		<p><i>structures, except for footpaths / driveways / fire egress leading into / from buildings, plant / services required by relevant service providers and the like, of whose extent shall be minimized. Details shall be determined in Stage 2 Development Applications.</i></p>	
<p>24. Payment of Section 7.11 Contributions</p> <p>A Section 7.11 contribution of \$7,700,000.00 shall be paid to Council. The contribution is calculated according to the provisions contained within Council's adopted Former City of Botany Bay s7.11 Development Contributions Plan 2016 (Amendment 1) and having regard to the Ministerial Directive of 21 August 2012 (the \$20,000 cap). The amount to be paid is to be adjusted at the time of payment, in accordance with the review process contained Contributions Plan. The contribution is to be paid prior to the issue of the relevant Construction</p>	<p>24. Payment of Section 7.11 Contributions</p> <p>A Section 7.11 contribution of \$7,700,000.00 shall be paid to Council. The contribution is calculated according to the provisions contained within Council's adopted Former City of Botany Bay s7.11 Development Contributions Plan 2016 (Amendment 1) and having regard to the Ministerial Directive of 21 August 2012 (the \$20,000 cap). The amount to be paid is to be adjusted at the time of payment, in accordance with the review process contained Contributions Plan. The contribution is to be paid prior to the issue of the relevant Construction Certificate <i>first occupation certificate of any building to which this consent relates</i>. The contributions are only used towards the provision or improvement of the</p>	<p>This condition should be a 'prior to issue of the <u>relevant occupation certificate</u> or commencement of use' condition. As this development is subject to a Planning Agreement, no S7.11 contributions will be made, therefore a note stating this is required.</p> <p>Please refer to Lot A approval (MDA-2024/119) Condition 119.</p>	<p>NOW CONDITION 107</p> <p>Agreed, will be moved to Prior to Occupation Certificate milestone</p>

Existing condition	Proposed change	Comments from applicant	Comments from Council																
<p>Certificiate. The contributions are only used towards the provision or improvement of the amenities and services identified below. Copies of the Contribution Plan can be inspected at the Council's Customer Services Centre, Administration Building, 444-449 Princes Highway, Rockdale.</p> <table border="1" data-bbox="159 623 520 971"> <tr> <td>Community Facilities</td> <td>\$686,957.14</td> </tr> <tr> <td>Open Space & Recreation</td> <td>\$5,538,682.99</td> </tr> <tr> <td>Transport Facilities</td> <td>\$1,412.373.59</td> </tr> <tr> <td>Administrati on</td> <td>\$61,986.28</td> </tr> </table>	Community Facilities	\$686,957.14	Open Space & Recreation	\$5,538,682.99	Transport Facilities	\$1,412.373.59	Administrati on	\$61,986.28	<p>amenities and services identified below. Copies of the Contribution Plan can be inspected at the Council's Customer Services Centre, Administration Building, 444-449 Princes Highway, Rockdale.</p> <p><i>Note: This condition is subject to the provisions of any executed Planning Agreement. To the extent of any inconsistency, the executed Planning Agreement applies.</i></p> <table border="1" data-bbox="548 685 1012 971"> <tr> <td>Community Facilities</td> <td>\$686,957.14</td> </tr> <tr> <td>Open Space & Recreation</td> <td>\$5,538,682.99</td> </tr> <tr> <td>Transport Facilities</td> <td>\$1,412.373.59</td> </tr> <tr> <td>Administration</td> <td>\$61,986.28</td> </tr> </table>	Community Facilities	\$686,957.14	Open Space & Recreation	\$5,538,682.99	Transport Facilities	\$1,412.373.59	Administration	\$61,986.28		
Community Facilities	\$686,957.14																		
Open Space & Recreation	\$5,538,682.99																		
Transport Facilities	\$1,412.373.59																		
Administrati on	\$61,986.28																		
Community Facilities	\$686,957.14																		
Open Space & Recreation	\$5,538,682.99																		
Transport Facilities	\$1,412.373.59																		
Administration	\$61,986.28																		
<p>26. Design Excellence b) Full coloured elevational details at a minimum scale of 1:10;</p>	<p>b) Full coloured elevational details at a minimum scale of 4:10 1:100;</p>	<p>Scale 1:10 is too big for elevations.</p>	<p>NOW CONDITION 30 Agreed, amendment will be made</p>																
<p>c) Sections through relevant façade elements, public domain stairs, planter boxes at a minimum scale of 1:10</p> <p>The boards, elevations and sections required by this condition and referred in</p>	<p>The boards, elevations and sections required by this condition and referred in Condition 2 shall be reflected in the relevant Construction Certificate entailing any works above basement</p>	<p>Not related to excavation or basement works. The design excellence for above ground works</p>	<p>Agreed, amendment will be made</p>																

Existing condition	Proposed change	Comments from applicant	Comments from Council
<p>Condition 2 shall be reflected in the Construction Certificate entailing any works above basement levels. The Construction Certificate shall be precisely consistent with these approved materials. The development must be carried out with the aforementioned details.</p>	<p>levels. The Construction Certificate shall be precisely consistent with these approved materials. The development must be carried out with the aforementioned details.</p>	<p>can be achieved while excavating.</p>	
<p>29. Materials and Finishes</p> <p>The building shall be constructed of a masonry or brick wall construction with select (colour) coloured finishes as per the approved schedule of finishes. This requirement shall be reflected on the Construction Certificate plans and supporting documentation.</p>	<p>The building shall be constructed of a masonry or brick wall construction with select (colour) coloured finishes as per the approved schedule of finishes. This requirement shall be reflected on the <i>relevant</i> Construction Certificate plans and supporting documentation.</p>	<p>Construction method is similar to other Lots at Pagewood.</p>	<p><i>NOW CONDITION 33</i></p> <p>Agreed, amendment will be made.</p>
<p>30. Sydney Water Tap-in</p> <p>Prior to the issue of <u>the Construction Certificate</u>, the approved plans must be submitted to Sydney Water Tap inTM online service to determine whether the development will affect any Sydney Water sewer or water main, stormwater drains and/or easement, and if</p>	<p>Prior to the issue of the <i>relevant</i> Construction Certificate, the approved plans must be submitted to Sydney Water Tap inTM online service to determine whether the development will affect any Sydney Water sewer or water main, stormwater drains and/or easement, and if further requirements need to be met.</p>	<p>Not related to excavation or basement works. This is relevant to the above ground works.</p>	<p><i>NOW CONDITION 34</i></p> <p>Agreed, amendment will be made.</p>

Existing condition	Proposed change	Comments from applicant	Comments from Council
further requirements need to be met.			
<p>31. Safer by Design Requirements</p> <p>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 <u>Construction Certificate</u>, implemented prior to issue of the Occupation Certificate, and maintained for the lifetime of the development:</p>	<p>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:</p>	<p>Not related to excavation or basement works.</p>	<p>NOW CONDITION 35</p> <p>Agreed, amendment will be made.</p>
<p>33. Wind Report</p> <p>The development shall be constructed in accordance with the recommendations contained within the approved Wind Report listed under "Approved Plans and Supporting Documents" condition. Details are to be provided on the Construction Certificate plans</p>	<p>The development shall be constructed in accordance with the recommendations contained within the approved Wind Report listed under "Approved Plans and Supporting Documents" condition. Details are to be provided on the relevant Construction Certificate plans</p>	<p>Not related to excavation or basement works. This is relevant to the above ground works.</p>	<p>NOW CONDITION 37</p> <p>Agreed, amendment will be made.</p>
<p>39. Inter-Tenancy Acoustic Attenuation</p> <p>The development shall achieve the following minimum equivalent AAAC</p>	<p>The development shall achieve the following minimum equivalent AAAC</p>		<p>NOW CONDITION 43</p> <p>Agreed, amendment will be made</p>

Existing condition	Proposed change	Comments from applicant	Comments from Council
<p>Star Rating within the below specified areas of the development.</p> <p>(a) Three (3) Star for tiled areas within kitchens, balconies, bathrooms and laundries. Tiled flooring within corridors, living areas and bedrooms is not permitted, and</p> <p>(b) Four (4) Star for timber flooring in any area, and</p> <p>(c) Five (5) Star for carpet in any area.</p> <p>The development shall comply with the Building Code of Australia requirement for walls dividing occupancies.</p> <p>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.</p>	<p>Star Rating within the below specified areas of the development.</p> <p>(a) Three (3) Star for tiled areas within kitchens, balconies, bathrooms and laundries. Tiled flooring within corridors, living areas and bedrooms is not permitted, and</p> <p>(b) Four (4) Star for timber flooring in any area, and</p> <p>(c) Five (5) Star for carpet in any area.</p> <p>A report shall be submitted to the Principal Certifier for approval prior to the issue of any relevant 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.</p> <p>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 any</p>	<p>Not a requirement of AAAC star rating. This was not included in Lot A. (Condition 70 of MDA-2024/119)</p> <p>Not related to excavation or basement works. Acoustic attenuation is relevant to the above ground works.</p>	

Existing condition	Proposed change	Comments from applicant	Comments from Council
<p>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 any Construction Certificate for the relevant stage of works.</p>	<p>relevant Construction Certificate for the relevant stage of works</p>		
<p>44. Tanking and Waterproofing Basement Intercepting Groundwater Table Prior to the issue of any Construction Certificate, all subsurface structures located below the design ground water table level of RL16.0m AHD 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”</p>	<p>Prior to the issue of any the relevant Construction Certificate, all subsurface structures located below the design ground water table level of RL16.0m AHD 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</p>	<p>This condition is related to the construction of basement structure and not excavation.</p> <p>This condition should be same as condition 57 approved for Lot A (MDA-2024/119)</p> <p>57. Tanking and Waterproofing of Structures Located Below the Design Groundwater Level</p>	<p>NOW CONDITION 48</p> <p>Agreed, amendment will be made</p>

Existing condition	Proposed change	Comments from applicant	Comments from Council
<p>(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.</p>	<p>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.</p> <p>The design of subsurface structure and tanking (Shoring Design Engineer/Principal Structural Engineer), and subsoil drainage (Civil/Hydraulic Engineer) shall be undertaken and certified by the relevant Engineer(s) registered with the National Engineering Register (NER) and waterproofing by a waterproofing specialist.</p> <p><i>The design of subsurface structures, tanking and waterproofing, and subsoil drainage must be undertaken by a suitably experienced Chartered Professional 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.</i></p>	<p><i>Prior to the issue of the relevant Construction Certificate, all subsurface structures located below the design ground water table level of RL 14.50m AHD must be designed with a waterproof retention system (i.e., tanking and waterproofing). This design ground water level includes the provision for future fluctuation of the water table in accordance with the Ground water Monitoring Report prepared by CMW Geosciences dated 26 March 2021 SYD2020-0053AI Rev 1. All subsurface structures are required to be designed with consideration of uplift due to water pressure and "flotation" (buoyancy) effects. Subsoil drainage around the subsurface structures must allow free movement of groundwater around the structure but must not be connected to the internal drainage system. The design of subsurface structures,</i></p>	

Existing condition	Proposed change	Comments from applicant	Comments from Council
		<p><i>tanking and waterproofing, and subsoil drainage must be undertaken by a suitably experienced Chartered Professional Engineer(s) registered with the National Engineering Register (NER). Design details, engineering design certification and construction specifications must be included in the documentation accompanying the Construction Certificate.</i></p>	
<p>45. Design of the Private Road Prior to the issue of any Construction Certificate entailing any works above basement levels, the detailed design (civil, lighting and landscape design) of the private road is to be assessed and approved by Bayside Council Director of City Futures (or delegate). A signage and line marking plan shall be provided. Private Road ML02 is to be provided with no-stopping and give way signage with TB/TB1 & BB linemarking with unbroken yellow C3 linemarking. It is</p>	<p>Prior to the issue of any-relevant Construction Certificate entailing any works above basement levels, the detailed design (civil, lighting and landscape design) of the private road is to be assessed and approved by Bayside Council Director of City Futures (or delegate). A signage and line marking plan shall be provided. Private Road ML02 is to be provided with no-stopping and give way signage with TB/TB1 & BB linemarking with unbroken yellow C3 linemarking. It is also to show the signage and linemarking for Finch Drive from the approved roads DA (DA-2019/387) for aspects such as the pedestrian crossing, no stopping</p>	<p>Not related to excavation or basement works. Design of private road is relevant to the above ground works.</p>	<p>NOW CONDITION 49 Agreed, amendment will be made.</p>

Existing condition	Proposed change	Comments from applicant	Comments from Council
<p>also to show the signage and linemarking for Finch Drive from the approved roads DA (DA-2019/387) for aspects such as the pedestrian crossing, no stopping and timed 2P on-street parking etc. A lighting design shall be prepared by a suitably qualified electrical engineer including the lighting coverage assessment for the private road. The northern footpath in the private road shall be fully paved consistent with the paving used in Open space 1 and the public domain masterplan.</p>	<p>and timed 2P on-street parking etc. A lighting design shall be prepared by a suitably qualified electrical engineer including the lighting coverage assessment for the private road. The northern footpath in the private road shall be fully paved consistent with the paving used in Open space 1 and the public domain masterplan.</p>		
<p>46. Detailed Design of Open Space 2</p> <p>Prior to the issue of any Construction Certificate entailing any works above basement levels, a Landscape, Electrical & Civil Design shall be prepared for open space 2. The design must be submitted to, and approved by, the Bayside Council Director of City Futures (or delegate) And the Construction Certificate shall</p>	<p>Prior to the issue of any-relevant Construction Certificate entailing any works above basement levels, a Landscape, Electrical & Civil Design shall be prepared for open space 2. The design must be submitted to, and approved by, the Bayside Council Director of City Futures (or delegate) And the Construction Certificate shall be precisely consistent with these approved plans which are to address the following:</p>	<p>Not related to excavation or basement works. This will be the last landscaping item due in 3 years.</p>	<p>NOW CONDITION 50</p> <p>Not Agreed. This condition is already worded as such that it only relates to the CC for works above basement levels.</p>

Existing condition	Proposed change	Comments from applicant	Comments from Council
<p>be precisely consistent with these approved plans which are to address the following:</p>			
<p>47. Design of the landscape setbacks to adjacent public areas</p> <p>Prior to the issue of any Construction Certificate entailing any works above basement levels, detailed construction and landscape plans shall be submitted to, and approved by, the Bayside Council Director of City Futures (or delegate) addressing the following:</p>	<p>Prior to the issue of any relevant Construction Certificate entailing any works above basement levels, detailed construction and landscape plans shall be submitted to, and approved by, the Bayside Council Director of City Futures (or delegate) addressing the following:</p>	<p>Not related to excavation or basement works. This will be the last landscaping item due in 3 years.</p>	<p>NOW CONDITION 51</p> <p>Not Agreed. This condition is already worded as such that it only relates to the CC for works above basement levels.</p>
<p>48. Structural Certification for Flood Prone Land</p> <p>Prior to the issue of the Construction Certificate, a suitably qualified engineer is to certify that the structure can withstand the forces of floodwater, scour, debris, and buoyancy in a 1% AEP flood event. All building materials shall be flood resistant, or flood compatible to a height of 500mm above the 1% AEP flood event, or flow level. All internal electrical switches,</p>	<p>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.</p>	<p>Not related to excavation works.</p>	<p>NOW CONDITION 52</p> <p>Agreed, amendment will be made.</p>

Existing condition	Proposed change	Comments from applicant	Comments from Council
power points or similar utilities liable to flood damage shall be set at a minimum of 500mm above the 1% AEP flood level.			
<p>49. Protection of Basement and Building Structures Below Flood Level</p> <p>All proposed habitable floor levels and basement car park entry levels within the development site shall be set 500mm above the 1% AEP flood level. The underground basement and substructures, access stair wells, lift wells, windows, pedestrian entry / exit points etc. shall be flood proofed and physically protected to a minimum of 500mm above the 1% AEP flood level. A design certification report for floor levels of buildings and structures prepared by a suitably qualified engineer shall be submitted to the Principal Certifier prior to the issue of any Construction Certificate.</p>	<p>All proposed habitable floor levels and basement car park entry levels within the development site shall be set 500mm above the 1% AEP flood level. The underground basement and substructures, access stair wells, lift wells, windows, pedestrian entry / exit points etc. shall be flood proofed and physically protected to a minimum of 500mm above the 1% AEP flood level. A design certification report for floor levels of buildings and structures prepared by a suitably qualified engineer shall be submitted to the Principal Certifier prior to the issue of any relevant Construction Certificate.</p>	<p>Not related to excavation works.</p>	<p>NOW CONDITION 53</p> <p>Agreed, amendment will be made</p>
<p>50. Detailed Flood Risk Management Plan</p>			<p>NOW CONDITION 54</p> <p>Agreed, amendment will be made</p>

Existing condition	Proposed change	Comments from applicant	Comments from Council
<p>Prior to the issue of the Construction Certificate, a Flood Risk Management Plan, prepared by a suitably qualified Civil Engineer, must be provided for the development. The flood risk and flood hazard on the site and its surrounds shall be assessed for the 1% AEP and PMF flood events. The management plan must make provision for, but not be limited to, the following:</p>	<p>Prior to the issue of the <i>relevant</i> Construction Certificate, a Flood Risk Management Plan, prepared by a suitably qualified Civil Engineer, must be provided for the development. The flood risk and flood hazard on the site and its surrounds shall be assessed for the 1% AEP and PMF flood events. The management plan must make provision for, but not be limited to, the following:</p>	<p>Flood Risk Management Plan is no related to construction but occupation.</p>	
<p>52. Structural Certificate Basement Structure Adjacent to Public Road</p> <p>Prior to the issue of the Construction Certificate a certificate from a Structural Engineer, registered with National Engineering Register (NER), shall be submitted to Bayside Council stating that the subsurface structural components located on the boundary of the public road, including but not limited to the slabs, walls and columns, have been designed in accordance with all SAA Codes for the design loading from truck and vehicle loads.</p>	<p>Prior to the issue of the <i>relevant</i> Construction Certificate a certificate from a Structural Engineer, registered with National Engineering Register (NER), shall be submitted to Bayside Council stating that the subsurface structural components located on the boundary of the public road, including but not limited to the slabs, walls and columns, have been designed in accordance with all SAA Codes for the design loading from truck and vehicle loads.</p>	<p>Not related to excavation works. This is for the structural component related to construction of the basement structure.</p>	<p>NOW CONDITION 56</p> <p>Agreed, amendment will be made</p>

Existing condition	Proposed change	Comments from applicant	Comments from Council
<p>53. Provision of Car Wash Bay</p> <p>The Construction Certificate plans must show the provision of 2 x 3.5m wide car wash bays. A cold-water tap (typically connected to the rainwater tank) and waterproof power outlet shall be provided along with a sign fixed to the wall saying, 'Car Wash Bay'. The car wash bay must be banded in accordance with AS1940 and AS/NZS 4452 with direct connection to the sewer in accordance with a Sydney Water trade waste agreement.</p>	<p>The relevant Construction Certificate plans must show the provision of 2 x 3.5m wide car wash bays. A cold-water tap (typically connected to the rainwater tank) and waterproof power outlet shall be provided along with a sign fixed to the wall saying, 'Car Wash Bay'. The car wash bay must be banded in accordance with AS1940 and AS/NZS 4452 with direct connection to the sewer in accordance with a Sydney Water trade waste agreement.</p>	<p>Not related to excavation works. This is relevant to the above ground works.</p>	<p>NOW CONDITION 57</p> <p>Agreed, amendment will be made.</p>
<p>54. Use of Neighbouring Properties and Roadways for Support</p> <p>Prior to the issue of the Construction Certificate, if neighbouring properties or roadway are to be utilised for excavation support, the legal rights of any adjoining properties must be respected including for permanent and temporary excavation supports. In this regard the</p>	<p>Prior to the issue of the relevant 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</p>	<p>Not related to excavation works. This is relevant to the above ground works.</p>	<p>NOW CONDITION 58</p> <p>Not agreed as this condition relates to excavation.</p>

Existing condition	Proposed change	Comments from applicant	Comments from Council
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	consent for excavation support or other material in adjacent lands must be lodged to the Principal Certifier		
<p>55. Geotechnical Certification</p> <p>Prior to the issue of any Construction Certificate, a Geotechnical Engineer must:</p> <p>(a) Review and ensure the appropriate construction methodology, parameters, and recommendations in the geotechnical report prepared by DOUGLAS PARTNERS, report no 85009.05.r.002.Rev1, dated 11/10/24, have been implemented and relied upon during the preparation of the Construction Certificate plans and documentation.</p>	<p>Prior to the issue of any-relevant Construction Certificate, a Geotechnical Engineer must:</p> <p>(a) Review and ensure the appropriate construction methodology, parameters, and recommendations in the geotechnical report prepared by DOUGLAS PARTNERS, report no 85009.05.r.002.Rev1, dated 11/10/24, have been implemented and relied upon during the preparation of the relevant Construction Certificate plans and documentation.</p>	<p>Not related to excavation works. This is relevant to the above ground works.</p>	<p>NOW CONDITION 59</p> <p>Not agreed, a geotechnical report is required for the exaction works.</p>
<p>56. Frontage Works Application</p> <p>Prior to the issue of any Construction Certificate, an application for Frontage Works (Public Domain</p>	<p>Prior to the issue of any-relevant Construction Certificate, an application for Frontage Works (Public Domain Construction – Frontage / Civil Works Application) shall be made to Bayside Council's Customer</p>	<p>Not related to excavation works. Not related to excavation works. Frontage works are relevant to the above ground works.</p>	<p>NOW CONDITION 60</p> <p>Not agreed, the application just needs to be submitted as soon as construction starts hence the timing of the conditions. The condition only requires lodgement of the application and does</p>

Existing condition	Proposed change	Comments from applicant	Comments from Council
<p>Construction – Frontage / Civil Works Application) shall be made to Bayside Council’s Customer Service Centre for assessment of all required works within the road reserve. A fee is payable to Bayside Council in accordance with Council’s adopted fees and charges.</p>	<p>Service Centre for assessment of all required works within the road reserve. A fee is payable to Bayside Council in accordance with Council’s adopted fees and charges.</p>		<p>not require any stamping or approval of plans prior to the issue of the CC.</p>
<p>58. Undergrounding of Overhead Services and Installation of Lighting</p> <p>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</p>	<p>58.—Undergrounding of Overhead Services and Installation of Lighting</p> <p>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</p>	<p>Delete this condition as all overhead cables along the Lot D frontage have already been undergrounded.</p>	<p>Agreed, will be deleted.</p>

<p>must be completed to the satisfaction of Bayside Council prior to the issue of the Final Occupation Certificate.</p> <p>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.</p> <p>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.</p>	<p>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.</p> <p>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.</p> <p>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.</p>		
<p>60. Appointment of Site Auditor</p> <p>A Site Audit Statement will be required for this site prior to the issue of any</p>	<p>A Site Audit Statement will be required for this site prior to the</p>		<p>NOW CONDITION 63</p> <p>Agreed, amendment will be made</p>

<p>Occupation Certificate. To ensure the necessary assessment and remediation is completed, an NSW Environment Authority (EPA) Accredited Site Auditor must be appointed to the site prior to the commencement of any remediation works, excavation or commencement of works at the site. The Site Auditor must review and endorse any additional investigation and remediation proposed prior to the commencement of any works.</p> <p>Written evidence of this appointment must be provided to, and approved by, Council's Director City Futures (or delegate) prior to the issue of any construction certificate.</p>	<p>issue of any Occupation Certificate. To ensure the necessary assessment and remediation is completed, an NSW Environment Authority (EPA) Accredited Site Auditor must be appointed to the site prior to the commencement of any remediation works, excavation or commencement of works at the site. The Site Auditor must review and endorse any additional investigation and remediation proposed prior to the commencement of any works.</p> <p>Written evidence of this appointment must be provided to, and approved by, Council's Director City Futures (or delegate) prior to the issue of any relevant construction certificate.</p>	<p>This will be required prior to the CC of the Basement.</p>	
<p>61. Detailed Landscape Plan</p>			
<p>(b) Include all existing trees to be retained, with reference number, scientific and common name, and TPZs as indicated in Arboricultural Tree Management Plan prepared by Ross Jackson of Jackson Nature Works, dated 27th June 2024. The following trees are to be retained and protected: Tree 87, 89, 92, 93, 95, 96 & 96A.</p>	<p>(b) Include all existing trees to be retained, with reference number, scientific and common name, and TPZs as indicated in Arboricultural Tree Management Plan prepared by Ross Jackson of Jackson Nature Works, dated 27th June 2024. The following trees are to be retained and protected: Tree 87, 89, 92, 93, 95, 96 & 96A.</p>	<p>Tree 87 is proposed to be removed in condition 13.</p> <p>T96A to be retained is in public domain. Condition 13 to be amended to add public domain trees (T12,13,14,15,17) to be removed as per the Arborist report.</p>	<p>NOW CONDITION 64</p> <p>Agreed, amendment will be made.</p>

<p>62. General Landscape Conditions</p> <p>(c) The front setback area of each townhouse shall remain as deep soil and no structures, other than access and fencing shall be provided within this front setback area. At least one tree in scale with the built form with be present in the front setback of each townhouse.</p>	<p>(c) — The front setback area of each townhouse shall remain as deep soil and no structures, other than access and fencing shall be provided within this front setback area. At least one tree in scale with the built form with be present in the front setback of each townhouse.</p>	<p>Not relevant to this DA. This was for Townhouses.</p>	<p>NOW CONDITION 65</p> <p>Agreed, this section will be deleted.</p>
<p>(d) All public domain and vehicular laneway areas shall be designed with permeable asphalt, permeable concrete or interlocking paving materials</p>	<p>(d) — All public domain and vehicular laneway areas shall be designed with permeable asphalt, permeable concrete or interlocking paving materials</p>	<p>Not relevant to this DA.</p>	<p>Agreed, this section will be deleted.</p>
<p>(h) A minimum of 80% of the proposed planting scheme in deep soil areas is to consist of native or indigenous plants. Deep soil areas shall only include indigenous species, deciduous species may be included only if sun access is required in living areas.</p>	<p>(h) A minimum of 80% 50% of the proposed planting scheme in deep soil areas is to consist of native or indigenous plants. Deep soil areas shall only include indigenous species, deciduous species may be included only if sun access is required in living areas.</p>	<p>Approved Concept DA conditions 43 & 44 notes 50% Native and Endemic species</p>	<p>Agreed, amendment will be made</p>
<p>63. Tree Retention and Protection</p> <p>(i) The following existing trees within the site are to be protected and retained at all times (unless otherwise is recommend by Council's Tree Management Officer), - reference numbers are as indicated in Arboricultural Tree Management Plan prepared by Ross Jackson of Jackson Nature Works, dated 27th June 2024,</p>	<p>(i) The following existing trees within the site are to be protected and retained at all times (unless otherwise is recommend by Council's Tree Management Officer), - reference numbers are as indicated in Arboricultural Tree Management Plan prepared by Ross Jackson of Jackson</p>	<p>Tree 87 is proposed to be removed in condition 13.</p> <p>T96A to be retained is in the public domain. Condition 13 to be amended to add public domain trees (T12,13,14,15,17) to be</p>	<p>NOW CONDITION 66</p> <p>Agreed, amendment will be made</p>

<ul style="list-style-type: none"> • T 87, Corymbia citriodora • T 89 Corymbia citriodora, • T 92 Corymbia citriodora, • T 93 Corymbia citriodora, • T 95 Eucalyptus microcorys • T 96 Eucalyptus microcorys • T 96A Araucaria heterophylla, 	<p>Nature Works, dated 27th June 2024,</p> <ul style="list-style-type: none"> • T 87, Corymbia citriodora • T 89 Corymbia citriodora, • T 92 Corymbia citriodora, • T 93 Corymbia citriodora, • T 95 Eucalyptus microcorys • T 96 Eucalyptus microcorys • T 96A Araucaria heterophylla, 	<p>removed as per the Arborist report.</p>	
<p>(e) Tree Removal</p> <p>(i) Consent is granted for the removal of Trees on site: Tree 87</p> <p>(ii) No existing trees on site shall be removed until a Construction Certificate has been issued, unless otherwise agreed to in writing by Bayside Council.</p> <p>(iii) If a substation is required, no trees will be removed to allocate the substation. Where any electricity substation is required for the approved development, this must be housed within building structures. These items reduce the visual amenity of the development, public spaces and the public domain. Above-ground utilities including fire boosters must be appropriately screened in an enclosure. Details of the proposed screen shall be submitted to and approved by</p>	<p>(e) Tree Removal</p> <p>(i) Consent is granted for the removal of Trees on site: Tree 87, 12, 13, 14, 15, 17</p> <p>(ii) No existing trees on site shall be removed until a Construction Certificate has been issued, unless otherwise agreed to in writing by Bayside Council.</p> <p>(iii) If a substation is required, no trees will be removed to allocate the substation. Where any electricity substation is required for the approved development, this must be housed within building structures. These items reduce the visual amenity of the development, public spaces and</p>	<p>These trees are within the public domain and are proposed to be removed in the Arborist Report and the Tree Management Plan.</p>	<p>NOW CONDITION 67</p> <p>Agreed, amendment will be made.</p>

<p>Bayside Council's Landscape Architect prior to the issue of the Construction Certificate.</p>	<p>the public domain. Above-ground utilities including fire boosters must be appropriately screened in an enclosure. Details of the proposed screen shall be submitted to and approved by Bayside Council's Landscape Architect prior to the issue of the relevant Construction Certificate.</p>		
<p>64. Landscape Frontage Works Application</p> <p>Prior to the issue of any Construction Certificate, the applicant must submit a Frontage Works Application (Public Domain Construction – Frontage / Civil Works Application) to Bayside Council.</p>	<p>Prior to the issue of any relevant Construction Certificate, the applicant must submit a Frontage Works Application (Public Domain Construction – Frontage / Civil Works Application) to Bayside Council.</p>	<p>Not related to excavation works. Not related to excavation works. Frontage works are relevant to the above ground works.</p>	<p>NOW CONDITION 68</p> <p>Agreed, amendment will be made.</p>
<p>66. Tree Offset Controls</p> <p>The proposed development includes the removal of one (1) live tree. To offset the loss of canopy the applicant is required to replace the tree at a 3:1 replacement ratio, therefore a total of three (3) new trees shall be planted to offset the canopy loss for environmental reasons.</p> <p>The consent specifies that a Tree Location Plan must be lodged with Council prior to the issue of a Construction Certificate, nominating the location and species of trees to be replanted. Where the applicant is relying</p>	<p>The proposed development includes the removal of one (1) live tree. To offset the loss of canopy the applicant is required to replace the tree at a 3:1 replacement ratio, therefore a total of three (3) new trees shall be planted to offset the canopy loss for environmental reasons.</p> <p>The consent specifies that a Tree Location Plan must be lodged with Council prior to the issue of a-the relevant</p>	<p>Not related to excavation works.</p> <p>Condition 14 becomes irrelevant.</p>	<p>NOW CONDITION 70</p> <p>Agreed, Condition 14 deleted.</p>

<p>on this Agreement to satisfy the consent, this Agreement must be in place prior to the issue of a Construction Certificate.</p>	<p>Construction Certificate, nominating the location and species of trees to be replanted. Where the applicant is relying on this Agreement to satisfy the consent, this Agreement must be in place prior to the issue of a the relevant Construction Certificate.</p>		
<p>107. Anti-Graffiti Coating</p> <p>Prior to issue of the Occupation Certificate, ground level surfaces are to be treated with anti-graffiti coating to minimise the potential of defacement.</p>	<p>Prior to issue of the relevant Occupation Certificate, ground level surfaces are to be treated with anti-graffiti coating to minimise the potential of defacement.</p>	<p>Not related to basement works. Anti-graffiti is relevant to the above ground works.</p>	<p>NOW CONDITION 112</p> <p>Agreed, amendment will be made.</p>
<p>108. Provision of Intercom system</p> <p>Prior to the issue of the Occupation Certificate, the entry to the car park and each pedestrian entry at the ground floor level of the building shall be provided with an intercom system.</p> <p>The intercom system shall be connected to each dwelling unit / tenancy and enable those units / tenancies to provide access to the car park for visitors.</p>	<p>Prior to the issue of the relevant Occupation Certificate, the entry to the car park and each pedestrian entry at the ground floor level of the building shall be provided with an intercom system.</p> <p>The intercom system shall be connected to each dwelling unit / tenancy and enable those units / tenancies to provide access to the car park for visitors.</p>	<p>Not related to basement works. Provision of intercom is relevant to the above ground works.</p>	<p>NOW CONDITION 113</p> <p>Agreed, amendment will be made.</p>
<p>109. Consolidation of Lots</p> <p>All allotments involved in this proposal must be consolidated into one allotment.</p>	<p>All allotments involved in this proposal must be consolidated</p>	<p>Not related to basement works.</p>	<p>NOW CONDITION 114</p>

<p>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.</p>	<p>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 the relevant Occupation Certificate.</p>	<p>Consolidation of lots is relevant to the above ground works.</p>	<p>Partially agreed, it could be re-worded to be "prior to the issue of the whole building Occupation Certificate"</p>
<p>110. Repair of Infrastructure</p> <p>Before the issue of an Occupation Certificate:</p>	<p>Before the issue of an the relevant Occupation Certificate:</p>	<p>Not related to basement works.</p>	<p>NOW CONDITION 115</p> <p>Not agreed, this condition is associated with an Occupation Certificate.</p>
<p>115. Positive Covenant Application</p> <p>Prior to the issue of the Occupation Certificate, a Restriction on Use of Land and Positive Covenants pursuant to the Conveyancing Act 1919 are to be created on the title of the lots on which the following systems are present:</p>	<p>Prior to the issue of the relevant Occupation Certificate, a Restriction on Use of Land and Positive Covenants pursuant to the Conveyancing Act 1919 are to be created on the title of the lots on which the following systems are present:</p>	<p>Not related to basement works.</p>	<p>NOW CONDITION 120</p> <p>Not agreed, this condition is associated with an Occupation Certificate.</p>
<p>116. Certification of Tanking and Waterproofing</p> <p>Prior to the issue of any Occupation Certificate, a structural engineer registered with the NER shall certify that the subsurface structure tanking has been constructed in accordance with the approved design and specification. A civil/hydraulic engineer registered with the NER shall certify that the subsoil drainage has been constructed in accordance with</p>	<p>Prior to the issue of any the relevant Occupation Certificate, a structural engineer registered with the NER shall certify that the subsurface structure tanking and waterproofing has been constructed in accordance with the approved design and specification. A civil/hydraulic</p>	<p>This condition should be same as condition 139 approved for Lot A (MDA-2024/119)</p> <p>139. Certification of Tanking and Waterproofing Prior to the issue of the relevant Occupation</p>	<p>NOW CONDITION 121</p> <p>Not agreed, this condition is associated with an Occupation Certificate.</p>

<p>the approved design and specification. A waterproofing specialist shall certify that the waterproofing has been constructed in accordance with the approved design and specification. The certification is to include an inspection and evaluation of the works.</p>	<p>engineer registered with the NER shall certify that the subsoil drainage has been constructed in accordance with the approved design and specification. A waterproofing specialist shall certify that the waterproofing has been constructed in accordance with the approved design and specification. The certification is to include an inspection and evaluation of the works.</p>	<p><i>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.</i></p>	
<p>118. Rainwater Tank - Plumbing Certification</p> <p>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 bay, and the landscape irrigation system for non-potable stormwater re-use.</p>	<p>Prior to the issue of <i>any the relevant</i> 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 bay, and the landscape irrigation system for non-potable stormwater re-use.</p>	<p>Not relevant to basement works.</p>	<p>NOW CONDITION 123</p> <p>Not agreed, this condition is associated with an Occupation Certificate.</p>
<p>119. Car Share</p> <p>The eight (8) car share parking spaces must be operated by a recognized commercial car share operator within the site. A contract for the operation of the car share space by the commercial car</p>	<p>The eight (8) car share parking spaces must be operated by a recognized commercial car share operator within the site. A contract for the operation of the</p>	<p>it is not feasible to have the car share operational whilst the development is only partly occupied.</p>	<p>NOW CONDITION 124</p> <p>Partially agreed, can be changed to be prior to the issue of any occupation certificate for the residential apartment component of the development.</p>

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.

car share space by the commercial car share provider must be entered into prior to issue of **any whole of building** 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 whole of building** 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.

<p>(e) The car share space must be retained as common property in the strata subdivision of the development.</p> <p>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.</p>	<p>(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).</p> <p>(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.</p> <p>(d) Insurances, including public liability.</p> <p>(e) The car share space must be retained as common property in the strata subdivision of the development.</p> <p>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 whole of building Occupation Certificate.</p>		
<p>120. Parking Facility Certification</p> <p>Prior to the issue of the Occupation Certificate, a Civil Engineer registered with the National Engineering Register (NER) shall certify that the vehicular access and off-street parking facilities have been constructed & line marked in accordance with the approved construction plans and the applicable Australian Standards (i.e., AS/NZS 2890.1, AS 2890.2, AS 2890.3, AS/NZS</p>	<p>Prior to the issue of the relevant 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</p>	<p>Not related to basement works.</p>	<p>NOW CONDITION 120</p> <p>Not agreed, this condition is associated with an Occupation Certificate.</p>

<p>2890.6, AS 1742). The car parking area is to be clearly and appropriately line marked/signposted indicating all the vehicular movements on the site. All parking spaces must be clearly designated as to their use in accordance with this development consent.</p>	<p>and the applicable Australian Standards (i.e., AS/NZS 2890.1, AS 2890.2, AS 2890.3, AS/NZS 2890.6, AS 1742). The car parking area is to be clearly and appropriately line marked/signposted indicating all the vehicular movements on the site. All parking spaces must be clearly designated as to their use in accordance with this development consent.</p>		
<p>125. Provision of Easement for Open Space 2</p> <p>Prior to the issue of the Occupation Certificate, a Right of Footway easement and an easement for open space public access, in favour of Bayside Council, is to be provided over the entirety of open space 2. The terms of the easements shall be to the satisfaction of, and benefit, Bayside Council. The easements are to be covered by a Section 88B Instrument, which may only be varied or extinguished with the consent of Bayside Council. A works as executed (WAE) plan prepared by a registered surveyor is to be provided, surveying the completed works within the area(s) subject to this easement. Council requires proof of lodgement and registration of the signed Subdivision Certificate and 88B Instrument with the NSW Land Registry Services. A written acknowledgement shall be obtained from Bayside Council (attesting to this</p>	<p>Prior to the issue of the whole of building Occupation Certificate, a Right of Footway easement and an easement for open space public access, in favour of Bayside Council, is to be provided over the entirety of open space 2. The terms of the easements shall be to the satisfaction of, and benefit, Bayside Council. The easements are to be covered by a Section 88B Instrument, which may only be varied or extinguished with the consent of Bayside Council. A works as executed (WAE) plan prepared by a registered surveyor is to be provided, surveying the completed works within the area(s) subject to this easement. Council requires</p>	<p>Same as condition 129.</p>	<p>NOW CONDITION 130</p> <p>Partially Agreed. Happy to change timing to be prior to the issue of any occupation certificate for the residential apartment component of the development.</p>

<p>condition being appropriately satisfied) and submitted to the Principal Certifier.</p>	<p>proof of lodgement and registration of the signed Subdivision Certificate and 88B Instrument with the NSW Land Registry Services. A written acknowledgement shall be obtained from Bayside Council (attesting to this condition being appropriately satisfied) and submitted to the Principal Certifier.</p>		
<p>127. Undergrounding of Overhead Services and Installation of Lighting</p> <p>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 construction (where necessary) satisfying the applicable lighting requirements.</p> <p>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</p>	<p>127.—Undergrounding of Overhead Services and Installation of Lighting</p> <p>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 construction (where necessary) satisfying the applicable lighting requirements.</p> <p>All works shall be carried out at the applicant's expense, to the satisfaction of the asset owner</p>	<p>Delete this condition as all overhead cables along the Lot D frontage have already been undergrounded.</p>	<p>Agreed, condition will be deleted.</p>

<p>writing that the works have been completed to their satisfaction, prior to the issue of the Occupation Certificate.</p>	<p>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.</p>		
<p>128. Bayside Local Traffic Committee Approval – Mid-block pedestrian Refuge Island Heffron Road</p> <p>Prior to the issue of the whole of building Occupation Certificate, the applicant shall obtain the required approvals and undertake the following works to the satisfaction of Bayside Council: A pedestrian refuge island shall be constructed on Heffron Road aligned with Kenny Road and the paved footpath in open space 3. The location and design of the pedestrian refuge island shall minimise the loss of on-street parking. There shall be no negative impact on the operation of the bus stops and the existing cycleway. The pedestrian refuge island is to comply with the relevant Australian standards and technical directions. All required civil works (e.g., kerb build-outs), line marking and signage changes are to be undertaken by the</p>	<p>Prior to the issue of the whole of building Occupation Certificate, the applicant shall obtain the required approvals and undertake the following works to the satisfaction of Bayside Council and TfNSW: A pedestrian refuge island shall be constructed on Heffron Road aligned with Kenny Road and the paved footpath in open space 3. The location and design of the pedestrian refuge island shall minimise the loss of on-street parking. There shall be no negative impact on the operation of the bus stops and the existing cycleway. The pedestrian refuge island is to comply with the relevant Australian standards and</p>	<p>It is a classified road and required TfNSW's approval.</p> <p>Condition 61 of DA-2019/386 requires this is to be constructed to the satisfaction of Bayside Council and <u>TfNSW</u>.</p> <p>61. Pedestrian Crossing – Heffron Road <i>Prior to any occupation certificate being issued for Lot D, scenarios for the potential creation of a pedestrian crossing upon Heffron in the mid-block showing whether:</i></p> <p><i>i) A crossing can be achieved,</i></p>	<p>NOW CONDITION 132</p> <p>Heffron Road is not a classified road, it is a regional road managed by Council and does not require TfNSW approval. No changes to the condition is supported.</p>

<p>proponent. The detailed design drawings are to be undertaken and certified by a civil engineer registered with the National Engineering Register (NER) and the design is to be in accordance with the applicable Australian Standards, Bayside Council Infrastructure Specifications and Bayside Council Engineer requirements. The final design is to be to the satisfaction of Bayside Council. All required regulatory signage and public domain improvements associated with the construction of this pedestrian refuge island shall be undertaken by the developer at the cost of the developer. Approval must be obtained from the Bayside Local Traffic Committee, and subsequently endorsed at Bayside Council meeting, for the construction of this pedestrian refuge island. The pedestrian refuge island is to be constructed to the satisfaction of Bayside Council prior to the issue of the whole of building Occupation Certificate. (NOTE: This condition is imposed as per condition 61 of DA-2019/386).</p> <p>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 whole of building Occupation Certificate.</p> <p>NOTE: The satisfaction of this condition can be time consuming and as such, the process of obtaining the required regulatory approvals should be started as soon as possible to avoid delays towards the end of the project.</p>	<p>technical directions. All required civil works (e.g., kerb build-outs), line marking and signage changes are to be undertaken by the proponent. The detailed design drawings are to be undertaken and certified by a civil engineer registered with the National Engineering Register (NER) and the design is to be in accordance with the applicable Australian Standards, Bayside Council Infrastructure Specifications and Bayside Council Engineer requirements and RMS guidelines. The final design is to be to the satisfaction of Bayside Council and TfNSW. All required regulatory signage and public domain improvements associated with the construction of this pedestrian refuge island shall be undertaken by the developer at the cost of the developer. Approval must be obtained from the Bayside Local Traffic Committee, and subsequently endorsed at Bayside Council meeting, for the construction of this pedestrian refuge island. The pedestrian refuge island is to be constructed to the satisfaction of Bayside Council and TfNSW prior to the issue of the whole of building Occupation Certificate. (NOTE: This condition is</p>	<p><i>ii) A crossing can not be achieved.</i></p> <p><i>Where a crossing is possible, this is to be constructed to the satisfaction of Bayside Council and TfNSW prior to the issue of any occupation certificate for the building in Lot D.</i></p>	
---	--	---	--

	<p>imposed as per condition 61 of DA-2019/386).</p> <p>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 whole of building Occupation Certificate.</p> <p>NOTE: The satisfaction of this condition can be time consuming and as such, the process of obtaining the required regulatory approvals should be started as soon as possible to avoid delays towards the end of the project.</p>		
<p>130. Roads Act / Public Domain Works - Major Development Frontage Works</p> <p>Prior to the issue of any Occupation Certificate, the Applicant shall carry out the following works as specified by Bayside council in accordance with Bayside Council’s Engineer, Landscape Architect, Public Domain Masterplans, and Infrastructure Specifications:</p> <p>.</p> <p>.</p> <p>.</p> <p>Final inspection reports for the works on the road reserve shall be obtained from Bayside Council’s authorised officer and submitted to the Principal Certifier</p>	<p>Prior to the issue of any relevant Occupation Certificate, the Applicant shall carry out the following works as specified by Bayside council in accordance with Bayside Council’s Engineer, Landscape Architect, Public Domain Masterplans, and Infrastructure Specifications:</p> <p>.</p> <p>.</p> <p>.</p>	<p>Public domain works are always completed in stages, i.e., the frontage to which an occupation is sought will be completed for that respective OC. Other frontages may still be under construction and not be completed until prior to that particular building’s OC.</p>	<p>NOW CONDITION 134</p> <p>Partially agreed, can be changed to “Prior to issue of whole of building Occupation Certificate”</p>

<p>attesting that this condition has been satisfied prior to the issue of any Occupation Certificate.</p>	<p>Final inspection reports for the works on the road reserve shall be obtained from Bayside Council's authorised officer and submitted to the Principal Certifier attesting that this condition has been satisfied prior to the issue of any relevant Occupation Certificate.</p>		
<p>131. Post-construction dilapidation report</p> <p>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:</p>	<p>Before the issue of any whole of building Occupation Certificate, a post-construction dilapidation report must be prepared by a suitably qualified Engineer, to the satisfaction of the Principal Certifier, detailing whether:</p>	<p>It makes more sense to do the post construction dilapidation reports at the end of the whole of construction, not whilst more construction works may still be going on.</p>	<p>NOW CONDITION 135</p> <p>Agreed, amendment will be made.</p>
<p>147. Landscape – Maintenance</p> <p>(c) A landscape contractor shall be engaged weekly for a minimum period of 52 weeks from completion of the landscape installation to maintain the landscaping. After that time monthly maintenance is required, and</p>	<p>(c) A landscape contractor shall be engaged weekly for a minimum period of 52 weeks from completion of the landscape installation to maintain the landscaping. After that time monthly maintenance is required, and</p>	<p>12 months maintenance only in line with agreement. No additional maintenance once handed over to the Council.</p>	<p>NOW CONDITION 151</p> <p>Agreed, amendment will be made.</p>
<p>(e) The Applicant / occupier is responsible for the maintenance of the new street trees for 24 months after planting. Such maintenance shall include watering, feeding, weed removal and adjustment of stakes and ties (any stakes and ties shall be removed at the</p>	<p>(e) The Applicant / occupier is responsible for the maintenance of the new street trees for 24 12 months after planting. Such maintenance shall include watering, feeding, weed removal and adjustment</p>	<p>12 months maintenance period as per condition 147(c) above.</p>	<p>Agreed, amendment will be made.</p>

expiration of the 24-month period). Any trimming or pruning shall require Council's approval under the Tree Preservation Order.

of stakes and ties (any stakes and ties shall be removed at the expiration of the ~~24~~-12 month period). Any trimming or pruning shall require Council's approval under the Tree Preservation Order.