

LOT F BATA 2 - DRAFT CONDITIONS OF CONSENT DA-2024/205

16 Studio Drive Eastgardens

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

GENERAL CONDITIONS

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

1. Approved Plans and Supporting Documentation

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

Approved Architectural Plans				
Plan No.	Revision No.	Plan Title	Drawn By	Date of Plan
DA001	5	Project Information	PBD Architects	28/02/2025
DA004	2	Site Plan	PBD Architects	30/01/2025
DA101	4	Basement 02 Plan	PBD Architects	28/02/2025
DA102	4	Basement 01 Plan	PBD Architects	28/02/2025
DA103	11	Ground Floor Plan	PBD Architects	01/04/2025
DA104	10	Level 1 Plan	PBD Architects	01/04/2025
DA105	6	Level 2 Plan	PBD Architects	28/02/2025
DA106	6	Level 3-5 Plan	PBD Architects	28/02/2025
DA107	6	Level 6 Plan	PBD Architects	28/02/2025
DA108	8	Level 7 Plan	PBD Architects	27/03/2025
DA109	6	Level 8 Plan	PBD Architects	28/02/2025
DA110	6	Level 9 Plan	PBD Architects	28/02/2025
DA111	7	Level 10 Plan	PBD Architects	28/02/2025
DA112	6	Level 11-12 Plan	PBD Architects	28/02/2025
DA113	6	Level 13 Plan	PBD Architects	28/02/2025
DA114	4	Roof Plan	PBD Architects	28/02/2025
DA200	4	North Elevation Plan	PBD Architects	28/02/2025
DA201	4	West Elevation Plan	PBD Architects	28/02/2025
DA202	4	South Elevation Plan	PBD Architects	28/02/2025
DA203	4	East Elevation Plan	PBD Architects	28/02/2025
DA204	4	Internal Elevation A Plan	PBD Architects	28/02/2025
DA205	4	Internal Elevation B Plan	PBD Architects	28/02/2025
DA300	2	Section A Plan	PBD Architects	28/02/2025
DA301	2	Section B Plan	PBD Architects	28/02/2025
DA410	2	Perspective Views 1 (View from North-West Corner)	PBD Architects	22/01/2025
DA411	2	Perspective Views 2	PBD Architects	22/01/2025

		(View from South-West Corner)		
DA412	2	Perspective Views 3 (View from North-East Corner)	PBD Architects	22/01/2025
DA500	4	GFA Diagram 1	PBD Architects	28/01/2025
DA501	4	GFA Diagram 2	PBD Architects	28/01/2025
DA502	4	GFA Diagram 3	PBD Architects	28/01/2025
DA520	1	Deep Soil Diagram 1	PBD Architects	23/01/2025
DA521	1	Deep Soil Diagram 2	PBD Architects	23/01/2025

Approved Landscape Plans				
Plan No.	Revision No.	Plan Title	Drawn By	Date of Plan
L510	D	4.3 Planting Plans	Urbis	28/02/2025
L520	D	Lot F Level 1 Planting Plans	Urbis	28/02/2025
L521	D	Lot F Level 1 Planting Plans	Urbis	28/02/2025
L530	D	Lot F Level 2 Planting Plans	Urbis	28/02/2025
L531	D	Lot F Level 2 Planting Plans	Urbis	28/02/2025
L540	D	Lot F Level 6 Planting Plans	Urbis	28/02/2025
L550	D	Lot F Level 7 Planting Plans	Urbis	28/02/2025
L560	D	Lot F Level 8 Planting Plans	Urbis	28/02/2025
L570	D	Lot F Level 10 Planting Plans	Urbis	28/02/2025
L570	D	Lot F Level 13 Planting Plan	Urbis	28/02/2025
-	-	4.4 Typical Details and Sections	-	-

Approved Documents			
Document Title	Version	Prepared By	Date of Document
Acoustic Report	0	Acoustic Logic	25/06/2024
Arboricultural Impact Assessment Report	-	Jacksons Nature Works	25/07/2024
ESD Report	H	Efficient Living	12/08/2022
CPTED Report	-	Meriton Property Services	08/08/2024
Geotechnical Report	0	Douglas Partner	14/06/2024
Reflectivity Report	0.2	SLR	03/07/2024

Loading Dock Management Plan	2	Genesis Traffic	19/07/2024
Green Travel Plan	1	Genesis Traffic	23/07/2024
Operational Waste Management Plan	B	EF Consulting	20/06/2024
Pedestrian Wind Environment Statement	1	Windtech	11/07/2024
Adaptable Housing Assessment Report		Design Confidence	31/07/2024
Emergency Services Plan		Genesis Traffic	31/07/2024
BASIX Certificate	1758557M_03		

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

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 69(1).

4. 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 F 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 & 34 of the approved Concept Plan DA-2019/386.

REASON

To ensure compliance with the Concept Plan.

5. 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 retain the design integrity of the development.

6. Executed Planning Agreement (PA)

- 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 the relevant Occupation Certificate.

REASON

To ensure the delivery of the executed planning agreement commitments.

7. Tree Management

Tree management is to be carried out in accordance with the recommendations of the Arborist Report listed in condition 1 of this consent, except for the proposed removal of trees 45 and 380. These trees are to be retained and protected during construction.

The following trees are permitted to be removed as per the recommendations of the report:

Trees 312, 313, 314, 316, 317, 318, 319, 320, 321, 322, 324, 329, 330 & 366.

The Applicant has permission to remove the following public domain trees: Tree 39, 900 & 901.

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

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.

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

Tree Protection

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.

The applicant shall comply with all recommendations, requirements, and management plans contained within the Arborist report, prepared by Jacksons Nature Works, dated 5/02/2025. The key recommendations to be complied with include:

- (i) Retention and protection of tree 45 & 380 which are in the Public Domain with a TPZ.
- (ii) Retention and protection of tree 362, 363, 364, 365, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379 & 381 located on site.
- (iii) Prior to commencement of any work on site, in order to ensure that all of the above-mentioned trees are protected against adverse conditions during demolition and construction, and the health and structural stability ensured.
- (iv) 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.

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.

Tree Offset Controls

The proposed development includes the removal of seventeen (17) live trees. To offset the loss of canopy the applicant is required to replace the tree at a 3:1 replacement ratio, therefore a total of fifty-one (51) 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 a Construction Certificate.

Where there is insufficient space to for the required number of replacement trees on site, the applicant may choose to offset the remaining trees by way to Council so it can facilitate replacement planting in Public Land.

Public Domain Tree Bond

Prior to the commencement of any work the applicant is to submit payment for a Tree Preservation Bond of \$4,000 to ensure protection of the retained Public Domain Trees.

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.

Breach of Conditions

The above listed requirements and 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.

REASON

To ensure the health and longevity of the existing tree.

8. 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.

9. 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.

10. Substation

The substation is to be located within the footprint of the building as per the approved plans. Any change to the location of substation or its size will necessitate the submission of a modification application under Section 4.55 of the EP&A Act.

REASON

To ensure minimal impact on the streetscape.

11. Enclosure of Structures

Car spaces within the development 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.

12. Earthworks Not Shown on Plans

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

REASON

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

13. Approved Materials and Finishes

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

REASON

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

14. Parking Allocation

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

Use	Number of Spaces Allocated
Residential	
Residential units	A maximum of 268 residential car spaces shall be allocated as per the below: <ul style="list-style-type: none"> 1 & 2 bedroom unit - Maximum 1 space per apartment 3 or more bedroom - Maximum of 2 spaces per apartment
Residential visitor	12 visitor car spaces
Car Wash Bay	2 spaces (dedicated)
Others	
Loading Bay	2 MRV 4 RESI SERVICE (VAN)
Car Share	5 car share spaces
Motorcycle parking	
Residential	20 motorcycle spaces
Bicycle parking	
Residential	171 residential spaces

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

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

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

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

REASON

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

15. 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.

16. Design Architect Involvement

- a) In order to ensure the design excellence of the development is retained:
 - i) Pbd 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.

17. All remediation works must be completed in accordance with the 'Remedial Action Plan, Lot 34, Deposited Plan 1312041, Proposed Mixed Use Development' (Lot 34 RAP), ref 85009.03.R.069.Rev0, dated 11 February 2025, including:

- The use of a minimum of 1.5m of validated soil to cover any areas of the proposed open space park that is to be dedicated to Council public park (Lot 33, DP 1312041) where asbestos-impacted soil with concentrations not exceeding the SAC have been maintained or relocated; and
- Ensure that the finished levels of the public park are to match/connect seamlessly with the levels of the adjoining public domain and be consistent with the finished surface levels of Lot F buildings (DA-2024/205) and approved under the park proposal (DA-2024/236).

Any supplementary contamination assessment works, including the 'Asbestos delineation assessment', outlined in section 7 of the Lot 34 RAP, must be completed by a suitably qualified and experienced contaminated land consultant in accordance with:

- a) NSW EPA 'Consultants reporting on contaminated land' 2020;
- b) NSW EPA approved guidelines under the Contaminated Land Management Act 1997;
- c) Chapter 4 of the State Environmental Planning Policy (Resilience and Hazards) 2021; and

d) Section 3.11 – Contamination of Bayside Development Control Plan 2022.

The asbestos delineation assessment must complete a test pit investigation in accordance with the double sampling density requirements of the WA DoH (2021) 'Guidelines for the Assessment, Remediation and Management of Asbestos-Contaminated Sites in Western Australia'.

An amended RAP must then be completed by a suitably qualified and experienced contaminated land consultant and incorporate findings from any supplementary contamination assessment. Any additional contamination identified and remediation required must be addressed in the amended RAP. Any materials excavated from the basement must be adequately validated prior to reuse in the Open Space 07.

The amended RAP must be submitted 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.

18. Appointment of Site Auditor

A Site Audit Statement will be required for this site prior to the issue of any Occupation Certificate for the building and park. To ensure the necessary assessment and remediation is completed, a NSW EPA Accredited Site Auditor (Contaminated Land) must be appointed to the site prior to the commencement of any remediation, excavation or construction works at the site. The Site Auditor must review and endorse any additional investigation and remediation proposed prior to the commencement of any works.

Written evidence of this appointment must be provided to Council prior to the issue of the relevant Construction Certificate.

REASON:

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

REQUIREMENTS OF CONCURRENCE, INTEGRATED AND OTHER AUTHORITIES

19. Ausgrid

a) Method of Electricity Connection

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

b) 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.

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) Street Lighting

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.

20. 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.

21. 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.

22. Sydney Airport

The following conditions are imposed by the Sydney Airport Corporation Limited (SACL) in their letter dated 23 January 2017 and must be complied with:

- 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 and quoting SY-CA-197 P5.
- 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.
- e) A separate assessment and approval under the Regulations will be required for any further addition to the height of the building (including the installation of antennas) as it will increase the penetration of the OLS.

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

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

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

REASON

To ensure compliance with requirements of Sydney Airports Corporation Limited.

CONDITIONS WHICH MUST BE SATISFIED DURING ANY WORKS (including demolition, excavation, and construction)

23. Additional information – Contamination – Cease work addition (with SAS auditor)

Any new information that comes to light during excavation, remediation, or construction which has the potential to alter previous conclusions about site contamination and remediation must be notified to Council, the appointed Site Auditor (Contaminated Land) and the accredited certifier immediately. All work on site must cease until 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.

REASON:

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

24. Remediation Works – General

All remediation work must be carried out in accordance with:

- a) NSW EPA 'Consultants reporting on contaminated land' 2020;
- b) NSW EPA guidelines under the Contaminated Land Management Act 1997;
- c) Chapter 4 of the State Environmental Planning Policy (Resilience and Hazards) 2021; and
- d) 'Remedial Action Plan, Lot 34, Deposited Plan 1312041, Proposed Mixed Use Development' (Lot 34 RAP), ref 85009.03.R.069. Rev 0, dated 11 February 2025, and subsequent addendums.

REASON

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

25. Waste Classification – Excavated Materials

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

REASON

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

26. 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 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.

27. Dewatering – Water Quality Requirements

For any water from site dewatering to be permitted to go to the stormwater, the water must meet the relevant Default Guideline Values under the Australian & New Zealand Guidelines (ANZG) for Fresh & Marine Water Quality. 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 must be provided in this report.

Reports must be provided to and approved by Council's Director City Futures (or delegate) prior to discharge of any groundwater to the stormwater system. All dewatering procedures, and water quality management must be undertaken in accordance with the 'Dewatering Management Plan, proposed mixed use development – BATA Phase 2 – Lot F' (DMP), ref 85009.05.R.008.Rev0, by Douglas Partners, dated 11 July 2024.

REASON:

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

28. 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.

29. 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.

30. Contaminated Land – Interim Site Validation Report

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

- a) NSW EPA 'Consultants reporting on contaminated land' 2020;
- b) NSW EPA approved guidelines under the Contaminated Land Management Act 1997; and
- c) Chapter 4 of the State Environmental Planning Policy (Resilience and Hazards) 2021.

The interim SVR must be submitted and approved by Council's Director City Futures (or delegate) after completion of excavation and shoring works.

REASON:

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

31. Interim Site Audit Advice

To ensure that the excavation and shoring works have been completed in accordance with the amended RAP (to be supplied following completion of the 'Asbestos delineation assessment'), Interim Site Audit Advice must be completed by the appointed Site Auditor under the Contaminated Land Management Act 1997 and must be submitted to and approved by Council's Director City Futures (or delegate). The Interim Site Audit Advice must clearly demonstrate that the excavation and shoring works have been completed in accordance with the amended RAP.

REASON:

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

REQUIREMENTS OF CONCURRENCE, INTEGRATED AND OTHER AUTHORITIES

32. General Terms of Approval

The development shall be carried out in accordance with the requirements of the General Terms of Approval (GTA) outlined below.

Approval Body	Date of approval
Water NSW	18 September 2024
Sydney Water	8 October 2024
Ausgrid	15 October 2024
TfNSW	30 September 2024
Sydney Airport	23 January 2017

A copy of the requirements of the approval Authority is attached to this consent.

REASON

To ensure compliance with General Terms of Approval provided by external authorities.

33. Water NSW

The following conditions are imposed by WaterNSW in their letter dated 18 September 2024 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) GT0116-00001

Before any construction certificate is issued for any excavation under the development consent, the applicant must:

1. apply to WaterNSW for, and obtain, an approval under the Water Management Act 2000 or Water Act 1912, for any water supply works required by the development; and
2. notify WaterNSW of the programme for the dewatering activity to include the commencement and proposed completion date of the dewatering activity.

Advisory Note:

3. An approval under the Water Management Act 2000 is required to construct and/or install the water supply works. For the avoidance of

doubt, these General Terms of Approval do not represent any authorisation for the 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.

4. 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.

c) GT0117-00001

A water access licence, for the relevant water source, must be obtained prior to extracting more than 3ML per water year of water as part of the construction dewatering activity.

Advisory Notes:

1. This approval is not a water access licence.
2. A water year commences on 1 July each year.
3. This approval may contain an extraction limit which may also restrict the ability to take more than 3ML per water year without further information being provided to WaterNSW.
4. Note that certain water sources may be exempted from this requirement - see paragraph 17A, Schedule 4 of the Water Management (General) Regulation 2018.

d) GT0118-00001

If no water access licence is obtained for the first 3ML / year (or less) of water extracted, then, in accordance with clause 21(6), Water Management (General) Regulation 2018, the applicant must:

- (a) record water taken for which the exemption is claimed, and
- (b) record the take of water not later than 24 hours after water is taken, and
- (c) make the record on WAL exemption form located on WaterNSW website "Record of groundwater take under exemption", and
- (d) keep the record for a period of 5 years, and
- (e) give the record to WaterNSW either via email to Customer.Helpdesk@waterNSW.com.au or post completed forms to - PO Box 398 Parramatta NSW 2124
 - i) not later than 28 days after the end of the water year (being 30 June) in which the water was taken, or
 - ii) if WaterNSW directs the person in writing to give the record to WaterNSW on an earlier date, by that date.

e) 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.

f) GT0120-00001

The design and construction of the building must prevent:

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

g) GT0121-00001

Construction phase monitoring bore requirements GTA:

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

h) GT0122-00001

Construction Phase Monitoring programme and content:

- (a) A monitoring programme must be submitted, for approval, to WaterNSW with the water supply work application. The monitoring programme must, unless agreed otherwise in writing by WaterNSW, include matters set out in any Guide published by the NSW Department of Planning Industry and Environment in relation to groundwater investigations and monitoring. Where no Guide is current or published, the monitoring programme must include the following (unless otherwise agreed in writing by WaterNSW):
 - (i) Pre-application measurement requirements: The results of groundwater measurements on or around the site, with a minimum

of 3 bore locations, over a minimum period of 3 months in the six months prior to the submission of the approval to WaterNSW.

- (ii) Field measurements: Include provision for testing electrical conductivity; temperature; pH; redox potential and standing water level of the groundwater;
- (iii) Water quality: Include a programme for water quality testing which includes testing for those analytes as required by WaterNSW;
- (iv) QA: Include details of quality assurance and control
- (v) Lab assurance: Include a requirement for the testing by National Association of Testing Authorities accredited laboratories.
- b) The applicant must comply with the monitoring programme as approved by WaterNSW for the duration of the water supply work approval (Approved Monitoring Programme)
- i) GT0123-00001
 - (a) Prior to the issuing of the occupation certificate, and following the completion of the dewatering activity, and any monitoring required under the Approved Monitoring Programme, the applicant must submit a completion report to WaterNSW.
 - (b) The completion report must, unless agreed otherwise in writing by WaterNSW, include matters set out in any guideline published by the NSW Department of Planning Industry and Environment in relation to groundwater investigations and monitoring.

Where no guideline is current or published, the completion report must include the following (unless otherwise agreed in writing by WaterNSW):
 - 1) All results from the Approved Monitoring Programme; and
 - 2) Any other information required on the WaterNSW completion report form as updated from time to time on the WaterNSW website.
 - (c) The completion report must be submitted using "Completion Report for Dewatering work form" located on WaterNSW website www.waternsw.com.au/customer-service/water-licensing/dewatering.
- j) 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 conceptualization
 - 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.

k) 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.

l) 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.

m) GT0155-00001

The following construction phase monitoring requirements apply (Works Approval):

- 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
- The applicant must comply with the monitoring programme as amended by this approval (Approved Monitoring Programme).
- The applicant must submit all results from the Approved Monitoring Programme, to WaterNSW, as part of the Completion Report.

REASON

To ensure compliance with requirements of WaterNSW.

34. Transport for NSW (TfNSW)

The following conditions are imposed by TfNSW in their letter dated 30 September 2024 must be complied with:

- Detailed design plans and hydraulic calculations of any changes to the stormwater drainage system on Bunnerong Road are to be submitted to TfNSW for approval, prior to the commencement of any works. Please send all documentation to development.sydney@transport.nsw.gov.au. A plan checking fee will be payable, and a performance bond may be required before TfNSW approval is issued.

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

REASON

To ensure the requirements of TfNSW are adhered to.

35. Ausgrid

The following is imposed by Ausgrid and must be complied with:

Ausgrid Underground Cables are in the vicinity of the development

Special care should be taken to ensure that driveways and any other construction activities do not interfere with existing underground cables located in the footpath or adjacent roadways. It is recommended that the developer locate and record the depth of all known underground services prior to any excavation in the area. Information regarding the position of cables along footpaths and roadways can be obtained by contacting Dial Before You Dig (DBYD). In addition to DBYD the proponent should refer to the following documents to support safety in design and construction. SafeWork Australia – Excavation Code of Practice. Ausgrid's Network Standard NS156 which outlines the minimum requirements for working around Ausgrid's underground cables.

Ausgrid cannot guarantee the depth of cables due to possible changes in ground levels from previous activities after the cables were installed. Should ground anchors be required in the vicinity of Ausgrid underground cables, the anchors must not be installed within 300mm of any cable, and the anchors must not pass over the top of any cable.

Ausgrid Overhead Powerlines are in the vicinity of the development.

The developer should refer to SafeWork NSW Document – Work Near Overhead Powerlines: Code of Practice. This document outlines the minimum separation requirements between electrical mains (overhead wires) and structures within the development site throughout the construction process. It is a statutory requirement that these distances be maintained throughout the construction phase. Consideration should be given to the positioning and operating of cranes, scaffolding, and sufficient clearances from all types of vehicles that are expected be entering and leaving the site. The "as constructed" minimum clearances to the mains must also be maintained. These distances are outlined in the Ausgrid Network Standard, NS220 Overhead Design Manual. This document can be sourced from Ausgrid's website at www.ausgrid.com.au.

It is the responsibility of the developer to verify and maintain minimum clearances onsite. In the event where minimum safe clearances are not able to be met due to the design of the development, the Ausgrid mains may need to be relocated in this

instance. Any Ausgrid asset relocation works will be at the developer's cost. Additional information can be found in the Ausgrid Quick Reference Guide for Safety Clearances "Working Near Ausgrid Assets - Clearances". This document can be found by visiting the following Ausgrid website: www.ausgrid.com.au/Your-safety/Working-Safe/Clearance-enquiries. For new connections or to alter the existing electrical connection to the property from the Ausgrid network, the proponent should engage an Accredited Service Provider and submit a connection application to Ausgrid as soon as practicable. Visit the Ausgrid website for further details: <https://www.ausgrid.com.au/Connections/Get-connected>

Method of Electricity Connection

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

New or Modified Connection

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

Proximity to Existing Network Assets Overhead Powerlines

There are existing overhead electricity poles and cables along Heffron Road & Bunnerong Road.

Safework NSW Document – Work Near Overhead Powerlines: Code of Practice, outlines the minimum safety separation requirements between these mains/poles to structures within the development throughout the construction process. It is a statutory requirement that these distances be maintained throughout construction. Special consideration should be given to the positioning and operating of cranes and the location of any scaffolding. The "as constructed" minimum clearances to the mains should also be considered. These distances are outlined in the Ausgrid Network Standard, NS220 Overhead Design Manual.

This document can be sourced from Ausgrid's website, www.ausgrid.com.au Should the existing overhead mains require relocating due to the minimum safety clearances being compromised in either of the above scenarios, this relocation work is generally at the developers cost. It is also the responsibility of the developer to ensure that the existing overhead mains have sufficient clearance from all types of vehicles that are expected be entering and leaving the site.

Underground Cables

There are existing underground electricity cables and ducts in and along Heffron Road & Bunnerong Road.

Special care should also be taken to ensure that driveways and any other construction activities within the footpath area does 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.

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

In addition to BYDA the proponent should refer to the following documents to support safety in design and construction: SafeWork Australia – Excavation Code of Practice.

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

The developer is responsible for the cost to identify and remove any cables that need to be relocated from the site.

New Driveways

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

Street Lighting

The developer is to consider the impact that existing street lighting 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.

Vegetation

All proposed vegetation underneath overhead power lines and above underground cables must comply with the requirements of ISSC 3 Guideline for Managing Vegetation Near Power Lines.

Ausgrid Kiosk Substation in the vicinity of the development

The existing electricity substation S35527 positioned along Bunnerong Road may be impacted by the proposed construction

Subsidence and vibration must be minimised at the substation site. The use of ground anchors under a substation 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 meters. Any portion of a building other than a BCA class 10a structure constructed from noncombustible materials, which is not sheltered by a non-ignitable blast-resisting barrier and is within 3 metres in any direction from the housing of a kiosk substation, is required to have a Fire Resistance Level (FRL) of not less than 120/120/120. Openable or fixed windows or glass blockwork or similar, irrespective of their fire rating, are not permitted within 3 metres in any direction from the housing of a kiosk substation, unless they are sheltered by a non-ignitable blast resisting barrier. 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 141.

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 the requirements of Ausgrid are adhered to.

36. Sydney Water

The following conditions are imposed by Sydney Water in their letter dated 25 September 2024 and must be complied with:

d) 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.

e) 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.

f) 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 the requirements of Sydney Water are adhered to.

PRIOR TO ISSUE OF THE RELEVANT CONSTRUCTION CERTIFICATE

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

37. Design Amendments

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

- a) The four visitor car parking spaces on basement 1 are to be relocated to the ground floor level of the development by making the following amendments:
 - i) Providing a visitor space adjacent to service bay 4 by shifting the column location to be closer to car share 1.
 - ii) Relocating the 3 visitor bicycle spaces to the lobby frontage and shifting service bay 2 & 3 so that a visitor carparking space can be provided where the visitor bicycles were.
 - iii) The turning bay shall be deleted for a visitor car space.
 - iv) Providing a visitor car space adjacent to service bay 1 by shifting service bay 1.

- v) Visitor 3 shall be converted into an accessible visitor space with shared zone.
- vi) The four visitor car parking spaces on basement level 1 are to be converted into residential car parking spaces.
- vii) The pergola over the BBQ area at podium level (Level 1) shall be extended to cover the seating area.

Prior to the approval by the Principal Certifier, amended ground level, level 1, basement floor plans and pergola details shall be submitted to, and approved by, the Bayside Council Director of City Futures (or delegate).

REASON

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

38. Hydrant Boosters

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

REASON

To ensure compliance with relevant Australian Standards.

39. 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.

40. Swimming Pools – New Pools

- a) The design and construction of the swimming pool and associated fencing and equipment must comply with:
 - i) Swimming Pools Act 1992, and
 - ii) Swimming Pool Regulations 2018, and
 - iii) National Construction Code, and
 - iv) AS 1926.1 – Swimming Pool Safety – Safety Barriers for Swimming Pools, and
 - v) Protection of the Environment Operations Act 1997.

Details demonstrating compliance with the requirements of this condition are to be submitted to the Principal Certifier prior to the issue of the relevant Construction

Certificate and must be complied with prior to the issue of the relevant Occupation Certificate.

- b) The swimming pool shall be designed and constructed in a manner that does not allow water to be drained to the adjoining properties, and
- c) Waste water from the pool or spa shall be discharged into the Sydney Water system, and
- d) The swimming pool shall be registered in accordance with the requirements of the Swimming Pools Act 1992 prior to issue of the relevant Occupation Certificate, and
- e) The pool / spa shall not be filled until the safety fences have been completed in accordance with this consent and inspected by the Principal Certifier, and
- f) The motor, filter, pump and sound producing equipment or fittings associated with or forming part of the pool filtering system shall be sound insulated and/or isolated so as not to create an offensive noise to neighbours.

Swimming pool is to be installed with a timer that limits the recirculation and filtration systems operation such that it does not emit noise that can be heard within a habitable room in any other residential premises (regardless of whether any door or window to that room is open):

- i. Before 8.00 am or after 8.00 pm on any Sunday or public holiday, or
- ii. Before 7.00 am or after 8.00 pm on any other day.

REASON

To minimise impacts and achieve compliance with relevant legislation.

41. Payment of fees and security deposits

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

Soil and Water Management Sign Fee	\$25.50
Builders Damage Deposit (Security Deposit)	\$78,919.20
Tree Preservation Bond (Security Deposit)	\$4,000

Note: The amount payable must be in accordance with Council's fees and charges at the payment date.

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

REASON

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

42. Payment of Security Deposits

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

- a) make payment of \$78,919.20 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.

43. Payment of Fees

Before any site work commences, the following must be paid to Council and written evidence of these payments provided to the Principal Certifier:

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

REASON

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

44. Long Service Levy

Before the issue of the relevant Construction Certificate, the long service levy of \$331,964.40, 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.

45. Payment of Section 7.11 Contributions

A Section 7.11 contribution of \$4,480,000.00 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 any Occupation Certificate. 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.

Community Facilities

\$ 399,684.15

Recreation and Open Space	\$ 3,222,506.47
Transport Facilities	\$ 821,744.63
Administration	\$ 36,064.75
Total in 2024/25	\$ 4,480,000.00

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

Notice:

From 1 October 2023, the Housing and Productivity Contribution replaces the Special Infrastructure Contribution (SIC) in the NSW planning legislation. It applies to the DAs lodged after 1 October 2023 in the whole of the LGAs located within Greater Sydney (including Bayside Council).

REASON

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

46. Housing and Productivity Contribution

1. The housing and productivity contribution (HPC) set out in the table below, but as adjusted in accordance with condition 2, is required to be made:

Housing and Productivity Contribution	Amount
Housing and productivity contribution (base component)	\$2,399,186.31

2. The amount payable at the time of payment is the amount shown in condition 1 as the total housing and productivity contribution adjusted by multiplying it by:

highest PPI number
consent PPI number

where:

highest PPI number is the highest PPI number for a quarter following the June quarter 2023 and up to and including the 2nd last quarter before the quarter in which the payment is made, and

consent PPI number is the PPI number last used to adjust HPC rates when consent was granted, and

June quarter 2023 and *PPI* have the meanings given in clause 22 (4) of the *Environmental Planning and Assessment (Housing and Productivity Contribution) Order 2023*.

If *the* amount adjusted in accordance with this condition is less than the amount at the time consent is granted, the higher amount must be paid instead.

3. The HPC must be paid before the issue first construction certificate in relation to the development, or before the commencement of any work authorised by this consent (if no construction certificate is required). However, if development is any of the kinds set out in the table below, the total housing and productivity contribution must be paid as set out in the table:

Development	Time by which HPC must be paid
Development consisting only of residential subdivision within the meaning of the HPC Order	Before the issue of the first subdivision certificate
High-density residential development within the meaning of the HPC Order for which no construction certificate is required	Before the issue of the first strata certificate
Development that consists only of residential strata subdivision (within the meaning of the HPC Order) or only of residential strata subdivision and a change of use of an existing building	Before the issue of the first strata certificate
Manufactured home estate for which no construction certificate is required	Before the installation of the first manufactured home

In the Table, HPC Order means the *Environmental Planning and Assessment (Housing and Productivity Contribution) Order 2023*.

4. The HPC must be paid using the NSW Planning Portal (<https://pp.planningportal.nsw.gov.au/>).
5. If the Minister administering the Environmental Planning and Assessment Act 1979 agrees, the HPC (apart from any transport project component) may be made, instead of as a monetary contribution, in the following ways:
- the dedication or provision of land for the purpose of regional infrastructure in the region in which the development will be carried out,
 - the carrying out of works for the purpose of regional infrastructure in the region in which the HPC development will be carried out.
- If the HPC is made partly as a monetary contribution, the amount of the part payable is the amount of the part adjusted in accordance with condition 2 at the time of payment.
6. Despite condition 1, a housing and productivity contribution 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 *Environmental Planning and Assessment (Housing and Productivity Contribution) Order 2023* exempts the development from the contribution. The amount of the contribution may also be reduced under the order, including if payment is made before 1 July 2025.

REASON

To comply with relevant legislation.

47. 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.

48. Design Excellence

To ensure design excellence is achieved, as required by Cl6.10 of Bayside Local Environmental Plan 2021 prior to the issue of the relevant Construction Certificate and any public domain works, the following must be prepared by the registered architect commissioned for the construction of the project:

- a) Two (2) sample boards containing original samples and swatches of all external materials and colours including:
 - i) Wall and roof cladding, and
 - ii) Columns within front setback to the Princes Highway if required, 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) Signage, and
 - xi) Retaining wall details.
- 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 1:50.

The boards, elevations and sections are to be submitted and stamped as approved by the Director City Futures Bayside Council (or delegate) prior to the issue of the relevant Construction Certificate and any public domain works. The Construction Certificate shall be precisely consistent with these approved materials.

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

REASON

To retain the design integrity of the development and ensure design excellence is delivered.

49. 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.

50. 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.

51. 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.

52. Clear Public Accessways

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

REASON

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

53. Utilities and Services

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

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

REASON

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

54. 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 Principal Certifier:

- Council's relevant Development Control Plan,
- the guidelines set out in the NSW Department of Housing Manual 'Managing Urban Stormwater: Soils and Construction Certificate' (the Blue Book), and

- the 'Do it Right On-Site, Soil and Water Management for the Construction Industry' (Southern Sydney Regional Organisation of Councils and the Natural Heritage Trust) (as amended from time to time).

REASON

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

55. Retaining Walls Over 600mm

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

REASON

To ensure the structural adequacy of new retaining walls.

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

The detailed drainage design plans shall incorporate the provisions generally made in the stormwater concept plans prepared by AT&L, project number 13-155 (LOT F Package), dated 07-02-25 along with the requirements detailed below:

- The OSD for the development is to provide a minimum volume of 1005m³ that incorporates a high early discharge design.
- The OSD discharge is not permitted to traverse through the future council park. It shall be revised to discharge through the private road.
- Calculations for the orifice size shall be submitted demonstrating a complaint PSD from the OSD (36 l/s).
- An 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.
- An OSD lid plan is to be submitted for the OSD, showing the distance from pit centre to centre. The grates spacing of the access grates is to be a maximum of 6m from centre of pits to pit.
- The re-use of the 20,000L rainwater tank is to be provided on the drawings. The rainwater tank shall be connected to all ground floor toilet flushing, the cold water tap that supplies all ground floor clothes washing machines, the car wash bays, and the entire landscape irrigation system for non-potable stormwater re-use. Hydraulic plans shall also be submitted demonstrating compliance.
- The MUSIC catchment plan 'DAC2342' is to be revised to have the podium and landscape (planter boxes) catchment as 100% impervious and the bypass

as 50% impervious. 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. The MUSIC modelling outputs shall be shown on the MUSIC catchment plan.

- h) The MUSIC modelling shows 5x oceanguards (pit inserts) treating the bypass however 3 of the pit inserts are proposed in Studio Drive (Council Road) which is not permitted, all pit inserts need to be on private land. The MUSIC modelling shall be revised to show the correct number of pit inserts reflecting the plans.
- i) The private road design shall be revised to treat surface run-off from the road by providing a bio-retention/raingarden/vegetated swale system in the with slotted kerb and modified gutter to drain run-off from both the northern and southern sides of the private road. along with runoff from the ground level surface drainage systems that bypass the OSD. This system must be designed to accommodate tree planting. Full manufacturer details to be submitted.
- j) Soft copy of revised MUSIC modelling shall be provided.
- k) The development of LOT F & C including the ancillary parks are resulting in a change of the anticipated catchments that the drainage in Studio Drive designed to (as per the roads DA approval DA-2019/387). A far greater catchment area is currently proposed to be funnelled through ML03 private road so, pipe size upgrades in Studio Drive (between pits B/2, B/3, B/4 and A/5) may be required.
- l) All surface run-off in the basement shall be treated to remove oil and sediment. Either an oil baffle is to be designed in the WSUD chamber or, an oil separator can be provided in the lowest basement level treating all run-off. This is to be shown on the plans.
- m) Stormwater basement plans for all levels shall be provided. The plans shall include a surface drainage system for the basement slab with a minimum capacity 3.0m³ 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 RL16.50m AHD. 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 in accordance with AS2890.1:2004. The grading for all basement levels is to be shown. The catchment draining into the pump out pit to be shown.
- n) The pump out pit section is 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.
- o) Stormwater plans for the podium and roofs are to be provided.

REASON

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

57. Safer by Design Requirements

To maximise security in and around the development the following shall be incorporated into the development. Details for the following are to be approved by the Principal Certifier prior to the issue of the relevant Construction Certificate, implemented prior to issue of the relevant 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) Front windows of all ground floor tenancies must be kept free of shelves, and a maximum of 15% of the window display area may be covered with promotional materials to ensure passive surveillance is maintained to and from tenancies, and
- g) The ceiling of the basement car park shall be finished in light colour in order to maximise visibility.

REASON

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

58. 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. 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 all ground floor clothes washing machines, the car wash bays, and the entire 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;
 - a. 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.
 - b. Provide EV Distribution Boards of sufficient size to allow connection of all 'EV-Ready' car spaces.
 - c. 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.
 - d. 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.
 - e. 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 maximise the sustainability of the development.

59. 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 LOT C & F shared private road is to be assessed and approved by the Bayside Council Director of City Futures (or delegate). A signage and line marking plan shall be provided. Private Road ML03 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. The driveway pavement is to be revised to be a textured pavement design. The required WSUD measures must be shown in the design of the private road.

REASON

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

60. Tanking and Waterproofing Basement Intercepting Groundwater Table

Prior to the issue of the relevant Construction Certificate, all subsurface structures located below the design ground water table level of RL16.50m 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.

61. Design of the landscape setbacks to adjacent public areas

Prior to the issue of the relevant Construction Certificate entailing any works above basement levels, detailed construction and landscape plans shall be submitted to, and approved by, the Bayside Council Director of City Futures (or delegate) addressing the following:

- The landscape setback to Studio Drive and both private roads 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 Studio Drive and both private roads. 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.

62. 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 in accordance with the Flood Assessment Report prepared by WMA Water dated 24 July 2024. All internal electrical switches, power points or similar utilities liable to flood damage shall be in accordance with the Flood Assessment Report prepared by WMA Water dated 24 July 2024.

REASON

To ensure the development meets flood planning requirements.

63. 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 in accordance with the Flood Assessment Report prepared by WMA Water dated 24 July 2024. The underground basement and substructures, access stair wells, lift wells, windows, pedestrian entry / exit points etc. shall be flood proofed and physically protected in accordance with the Flood Assessment Report prepared by WMA Water dated 24 July 2024. 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.

64. 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.

65. 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 &/or AS4299, 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 171 bicycle parking spaces and 20 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) 291 car parking spaces shall be provided for the development. The 291 car parking spaces shall be allocated as per the below:

- 268 residential parking spaces.
- 12 residential visitor parking spaces
- 5 car share spaces
- 4 residential service (van) 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 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 which must show all overhead services proposed (ducting, piping, fire sprinklers and the like). 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 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.

66. Structural Certificate Basement Structure Adjacent to Public Land

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 134 Bunnerong 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

67. Provision of Car Wash Bays

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.

68. 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 Principal Certifier's satisfaction, that any adaptable dwellings specified in the approved plans or documents comply with the provisions of *AS 4299 Adaptable Housing Standards*.

REASON

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

69. Use of Neighbouring Properties and Roadways for Support

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

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

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

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

REASON

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

70. Geotechnical Certification

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

- a) Review and ensure the appropriate construction methodology, parameters, and recommendations in the geotechnical report prepared by Douglas Partners, report no 85009.05.R.003.Rev1, dated 11 October 2024, have been implemented and relied upon during the preparation of the Construction Certificate plans and documentation.
- b) Provide detailed recommendations to allow the satisfactory implementation of the works.
 - i) The appropriate means of any excavation/shoring is to be determined and detailed considering the proximity to adjacent property and structures.
 - ii) Potential vibration caused by the method of excavation and potential settlements affecting nearby footings/foundations/buildings shall be discussed and ameliorated.
 - iii) Review and certify the proposed method to temporarily and permanently support any excavation adjacent to adjoining property, structures, and road reserve if nearby (full support to be provided within the subject site).
 - iv) An implementation program is to be prepared along with a suitable monitoring program (as required) including control levels for vibration, shoring support, ground level and groundwater level movements during construction. The implementation program is to nominate suitable hold points at the various stages of the works for verification of the design intent before sign-off and before proceeding with subsequent stages.
- c) Prepare a Construction Methodology report demonstrating that the proposed construction methods (including any excavation, and the configuration of the built structures) will have no adverse impact on any surrounding property and infrastructure.
- d) Certify that the construction certificate plans and supporting documentation are satisfactory from a geotechnical perspective.
- e) Inspect the works as they progress at frequencies determined by the geotechnical engineer (where necessary).

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

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

REASON

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

71. Frontage Works Application

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

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

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

REASON

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

72. 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.

73. Undergrounding of Overhead Services and Installation of Lighting

All overhead cables, including electricity and telecommunication cables, on Bunnerong Road (as per condition 31 of DA-2019/386 – the entire Bunnerong Road frontage of 132, 134 and 136 Bunnerong Road) must be relocated underground as

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

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

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

REASON

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

74. 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. Details are to be provided on the relevant Construction Certificate plans.

REASON

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

75. Safer by Design Requirements

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

- h) 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
- i) 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
- j) Security mirrors shall be installed within corridors and on blind corners to enable users to see around blind corners, and
- k) Graffiti resistant materials shall be used to ground level external surfaces, and

- l) 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
- m) Front windows of all ground floor tenancies must be kept free of shelves, and a maximum of 15% of the window display area may be covered with promotional materials to ensure passive surveillance is maintained to and from tenancies, and
- n) 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.

76. Car Parking Details

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

REASON

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

77. 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.

78. External Lighting

All proposed external lighting 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.

79. 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

80. 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:

1. Car parking facilities
2. Acoustic Report
3. Disability Access Plan
4. Pedestrian access

REASON

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

81. Dilapidation Report

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

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

REASON

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

82. Waste Management Plan Requirements

Before the issue of the relevant construction certificate, a Waste Management Plan (as amended in accordance with conditions 100 below) for the development must be prepared and provided the Principal Certifier. The plan must be prepared as follows:

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

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

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

REASON

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

83. Waste Management Plan

Before the issue of the relevant construction certificate, the Waste Management Plan listed in condition1 must be amended to include the following:

- a) Provide a demolition phase waste management plan, as per Council's Waste Management Technical Specification 2022.
- b) Provide a construction phase waste management plan, as per Council's Waste Management Technical Specification 2022.
- c) The applicant must provide a swept path ensuring that council requirements for collection vehicles are met.
- d) In the Ongoing Waste Management Plan, the bulky waste storage room and waste storage areas are readily accessible to residents.
- e) Provide details of the bin storage rooms, ensuring they meet the requirements outlined in section 4.4 of Council's Waste Management Technical Specifications.

REASON

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

84. Property Address Allocation

Prior to the issue of the relevant construction certificate for the development an application for street addresses Property Address Allocation and associated fee shall be submitted to Council for each individual dwelling within the development in accordance with Section 5.2 of the NSW Address Policy and User Manual dated May 2021.

The form is available for download at:

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

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

https://www.gnb.nsw.gov.au/__data/assets/pdf_file/0004/229216/NSW_Address_Policy_and_User_Manual_2021.pdf

REASON

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

85. Landscape Frontage Works Application

Prior to the issue of any Construction Certificate, the applicant must submit a Frontage Works Application (Public Domain Construction – Frontage / Civil Works Application) to Bayside Council. Prior to the commencement of public domain works, a public domain landscape improvements plan shall be submitted to Bayside Council for assessment and approval.

The plans shall be undertaken by a suitably experienced Landscape Architect and shall include, but not be limited to, new street tree planting, footpath paving (segmental/other), street tree pit treatments and tree guards, street furniture, in ground landscaping and irrigation. The landscape plan must indicate locations of lighting poles, underground services, stormwater infrastructure etc.

The design shall be in accordance with Council's City Identity Program, Landscape DCP and any other Council specification or requirement (refer to Arncliffe & Banksia Public Domain Plan & Technical Manual). Contact Council's Landscape Architect for further details of specific requirements in preparation of the plan.

Some Landscape requirements are as follows:

- Any street tree required shall be supplied and planted at minimum 200 litres pot size.
- Undergrounding of all overhead services.

Further details will be provided by Council after lodging the Frontage Works Application.

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

REASON

To ensure compliance with landscape requirements from relevant policies.

BEFORE BUILDING WORKS COMMENCES (including excavation)

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

86. Soil Stockpile Area

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

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

REASON

To minimise adverse impacts on surrounding properties and the environment.

87. Erosion and Sediment Controls in Place

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

REASON

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

88. 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).

89. Notice regarding dilapidation report

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

REASON

To advise neighbours and Council of any dilapidation report.

90. Disconnection of Services before Demolition Work

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

REASON

To protect life, infrastructure and services.

91. Vibration Monitoring

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

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

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

Where the event requires, in the opinion of the professional engineer, any change in work practices to ensure that vibration at the level of the footings of any adjacent building does not exceed the peak particle velocity adopted by the professional engineer as the maximum acceptable peak particle velocity these changes in work practices must be documented and a written direction given by the professional engineer to the principal contractor and any sub-contractor clearly setting out required work practice.

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

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

REASON

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

92. Dilapidation Report - Public Domain - Pre-Construction

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.

93. 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 property:

- a) 8 Heffron Road EASTGARDENS NSW 2036
- b) 12 Heffron Road EASTGARDENS NSW 2036
- c) 16 Studio Drive EASTGARDENS NSW 2036
- d) 136 Bunnerong Road EASTGARDENS NSW 2035

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.

94. Utility Services Adjustments

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

REASON

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

DURING ANY BUILDING WORKS (including Excavation and Construction)

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

95. 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.

96. 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 the NSW Environmental Protection Authority's Interim Construction Noise Guidelines and the *Protection of the Environment Operations Act 1997*.
- 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.

97. 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 of a public authority.

REASON

To protect the amenity of the surrounding area.

98. 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.

99. 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.

100. Implementation of the Site Management Plans

While site work is being carried out:

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

REASON

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

101. 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.

102. 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)

103. Surveys by a Registered Surveyor

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

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

REASON

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

104. Noise and Vibration

While site work is being carried out, noise generated from the site must be controlled in accordance with the NSW Environmental Protection Authority's Interim Construction Noise Guidelines and the Protection of the Environment Operations Act 1997.

REASON

To protect the amenity of the neighbourhood during construction.

105. Noise and Vibration Requirements

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

REASON

To protect the amenity of the neighbourhood during construction.

106. 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.

107. 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.

108. 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.

109. Toilet Facilities

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

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

REASON

To ensure compliance with the Local Government Act 1993.

110. 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) Windblown 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 x10m driveways. Council's footpath shall be protected at all times. Within the site, provision of a minimum of 100mm coarse crushed rock is to be provided for a minimum length of two metres to remove mud from the tyres of construction vehicles, and
- k) An All-Weather Drive System or a vehicle wheel wash, cattle grid, wheel shaker or other appropriate device, shall be installed prior to commencement of any site works or activities, to prevent mud and dirt leaving the site and being deposited on the street. Vehicular access is to be controlled so as to prevent tracking of sediment onto adjoining roadways, particularly during wet weather or when the site is muddy. Where any sediment is deposited on roadways it is to be removed by means other than washing and disposed of appropriately.

REASON

To protect neighbourhood amenity and the quality of the waterways.

111. 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.

112. 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.

113. Protection of Council's Property

During 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.

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

During all stages of 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.

115. Waste Management

While site work is being carried out:

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

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

REASON

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

116. Waste Disposal Verification Statement

On completion of demolition work:

- a) A signed statement must be submitted to Council verifying that demolition work, and any recycling of materials, was undertaken in accordance with the waste management plan approved under this consent,

And

- b) If the demolition work involved the removal of asbestos, an asbestos clearance certificate issued by a suitably qualified person, must be submitted to Council within 14 days of completion of the demolition work.

REASON

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

117. Soil Management

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

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

REASON

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

118. Waste Classification

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

REASON

To ensure the appropriate removal of waste from the site in accordance with relevant legislative requirements.

PRIOR TO ISSUE OF AN OCCUPATION CERTIFICATE

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

119. 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.

120. 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 the relevant Occupation Certificate.

REASON

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

121. 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 registered architect 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 *State Environmental Planning Policy (Housing) 2021, Clause 6.10 of the Bayside LEP 2021 and the Apartment Design Guide.*

REASON

To ensure the design quality is delivered in accordance with approved plans and the provisions of SEPP (Housing) 2021.

122. Acoustic Certification

Before the issue of an Occupation Certificate, a suitably qualified person must provide details demonstrating compliance to the Principal Certifier that the acoustic measures have been installed in accordance with the Acoustic Report approved under this consent.

REASON

To ensure the effectiveness of acoustic mitigation measures.

123. BASIX / Energy Efficiency Commitments

A Compliance Certificate must be provided to the Principal Certifier confirming that the development has been constructed in accordance with the commitments contained within the approved BASIX listed under "*Approved Plans and Supporting Documents*" condition prior to the issue of any Occupation Certificate.

REASON

To ensure BASIX and Energy Efficiency commitments are fulfilled.

124. Registration of Strata By-law

- a) A by-law shall be registered and maintained for the life of the development, which requires that:
 - i) Balconies are not to be used as clothes drying areas, storage of household goods and air-conditioning units that would be visible from the public domain, and

- ii) An owner of a lot must ensure that all floor space within the lot complies with the acoustic conditions for floors specified in this consent, and
 - iii) Notwithstanding subclause (b), in the event that a floor covering in the lot is removed, the newly installed floor covering shall have a weighted standardised impact sound pressure level not greater than $L'_{nT,w} 45$ measured in accordance with AS ISO 140.7 and AS ISO 717.2. A test report from a qualified Acoustic Engineer employed by a firm eligible to membership of the Association of Australian Acoustical Consultants shall be submitted to the Owners Corporation within 14 days of the installation of the new floor covering demonstrating compliance with that standard. In the event that the standard is not complied with, the floor covering shall be removed and replaced with a floor covering that conforms to that standard in accordance with any directions given by the Owners Corporation, and
 - iv) Any graffiti evident on the exterior facades and visible from a public place shall be removed forthwith.
 - v) No unit within the development shall be used for short-term rental accommodation.
- b) Proof of registration of the By-Law shall be submitted to Council prior to the issue of the Occupation Certificate.

REASON

To protect the amenity of future occupants and surrounding area.

125. Anti-Graffiti Coating

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

REASON

To protect the amenity of the surrounding area.

126. Provision of Intercom System

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

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

REASON

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

127. Landscape

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

- 1) All landscape works are to be carried out in accordance with the approved landscape plans prior Construction Certificate by Bayside Council for the

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

- 2) Prior to the issue of an Occupation Certificate, a maintenance plan is to be submitted and approved by the Principal Certifier. A copy of the maintenance plan is to be kept on site at all times during construction and shall be produced to Council on request following completion. The Maintenance Manual shall include as a minimum:
 - A 12 months Landscape Maintenance Schedule to provide a guide to the landowner or manager on how to best maintain the constructed landscaped areas; and include the following information: shrub pruning/trimming (frequency, plant requirements); Fertilising and pest control (soil testing, types, rate, frequency); Mulching, weeding and soil improvement (frequency, materials); Irrigation (checks, adjustments); maintenance of plants (fertilising, mulching, tree stakes adjustments, special plants requirements, alternative plants replacements if required); Maintenance of hard landscape elements (planters, waterproofing, irrigation, paving, edges, pergolas, seats, and any specialised maintenance requirements);
 - 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;
 - 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).

128. Preservation of Survey Marks

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

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

REASON

To protect the State's survey infrastructure.

129. Sustainability Commitments

A Compliance Certificate must be provided to the Principal Certifier confirming that the development has been constructed in accordance with the sustainability requirements nominated in this consent, prior to the issue of any Occupation Certificate.

REASON

To ensure sustainability commitments are fulfilled.

130. Loading Dock Plan of Management

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.

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 minimise conflict in the use of loading areas on site.

131. Annual Fire Safety Certificate

During occupation and ongoing use of the building, the applicant must provide an annual fire safety statement to Council and the Commissioner of Fire and Rescue NSW in accordance with section 89 of the *EP&A (Development Certification and Fire Safety) Regulation 2021*.

REASON

To ensure annual checks on fire safety measures.

132. 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.

133. 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.

134. 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.

135. 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.

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

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

- a) All stormwater drainage systems and storage systems, and
- b) 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.

137. 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 the private roads 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.

138. 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.

139. 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.

140. Rainwater Tank - Plumbing Certification

Prior to the issue of any Occupation Certificate, a registered plumber shall certify that the rainwater tank has been connected to all ground floor toilet flushing, the cold water tap that supplies the ground floor clothes washing machines on the ground floor, the car wash bays, and the landscape irrigation system for non-potable stormwater re-use.

REASON

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

141. Car Share

The five (5) 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 any Occupation Certificate. The titling and management of the development must provide for:

- a) Free use of the car share space by the car share operator.
- b) The maximum size of the car share vehicle shall be equal to, or smaller than, a B99 vehicle (as denoted by AS/NZS2890.1:2004).
- c) Public access to the car share parking space shall always be available (all 7 days of the week and all 24 hours of each day) and shall be well-lit.
- d) Insurances, including public liability.
- e) The car share space must be retained as common property in the strata subdivision of the development.

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

REASON

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

142. 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 that 171 bicycle spaces have been constructed as per AS2890.3 in the building.

The certification must be submitted to the Principal Certifier.

REASON

To ensure compliance with the relevant standards.

143. Erection of Signage

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

- a) 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".

- b) Flooding:

A flood sign plaque shall be fixed to a prominent place within the flood affected areas, 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".

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

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

- d) 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.

144. 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 all habitable floor levels and basement entry 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.

145. Flood Risk Management Plan

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.

146. 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 requested to collect the residential waste within the building.

REASON

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

147. Provision of Easements over Private Road

Prior to the issue of the Occupation Certificate, a right of carriageway easement and an easement to drain water, in favour of Bayside Council, is to be provided over the entirety of the private road. 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 legal drainage and access is provided.

148. 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.

149. Undergrounding of Overhead Services and Installation of Lighting

Prior to the issue of the whole of building Occupation Certificate, all overhead cables, including electricity and telecommunications cables, on Bunnerong Road (as per condition 31 of DA-2019/386 – the entire Bunnerong Road frontage of 132, 134 and 136 Bunnerong Road) must be relocated underground to the satisfaction of Bayside Council. The Ausgrid lighting and power poles will need to be decommissioned, and new underground supplied lighting columns shall be construction (where necessary) satisfying the applicable lighting requirements.

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

REASON

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

150. Roads Act / Public Domain Works - 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) The required works on Studio Drive to fulfill the requirements of the roads DA (DA-2019/387) including all works for the pedestrian crossing and timed 2P on-street parking/no stopping signage/linemarking.
- f) Reconstruction of selected areas of the existing footpath, vehicular entrances, road, kerb, and gutter as required.

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

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

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

REASON

To ensure that required public domain outcomes are achieved.

151. 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.

152. Dilapidation Report – Public Domain – Post-Construction

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 whole of building Occupation Certificate.

REASON

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

153. 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. Evidence of compliance is to be submitted to the Principal Certifier.

REASON

To ensure installation of the bicycle facilities.

154. 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 Certifier prior to the issue of the whole of building Occupation Certificate.

REASON

To ensure installation of the EV charging facilities.

155. Loading Dock Headroom Clearance

Prior to the issue of the whole of building Occupation Certificate, a survey from a registered surveyor demonstrating that the entire loading dock, travel path and associated manoeuvring area of service vehicles (trucks) within the ground floor of the development (between the street and the loading dock) provides a minimum 4.5m of unobstructed headroom clearance (i.e. demonstrate it does not contain any overhead obstructions such as ducting, piping, fire sprinklers and the like that obstruct the required 4.5m of headroom clearance). The minimum 4.5m headroom clearance along the travel path of the MRV must be certified by a suitably qualified traffic engineer. The evidence and surveys must be submitted to the Principal Certifier and Bayside Council.

REASON

To ensure compliance with the relevant Australian Standards.

156. Parking and Shared Private Access Road

291 off-street car parking spaces (including 268 residential parking spaces, 12 residential visitor parking spaces, 5 car share spaces, 4 residential service (van) spaces and 2 dedicated 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 C) is to be constructed as a whole and be constructed to the satisfaction of the Bayside Council Director of City Futures (or delegate) prior to the issue of the whole of building 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.

157. PV cells on rooftops

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

REASON

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

158. Construction of Open Space 07

Open Space 07 on 134 Bunnerong Road which forms part of the BATA 2 Concept Plan approval (DA-2019/386) must be constructed, embellished and completed to the written satisfaction of the Bayside Council Director of City Futures (or delegate) prior to the issue of the whole of building Occupation Certificate.

REASON

To ensure that required open space is delivered.

159. Removal of Waste Upon Completion

Before the issue of an Occupation Certificate:

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

REASON

To ensure waste material is appropriately disposed or satisfactorily stored.

160. Completion of Landscape and Tree Works

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

REASON

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

161. General Landscape

- 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 twelve (12) months after final inspection by Council. Maintenance includes twice weekly watering within the first 6 months then weekly thereafter, biannual feeding, weed removal round the base, mulch replenishment at 3 monthly intervals (to 75mm depth) and adjusting of stakes and ties; to sustain adequate growth and health. Maintenance does not include trimming or pruning of the trees under any circumstances.
- c) Planter boxes constructed over a concrete slab shall be built in accordance with the following requirements:
 - i) The base of the planter must be screeded to ensure drainage to a piped internal drainage outlet of minimum diameter 90mm, with no low points elsewhere in the planter. There are to be no external weep holes.
 - ii) A concrete hob or haunch shall be constructed at the internal join between the sides and base of the planter to contain drainage to within the planter.
 - iii) Planters are to be fully waterproofed and sealed internally with a proprietary sealing agent and applied by a qualified and experienced tradesman to eliminate water seepage and staining of the external face of the planter. All internal sealed finishes are to be sound and installed to manufacturer's directions prior to backfilling with soil. An inspection of the waterproofing and sealing of edges is required by the Certifier prior to backfilling with soil.

- iv) Drainage cell must be supplied to the base and sides of the planter to minimize damage to the waterproof seal during backfilling and facilitate drainage. Apply a proprietary brand filter fabric and backfill with an imported lightweight soil suitable for planter boxes compliant with AS 4419 and AS 3743. Install drip irrigation including to lawns.
- v) Planter boxes must be an external finish that is consistent with the character of the colour schemes and finishes of the building (e.g. with a suitable paint, render or tile to match the character of the approved building).
- vi) All planter boxes shall be provided with a fully automated drip irrigation system.
- vii) All planter boxes shall have the required depth to sustain the proposed planting, as detailed below:
 - i) Trees over 8 metres: Minimum soil depth 1.3 metre.
 - ii) Medium trees (8 metre canopy diameter at maturity): Minimum soil depth one (1) metre.
 - iii) Small trees (4 metre canopy diameter at maturity) and screening shrubs: Minimum soil depth 800mm.
 - iv) Shrubs: Minimum soil depths 500-600mm.
 - v) Groundcover: Minimum soil depths 300-450mm
- viii) Any subsurface drainage requirements are in addition to the minimum soil depths quoted above.
- d) Podium landscaping and paved areas shall be drained into stormwater drainage system. All waterproofing for planters on slab shall be installed and certified by a licensed waterproofing contractor.
- e) Irrigation. To ensure satisfactory growth and maintenance of the landscaping, a fully automatic drip irrigation system is required in all landscaped areas. The system shall be installed by a qualified landscape contractor and provide full coverage of planted areas with no more than 300mm between drippers, automatic controllers and backflow prevention devices, and should be connected to a recycled water source.

REASON

To ensure compliance with landscape requirements from relevant policies.

OPERATIONAL CONDITIONS

162. 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 garbage truck.
- e) All maneuvering movements of vehicles shall be carried out wholly within the site and vehicle maneuvering 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.

163. 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.

164. 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.

165. No Encroachment onto Easements

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

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

REASON

To ensure that overland flow paths and easements remain unrestricted.

166. Waste Management by Strata Body

The Owners Corporation or building owner shall be responsible for the following:

- a) Compliance with the approved Waste Management Plan as referred to under "Approved Plans and Supporting Documents" condition at all times, during use and operation of the premises, and
- b) Management of waste storage and collection as follows:
 - i. All waste and recycling containers shall be stored in the designated waste storage area, and
- c) Where waste and recycling containers need to be moved to the street:
 - i. Movement of the waste and recycling containers to the footpath for collections, and
 - ii. Return of waste and recycling containers to the waste storage area on the same day as the refuse is collected, and
 - iii. Refuse containers are not to be left on the street for longer than 24 hours, and
 - iv. Cleaning and maintaining the waste storage area, any drainage installations and waste collection containers in accordance with all applicable regulatory requirements, relevant health and environmental standards, and to the satisfaction of Council.
- d) Providing and maintaining signage and information to uses to encourage recycling.

REASON

To minimise adverse impacts to the locality.

167. Storage and Disposal of Waste Materials during Ongoing Use

During ongoing use of the premises:

- a) An adequate number and size of bins must be put on the premises for the storage of any waste that is generated (including for recycling).
- b) All garbage and recyclable materials generated from the premises must be stored wholly within any approved storage area and must not be stored outside the premises (including any public place) at any time.

- c) Arrangements must be implemented for the separation of recyclable materials from garbage.
- d) Any approved waste storage area must be appropriately maintained to prevent litter and the entry of pests.
- e) Where Council does not provide commercial garbage and recyclable materials collection services:
 - (i) A contract must be entered into with a licensed contractor to provide these services for the premises; and
 - (ii) A copy of the contract must be kept on premises and provided to relevant authorities including Council officers on request.
- f) Where the collection of garbage and recyclable materials from the premises is undertaken by a licensed contractor, it must only occur between 9:00pm and 8:00am.
- g) All liquid trade waste discharged to sewerage system must comply with the trade waste approval issued by the relevant water authority.
- h) All liquid trade waste pre-treatment devices must be regularly maintained to remain effective in accordance with the conditions of the liquid trade waste approval issued by the relevant water authority.

REASON

To ensure proper handling of waste, garbage and recyclable materials generated during operation of the premises

168. Private Waste Collection

The Operator must comply with the following at all times during operations:

- a) Compliance with the approved Waste Management Plan as referred to under "Approved Plans and Supporting Documents" condition, at all times during use and operation of the premises, and
- b) On the day of service, a private waste collection vehicle will enter the site and park in the loading bay. Once bins are serviced, the collection vehicle will exit the site in a forward direction.
- c) Waste and recyclable material must not be collected between the hours of 9.00pm and 8.00am.
- d) The operator shall ensure that a commercial contract for the collection of trade / commercial waste and recyclables arising from the premises is in place at all times during operations. A copy of all contracts and receipts shall be kept on the premises and made available to Council Officers on request.

REASON

To minimise adverse impacts to the locality.

169. Illumination

All cables, wiring and conduits of externalised lighting shall be concealed. No consent is given nor implied for any form of floodlighting. Lighting must not give rise to obtrusive light or have adverse impacts on the amenity of surrounding properties. External lighting must not flash or intermittently illuminate unless required for safe ingress/egress of vehicles crossing a pedestrian footway or approved vehicle entrance.

REASON

To ensure external lighting is provided for safety reasons and to protect the amenity of the local area.

170. Noise from Air-Conditioning Units

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

REASON

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

171. 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.

172. 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.

173. Waste Management – Comply with Approved WMP

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

REASON

To minimise adverse impacts to the locality.

174. 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) All deep soil areas and front setback deep soil areas shall preserve the planted trees at all times as indicated in approved landscape plans at all times. Dead or declined trees shall be replaced with same trees as specified in approved plans.

Replacement of planting material, including trees as indicated in approved landscape plan, with an alternative tree species shall be approved by the Director City Futures (or delegate) of Bayside Council. Maintenance tasks will include pruning to ensure CPTED principles are always met. All tree works must be done by a qualified arborist with a minimum level 3 in arboriculture (AQF). Trees along frontages are not to be pruned in height, unless required for safety reasons or for better development of the tree.
- c) A landscape contractor shall be engaged weekly for a minimum period of 52 weeks from completion of the landscape installation to maintain the landscaping. After that time monthly maintenance is required, and
- d) An automatic drip irrigation system shall be installed and maintained in working order for all landscaped areas, and
- 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 12month period). Any trimming or pruning shall require Council's approval under the Tree Preservation Order.
- f) 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);

- ii) Frequency and methodology of different maintenance requirements including the removal of green waste; irrigation system tests, waterproofing inspections.
- iii) Details of safety procedures;
- iv) Laminated copies of 'As Built' Landscape drawings consistent with Council approved CC landscape plans; and CC Council approved plans with areas to be maintained by strata and areas to be maintained by private unit owners.
- v) Manufacturer's contact details and copies of manufacturers' typical details and specification;
- vi) Copies of warranties and guarantees relating to all materials and plant used in construction.

REASON

To ensure ongoing maintenance of approved landscaping.

DEVELOPMENT CONSENT ADVICE

a) Lapsing of Consent

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

b) Out of Hours Construction Work

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

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

c) Consult with Utility Provider

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

d) Dial Before You Dig

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

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

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

e) Dividing Fences Act 199

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

f) Hazardous Waste

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

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

g) Annual Fire Safety Statement

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

The Annual Fire Safety Statement must be given:

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

h) Street

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

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:

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

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