

**DRAFT CONDITIONS**  
**DA-2024/190**  
**98 and 106 Banks Avenue, Eastgardens**

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**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.

<b>Approved Plans</b>				
<b>Plan No.</b>	<b>Revision No.</b>	<b>Plan Title.</b>	<b>Drawn By</b>	<b>Date of Plan</b>
DA-005	B	Site Plan	WMK Architecture	15/11/24
DA-070	C	Basement Level 03 Plan	WMK Architecture	31/1/25
DA-080	C	Basement Level 02 Plan	WMK Architecture	31/1/25
DA-090	C	Basement Level 01 Plan	WMK Architecture	31/1/25
DA-1100	C	Ground Floor Plan	WMK Architecture	31/1/25
DA-1101	C	Podium Level 01 Plan	WMK Architecture	31/1/25
DA-1102	C	Tower Level 02 Plan	WMK Architecture	31/1/25
DA-1106	C	Typical Tower Level Plan (L03 – L15)	WMK Architecture	31/1/25
DA-1116	C	Typical Tower Level Plan (L16 – L19)	WMK Architecture	31/1/25
DA-1120	B	Tower Roof Level Plan (L20)	WMK Architecture	15/11/24
DA-5000	C	External Elevations – Tower A & B – North Elevation	WMK Architecture	31/1/25
DA-5001	C	External Elevations – Tower A & B – South Elevation	WMK Architecture	31/1/25

<b>Approved Plans</b>				
DA-5002	C	External Elevations – Tower A – East Elevation	WMK Architecture	31/1/25
DA-5003	C	External Elevations – Tower A – West Elevation	WMK Architecture	31/1/25
DA-5004	C	External Elevations – Tower B – East Elevation	WMK Architecture	31/1/25
DA-5005	C	External Elevations – Tower B – West Elevation	WMK Architecture	31/1/25
DA-6000	B	North-South Section Through Tower A	WMK Architecture	15/11/24
DA-6001	B	North-South Section Through Tower B	WMK Architecture	15/11/24
DA-6002	B	East-West Section Through Pool	WMK Architecture	15/11/24
DA-8000	C	Façade Materials and Finishes	WMK Architecture	31/1/25
DA-8001	B	Façade Materials and Finishes – Sheet 1 of 6	WMK Architecture	31/1/25
DA-8002	B	Façade Materials and Finishes – Sheet 2 of 6	WMK Architecture	31/1/25
DA-8003	C	Façade Materials and Finishes – Sheet 3 of 6	WMK Architecture	31/1/25
DA-8004	B	Façade Materials and Finishes – Sheet 4 of 6	WMK Architecture	31/1/25

Approved Plans				
DA-8005	B	Façade Materials and Finishes – Sheet 5 of 6	WMK Architecture	31/1/15
DA-8006	C	Façade Materials and Finishes – Sheet 6 of 6	WMK Architecture	31/1/25
DA-9050	A	Deep Soil Zone Program	WMK Architecture	14/6/24
DA-9055	A	Communal Open Space Program	WMK Architecture	14/6/24
C100	G	Ground Floor Landscape Masterplan (render)	Site Image	31/1/25
C110	F	Level 1 Landscape Masterplan (render)	Site Image	22/1/25
001	H	Landscape Tree Management Plan	Site Image	22/1/25
100	I	Ground Floor Landscape Masterplan	Site Image	31/1/25
101	J	Ground Floor Landscape Plan 1	Site Image	31/1/25
102	J	Ground Floor Landscape Plan 2	Site Image	31/1/25
110	H	Level 1 Landscape Plan	Site Image	22/1/25
201	E	Ground Floor Softworks Plan 1	Site Image	31/1/25
202	E	Ground Floor Softworks Plan 2	Site Image	31/1/25
210	D	Level 1 Softworks Plan	Site Image	22/1/25

Approved Plans				
500	F	Landscape Specification Notes and Indicative Plant Schedule	Site Image	22/1/25
501	F	Landscape Details 1	Site Image	22/1/25
502	F	Landscape Details 2	Site Image	22/1/25
13-155-DA2101	C	General Notes and Legends	AT&L	31/1/25
13-155-DA2102	C	General Arrangement Plan	AT&L	31/1/25
13-155-DA2107	D	Typical Section Sheet 1	AT&L	3/2/25
13-155-DA2110	C	Siteworks and Stormwater Drainage Plan	AT&L	31/1/25
13-155-DA2111	C	Stormwater Drainage Details Sheet 1	AT&L	31/1/25
13-155-DA2112	A	Stormwater Drainage Details Sheet 2	AT&L	31/1/25
13-155-DA2116	C	OSD Tank 1 Base Plan and Details	AT&L	31/1/25
13-155-DA2117	C	OSD Tank 1 Sections and Details	AT&L	31/1/25
13-155-DA2119	C	OSD Tank 2 Base Plan and Details	AT&L	31/1/25
13-155-DA2120	C	OSD Tank 2 Sections and Details	AT&L	31/1/25
13-155-DA2121	C	MUSIC Catchment Plan	AT&L	31/1/25

<b>Approved Plans</b>				
13-155-DA2122	C	MUSIC Modelling Results	AT&L	31/1/25
13-155-DA2123	B	Stormwater Drainage Catchment Plan	AT&L	31/1/25
13-155-DA2140	D	Pavement Plan	AT&L	3/2/25
13-155-DA2180	C	Erosion and Sedimentation Control Plan	AT&L	31/1/25
13-155-DA2181	C	Erosion and Sedimentation Control Details	AT&L	31/1/25

<b>Approved Documents</b>			
<b>Document Title.</b>	<b>Version No.</b>	<b>Prepared By.</b>	<b>Date of Document</b>
Report on Geotechnical Investigation	85009.05	Douglas Partners	11/10/24
Emergency Services Plan	24034-V1.11-SP	Genesis Traffic	1/5/24
Traffic Response to RFI		Genesis Traffic	31/1/25
Operational Waste Management Plan	5920, Revision E	Elephants Foot	30/1/25
Waste Management Plan		Sydney Waste Services	
Report on Detailed Site Investigation	85009.03	Douglas Partners	15/1/25
Remediation Action Plan, Lot 4	85009.03	Douglas Partners	28/1/25
Remediation Action Plan, Lot 14	85009.03	Douglas Partners	28/1/25
BASIX Certificate	1753677M_04	Integreco Consulting Pty Ltd	30/1/25

<b>Approved Documents</b>			
BASIX, Thermal Comfort and ESD Report		Greenperch Pty Ltd	January 2025
Noise Impact Assessment	20240401.1/2506A/R0/MB	Acoustic Logic	25/6/24
Arboricultural Impact Assessment Report		Jacksons Nature Works	5/2/25
Pedestrian Wind Environment Statement	WH315-15F02 - WS REPORT - LOT D (REV0)	Windtech	12/6/24
Loading Dock Management Plan	24034	Genesis Traffic	19/7/24
Green Travel Plan	24034	Genesis Traffic	23/7/24
Traffic Impact Assessment	24034	Genesis Traffic	23/7/24
Civil and Stormwater Plan	13-155	AT&L	1/8/24
Reflectivity Assessment	R43-v0.1	SLR	28/6/24
Dewatering Management Plan	85009.05	Douglas Partners	17/7/24
Site Flood Assessment	120066	WMA Water	24/7/24
Architectural Design Verification Statement		WMK	14/6/24
CPTED Report		Meriton	29/7/24
ESD Report	Issue H	Efficient Living	12/8/22
Access Report	SYD224_064-2_LOT D (ACCESS DA) RT	Design Confidence	3/7/24
Adaptable Housing Report	SYD224_064-2_LOT D (AS4299 CLASS C) RT	Design Confidence	3/7/24

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

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

**REASON**

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

**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. 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.*

**5. Amendments Require Modification Application**

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

**REASON**

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

**6. Executed Planning Agreement**

- i. This consent must be read in conjunction with the executed Planning Agreement entered into by Karimbla Properties Pty Ltd and Bayside Council for the subject site on 28 October 2021 and amended on 14 June 2023 and 13 December 2024.
- ii. This consent shall operate in tandem with the Planning Agreement executed for the subject site.
- iii. No Occupation Certificate can be issued until the corresponding commitments referred to in the aforementioned executed planning agreement have been finalised.
- iv. The obligations under the executed planning agreement shall be satisfied to the satisfaction of Council's Director of City Futures (or delegate) by the times specified in the Planning Agreement and prior to the issue of any Occupation Certificate.

**REASON**

*To ensure the delivery of the executed planning agreement commitments*

**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.*

**8. 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.*

**9. Enclosure of Structures**

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

**REASON**

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

**10. Approved Materials and Finishes**



The finishes, materials and colour scheme and façade details 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.*

**11. 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 maximum of 463 residential car spaces shall be allocated as per the below: <ul style="list-style-type: none"> <li>• 1 &amp; 2 bedroom unit - Maximum 1 space per apartment</li> <li>• 3 or more bedroom - Maximum of 2 spaces per apartment</li> </ul>
Residential visitor	19 spaces (including 8 car share spaces)
Car Wash Bay	2 spaces (dedicated)
<b>Others</b>	
Loading Bay	1 x MRV space & 1 x SRV space
Car Share	8 spaces (shared with visitor)
<b>Motorcycle parking</b>	
Residential	36 spaces
<b>Bicycle parking</b>	
Residential	264 residential spaces 10 publicly accessible bicycle parking spaces on the ground level in open space 2

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

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

All residential accessible parking spaces shall be allocated to adaptable dwelling units.

Any tandem / stacked parking spaces shall be allocated to a single residential / commercial unit only.

**REASON**

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

**12. Carrying out of Works Wholly within the Site**

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

**REASON**

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

**13. Design Architect Involvement**

(a) In order to ensure the design excellence of the development is retained:

- (i) WMK Architects is to have direct involvement in the design documentation, contract documentation and construction stages of the project, and
- (ii) The Design Architect is to have full access to the site and is to be authorised by the applicant to respond directly to the consent authority where information or clarification is required in the resolution of design issues throughout the life of the project, and
- (iii) Evidence of the Design Architect's commission is to be provided to the Council prior to release of the relevant Construction Certificate.

(b) The Design Architect of the project is not to be changed without prior notice and approval of the Council.

**REASON**

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

**14. Public Art / Wayfinding Signage**

No consent is expressed nor implied for the construction or erection of any wayfinding signage and/or public art within Lot D of the subject site. All wayfinding signage and/or public art is subject to the lodgement and approval of a future development application as required by Conditions 33 and 34 of DA-2019/386.

**REASON**

*To ensure a consistent roll out of signage across the BATA 2 Precinct*

**15. Signage / Branding**

No consent is expressed nor implied for the construction or erection of any signage or branding upon the development in any location.

**REASON**

*To ensure no unauthorised signage is erected*

**16. Staging and Timing of Works / Delivery of Open Space 2**

The redevelopment of the subject site, including construction, embellishment and registration of public access easements relating to Open Space 2 shall be completed to the satisfaction of Bayside Council prior to the issue of **the whole of building** Occupation Certificate for building **A**.

**REASON**

*To ensure the proper completion of open space works*

**17. Mailboxes**

Mailboxes must be installed in accordance with Australia Post requirements.

**REASON**

*To ensure mailboxes are installed in accordance to the relevant requirements*

**18. Tree Protection and Management**

The applicant shall comply with all recommendations, requirements, and management plans contained within the Arborist report, prepared by Jacksons Nature Works, dated 5<sup>th</sup> February 2025.

**REASON**

*Compliance with approved arborist report.*

**19. Tree Removal**

- Tree 12
- Tree 13
- Tree 14
- Tree 15
- Tree 17
- Tree 87

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.

**REASON**

*To ensure the protection of vegetation*

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

**20. Sydney Airport**

- (a) The building must not exceed a maximum height of 91metres AHD, including all lift over-runs, vents, chimneys, aerials, antennas, lightning rods, any roof top garden plantings, exhaust flues etc.
- (b) Separate approval must be sought under the Regulations for any equipment (i.e. cranes) required to construct the building. Construction cranes may be required to operate at a height significantly higher than that of the proposed controlled activity and consequently, may not be approved under the Regulations. Therefore, it is advisable that approval to operate construction equipment (i.e. cranes) be obtained prior to any commitment to construct.

- (c) The Proponent must advise Airservices Australia at least three business days prior to the controlled activity commencing by emailing [ifp@airservicesaustralia.com](mailto:ifp@airservicesaustralia.com) and quoting YSSY-CA-516.
- (d) On completion of construction of the building, the Proponent must provide the SACL airfield design manager with a written report from a certified surveyor on the finished height of the building.

**REASON**

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

**21. Ausgrid**

(a) Method of Electricity Connection

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

(b) New or Modified Connection

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

- The existing network can support the expected electrical load of the development
- A substation may be required on-site, either a pad mount kiosk or chamber style
- Site conditions or other issues that may impact on the method of supply

Please direct the developer to Ausgrid's website, [www.ausgrid.com.au/Connections/Get-connected](http://www.ausgrid.com.au/Connections/Get-connected).

(c) Conduit Installation

The need for additional electricity conduits in the footway adjacent to the development will be assessed and documented in Ausgrid's Design Information, used to prepare the connection project design.

(d) Underground Cables

There are existing streetlight poles and underground cables positioned along Banks Avenue.

Special care should also be taken to ensure that driveways and any other construction activities within the footpath area do not interfere with the existing cables in the footpath. Ausgrid cannot guarantee the depth of cables due to possible changes in ground levels from previous activities after the cables were installed.

Hence it is recommended that the developer locate and record the depth of all known underground services prior to any excavation in the area.

Safe work Australia – Excavation Code of Practice, and Ausgrid's Network Standard NS156 outlines the minimum requirements for working around Ausgrid's underground cables.

(e) Streetlighting

The developer is to consider the impact that existing streetlighting and any future replacement streetlighting and maintenance may have on the development. Should the developer determine that any existing streetlighting may impact the development, the developer should either review the development design, particular the placement of windows, or discuss with Ausgrid the options for relocating the streetlighting.

The relocating of any streetlighting will generally be at the developers cost. In many cases is not possible to relocate streetlighting due to its strategic positioning.

(f) Substation

Ausgrid is aware that there is a proposed substation S34561 to be established to supply the development.

Depending on the staging of the works, the chamber type substation may be impacted by the proposed construction. This type of building is susceptible to damage from subsidence or vibration due to nearby excavation or piling, and also due to building materials and machinery coming into contact with the facade of the building. The use of ground anchors under a substation building is generally not permitted due to the presence of underground cabling and earthing conductors which may be more than 10m deep. A further area of exclusion may be required in some circumstances.

The substation ventilation openings, including substation duct openings and louvered panels, must be separated from building air intake and exhaust openings, natural ventilation openings and boundaries of adjacent allotments, by separation distances which meet the requirements of all relevant authorities, building regulations, BCA and Australian Standards including AS 1668.2: The use of ventilation and air-conditioning in buildings - Mechanical ventilation in buildings.

In addition to above, Ausgrid requires the substation ventilation openings, including duct openings and louvered panels, to be separated from building ventilation system air intake and exhaust openings, including those on buildings on adjacent allotments, by not less than 6 metres.

Exterior parts of buildings within 3 metres in any direction from substation ventilation openings, including duct openings and louvered panels, must have a fire rating level (FRL) of not less than 180/180/180 where the substation contains oil-filled equipment, or 120/120/120 where there is no oil filled equipment and be constructed of non-combustible material.

The development must comply with both the Reference Levels and the precautionary requirements of the ICNIRP Guidelines for Limiting Exposure to Time-varying Electric and Magnetic Fields (1 HZ – 100 kHz) (ICNIRP 2010).

For further details on fire segregation requirements refer to Ausgrid's Network Standard 113.

Existing Ausgrid easements, leases and/or right of ways must be maintained at all times to ensure 24 hour access. No temporary or permanent alterations to this property tenure can occur without written approval from Ausgrid.

For further details refer to Ausgrid's Network Standard 143.

Existing Ausgrid easements, leases and/or right of ways must be always maintained to ensure 24-hour access. No temporary or permanent alterations to this property tenure can occur without written approval from Ausgrid.

For further details refer to Ausgrid's Network Standard 143.

**REASON**

*To ensure compliance with requirements of Ausgrid.*

**22. Sydney Water**

(a) Section 73 Compliance Certificate

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

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

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

(b) Building Plan Approval (including Tree Planting Guidelines)

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

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

(c) Tree Planting

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

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

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

**REASON**

*To ensure compliance with requirements of Sydney Water.*

**23. Telstra**

The developer shall make contact with Telstra via new requests email NetworkIntegrity@team.telstra.com, for Telstra to make any pit or network alterations required due to level changes or changes to the environment from new driveways or trafficable areas that may further directly impact the network.

A hold point is to be placed over the footpath, for Council acceptance of the footpath to ensure Telstra and NBN networks will not form an ongoing liability between Bayside Council and Telstra.

**REASON**

*To ensure compliance with requirements of Telstra.*

**24. Water NSW**

The following conditions are imposed by WaterNSW in their letter dated 31 January 2025 and must be complied with:

(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) 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 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) 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)

(g) 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):
- All results from the Approved Monitoring Programme; and
  - 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.waternsw.com.au/customer-service/waterlicensing/dewatering](http://www.waternsw.com.au/customer-service/waterlicensing/dewatering)

(h) 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

(i) 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.

(j) 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.

(k) 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

(l) GT0174-00001

Construction phase monitoring bore requirements GTA:

- (i) Monitoring bores are required to be installed and collecting data prior for at least 3 months prior to submitting a water supply work approval
- (ii) A minimum of three monitoring bore locations are required at or around the subject property, unless otherwise agreed by WaterNSW.
- (iii) The location and number of proposed monitoring bores must be submitted for approval, to WaterNSW and should be submitted prior to the application for a water supply work approval.

- (iv) The monitoring bores should be used to develop a water table map for the site and its near environs.
- (v) The monitoring bores must be protected from construction damage.

Advisory note: no approval under the Water Management Act 2000 is required for these monitoring bores provided that they extract less than 3ML/water year.

(m) GT0241-00001

A construction certificate can be issued for excavation work in accordance with a valid development consent, however dewatering cannot take place without an Approval being granted by Water NSW for any water supply works required by the development. If the excavation work will or is likely to require dewatering, the applicant must apply and obtain, an approval under the Water Management Act 2000 prior to any dewatering taking place and notify WaterNSW of the programme for the dewatering activity including the commencement and proposed completion dates of the dewatering activity. Advisory Note: 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. 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.

**REASON**

*To ensure compliance with requirements of WaterNSW.*

**BEFORE THE ISSUE OF THE RELEVANT CONSTRUCTION CERTIFICATE**

**25. Design Amendments**

Before the issue of the relevant Construction Certificate, the Certifier must ensure the approved Construction Certificate plans and specifications detail the following required amendments and/or additional details to the approved plans and documents:

- (a) 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.
- (b) The architectural ground floor plan to be revised to show the allocation of the eight (8) visitor car parking spaces must be labelled as visitor/car share spaces.
- (c) All hot water and / or air conditioning systems/units which are located on the balcony of a dwelling / unit must be encased in a recessed box on the balcony with the lid/cover of the box designed to blend in with the building. All associated pipe work is to be concealed. The size of these boxes must not result in a reduction of the balcony size below the minimum area as prescribed under the Apartment Design Guide.
- (d) All vertical plumbing, other than roof water heads and downpipes, shall be concealed within the brickwork of the building.

- (e) A single antenna shall be provided to the building for use of all residents.
- (f) Wheel stops to be provided adjacent to the walls of the garbage room that abut Unit G02 to prevent garbage bins from hitting / bumping the walls and causing adverse noise / vibration impacts to this unit.
- (g) Deep soil setbacks to site frontages
  - (i) All basement plans to show deep setbacks to boundaries that comply with the approved Concept Plan (DA-2019/386, as amended), as follows:
    - 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);
    - A minimum of 4m deep soil setback is provided to the sites eastern boundary to the internal road.
  - (ii) The finished surface levels of the deep soil setbacks to all site frontages must match the levels of the surrounding public domain areas and must not contain retaining walls. All relevant plans to be updated to reflect this requirement.
- (h) The plans must show that a minimum of one (1) basement level of soil depth has been provided where the basement levels protrude into the area of Open Space 02. Basement Levels 2 and 3 may extend into the open space share zone between Lot D and Lot G. A minimum soil depth shall be provided equivalent to at least one basement level above basement level 2 within that part of open space area 2.
- (i) The community garden as noted on level 1 softworks plan drawing 210 Revision D prepared by Site Image, shall be planted with a variety of edible herbs and vegetable species.
- (j) As per Condition 45 – ESD of the Concept Plan consent, communal areas within the development are to be provided with composting (worm farm) facilities for future residents.
- (k) Details of shade structure / arbours within communal open space areas of the development shall be depicted upon revised landscape plans. Details shall include but not limited to materials, colours, finishes and heights of structures.

**REASON**

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

**26. 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*

**27. Payment of security deposits**

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

- (a) make payment of \$94,104 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.*

**28. Long Service Levy**

Before the issue of the relevant Construction Certificate, the long service levy of \$5,933,355.73, 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.*

**29. Housing and Productivity Contribution**

Before the issue of 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)	\$4,090.000.01
<b>Total Housing and Productivity Contribution</b>	<b>\$4,090.000.01</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.*

**30. Design Excellence**

To ensure design excellence is achieved, as required by Bayside Local Environmental Plan 2021, prior to the issue of the relevant construction certificate entailing any works above basement levels, the following must be prepared by a registered architect commissioned for the construction of the project:

- a) Two physical (2) sample boards containing original samples and swatches of all external materials 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 1:100;
- c) Sections through relevant façade elements, public domain stairs, planter boxes at a minimum scale of 1:10

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 levels. The Construction Certificate shall be precisely consistent with these approved materials. The development must be carried out with the aforementioned details.

Any modifications to the approved materials under this condition require either further submission and approval by the Director City Futures (or delegate) or a modification of this consent.

**31. 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 Planning and Assessment Regulation 2021*.

**REASON**

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

**32. Street Furniture**

Details and specifications of the street furniture are to be provided to Council's Coordinator Public Domain & Referrals, for approval prior to the issue of the relevant Construction Certificate for any landscape and public domain works.

**REASON**

*To ensure that details and specifications of street furniture are to the satisfaction of Council*

**33. Materials and Finishes**

The building shall be constructed with select (colour) coloured finishes as per the approved schedule of finishes. This requirement shall be reflected on the relevant Construction Certificate plans and supporting documentation.

**REASON**

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

**34. Sydney Water Tap-in**

Prior to the issue of the relevant 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.

Sydney Water's Tap inTM online service is available at:  
<https://www.sydneywater.com.au/SW/plumbing-building-developing/building/sydney-water-tap-in/index.htm>

**REASON**

*To ensure compliance with Sydney Water requirements.*

**35. 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 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.*

**36. Encroachment of Structures not Permitted**

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

Any gates must not open onto public footway. The access gate is to open inwards onto private property. Details are to be provided on the Construction Certificate plans.

**REASON**

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

**37. Wind Report**

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

**REASON**

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

**38. 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 all 77 adaptable dwellings and associated parking spaces specified in the approved plans and documents listed in Condition 1 comply with the provisions of AS 4299 *Adaptable Housing Standards*.

**REASON**

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

**39. 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 the relevant Construction Certificate for the relevant stage of works.

**REASON**

*To ensure that adverse reflectivity impacts are minimised.*

**40. 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.*

**41. Services in Garbage Room**

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

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

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

**REASON**

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

**42. Utilities and Services**

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

- (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.*

**43. 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,
- (b) Four (4) Star for timber flooring in any area, and
- (c) Five (5) Star for carpet in any area.

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

A report shall be submitted to the Principal Certifier for approval prior to the issue of the 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.

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.

**REASON**

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

**44. Erosion and Sediment Control Plan**

Before the issue of the relevant 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.*

**45. Construction Site Management Plan**

Before the issue of the relevant Construction Certificate, a construction site management plan must be prepared, and provided to the Principal Certifier. The plan must include the following matters:

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

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

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

**REASON**

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

**46. 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
- (c) Disability Access Plan
- (d) Pedestrian access
- (e) Signage location and structures
- (f) Mechanical ventilation

**REASON**

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

#### 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 generally made in the stormwater concept plans prepared by AT&L, project number 13-155-, dated 31/1/25, issue C along with the requirements detailed below:

- (a) The OSD for the development is to provide a minimum volume of 1015m<sup>3</sup> that incorporates a high early discharge design.
- (b) A stormwater basement plans for all three levels shall be provided. The plans shall include a surface drainage system for the basement slab with a minimum capacity 3.0m<sup>3</sup> pump-out tank designed as per AS/NZS3500.3. The pump-out tank is only permitted to drain and discharge stormwater run-off that may enter the basement through the future driveway access, it is not permitted to drain and discharge groundwater. The basement is to be designed as a fully tanked structure below RL16m AHD.
- (c) The pump out pit to be designed as per AS/NZS 3500.3 along with calculations. The minimum fall to the surface pits and rainwater outlets is to be a minimum 0.5% crossfall. The grading for all three-basement level to be shown. The catchment draining into the pump out pit to be shown.
- (d) The pump out pit section to be provided and must show the surface level, base levels, top water level (TWL), and minimum 1% fall towards the pumps. Sizing and volume for the pump out pit must be provided on the plans. The top water level (TWL) is to be 100mm lower than the invert level of the inlet pipe.
- (e) A stormwater plan for the podium to be provided.
- (f) The MUSIC catchment plan 'DA2121' is to be revised to have the podium and planter boxes for both OSD as 100% impervious. The road catchment '0.038ha' is to be included in the MUSIC Model as bypass.
- (g) The MUSIC Model to be revised and coordinated with the MUSIC catchment plan. The catchment areas in the MUSIC catchment plan to be in accordance with the MUSIC Model.
- (h) Provide the manufacturer details for the WSUD treatment devices (storm filters).
- (i) 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.
- (j) An oil baffle to be designed in the WSUD chamber.

- (k) A OSD lid plan to be submitted for the OSD; showing the distance from pit centre to centre. The grates spacing of the access grates to be a maximum of 6m from centre of pits to pit.

**REASON**

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

**48. 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" (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 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. 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.*

**49. Design of the Private Road**

Prior to the issue of the 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 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.

**REASON**

*To ensure that road is designed in accordance with the relevant Australian Standards.*

**50. Detailed Design of Open Space 2**

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 be precisely consistent with these approved plans which are to address the following:

(a) Paving, Landscaping and Furniture

The paving, including levels treatment, materials and finishes of open space 2 is to be in accordance with the approved landscape master plan in DA-2019/386. The proposed tree planting, landscape design, paving design and furniture is to be to the satisfaction of the Bayside Council Landscape Architect (or delegate). The design shall follow CPTED principles. An additional footpath shall be provided adjacent to 100 Banks Avenue that shall be paved. The paving footpath shall extend from Banks Avenue to Finch Drive/Delma Drive and to the edge of the driveway for LOT G. Bollards to be provided at the eastern edge of open space 2 to prevent vehicles from entering the open space from the Lot G driveway.

(b) Lighting

Lighting shall be provided along open space 2 to provide improved safety and illumination. The lighting shall be designed in accordance with the AS/NZS 1158 lighting series and AS 4282-1997 "Control of the Obtrusive Effects of Outdoor Lighting". A lighting assessment shall be undertaken to demonstrate a minimum P category is provided to the satisfaction of Bayside Council Public Domain Engineer. All lighting shall be directed so as not to cause nuisance to the owners or occupiers of adjacent/adjoining premises or to motorists on adjoining or nearby roads. The location of structures is to be provided. The lighting is to be located within the subject property and is to be completed to the relevant Australian and Council Standards.

(c) Drainage

The stormwater run-off is not to be directed to any neighboring property. The required WSUD measures and flooding measures

The design of the open space 2 shall be consistent with the executed planning agreement.

**REASON**

*To ensure public domain works are completed to Council's satisfaction.*

**51. Design of the landscape setbacks to adjacent public areas**

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:

- The landscape setback to Banks Avenue, open space 2, open space 1 and Finch Drive shall remain as deep soil and no structures, other than access and fencing shall be provided within this front setback area. The dimensions of these landscape setbacks must be as per DA-2019/386. Full details of fencing shall be provided.
- The levels of all landscape front setbacks shall match the existing/natural ground level (or design ground level) of the publicly accessible areas on Banks Avenue, Open Space 2, Open Space 1 and Finch Drive. Plans are to be provided with

detailed sections at regular intervals along all frontages.

**REASON**

*To ensure public domain interface is to Council's satisfaction.*

**52. 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.*

**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. 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. Pedestrian sightlines for vehicles existing the site are to comply with AS2890.1, and
- v. Convex mirrors shall be provided at blind corners within, and leading to, the car parking levels to provide increased sight distance for vehicles, and
- vi. The car wash bays shall be a minimum of 3.5m wide, and
- vii. A minimum of 264 bicycle parking spaces and 36 motorcycle parking spaces must be provided as part of the development and designed in accordance with AS2890.3:2015 and AS2890.1 respectively, and
- viii. 484 car parking spaces shall be provided for the development. The 484 car parking spaces shall be allocated as per the below:
  - 463 residential parking spaces.
  - 19 residential visitor parking spaces (inc. 8 car share space shared with visitor car parking spaces).
  - 2 dedicated car wash bays

### (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 SRV and MRV from AS2890.2:2018 and Councils Waste Collection Vehicle from Bayside Waste Management Technical Specification 2022. Commercial vehicles greater in size and mass than the MRV and Councils Waste Collection Vehicle 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, and Councils Waste Collection Vehicle from Bayside Waste Management Technical Specification 2022 (section 13.5), depicting a forward entry and forward exit manoeuvre to/from the site via the loading dock 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 and Councils Waste Collection Vehicle within the development. It must be demonstrated that a safe



- headroom clearance of 3.5m is achieved along the entire travel path, parking and manoeuvring areas of the SRV and Councils Waste Collection Vehicle 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. Structural Certificate Basement Structure Adjacent to Public Road**

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

**REASON**

*To minimise risk to personal safety and property*

**57. Provision of Car Wash Bay**

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 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.*

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

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

**59. Geotechnical Certification**

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

- (a) Review and ensure the appropriate construction methodology, parameters, and recommendations in the geotechnical report prepared by 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.
- (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) 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.*

**60. Frontage Works Application**

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

Prior to the commencement of the public domain works, a Public Domain Frontage Design package must be prepared by suitably qualified professionals for all frontage works that are required to be constructed within the public domain that are subject to assessment and approval pursuant to Section 138 of the *Roads Act 1993*. Public domain frontage works can include, but not be limited to, civil, drainage, landscaping, undergrounding of services, lighting, traffic signage, line marking, parking, and traffic devices to address and satisfy relevant development consent conditions. All frontage works shall be in accordance with Bayside Council technical manuals, specifications, master plans, town centre plans, Australian Standards, and standard design drawings.

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

**REASON**

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

**61. 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.*

## 62. 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) Provision of a 20,000L rainwater tank 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. Hydraulic plans must be submitted demonstrating the rainwater tank re-use.
- (c) Sensor controlled and zoned internal lighting within the building's car park and common areas.
- (d) Use of admixtures in concrete to minimise cement and reduce embodied carbon.
- (e) Separate circuiting for temporary power to minimal stair and corridor lighting.
- (f) Use of LEDs and other low energy flicker free lighting resources.
- (g) E-bike charging - all bicycle parking areas are to be provided with electrical outlets at a rate of 1 power point per 20 bicycle spaces.
- (h) 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 whole of building Occupation Certificate.

**REASON**

*To ensure the approved development demonstrates sustainability initiatives*

**63. Appointment of Site Auditor**

A Site Audit Statement will be required for this site prior to the issue of any Occupation Certificate. To ensure the necessary assessment and remediation is completed, 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.

Written evidence of this appointment must be provided to, and approved by, Council's Director City Futures (or delegate) prior to the issue of the relevant construction certificate.

**REASON**

*To protect human health and the environment and ensure remediation of land is in accordance with legislative requirements.*

**64. Detailed Landscape Plan**

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

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

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

- (a) A planting plan at 1:100 showing all plant locations/groupings and plant centres/species. There is to be a dense layered planting scheme consisting of trees, shrubs and groundcovers in all of these areas.
- (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 27<sup>th</sup> June 2024. The following trees are to be retained and protected: Tree 89, 92, 93, 95, 96 & 96A.

- (c) Deep soil areas as depicted in approved plans are not to be diminished. No further structures shall be included in approved landscaped areas.
- (d) Elevated planter box sectional details and drainage details. All planter box depths and dimensions shall be in accordance with Council's DCP and capable of supporting medium and large trees.
- (e) Landscape setbacks as defined in DA-2019/386 consent shall retained deep soil and match public domain levels where possible. All deep soil areas within landscape setbacks are to include canopy trees where feasible to mitigate the loss of existing mature trees on site and to provide a level of amelioration to the buildings and the streetscape.
- (f) Planting in communal areas shall be planted in advanced form, minimum 100 litres, preferably include some trees in super advanced form of 200 litres.
- (g) Specifications detailing soil and mulch finishes, root barriers, irrigation, edging and other landscape handworks such as retaining walls, steps, planter walls, feature walls, skateboard restrictions, tree pits, tree grates, tree guards, tree pit treat, areas of paving, schedule of materials, edge treatments, tactile and sectional construction details.
- (h) Details of all fencing, privacy screening, arbors and the like- elevations and materials, impacting or visible to public domain areas. Include details of seating and other furniture, lighting and pavement of communal areas and pedestrian internal links.
- (i) Provide details of all gates and fences with interface with the public space. Design of these elements shall maximise passive surveillance where suitable.
- (j) 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.
- (k) The natural ground levels of private open space areas are not to be altered unless otherwise indicated on the approved plans.

#### Landscape Maintenance Manual and Specifications

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

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

#### Detailed Landscape Plan of Public Park- Open Space 2

Prior the issue of the relevant Construction Certificate, detailed Construction landscape plans and specification must be submitted to, and approved by, the Director City Futures (or delegate) of Bayside Council. The amended plans shall be generally in accordance with the approved Landscape Plan listed in Condition 1 and must comprise detailed landscape construction documentation (plans and specifications). The detailed plan shall include, but not be limited to, the following:

- (a) Park Furniture - Details and specifications of the park furniture are to be provided to Council's Coordinator Public Domain & Referrals, for approval prior to the issue of the relevant Construction Certificate for any landscape and public domain works. Exclude or minimise use of high maintenance elements/products. Nominated products and pavement finishes shall be reviewed and approved by council prior to installation.
- (b) Pavement treatment- Specification shall be provided inclusive of mix design and methodology for the insitu exposed aggregate pavement. The finish treatment of aggregate selection will be further developed at CC stage and prior to frontage works approval.
- (c) Demonstrate accessible paths of travel for all persons.
- (d) Provide a park signage in accordance with Bayside Signage Manual as follow unless otherwise specified by Council.
- (e) Open Space shall provide a minimum of 10 publicly accessible bicycle parking spaces. (Ref condition 35. a) of DA-2019/386 A)
- (f) Water bottle refill stations/bubblers including dog balls with inclusive access, park and street furniture, equipment, pergolas, pavement treatment and other elements in the open space are to be of strong lasting materials.
- (g) Where fitness equipment areas or play areas are reliant on new trees for shade, these trees shall be provided in advanced form not less than 400 litres.
- (h) Include a Landscape Maintenance Manual of public park to cover a 12 month period to provide a guide on how to best maintain the constructed landscaped areas; and include the following information: shrub pruning/trimming (frequency, plant requirements); Fertilising and pest control (soil testing, types, rate, frequency); Mulching, weeding and soil improvement (frequency, materials); Irrigation (checks, adjustments); tree maintenance (fertilising, mulching, tree

stakes adjustments, special tree requirements); Maintenance of hard landscape elements (paving, edges, walls, pergolas, seats, and planter box walls); and planter boxes/roof gardens/green wall (specialised maintenance requirements), irrigation, and lighting.

- (i) Irrigation plan for all landscaped areas.
- (j) Irrigation plans: Separate irrigation system shall be installed for all landscaped areas- . Details of irrigation system for all different areas, include irrigation for tree pits, meter location, backflow and subsurface.
- (k) Lighting Plan: Separate lighting plan for all publicly accessible areas and footpaths should be designed to a min. category P7 rating. Plans to indicate the Australian Standard P rating that the lighting has been designed to. Locations for meter/switchboards and finish/treatment is required.

**REASON**

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

**65. General Landscape Conditions**

- (a) The landscaping shall be maintained for the life of the development. All soft landscape areas are to be maintained in accordance with the approved Maintenance Schedule provided as part of the landscape documentation. Where vegetation approved as part of this consent dies, it must be replaced with new landscaping that achieves a similar height and form to that approved under the landscape plan.
- (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) 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.
- (d) 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 as well as Australian Standards, and be maintained in effective working order at all times.
- (e) Capture of rainwater for irrigation purposes as a sustainability measure shall be provided.
- (f) A minimum of 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.

## 66. Tree Retention and Protection

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 27<sup>th</sup> June 2024,

- T 89 *Corymbia citriodora*,
- T 92 *Corymbia citriodora*,
- T 93 *Corymbia citriodora*,
- T 95 *Eucalyptus microcorys*,
- T 96 *Eucalyptus microcorys*,
- T 96A *Araucaria heterophylla*,

Note: For tree locations, name and reference number refer to Arborist Report prepared by Jackson Nature Works and dated 26th August 2022.

The abovementioned Trees SHALL be physically protected by establishing a Tree Protection Zone (TPZ) around the trees.

The TPZ shall be established as follows.

- (a) The TPZ shall be installed prior to the commencement of any work on site and shall remain until the completion of all building and hard landscape construction.
- (b) In accordance with AS 49702009 protective fences consisting of chain wire mesh temporary fence panels with a height 1.8m shall be erected outside the drip line. The fence panels must be securely mounted and braced to prevent movement. The area within the fenced area is to be mulched with leaf mulch to a depth of 100mm and a weekly deep watering program undertaken.
- (c) The protective fence shall consist of parawebbing or chain wire mesh mounted on star pickets or similar metal posts, shall be placed prior to the commencement of any work on site and shall remain until the completion of all building and hard landscape construction.
- (d) The TPZ is a "No Go" zone. There shall be no stockpiling, storage or sorting of waste or building materials, no construction work, no concrete mixing, strictly no washing down of concrete mixers or tools, no chemicals mixed/disposed of, no excavation or filling, no service trenching. Any unavoidable work within the fenced zone shall be under the direction of the applicants Arborist or Council's Tree Officer.
  - (i) All trees to be retained and protected in the site and adjacent to the development site, as provided in Arborist Report, shall be included in all landscape, architectural and civil concept and Construction Certificate plans.
  - (ii) Tree protection measures:

- Natural soil levels around TPZs of all trees to be retained shall be preserved. Stockpiling of excess of soil or construction debris shall not be within the TPZs of any tree to be retained.
- Any required structure within the TPZ, as approved by Council Tree Officer, shall be root mapped, and structures shall be elevated with pier and beam to ensure no roots are severed.
- A project arborist shall be employed for the duration of the building works including: excavation works, pruning of trees, removal of trees, root mapping, and any other task that may negatively affect the health of the trees to be retained.
- Where drainage or paving works are proposed to be constructed in the area below the dripline of trees, the proposed works and construction methods must not damage the tree. Where any construction works may affect the health of any tree to be retained, then Council approval must be obtained by contacting Council's Tree Management Officer.
- Any fences, retaining walls or other structures within the TPZ s of trees to be retained shall be pier and beam or other Council approved method, under the supervision of the project arborist.
- If a substation is required, no trees will be removed to allocate the substation. Substation will be located within the townhouses lot area, or elsewhere, but not within the open space or public domain area.
- If an existing tree to be retained demonstrates decline prior Occupation certificate, two new trees similar to the existing shall be planted within the site at minimum 75 litres pot size in similar location, or as approved by Bayside Council.

#### 67. **Tree Removal**

- (a) Consent is granted for the removal of Trees on site: Trees 12, 13, 14, 15, 17 and 87
- (b) No existing trees on site shall be removed until a Construction Certificate has been issued, unless otherwise agreed to in writing by Bayside Council.
- (c) 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 Bayside Council's Landscape Architect prior to the issue of the Construction Certificate.

#### **REASON**

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

#### 68. **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. New street trees shall be supplied and planted at minimum 200 litres pot size.

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

**REASON**

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

**69. Tree Protection**

Prior to issue of any Construction Certificate, a suitably qualified project arborist (with minimum AQF Level 5 qualifications in Arboriculture) must be engaged to advise on compliance with conditions of consent relating to the protection of trees at the site and/or adjoining properties and to supervise the installation and maintenance of tree protection measures and arboricultural monitoring program required by this consent and the approved arboricultural impact assessment. Evidence of engagement of a project arborist is to be submitted to, and approved, by Council.

**REASON**

*To ensure the protection of vegetation*

**70. Tree Offset Controls**

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.

The consent specifies that a Tree Location Plan must be lodged with Council prior to the issue of the relevant 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 the relevant Construction Certificate.

**REASON**

*To ensure a Tree Location Plan is lodged nominating the location of species of trees to be replanted.*

**71. Waste Management Plan – Demolition and Construction**

A Waste Management Plan will be submitted detailing the:

- (a) expected volumes and types of waste to be generated during the demolition and construction stages of the development.
- (b) destination of each type of waste, including the name, address and contact number for each receiving facility.

**REASON**

*To meet the requirements in sections 2 and/or 3 of the council's Waste Management Technical Specification and ensure waste is managed and disposed of properly.*

## **BEFORE BUILDING WORKS COMMENCE**

### **72. Erosion and Sediment Controls in Place**

Before any site work commences, <INSERT THE PRINCIPAL CERTIFIER OR COUNCIL (where a Principal Certifier is not required)>, 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.*

### **73. 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).*

### **74. 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) 100 Banks Avenue EASTGARDENS
- b) 102A-102C Banks Avenue EASTGARDENS
- c) 104A-104C Banks Avenue EASTGARDENS
- d) 106A-106C Banks Avenue EASTGARDENS

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.*

**75. 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.*

**76. 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.*

**77. 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.*

**78. Tree Retention & Protection**

- On Site. Trees 89, 92, 93, 95 & 96
- Adjacent Lots. Nil
- Public Domain. Tree 96A

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

Prior to commencement of any work on site, in order to ensure that above-mentioned trees are protected against adverse conditions during demolition and construction, and the health and structural stability ensured,

All Tree Protection Zones (TPZs) shall be established as follows:

- (a) To protect and retain trees in accordance with AS4970-2009 protective fences consisting of chain wire mesh temporary fence panels with a height 1.8m shall be erected outside the dripline. The fence panels must be securely mounted and braced to prevent movement. The area within the fencing must be mulched with leaf mulch to a depth of 100mm and a weekly deep watering program undertaken, and
- (b) Protective fences at least 1.5 metres high erected, at the greater of the drip line or 1.5 metres from the trunk of each tree which is to be retained. The protective fences shall consist of para-webbing or chain wire mesh mounted on star pickets or similar metal posts, shall be in place prior to the commencement of any work on site and shall remain until the completion of all building and hard landscape construction, and
- (c) Fencing shall be erected to ensure that the public footway is unobstructed. If there is insufficient space to erect fencing, wrap the trunk with hessian or carpet underlay to a height of 2.5m or to the trees first lateral branch, whichever is greater, and affix timber palings around the tree with strapping or wire (not nails), and
- (d) The applicant is required to contact Council for an inspection and/or provide photographic evidence of the fenced tree protection zones. Council approval is required prior to commencement of any works
- (e) All TPZ's as well as the entire Council nature strip are a 'No-Go' zone. There shall be no storage of waste bins, materials and equipment, site residue, site sheds, vehicle access, concrete / chemical mixing/disposal, or washing down of tools and equipment permitted within the TPZ's at any time.

**REASON**

*To minimise adverse impacts on trees, protect local canopy through tree retention and replacement and ensure best practice is implemented.*

**79. Public Domain Tree Bond**

Prior to the commencement of any work the applicant is to submit payment for a Tree Preservation Bond of \$2,000.00 to ensure protection of the one (1) retained Public Domain Tree.

The duration of the Bond shall be limited to a period of 12 months after the occupation certificate is issued. At completion of the bond period of twelve months (12 months) the Bond shall be refunded pending an inspection of the tree by council. If a tree is found to be dead, pruned or dying and will not recover the applicant will forfeit all or part of the bond to replace or maintain the trees.)

**REASON**

*To ensure the protection of retained public domain trees during construction.*

## **DURING BUILDING WORKS**

### **80. 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.*

### **81. 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.*

### **82. 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.*

**83. 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.*

**84. 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.*

**85. Implementation of the Site Management Plans**

While site work is being carried out:

- (a) the measures required by all approved management plans including the Construction Site Management Plan, waste 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.*

**86. 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 certificate(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)*

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

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

- 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.*

**88. 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.*

**89. 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.*

**90. 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.*

**91. Construction Activities – Minimise Pollution**

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

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

- (j) Access to the site shall be restricted to no more than two 3m driveways. Council's footpath shall be protected at all times. Within the site, provision of a minimum of 100mm coarse crushed rock is to be provided for a minimum length of two metres to remove mud from the tyres of construction vehicles, and

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.*

**92. Site Fencing**

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

**93. 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.*

**94. 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.*

**95. 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.*

**96. 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.*

**97. Breach of Conditions**

Tree protection measures must be complied with at all times until completion of all building and hard landscape construction.

Council may choose to issue an infringement notice or pursue legal action if the conditions of consent have been broken.

If there is any contravention of these tree preservation conditions, or a tree was found to be damaged (including roots), in decline, dead or pruned without permission, then Council may claim all or part of the lodged security bond prior to its release as well as required remedial work.

Council will invoice the Applicant for costs associated with remedial pruning work or tree replacement. For trees on private property, the Applicant will be required to undertake tree maintenance/replacement work, as specified by Council.

**REASON**

*To ensure tree protection measures are complied with at all times during building works.*

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

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

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

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

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

**REASON**

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

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

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

**REASON**

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

**100. Remediation Works – General**

All remediation work must be carried out in accordance with:

- (a) NSW EPA (2020) 'Consultants reporting on contaminated land';
- (b) NSW Environment Protection Authority (NSW EPA) guidelines under the Contaminated Land Management Act 1997;
- (c) Chapter 4 of the State Environmental Planning Policy (Resilience and Hazards); and
- (d) 'Remedial Action Plan, Lot 4, DP 1272432 Proposed Mixed-Use Development, 106 Banks Avenue, Eastgardens' (RAP 2025a), report reference 85009.03.R.067.Rev0, prepared by Douglas Partners, dated 28 January 2025; and
- (e) 'Remedial Action Plan, Lot 14, DP 1272432 Proposed Mixed-Use Development, 98 Banks Avenue, Eastgardens' (RAP 2025b), report reference 85009.03.R.068.Rev0, prepared by Douglas Partners, dated 28 January 2025.

**REASON**

*To protect human health and the environment and ensure remediation of land is in accordance with legislative requirements.*

**101. 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 protect human health and the environment in accordance with legislative requirements.*

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

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

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

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

**REASON**

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

**103. Dewatering Water Quality Requirements**

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

**REASON**

*To ensure any groundwater meets the relevant guidelines before entering the stormwater system.*

**104. 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 any groundwater encountered during works is appropriately treated and disposed of.*

**105. Waste Data Maintained**

During both the demolition and construction phases a waste data file will be maintained, recording building/demolition contractors' details as well as waste disposal receipts/dockets for any waste from the site produced during these stages.

**REASON**

*To meet aims and objectives outlined in Bayside Councils Waste Management Technical Specification 2022, Section 2, regarding the following:*

- *minimize waste generation*
- *ensure appropriate and authorized waste storage and collection*
- *minimize environmental impacts associated with waste management*
- *avoid illegal dumping and*
- *to meet regulatory requirements regarding all hazardous and problematic waste.*

**BEFORE ISSUE OF AN OCCUPATION CERTIFICATE**

**106. 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.*

**107. Payment of Section 7.11 Contributions**

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 first Occupation Certificate of any building to which this consent relates. 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.

**Note:** *This condition is subject to the provisions of any executed Planning Agreement. To the extent of any inconsistency, the executed Planning Agreement applies.*

Community Facilities	\$686,957.14
Open Space & Recreation	\$5,538,682.99
Transport Facilities	\$1,412,373.59
Administration	\$61,986.28

**108. Preservation of Survey Marks**

Before the issue of an Occupation Certificate, documentation must be submitted by a registered Surveyor to the Principal Certifying Authority 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.*

**109. 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.*

**110. 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.*

**111. 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 / Energy Efficiency Report 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.*

**112. Anti-Graffiti Coating**

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.

**REASON**

*To protect the amenity of the surrounding area.*

**113. Provision of Intercom system**

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.

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

**REASON**

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

**114. 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 the whole of building Occupation Certificate.

**REASON**

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

**115. 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.*

**116. 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.*

**117. 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.*

**118. 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.*

**119. 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

A copy of the plans must be provided to Council with the Occupation Certificate.

**REASON**

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

**120. 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 Quality Improvement Devices System
- (c) Stormwater Pump System
- (d) Ongoing maintenance of Open Space 02, open space and private road by the owners of the land

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. A maintenance schedule is to be provided for the stormwater internal drainage system including the pump system, on-site detention and stormwater quality improvement devices.

**REASON**

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

**121. Certification of Tanking and Waterproofing**

Prior to the issue of the 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 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.

**REASON**

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

**122. 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.*

**123. 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 bay, 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.*

**124. Car Share**

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 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 the Occupation Certificate for the residential component of the development. 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.*

**125. 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.
- Certification of 264 bicycle spaces have been constructed in the building in accordance with AS2890.3.

- The certification must be submitted to the Principal Certifier.

**REASON**

*To ensure compliance with the relevant standards.*

**126. Erection of Signage**

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

- All vehicles shall enter and exit the site in a forward direction at all times. A plaque with minimum dimensions 300mm x 200mm shall be permanently fixed to a prominent place near the primary vehicular entrance to the basement, approved by the Principal Certifier, stating the following: "All vehicles shall enter and exit the site in a forward direction at all times".
- 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".
- 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.
- 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 plaque(s) in a good condition and keep it visible.

**REASON**

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

**127. 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 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.*

**128. 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.*

**129. 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.

Alternatively Bayside Council can be engaged to collect the residential waste.

**REASON**

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

**130. Provision of Easement for Open Space 2**

Prior to the issue of the Occupation Certificate for the residential component of the development, 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 condition being appropriately satisfied) and submitted to the Principal Certifier.

**REASON**

*To ensure pedestrian safety is maintained.*

**131. 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.*

**132. Bayside Local Traffic Committee Approval – Mid-block pedestrian Refuge Island Heffron Road**

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 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).

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.

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.

**REASON**

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

**133. Bayside Council acceptance of Open space 2**

Open Space 2 which forms part of the BATA 2 Concept Plan approval (DA-2019/386) must be constructed and completed to the written satisfaction of the Bayside Council Director of City Futures (or delegate) for the construction and embellishment of open space 2 and be publicly accessible prior to the issue of the whole of building Occupation Certificate.

**REASON**

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

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

Prior to the issue of the whole of building 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 all frontages of the development site.

- (b) Construction of vehicular entrance/s designed to accommodate the largest vehicle entering the site.
- (c) Construction of new kerb and gutter along the frontage of the development site.
- (d) Removal of the existing concrete vehicular entrance/s, kerb laybacks and other damaged/redundant public domain improvements which will no longer be required.
- (e) Reconstruction of selected areas of the existing footpath, vehicular entrances, road, kerb, and gutter as required.
- (f) A roundabout at the intersection of Banks Avenue and Tingwell Boulevard must be completed as per the consent DA-2019/386 and further detailed in consent DA-2021/627.
- (g) A pedestrian refuge island shall be constructed on Heffron Road in alignment with Kenny Road.
- (h) The required works on Finch Drive to fulfill the requirements of the roads DA (DA-2019/387) including all works for the pedestrian crossing, centre road swale and timed 2P on-street parking/ no stopping signage.

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.*

**135. Post-construction dilapidation report**

Before the issue of the 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:

- (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.*

**136. 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.*

**137. Electric Bicycle Charging Facilities**

Prior to the issue of the whole of building Occupation Certificate, all bicycle parking areas are to be provided with electrical outlets at a rate of 1 power point per 20 bicycle spaces.

**REASON**

*To ensure installation of the bicycle facilities.*

**138. EV Charging Points - Installation & Certification**

Prior to the issue of the whole of building Occupation Certificate, the required electric vehicle (EV) charging systems, including all associated electrical and control systems (as required by conditions of this consent), shall be tested, inspected, and certified by a suitably qualified and experienced person. This certification, including evidence of installation and testing of all electric charging systems, is to be provided to the satisfaction of Bayside Council and the principal certifying authority prior to the issue of the whole of building Occupation Certificate.

**REASON**

*To ensure installation of the EV charging facilities.*

**139. Loading dock headroom clearance**

Prior to the issue of the relevant occupation certificate, evidence must be provided from a suitably qualified traffic engineer and registered surveyor demonstrating that travel path and associated manoeuvring area of service vehicles (trucks) within the ground floor of the development (between the street and the loading dock) does not contain any overhead obstructions such as ducting, piping and the like which obstruct the required 4.5m of headroom clearance.

**REASON**

*To ensure compliance with the relevant Australian Standards.*

**140. Parking and Shared Private Access Road**

484 off-street car parking spaces and car wash bays shall be provided and line marked to the satisfaction of a qualified Civil Engineer. The entirety of the new access road that permits vehicular access to the development from the public road network (shared with Lot A) is to be constructed as a whole and be appropriately paved prior to the issue of the relevant occupation certificate.

**REASON**

*To ensure compliance with the relevant Australian Standards that the road and car parking space are constructed in accordance with the approved plans.*

**141. PV cells on rooftops**

Prior to the issue of the relevant Occupation Certificate, the photovoltaic cells systems as required by this consent are to be installed onto the rooftops of the development and operational. This shall be certified in writing, with a copy of the aforementioned submitted to Council concurrently.

**REASON**

*To ensure installation of the PV cells as a sustainability measure.*

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

There shall be no encroachment of paths, fencing or other improvements onto the overland flow path without the approval of Bayside Council.

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

**REASON**

*To ensure that overland flow paths and easements remain unrestricted.*

**143. Adequate room for truck to enter and exit in a forward direction**

Adequate room is to be made to allow a waste truck to enter and exit the site in a forward direction

**REASON**

*To ensure safest possible collection and removal of waste and recycling from the site.*

**144. General Landscape & Trees**

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

- (a) All landscape works are to be carried out in accordance with the approved landscape plans that were approved prior to issue of the relevant Construction Certificate by Bayside Council (refer to relevant condition in the Prior to Issue of Construction Certificate section above).
- (b) A suitably qualified Arborist must confirm that the trees in the Banks Avenue frontage have been retained and are in good health. The Arborist shall provide recommendations to ensure the ongoing health and vitality of the trees, and these measures must be implemented.
- (c) 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) Planting in communal areas shall be planted in advanced form, minimum 100 litres, preferably include some trees in super advanced form of 200 litres.
  - (ii) A fully automated irrigation system has been installed to the podium landscaping.
  - (iii) Podium landscaping and paved areas are drained into the stormwater drainage system.
- (d) Prior to the issue of an Occupation Certificate, a maintenance plan is to be submitted and approved by the Principal Certifying Authority. A copy of the maintenance plan is to be kept on site at all times during construction and shall be produced to Council on request following completion. The Maintenance Manual shall include as a minimum:
  - (i) 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):
    - Frequency and methodology of different maintenance requirements including the removal of green waste; irrigation system tests, waterproofing inspections.
    - Details of safety procedures;
    - Laminated copies of 'As Built' Landscape drawings;
    - Include a plan with areas to be maintained by strata and private garden areas to be maintained by private owners;
    - Manufacturer's contact details and copies of manufacturers' typical details and specification;

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

**REASON**

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

**145. Address**

Prior to the issue of the relevant Occupation Certificate for the development, an application for Property Address Allocation and associated fee are required to be submitted to Council. All new addresses will be allocated in accordance with AS/NZS 4819:2011 Rural and Urban Addressing Standard and Section 5.2 of the NSW Address Policy. The form is available for download at:

<https://www.bayside.nsw.gov.au/guides/developing-building-or-renovating/building-construction-and-development-forms>

The general principles of addressing in NSW are described in the NSW Addressing User Manual, Ch.6 Addressing Principles. The manual is available for download at: [http://www.gnb.nsw.gov.au/data/assets/pdf\\_file/0007/199411/NSW\\_AUM\\_July2018\\_Final](http://www.gnb.nsw.gov.au/data/assets/pdf_file/0007/199411/NSW_AUM_July2018_Final)

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 & NSW Addressing User Manual.

Developers of multi-level buildings are required to submit their schedule of addresses to the Council for addressing approval prior to registration of the strata 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 compliance with the relevant Australian Standard*

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

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

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

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

**REASON**

*To ensure the Site Validation Report is suitably prepared in accordance with the relevant requirements.*

#### **147. Site Audit Statement – Site Suitability**

To ensure that the site is suitable for the proposed use, a Section A1 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.

Prior to the issue of any Occupation Certificate, the A1 SAS and the associated Site Audit Report (SAR) must be submitted to and approved in writing by Council's Director City Futures (or delegate). In circumstances where the accredited Site Auditor is unable to issue the A1 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 protect human health and the environment in accordance with legislative requirements.*

#### **OCCUPATION AND ONGOING**

#### **148. Operation of Vehicular Premises**

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

- (a) All vehicles must enter and exit the site in a forward direction.
- (b) All commercial vehicles (including deliveries and garbage collection) shall enter and exit the site in a forward direction and exit the site in a forward direction.
- (c) All loading / unloading and garbage / waste collection activities shall take place on-site wholly within the dedicated loading areas and not from public places, public streets, or any road related area (e.g., footpath, nature strip, road shoulder, road reserve).
- (d) The maximum size of vehicles accessing the site shall be limited to an 8.8m long MRV Vehicle (as denoted in AS2890.2). and Council garage truck.
- (e) All manoeuvring movements of vehicles shall be carried out wholly within the site and vehicle manoeuvring area shall be kept clear at all times.
- (f) Parking spaces must not be enclosed without further approval of Bayside Council. The enclosure of car spaces is not permitted unless the enclosure complies with the design requirements of AS/NZS 2890.1.
- (g) All vehicles shall be parked in the marked parking bays. All parking bays on-site shall be set aside for parking purpose only and shall not be used for storage of goods or machinery.

##### **REASON**

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

#### **149. Maintenance of Stormwater Drainage System**



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

**REASON**

*To protect waterways and minimise adverse impacts to the environment.*

**150. 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.*

**151. Landscape – Maintenance**

- (a) The landscaped areas on the property / site shall be maintained in accordance with any approved landscape plans and Council's Development Control Plan. 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) Dead or declined trees included in common areas and front setbacks 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 and common areas are not to be pruned in height, unless required for safety reasons or for better development of the tree.
- (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.
- (d) The automatic drip irrigation system shall be repaired and maintained in working order and in accordance with the approved landscape plan at all times.
- (e) The Applicant / occupier is responsible for the maintenance of the new street trees for 12 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 expiration of the 12-month period). Any trimming or pruning shall require Council's approval under the Tree Preservation Order.

**REASON**

*To ensure ongoing maintenance of approved landscaping.*

**152. Amenity of Waste Storage Areas**

During occupation and use all waste storage rooms/areas will be fully screened from public view and located clear of all landscaped areas, driveways, turning areas, truck standing areas and car parking spaces. No materials, waste matter or products will be stored outside the building or any approved waste storage area at any time.

**REASON**

*To meet the requirements outlined in, but not limited to, section 4 of the council's Waste Management Technical Specification and to maintain the amenity of the area.*

**153. Provide waste storage room on premises**

During occupation and use a waste storage room will be provided on the premises at all times that has been constructed to comply with all the relevant provisions of Waste Management Technical Specification 2022.

- (a) The size being large enough to accommodate all waste generated on the premises, with allowances for the separation of waste types;
- (b) The floor being graded and drained to an approved drainage outlet connected to the sewer and having a smooth, even surface, coved at all intersections with walls;
- (c) Hot and cold water being provided in the room or adjacent to the storage room;
- (d) The room shall be adequately ventilated (either natural or mechanical) in accordance with the Building Code of Australia.

**REASON** To ensure provision of adequate waste storage arrangements and the ability to clean and maintain the bins and the storage area.

**154. Separate waste bins for general & recycling waste**

During occupation and use separate waste bins will be provided on site for recyclable waste.

**REASON**

*To provide for the appropriate collection/recycling of waste from the property whilst minimising the impact of the development upon adjoining residents.  
To meet council's requirements regarding diversion from landfill*

**155. Management of waste storage facilities**

During occupation and use all waste storage areas will be maintained in a clean and tidy condition at all times.

**REASON**

*To ensure the ongoing management of waste storage areas.*

**156. Bins to be collected on site**

During occupation and use, between collection periods, all waste/recyclable materials generated on site must be kept in enclosed bins with securely fitting lids, so the contents are not able to leak or overflow. Bins must be stored in the designated waste/recycling storage room(s) or area(s) between collection periods. Bins must be collected from on site and not placed on public land at any time.

**REASON**

*To ensure waste is adequately stored within the premises.*

**157. Bulky Waste Storage**

During occupation and use the storage area must be readily accessible to all residents and located close to main waste storage area. It must also be secure and caged to allow the contents to be visible from the outside when located in a basement and have a minimum 2-meter doorway width to allow for easy movement of large items.

The size of the storage area should be 12 meters squared for up to 40 dwellings, with an additional 3 meters squared for every 10 dwellings thereafter.

**REASON**

*To allow residents to neatly store bulky waste items for collection and prevent incidents of illegal dumping.*

**158. Bulky Waste Collection**

During occupation and use, between collection periods, all bulky waste materials generated on site must be kept securely on site. Bulky Waste must be stored in the designated storage room(s) or area(s) between collection periods. Bulky Waste must be collected from on site and not placed on public land at any time.

**REASON**

*To ensure bulky waste is adequately stored within the premises and prevent incidents of illegal dumping.*

**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) **Before You Dig Australia**

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

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

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

**REASON**

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

(e) **Subdivision Does Not Form Part of Approval**

Strata / Torrens Title Subdivision does not form part of the subject development consent. A separate application shall be made, and approval received, for any Strata / Torrens Title Subdivision of the approved development.

(f) **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*.

(g) **Asbestos**

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

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

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

(h) **Hazardous Waste**

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

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

(i) **Noise Minimisation during Demolition and Construction**

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

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

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

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