



# Bayside Council

Serving Our Community

## NOTICE OF DETERMINATION OF A DEVELOPMENT APPLICATION

|                                                                  |                                                                                                                                                                                                                              |
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| <b>Application number</b>                                        | DA-2024/152<br>PAN-435033                                                                                                                                                                                                    |
| <b>Applicant</b>                                                 | Robert Gizzi<br>81a Princes Highway FAIRY MEADOW NSW 2519                                                                                                                                                                    |
| <b>Description of development</b>                                | Integrated Development - Demolition of existing structures and construction of a 11 storey residential flat building with 94 units (16 affordable) and 3 levels of basement parking                                          |
| <b>Property</b>                                                  | 41-51 Duncan Street Arncliffe<br><br>Lot 33 in Section 2 in DP 1633 (No. 41), Lot 32 (No. 43), Lot 31 (No. 45), and Lot 30 in Section 2 in DP 1633 (No. 47) and Lot C in DP 186303 (No. 49) and Lot D in DP 186303 (No. 51). |
| <b>Determination</b>                                             | Deferred commencement<br>Consent Authority - Sydney / Regional Planning Panel                                                                                                                                                |
| <b>Date of determination</b>                                     | 1/12/27                                                                                                                                                                                                                      |
| <b>Approval bodies that have given general terms of approval</b> | Water NSW, SACL                                                                                                                                                                                                              |

Under section 4.18(1) of the EP&A Act, notice is given that the above development application has been determined by the granting of deferred commencement consent using the power in section 4.16(3) of the EP&A Act, subject to the conditions set out in this notice.

## Relevant matters

This consent does not operate and may not be acted on until the consent authority is satisfied of the following matter(s):

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

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

1. Right of access easement(s) benefitting 41 Duncan Street shall be registered on 2 Kyle Street to permit vehicular access to all basement levels and to permit access to the loading bay & garbage room in 2 Kyle Street. The terms and extents of the easements are to be to the satisfaction of Bayside Council generally as per the existing easements on 2 Kyle Street benefitting 43-51 Duncan Street.

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

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

Under section 88(3) of the EP&A Regulation, the consent authority will notify you in writing if the matters above have been satisfied and the date from which this consent operates.

The conditions of development consent below apply from the date that this consent operates.

*Where the applicant produces evidence of the relevant matters in accordance with section 76(4) of the EP&A Regulation, the consent authority must notify the applicant whether or not it is satisfied as to the relevant matter(s). If the consent authority has not notified the applicant within 28 days after receiving the applicant's evidence, the consent authority is taken to have notified the applicant that is not satisfied about the relevant matter(s) on the date on which that period expires, for the purposes of section 8.7 of the EP&A Act (see sections 76(4), (5) and (6) of the EP&A Regulation).*

*A deferred commencement consent will lapse within the relevant period set out in section 4.53(6)(a)-(c) of the EP&A Act, if the applicant fails to satisfy the consent authority as to the matter(s) specified in the deferred commencement condition.*

## **Reasons for approval**

1. The proposal is permissible within the zone with development consent and satisfies the zone objectives.
2. The proposed development complies with the relevant planning instruments, including the SEPP Housing 2021 and is acceptable in this report.
3. The proposal is of an appropriate height, bulk, scale and form for the site and is consistent with the emerging desired future character of the area as envisaged by the Bayside LEP 2021.
4. The proposal achieves and demonstrates Design Excellence as required by requirements of Clause 6.10 of the Bayside LEP 2021 and was supported by the Design Excellence Panel.
5. The proposed development is a suitable use for the subject site, and its approval is in the public interest.

## **Right of appeal / review of determination**

If you are dissatisfied with this determination:

### **Request a review**

You may request a review of the consent authority's decision under section 8.3(1) of the EP&A Act. The application must be made to the consent authority within 6 months from the date that you received the original determination notice provided that an appeal under section 8.7 of the EP&A Act has not been disposed of by the Court.

### **Rights to appeal**

You have a right under section 8.7 of the EP&A Act to appeal to the Court within 6 months after the date on which the determination appealed against is notified or registered on the NSW planning portal.

The Dictionary at the end of this consent defines words and expressions for the purposes of this determination.

Carine Elias  
Manager Development Services  
Person on behalf of the consent authority

For further information, please contact Michael Maloof / Senior Development Assessment Planner

## Terms and Reasons for Conditions

Under section 88(1)(c) of the EP&A Regulation, the consent authority must provide the terms of all conditions and reasons for imposing the conditions other than the conditions prescribed under section 4.17(11) of the EP&A Act. The terms of the conditions and reasons are set out below.

### General Conditions

|   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
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| 1 | <p><b>Compliance with Building Code of Australia and insurance requirements under Home Building Act 1989</b></p> <ol style="list-style-type: none"> <li>1. It is a condition of a development consent for development that involves building work that the work must be carried out in accordance with the requirements of the <i>Building Code of Australia</i>.</li> <li>2. It is a condition of a development consent for development that involves residential building work for which a contract of insurance is required under the <i>Home Building Act 1989</i>, Part 6 that a contract of insurance is in force before building work authorised to be carried out by the consent commences.</li> <li>3. It is a condition of a development consent for a temporary structure used as an entertainment venue that the temporary structure must comply with Part B1 and NSW Part H102 in Volume 1 of the <i>Building Code of Australia</i>.</li> <li>4. In subsection (1), a reference to the <i>Building Code of Australia</i> is a reference to the Building Code of Australia as in force on the day on which the application for the construction certificate was made.</li> <li>5. In subsection (3), a reference to the <i>Building Code of Australia</i> is a reference to the Building Code of Australia as in force on the day on which the application for development consent was made.</li> <li>6. This section does not apply— <ol style="list-style-type: none"> <li>a. to the extent to which an exemption from a provision of the <i>Building Code of Australia</i> or a fire safety standard is in force under the <i>Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021</i>, or</li> <li>b. to the erection of a temporary building, other than a temporary structure to which subsection (3) applies.</li> </ol> </li> </ol> <p><b>Condition reason:</b> Prescribed condition under section 69 of the Environmental Planning and Assessment Regulation 2021.</p> |
| 2 | <p><b>Erection of signs</b></p> <ol style="list-style-type: none"> <li>1. This section applies to a development consent for development involving building work, subdivision work or demolition work.</li> <li>2. It is a condition of the development consent that a sign must be erected in a prominent position on a site on which building work, subdivision work or demolition work is being carried out— <ol style="list-style-type: none"> <li>a. showing the name, address and telephone number of the principal certifier</li> </ol> </li> </ol>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |

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|   | <p>for the work, and</p> <ul style="list-style-type: none"> <li>b. showing the name of the principal contractor, if any, for the building work and a telephone number on which the principal contractor may be contacted outside working hours, and</li> <li>c. stating that unauthorised entry to the work site is prohibited.</li> </ul> <p>3. The sign must be—</p> <ul style="list-style-type: none"> <li>a. maintained while the building work, subdivision work or demolition work is being carried out, and</li> <li>b. removed when the work has been completed.</li> </ul> <p>4. This section does not apply in relation to—</p> <ul style="list-style-type: none"> <li>a. building work, subdivision work or demolition work carried out inside an existing building, if the work does not affect the external walls of the building, or</li> <li>b. Crown building work certified to comply with the <i>Building Code of Australia</i> under the Act, Part 6.</li> </ul>                                                                                                                                                 |
|   | <p><b>Condition reason:</b> Prescribed condition under section 70 of the Environmental Planning and Assessment Regulation 2021.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| 3 | <p><b>Shoring and adequacy of adjoining property</b></p> <ul style="list-style-type: none"> <li>1. This section applies to a development consent for development that involves excavation that extends below the level of the base of the footings of a building, structure or work on adjoining land, including a structure or work in a road or rail corridor.</li> <li>2. It is a condition of the development consent that the person having the benefit of the development consent must, at the person's own expense— <ul style="list-style-type: none"> <li>a. protect and support the building, structure or work on adjoining land from possible damage from the excavation, and</li> <li>b. if necessary, underpin the building, structure or work on adjoining land to prevent damage from the excavation.</li> </ul> </li> <li>3. This section does not apply if— <ul style="list-style-type: none"> <li>a. the person having the benefit of the development consent owns the adjoining land, or</li> <li>b. the owner of the adjoining land gives written consent to the condition not applying.</li> </ul> </li> </ul> |
|   | <p><b>Condition reason:</b> Prescribed condition under section 74 of the Environmental Planning and Assessment Regulation 2021.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| 4 | <p><b>Fulfilment of BASIX commitments</b></p> <p>It is a condition of a development consent for the following that each commitment listed in a relevant BASIX certificate is fulfilled—</p> <ul style="list-style-type: none"> <li>1. BASIX development,</li> <li>2. BASIX optional development, if the development application was accompanied by a BASIX certificate.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
|   | <p><b>Condition reason:</b> Prescribed condition under section 75 of the Environmental Planning</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |

and Assessment Regulation 2021.

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**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 number                  | Revision number | Plan Title                              | Drawn by                     | Date of plan |
| 036<br>(25/343998)           | V               | Roof Plan                               | Design Workshop<br>Australia | 05/11/2025   |
| 020<br>(25/343996)           | V               | Site Plan                               |                              | 05/11/2025   |
| 029<br>(25/343994)           | V               | Level 3 Floor Plan                      |                              | 05/11/2025   |
| 028<br>(25/343991)           | V               | Level 2 Floor Plan                      |                              | 05/11/2025   |
| 030<br>(25/343990)           | V               | Level 4 Floor Plan                      |                              | 05/11/2025   |
| 031<br>(25/343988)           | V               | Level 5 Floor Plan                      |                              | 05/11/2025   |
| 033<br>(25/343987)           | V               | Level 7 Floor Plan                      | Design Workshop<br>Australia | 05/11/2025   |
| 034<br>(25/343986)           | V               | Level 8 Floor Plan                      |                              | 05/11/2025   |
| 035<br>(25/343985)           | V               | Level 9 Floor Plan                      |                              | 05/11/2025   |
| 032<br>(25/343984)           | V               | Level 6 Floor Plan                      |                              | 05/11/2025   |
| 027<br>(25/343982)           | V               | Level 1 Floor Plan                      |                              | 05/11/2025   |
| 026<br>(25/343980)           | V               | Ground Floor Plan                       |                              | 05/11/2025   |
| 042<br>(25/343977)           | V               | South-East Elevation<br>(Duncan Street) |                              | 05/11/2025   |
| 041<br>(25/343975)           | V               | South-West Elevation<br>(Kyle Street)   |                              | 05/11/2025   |
| 060<br>(25/343978)           | V               | 3D Views                                |                              | 05/11/2025   |
| 023<br>(25/97200)            | T               | Basement 3 Floor Plan                   | Design Workshop<br>Australia | 03/03/2025   |
| 024<br>(25/97199)            | T               | Basement 2 Floor Plan                   |                              | 03/03/2025   |
| 053<br>(25/97196)            | T               | Section D                               |                              | 03/03/2025   |

|                                                                                                    |                       |                                                                                                                 |                                     |              |
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| 025<br>(25/97195)                                                                                  | T                     | Basement 1 Floor Plan                                                                                           |                                     | 03/03/2025   |
| 050<br>(25/97194)                                                                                  | T                     | Section A                                                                                                       |                                     | 03/03/2025   |
| 051<br>(25/97192)                                                                                  | T                     | Section B                                                                                                       |                                     | 03/03/2025   |
| 052<br>(25/97193)                                                                                  | T                     | Section C                                                                                                       |                                     | 03/03/2025   |
| 040<br>(25/97191)                                                                                  | T                     | Streetscape Elevations                                                                                          |                                     | 03/03/2025   |
| 044<br>(25/97188)                                                                                  | T                     | North-West Elevation                                                                                            |                                     | 03/03/2025   |
| 043<br>(25/97186)                                                                                  | T                     | North-East Elevation                                                                                            |                                     | 03/03/2025   |
| Approved Landscape plans                                                                           |                       |                                                                                                                 |                                     |              |
| Plan number                                                                                        | Revision number       | Plan Title                                                                                                      | Drawn by                            | Date of plan |
| LA00, LA01, LA01A, LA01B, LA02, LA03, LA04, LA05, LA05A, LA05B, LA06, LA07, LD01 & LD02.(25/97212) | G                     | Basement, Ground, Levels 1-8, Level 9, Sections, Courtyards, Tree Retention and Removal Plans, Typical Details. | Taylor Brammer Landscape Architects | 17/03/2025   |
| Approved documents                                                                                 |                       |                                                                                                                 |                                     |              |
| Document title                                                                                     | Version number        | Prepared by                                                                                                     | Date of document                    |              |
| Access Report                                                                                      | Original for DA       | Accessible Building Solutions Pty Ltd                                                                           | 23/04/2024                          |              |
| Acid Sulphate Soils Assessment Report                                                              | Revision 2 E24790.E14 | EIAustralia                                                                                                     | 07/06/2024                          |              |
| Acoustic Report                                                                                    | 2401018T-R            | Hardwood Acoustics                                                                                              | 18/12/2024                          |              |
| Arborist Report                                                                                    | Version 3 D4322.2     | Allied Tree Consultancy                                                                                         | April 2024                          |              |
| BASIX Certificate                                                                                  | 1144045M_11           | Integreco Consulting Pty Ltd                                                                                    | 18/12/2024                          |              |
| Environmental Wind Impact Report                                                                   | Version 1.0           | SLR Consulting Australia Pty Ltd                                                                                | April 2024                          |              |
| Geotechnical Investigation Report                                                                  | Revision 1            | EIAustralia                                                                                                     | 05/04/2024                          |              |

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|                                                                                                                                                                                                                                          | Hydrogeological Report + Dewatering Management Plan and Groundwater Analysis                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | E24790.E16 Revision 1 | EIAustralia                      | 1/07/2025  |
|                                                                                                                                                                                                                                          | OWMP                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | Revision C            | Elephants Foot Company           | 16/12/2024 |
|                                                                                                                                                                                                                                          | Traffic Assessment Report                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | Revision C            | ATB Consulting Engineers Pty Ltd | 12/03/2025 |
|                                                                                                                                                                                                                                          | WSUD Report                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | Version 1             | ATB Consulting Engineers Pty Ltd | 12/03/2025 |
| <p>In the event of any inconsistency with the approved plans and a condition of this consent, the condition prevails.</p> <p>In the event of any inconsistency between the approved plans and documents, the approved Plans prevail.</p> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                       |                                  |            |
| <p><b>Condition reason:</b> To ensure all parties are aware of the approved plans and supporting documentation that applies to the development.</p>                                                                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                       |                                  |            |
| 7                                                                                                                                                                                                                                        | <b>Sustainability</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                       |                                  |            |
|                                                                                                                                                                                                                                          | <p>Prior to the issue of the relevant Construction Certificate, the applicant is to demonstrate the use of the following sustainability measures within the development:</p> <ol style="list-style-type: none"> <li>1. Provision of photovoltaic cell systems on the rooftops. Detailed design for the photovoltaic cells systems is to be provided, the provision of photovoltaic cells is to be at a rate that maximises the coverage of available non-trafficable space on the rooftop. A storage battery is to be provided where possible. This solar power shall be utilised in communal areas and other suitable areas within the development to reduce the developments demand for electricity from the grid.</li> <li>2. Provision of a 20,000L rainwater tank(s) connected to all ground floor and basement level 1 toilet flushing, the cold water tap that supplies the ground floor clothes &amp; basement level 1 washing machines, the basement car wash bay(s), and the entire landscape irrigation system for non-potable stormwater re-use.</li> <li>3. Sensor controlled and zoned internal lighting within the building's car park and common areas.</li> <li>4. Use of admixtures in concrete to minimise cement and reduce embodied carbon.</li> <li>5. Separate circuiting for temporary power to minimal stair and corridor lighting.</li> <li>6. Use of LEDs and other low energy flicker free lighting resources.</li> <li>7. Provision for EV charging in accordance with the below requirements; <ol style="list-style-type: none"> <li>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.</li> <li>b. Provide EV Distribution Boards of sufficient size to allow connection of all 'EV-Ready' car spaces.</li> <li>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</li> </ol> </li> </ol> |                       |                                  |            |



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|   | <p>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.</p> <p>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.</p> <p>e. EV Load Management System is to be capable of:</p> <ul style="list-style-type: none"> <li>• Reading real time current and energy from the EV chargers under management via ethernet connection;</li> <li>• 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;</li> <li>• Scale for residents to engage an EV Load Management provider to provide additional smart chargers to residential car spots over time.</li> <li>• Ensuring each multi-unit residential 'EV-Ready' car parking spaces be metered separately to their individual account as part of the 'EV-Ready' system.</li> </ul> <p>The above measures shall be implemented on site prior to the issue of the Whole of Building Occupation Certificate.</p> <p><b>Condition reason:</b> To ensure that the development includes sustainability measures to reduce energy consumption and improve long-term benefits to the environment.</p> |
| 8 | <p><b>Groundwater</b></p> <p>Prior to the issue of the Construction Certificate for basement level 3, the following shall be submitted to, and approved by, the Principal Certifier:</p> <ol style="list-style-type: none"> <li>1. All groundwater seepage that enters the basement shall be permanently monitored and treated onsite to meet the water quality criteria outlined in the most recent version of ANZG 2018 and ANZECC 2000 Water Quality Guidelines for Fresh &amp; Marine Water for the 95% protection trigger values for Marine Water and protection of marine aquatic ecosystems. An automatic groundwater monitoring and treatment system shall be designed to permanently treat the groundwater to the required water quality criteria, prior to the groundwater being discharged into the council stormwater system. The permanent dewatering treatment system shall include all measures necessary to ensure all required water quality criteria are met and certified accordingly by an environmental/geotechnical engineer. A system to measure the volume of groundwater taken by the site shall be develop and installed as part of this development. The detailed design of the automatic electronic monitoring systems for the groundwater treatment devices shall be certified by an environmental/geotechnical engineer.</li> <li>2. In addition to the basement pump-out tank storage volume required by AS3500.3,</li> </ol>                                                                                                                                                                                                                                                                                                                                                                                             |

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|    | <p>additional storage volume shall be provided in the basement with a minimum size not less than one-weeks of expected groundwater inflow. The basement level 3 drainage design and treatment/testing system to achieve ANZG and ANZECC water quality targets shall be submitted prior to the issue of the construction certificate for basement level 3. All basement drainage must be treated before being discharged from the development.</p>                                                                                                                                                                                                                                                                                                                                                                                         |
|    | <p><b>Condition reason:</b> To ensure groundwater seepage is minimised and reduce long term effects on groundwater on and around the site.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| 9  | <p><b>Waste Data Maintained</b></p> <p>During both the demolition and construction phases a waste data file will be maintained, recording building/demolition contractors' details as well as waste disposal receipts/dockets for any waste from the site produced during these stages.</p> <p><b>Condition reason:</b> To meet aims and objectives outlined in Bayside Councils Waste Management Technical Specification 2022, Section 2, regarding the following:</p> <ul style="list-style-type: none"> <li>• minimize waste generation</li> <li>• ensure appropriate and authorized waste storage and collection</li> <li>• minimize environmental impacts associated with waste management</li> <li>• avoid illegal dumping and</li> <li>• to meet regulatory requirements regarding all hazardous and problematic waste.</li> </ul> |
| 10 | <p><b>Waste Management Plan – Demolition and Construction</b></p> <p>A Waste Management Plan will be submitted detailing the:</p> <ol style="list-style-type: none"> <li>1. expected volumes and types of waste to be generated during the demolition and construction stages of the development.</li> <li>2. destination of each type of waste, including the name, address and contact number for each receiving facility.</li> </ol> <p><b>Condition reason:</b> To meet the requirements in sections 2 and/or 3 of the council's Waste Management Technical Specification and ensure waste is managed and disposed of properly.</p>                                                                                                                                                                                                   |
| 11 | <p><b>Ausgrid Underground Cables are in the vicinity of the development.</b></p> <p>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.</p> <p>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)</p> <p>In addition to BYDA the proponent should refer to the following documents to support</p>                                                                                                                                                                    |

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|    | <p>safety in design and construction:</p> <p>SafeWork Australia – Excavation Code of Practice.</p> <p>Ausgrid’s Network Standard NS156 which outlines the minimum requirements for working around Ausgrid’s underground cables.</p> <p>The following points should also be taken into consideration.</p> <p>Ausgrid cannot guarantee the depth of cables due to possible changes in ground levels from previous activities after the cables were installed.</p> <p>Should ground levels change above Ausgrid’s underground cables in areas such as footpaths and driveways, Ausgrid must be notified, and written approval provided prior to the works commencing.</p> <p>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.</p> <p><b>Condition reason:</b> To ensure the development is constructed in accordance with Ausgrid's requirements.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| 12 | <p><b>Ausgrid Overhead Powerlines are in the vicinity of the development.</b></p> <p>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.</p> <p>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.</p> <p>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 <a href="http://www.ausgrid.com.au">www.ausgrid.com.au</a>.</p> <p>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.</p> <p><b>Condition reason:</b> To ensure the development is constructed in accordance with Ausgrid's requirements.</p> |
| 13 | <p><b>New Driveways - Proximity to Existing Poles</b></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |

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|    | <p>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.</p> <p><b>Condition reason:</b> To ensure the development is constructed in accordance with Ausgrid's requirements.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| 14 | <p><b>New or modified connection</b></p> <p>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; <a href="https://www.ausgrid.com.au/Connections/Get-connected">https://www.ausgrid.com.au/Connections/Get-connected</a></p> <p>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: <a href="http://www.ausgrid.com.au/Your-safety/Working-Safe/Clearance-enquiries">www.ausgrid.com.au/Your-safety/Working-Safe/Clearance-enquiries</a></p> <p><b>Condition reason:</b> To ensure construction is carried out in accordance with Ausgrid's requirements.</p> |
| 15 | <p><b>Amendments require Modification Application</b></p> <p>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 <i>Environmental Planning and Assessment Act</i>.</p> <p><b>Condition reason:</b> To avoid changes that may result in adverse impacts without proper assessment.</p>                                                                                                                                                                                                                                                                                                                                                                                                          |
| 16 | <p><b>Approved Materials and Finishes.</b></p> <p>The finishes, materials and colour scheme and façade details approved under condition 1 titled Approved Plans and Supporting Documentation 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.</p> <p><b>Condition reason:</b> To ensure that the development is finished in accordance with the approved plans and documentation.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| 17 | <p><b>Carrying out of Works Wholly Within the Site</b></p> <p>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.</p> <p><b>Condition reason:</b> To avoid encroachment of the development beyond the site boundaries.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |

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| 18 | <b>Certification of External Wall Cladding</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
|    | <p>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 a Construction Certificate and Occupation Certificate, the Principal Certifier must:</p> <p>(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 composition panels comply with the relevant requirements of the NCC, and</p> <p>(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.</p> <p><b>Condition reason:</b> To ensure development complies with the NCC and fire safety requirements.</p>                                                                                                                                     |
| 19 | <p><b>Construction Certificate Required</b></p> <p>A Construction Certificate must be obtained from Council or a Principal Certifier prior to any building work commencing.</p> <p>Building work is defined under the <i>Environmental Planning and Assessment Act Part 6</i>.</p> <p><b>Condition reason:</b> To ensure that a Construction Certificate is obtained at the appropriate time.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| 20 | <p><b>Design Architect Involvement.</b></p> <p>(a) In order to ensure the design excellence of the development is retained:</p> <p>(i) <b>Design Workshop Australia</b> (design architect) is to have direct involvement in the design documentation, contract documentation and construction stages of the project, and</p> <p>(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</p> <p>(iii) Evidence of the Design Architect's commission is to be provided to the Council prior to release of the Construction Certificate.</p> <p>(b) The Design Architect of the project is not to be changed without prior notice and approval of the Council.</p> <p><b>Condition reason:</b> To ensure design quality is achieved in accordance with the approved plans and documentation.</p> |

| 21                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | <b>Parking Allocation.</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |     |                            |                    |  |                          |                                                                                                                                                                                                                                                                                               |                              |                                                                                                                                                                                                                            |                     |                       |             |                    |              |                           |           |                    |                           |  |             |                      |                        |  |             |                    |                     |                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |  |
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|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | <p>Parking spaces and associated facilities shall be provided and allocated in accordance with the following table.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |     |                            |                    |  |                          |                                                                                                                                                                                                                                                                                               |                              |                                                                                                                                                                                                                            |                     |                       |             |                    |              |                           |           |                    |                           |  |             |                      |                        |  |             |                    |                     |                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |  |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | <table border="1"> <thead> <tr> <th data-bbox="269 375 602 407">Use</th><th data-bbox="609 375 1422 407">Number of Spaces Allocated</th></tr> </thead> <tbody> <tr> <td colspan="2" data-bbox="269 415 1422 447"><b>Residential</b></td></tr> <tr> <td data-bbox="269 455 602 730">Residential market units</td><td data-bbox="609 455 1422 730">           84 car spaces allocated as per the following:           <ul style="list-style-type: none"> <li>• 0.5 space per studio/1 bedroom unit</li> <li>• 1 space per 2 bedroom unit</li> <li>• 1.5 space per 3 or more bedroom unit</li> </ul>           Any excess car spaces are to be allocated to 2 or 3 bedroom units         </td></tr> <tr> <td data-bbox="269 739 602 940">Residential affordable units</td><td data-bbox="609 739 1422 940">           8 car spaces allocated as per the following:           <ul style="list-style-type: none"> <li>• 0.4 space per studio/1 bedroom unit</li> <li>• 0.5 space per 2 bedroom unit</li> <li>• 1 space per 3 or more bedroom unit</li> </ul> </td></tr> <tr> <td data-bbox="269 949 602 980">Residential visitor</td><td data-bbox="609 949 1422 980">19 visitor car spaces</td></tr> <tr> <td data-bbox="269 989 602 1020">Loading Bay</td><td data-bbox="609 989 1422 1020">2 van loading bays</td></tr> <tr> <td data-bbox="269 1029 602 1060">Car Wash Bay</td><td data-bbox="609 1029 1422 1060">2 dedicated car wash bays</td></tr> <tr> <td data-bbox="269 1068 602 1100">Car Share</td><td data-bbox="609 1068 1422 1100">4 car share spaces</td></tr> <tr> <td colspan="2" data-bbox="269 1108 1422 1140"><b>Motorcycle parking</b></td></tr> <tr> <td data-bbox="269 1148 602 1180">Residential</td><td data-bbox="609 1148 1422 1180">10 motorcycle spaces</td></tr> <tr> <td colspan="2" data-bbox="269 1188 1422 1220"><b>Bicycle parking</b></td></tr> <tr> <td data-bbox="269 1228 602 1260">Residential</td><td data-bbox="609 1228 1422 1260">120 bicycle spaces</td></tr> <tr> <td data-bbox="269 1268 602 1299">Residential Visitor</td><td data-bbox="609 1268 1422 1299">11 visitor bicycle spaces</td></tr> <tr> <td colspan="2" data-bbox="269 1308 1422 1535"> <p>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 unit only.</p> </td></tr> </tbody> </table> | Use | Number of Spaces Allocated | <b>Residential</b> |  | Residential market units | 84 car spaces allocated as per the following: <ul style="list-style-type: none"> <li>• 0.5 space per studio/1 bedroom unit</li> <li>• 1 space per 2 bedroom unit</li> <li>• 1.5 space per 3 or more bedroom unit</li> </ul> Any excess car spaces are to be allocated to 2 or 3 bedroom units | Residential affordable units | 8 car spaces allocated as per the following: <ul style="list-style-type: none"> <li>• 0.4 space per studio/1 bedroom unit</li> <li>• 0.5 space per 2 bedroom unit</li> <li>• 1 space per 3 or more bedroom unit</li> </ul> | Residential visitor | 19 visitor car spaces | Loading Bay | 2 van loading bays | Car Wash Bay | 2 dedicated car wash bays | Car Share | 4 car share spaces | <b>Motorcycle parking</b> |  | Residential | 10 motorcycle spaces | <b>Bicycle parking</b> |  | Residential | 120 bicycle spaces | Residential Visitor | 11 visitor bicycle spaces | <p>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 unit only.</p> |  |
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| Residential visitor                                                                                                                                                                                                                                                                                                                                                                                                                                                               | 19 visitor car spaces                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |     |                            |                    |  |                          |                                                                                                                                                                                                                                                                                               |                              |                                                                                                                                                                                                                            |                     |                       |             |                    |              |                           |           |                    |                           |  |             |                      |                        |  |             |                    |                     |                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |  |
| Loading Bay                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | 2 van loading bays                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |     |                            |                    |  |                          |                                                                                                                                                                                                                                                                                               |                              |                                                                                                                                                                                                                            |                     |                       |             |                    |              |                           |           |                    |                           |  |             |                      |                        |  |             |                    |                     |                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |  |
| Car Wash Bay                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | 2 dedicated car wash bays                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |     |                            |                    |  |                          |                                                                                                                                                                                                                                                                                               |                              |                                                                                                                                                                                                                            |                     |                       |             |                    |              |                           |           |                    |                           |  |             |                      |                        |  |             |                    |                     |                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |  |
| Car Share                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | 4 car share spaces                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |     |                            |                    |  |                          |                                                                                                                                                                                                                                                                                               |                              |                                                                                                                                                                                                                            |                     |                       |             |                    |              |                           |           |                    |                           |  |             |                      |                        |  |             |                    |                     |                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |  |
| <b>Motorcycle parking</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |     |                            |                    |  |                          |                                                                                                                                                                                                                                                                                               |                              |                                                                                                                                                                                                                            |                     |                       |             |                    |              |                           |           |                    |                           |  |             |                      |                        |  |             |                    |                     |                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |  |
| Residential                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | 10 motorcycle spaces                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |     |                            |                    |  |                          |                                                                                                                                                                                                                                                                                               |                              |                                                                                                                                                                                                                            |                     |                       |             |                    |              |                           |           |                    |                           |  |             |                      |                        |  |             |                    |                     |                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |  |
| <b>Bicycle parking</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |     |                            |                    |  |                          |                                                                                                                                                                                                                                                                                               |                              |                                                                                                                                                                                                                            |                     |                       |             |                    |              |                           |           |                    |                           |  |             |                      |                        |  |             |                    |                     |                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |  |
| Residential                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | 120 bicycle spaces                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |     |                            |                    |  |                          |                                                                                                                                                                                                                                                                                               |                              |                                                                                                                                                                                                                            |                     |                       |             |                    |              |                           |           |                    |                           |  |             |                      |                        |  |             |                    |                     |                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |  |
| Residential Visitor                                                                                                                                                                                                                                                                                                                                                                                                                                                               | 11 visitor bicycle spaces                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |     |                            |                    |  |                          |                                                                                                                                                                                                                                                                                               |                              |                                                                                                                                                                                                                            |                     |                       |             |                    |              |                           |           |                    |                           |  |             |                      |                        |  |             |                    |                     |                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |  |
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|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | <p><b>Condition reason:</b> To ensure that car parking is provided and allocated in accordance with the approved plans and documentation.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |     |                            |                    |  |                          |                                                                                                                                                                                                                                                                                               |                              |                                                                                                                                                                                                                            |                     |                       |             |                    |              |                           |           |                    |                           |  |             |                      |                        |  |             |                    |                     |                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |  |
| 22                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | <b>General Landscape Conditions</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |     |                            |                    |  |                          |                                                                                                                                                                                                                                                                                               |                              |                                                                                                                                                                                                                            |                     |                       |             |                    |              |                           |           |                    |                           |  |             |                      |                        |  |             |                    |                     |                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |  |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | <ol style="list-style-type: none"> <li>1. Landscaped areas and deep soil zones as depicted in the approved plans are not to be reduced in size and shall be provided with soft landscape treatment. Built in planter boxes approved above slab structures as indicated in approved plans are not to be replaced with plant pots.</li> </ol>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |     |                            |                    |  |                          |                                                                                                                                                                                                                                                                                               |                              |                                                                                                                                                                                                                            |                     |                       |             |                    |              |                           |           |                    |                           |  |             |                      |                        |  |             |                    |                     |                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |  |

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|    | <p>2. Irrigation. To ensure satisfactory growth and maintenance of the landscaping, a fully automatic drip irrigation system is required in all landscaped areas. The system shall be installed by a qualified landscape contractor and provide full coverage of planted areas with no more than 300mm between drippers, automatic controllers and backflow prevention devices, and should be connected to a recycled water source. Irrigation shall comply with both Sydney Water and Council requirements as well as Australian Standards and be always maintained in effective working order.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
|    | <p><b>Condition reason:</b> To ensure the development contains landscaped areas as approved.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| 23 | <p><b>Tree Protection and Management.</b></p> <p>(a) The Applicant has permission to remove trees 1, 2, 3 and 4 from the site and trees 7, 8, 9 and 10 from the public domain. The latter four specimens are of poor quality and have a limited life span. It is noted that trees 5 and 6 are on adjoining land and have already been removed.</p> <p>These trees must not be removed until a Construction Certificate has been issued, unless otherwise agreed to in writing by Council.</p> <p>(b) 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 (Biodiversity and Conservation) 2021.</p> <p>(c) The proposed development includes the removal of eight (8) live trees. To offset the loss of canopy the applicant is required to replace the trees at a 3:1 replacement ratio, therefore a total of twenty-four (24) new trees shall be planted to offset the canopy loss for environmental reasons.</p> <p>If there is insufficient space to install all the conditioned replacement trees on site, the applicant may choose to offset the remaining trees by way to Council so it can facilitate replacement planting in Public Land.</p> <p>Section 3.8.2 of the Bayside Development Control Plan stipulates a monetary contribution of \$333.00 per tree as outlined in Councils Fee and Charges. It is to be paid as the Conditions of Consent and prior to the removal of the trees.</p> <p>(d) Note the adjoining lot has been conditioned to plant Eucalyptus punctata (Grey Gum) as replacement street trees. It is suggested that the landscape plans be amended to accommodate the planting of Grey Gums along the Duncan Street frontage.</p> <p><b>Condition reason:</b> To minimise adverse impacts on trees, protect local canopy through tree retention and replacement and ensure best practice is implemented.</p> |
| 24 | <p><b>Sydney Airport</b></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |

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|    | <p>The following conditions are imposed by the Sydney Airport Corporation Limited (SACL) in their letter dated 25 March 2025 and must be complied with:</p> <ol style="list-style-type: none"> <li>1. The approved height is inclusive of all lift over-runs, vents, chimneys, aerials, TV antennae, construction cranes etc., and</li> <li>2. Should the height of any temporary structure and/or equipment be greater than 15.24 metres AEGH, a new approval must be sought in accordance with the Civil Aviation (Buildings Control) Regulations Statutory Rules 1988 No. 161.</li> <li>3. Construction cranes may be required to operate at a height significantly higher than that of the proposed development and consequently, may not be approved under the Airports (Protection of Airspace) Regulations.</li> <li>4. Sydney Airport advises that approval to operate construction equipment (i.e., cranes) should be obtained prior to any commitment to construct.</li> </ol> <p>The approved height of <b>50.8 metres Australian Height Datum (AHD)</b> 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.</p> <p>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.</p> <p>For further information on Height Restrictions please contact SACL on 9667 9246.</p> <p><b>Condition reason:</b> To ensure compliance with requirements of Sydney Airports Corporation Limited.</p> |
| 25 | <p><b>In-fill Affordable Housing</b></p> <p>Units numbered G01, G02, G08 to G14, 101, 102, 201, 202, 208, 214 and 302 shall be dedicated as affordable housing in accordance with the SEPP (Housing) 2021.</p> <p>The dwellings to be used for the purposes of ‘affordable housing’ as per the provisions of the SEPP (Housing) 2021 shall be used as such for at least 15 years from the date of the issue of the Occupation Certificate.</p> <p>The affordable units must be managed by a registered Community Housing Provider (CHP) and the CHP must ensure compliance with the occupant restriction and other provisions of the regulatory code established through the regulations in accordance with the Housing Act 2001.</p> <p>A restriction on title must be registered, before the issue of the Occupation Certificate in accordance with Section 88E of the Conveyancing Act 1919 that will ensure the above requirements are met and that the terms of the restriction may not be varied without Council consent.</p> <p>Prior to an Occupation Certificate being issued, evidence must be provided to Council</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |



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|    | <p>demonstrating that the Section 88E covenant has been registered on the title stating that the affordable rental housing component must be used for affordable rental housing and managed by a registered CHP.</p> <p>Details of the registered CHP managing the property must be provided to Council prior to the issue of an Occupation Certificate.</p> <p>The above provisions apply even in the event of the strata subdivision development.</p> <p>A notice of a change in the registered community housing provider who manages the affordable housing component must be given to the Registrar of Community Housing and the consent authority no later than 3 months after the change.</p> <p>The registered community housing provider who manages the affordable housing component must apply the Affordable Housing Guidelines.</p> <p>In this section—</p> <p><b><i>affordable housing component</i></b> has the same meaning as in State Environmental Planning Policy (Housing) 2021, section 21.</p> <p><b><i>relevant period</i></b> means a period of 15 years commencing on the day on which an occupation certificate is issued for all parts of the building or buildings to which the development consent relates.</p> <p><b>Condition reason:</b> Prescribed condition under section 82 of the Environmental Planning and Assessment Regulation 2021.</p> |
| 26 | <p><b>Compliance with the Building Code of Australia (BCA)</b></p> <p>Building work must be carried out in accordance with the requirements of the BCA.</p> <p><b>Condition reason:</b> Environmental Planning and Assessment Regulation Clause 69(1).</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| 27 | <p><b>Earthworks Not Shown on Plans</b></p> <p>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.</p> <p><b>Condition reason:</b> To avoid changes that may result in adverse impacts without proper assessment.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| 28 | <p><b>Enclosure of Structures.</b></p> <p>The pergola and balconies shall not be enclosed at any further time without prior development consent.</p> <p><b>Condition reason:</b> To avoid changes that may result in adverse impacts without proper assessment.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |

## Demolition Work

### Before demolition work commences

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| 29 | <p><b>Asbestos removal signage</b></p> <p>Before demolition work commences involving the removal of asbestos, a standard commercially manufactured sign containing the words ‘DANGER: Asbestos removal in progress’ (measuring not less than 400mm x 300mm) must be erected in a prominent position at the entry point/s of the site and maintained for the entire duration of the removal of the asbestos.</p> <p><b>Condition reason:</b> To alert the public to any danger arising from the removal of asbestos</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| 30 | <p><b>Construction Site Management Plan</b></p> <p>Before the issue of a Construction Certificate, a construction site management plan must be prepared, and provided to the Principal Certifier. The plan must include the following matters:</p> <ol style="list-style-type: none"> <li>1. The location and materials for protective fencing and hoardings on the perimeter of the site;</li> <li>2. Provisions for public safety;</li> <li>3. Pedestrian and vehicular site access points and construction activity zones;</li> <li>4. Details of construction traffic management including: <ol style="list-style-type: none"> <li>a. Proposed truck movements to and from the site;</li> <li>b. Estimated frequency of truck movements; and</li> <li>c. Measures to ensure pedestrian safety near the site;</li> </ol> </li> <li>5. Details of any bulk earthworks to be carried out;</li> <li>6. The location of site storage areas and sheds;</li> <li>7. The equipment used to carry out all works;</li> <li>8. The location of a garbage container with a tight-fitting lid;</li> <li>9. Dust, noise and vibration control measures;</li> <li>10. The location of temporary toilets;</li> <li>11. The protective measures for the preservation of trees on-site and in adjoining public areas including measures in accordance with: <ol style="list-style-type: none"> <li>a. AS 4970 - Protection of trees on development sites;</li> <li>b. An applicable Development Control Plan;</li> <li>c. An arborist’s report approved as part of this consent.</li> </ol> </li> </ol> <p>A copy of the construction site management plan must be kept on-site at all times while work is being carried out.</p> <p><b>Condition reason:</b> To require details of measures that will protect the public, and the surrounding environment, during site works and construction.</p> |

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| 31 | <b>Demolition management plan</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
|    | <p>Before demolition work commences, a demolition management plan must be prepared by a suitably qualified person.</p> <p>The demolition management plan must be prepared in accordance with Australian Standard 2601 – The Demolition of Structures, the Code of Practice – Demolition Work, Council's Development Control Plan 2022 and must include the following matters:</p> <ol style="list-style-type: none"> <li>1. The proposed demolition methods</li> <li>2. The materials for and location of protective fencing and any hoardings to the perimeter of the site</li> <li>3. Details on the provision of safe access to and from the site during demolition work, including pedestrian and vehicular site access points and construction activity zones</li> <li>4. Details of demolition traffic management, including proposed truck movements to and from the site, estimated frequency of those movements, and compliance with AS 1742.3 Traffic Control for Works on Roads and parking for vehicles</li> <li>5. Protective measures for on-site tree preservation and trees in adjoining public domain (if applicable (including in accordance with AS 4970-2009 Protection of trees on development sites and Council's relevant development control plan)</li> <li>6. Erosion and sediment control measures which are to be implemented during demolition and methods to prevent material being tracked off the site onto surrounding roadways</li> <li>7. Noise and vibration control measures, in accordance with any Noise and Vibration Control Plan approved under this consent</li> <li>8. Details of the equipment that is to be used to carry out demolition work and the method of loading and unloading excavation and other machines</li> <li>9. Details of any bulk earthworks to be carried out</li> <li>10. Details of re-use and disposal of demolition waste material in accordance with Council's relevant development control plan</li> <li>11. Location of any reusable demolition waste materials to be stored on-site (pending future use)</li> <li>12. Location and type of temporary toilets onsite</li> <li>13. A garbage container with a tight-fitting lid.</li> </ol> <p><b>Condition reason:</b> To provide details of measures for the safe and appropriate disposal of demolition waste and the protection of the public and surrounding environment during the carrying out of demolition works on the site</p> |
| 32 | <b>Dilapidation report</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
|    | <p>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 or Council.</p> <p>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 or Council, that all</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |

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|    | <p>reasonable steps were taken to obtain access to the adjoining properties.</p> <p>No less than seven (7) days before any site work commences, adjoining building owner(s) must be provided with a copy of the dilapidation report for their property(ies) and a copy of the report(s) must be provided to Council (where Council is not the principal certifier) at the same time.</p> <p><b>Condition reason:</b> 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.</p>                                                                                                                                                                                                                                                                                                                                                                                                   |
| 33 | <p><b>Disconnection of services before demolition work</b></p> <p>Before demolition work commences, all services, such as water, telecommunications, gas, electricity and sewerage, must be disconnected in accordance with the relevant authority's requirements.</p> <p><b>Condition reason:</b> To protect life, infrastructure and services</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| 34 | <p><b>Erosion and sediment control plan</b></p> <p>Before site work commences, an erosion and sediment control plan must be prepared by a suitably qualified person in accordance with the following documents and provided to the Principal Certifier:</p> <ol style="list-style-type: none"> <li>1. Council's relevant development control plan,</li> <li>2. the guidelines set out in 'Managing Urban Stormwater: Soils and Construction' prepared by Landcom (the Blue Book) (as amended from time to time), and</li> <li>3. The 'Guidelines for Erosion and Sediment Control on Building Sites' (Department of Planning, Housing and Infrastructure) (dated 2024, as amended from time to time).</li> <li>4. 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).</li> </ol> <p><b>Condition reason:</b> To ensure no substance other than rainwater enters the stormwater system and waterways.</p> |
| 35 | <p><b>Erosion and sediment controls in place</b></p> <p>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).</p> <p><b>Condition reason:</b> To ensure sediment laden runoff and site debris do not impact local stormwater systems and waterways.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                |
| 36 | <p><b>Hazardous material survey before demolition</b></p> <p>Before demolition work commences, a hazardous materials survey of the site must be</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |

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|    | <p>prepared by a suitably qualified person and a report of the survey results must be provided to council at least one week before demolition commences.</p> <p>Hazardous materials include, but are not limited to, asbestos materials, synthetic mineral fibre, roof dust, PCB materials and lead based paint.</p> <p>The report must include at least the following information:</p> <ol style="list-style-type: none"> <li>1. the location of all hazardous material throughout the site</li> <li>2. a description of the hazardous material</li> <li>3. the form in which the hazardous material is found, e.g. AC sheeting, transformers, contaminated soil, roof dust</li> <li>4. an estimation of the quantity of each hazardous material by volume, number, surface area or weight</li> <li>5. a brief description of the method for removal, handling, on-site storage and transportation of the hazardous materials</li> <li>6. identification of the disposal sites to which the hazardous materials will be taken</li> </ol> <p><b>Condition reason:</b> To require a plan for safely managing hazardous materials</p> |
| 37 | <p><b>Notice of commencement for demolition</b></p> <p>At least one week before demolition work commences, written notice must be provided to council and the occupiers of neighbouring premises of the work commencing. The notice must include:</p> <ol style="list-style-type: none"> <li>1. name</li> <li>2. address,</li> <li>3. contact telephone number,</li> <li>4. licence type and license number of any demolition waste removal contractor and, if applicable, asbestos removal contractor, and</li> <li>5. the contact telephone number of council and</li> <li>6. the contact telephone number of SafeWork NSW (4921 2900).</li> </ol> <p><b>Condition reason:</b> To advise neighbours about the commencement of demolition work and provide contact details for enquiries</p>                                                                                                                                                                                                                                                                                                                                       |
| 38 | <p><b>Utilities and services</b></p> <p>Before demolition work commences, written evidence of the following service provider requirements must be provided to Principal Certifier or Council (where a certifier is not required):</p> <ol style="list-style-type: none"> <li>1. a letter from Ausgrid demonstrating that satisfactory arrangements can be made for the installation and supply of electricity;</li> <li>2. a response from Sydney Water as to whether the plans for the development would affect any Sydney Water infrastructure, and whether further requirements need to be met;</li> <li>3. 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</li> </ol>                                                                                                                                                                                                                                                                                                                             |

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|    | are required to make the development satisfactory to them.                                                                                                          |
|    | <b>Condition reason:</b> To ensure relevant utility and service providers' requirements are provided to the certifier.                                              |
| 39 | <b>Waste Management Plan – an approved document of this consent</b>                                                                                                 |
|    | Before site work commences, a waste management plan for the development must be provided to the Principal Certifier or Council (where a certifier is not required). |
|    | <b>Condition reason:</b> To ensure resource recovery is promoted and local amenity protected during construction.                                                   |

### During demolition work

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| 40 | <b>Handling of asbestos during demolition</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
|    | While demolition work is being carried out, any work involving the removal of asbestos must comply with the following requirements: <ol style="list-style-type: none"> <li>1. Only an asbestos removal contractor who holds the required class of Asbestos Licence issued by SafeWork NSW must carry out the removal, handling and disposal of any asbestos material;</li> <li>2. Asbestos waste in any form must be disposed of at a waste facility licensed by the NSW Environment Protection Authority to accept asbestos waste; and</li> <li>3. Any asbestos waste load over 100kg (including asbestos contaminated soil) or 10m<sup>2</sup> or more of asbestos sheeting must be registered with the EPA on-line reporting tool WasteLocate.</li> </ol> |
|    | <b>Condition reason:</b> To ensure that the removal of asbestos is undertaken safely and professionally                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| 41 | <b>Hours of work</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
|    | Site work, building work, demolition or vegetation removal must only be carried out between 7:00am to 5:00pm on Monday to Saturday. No works to be carried out on Sunday and public holidays.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
|    | Site work is not to be carried out outside of these times except where there is an emergency, or for urgent work directed by a Police Officer or a public authority.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
|    | <b>Condition reason:</b> To protect the amenity of the surrounding area.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| 42 | <b>Implementation of the site management plans</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
|    | While site work is being carried out: <ol style="list-style-type: none"> <li>1. the measures required by the construction site management plan and the erosion and sediment control plan (plans) must be implemented at all times, and</li> </ol>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |

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|    | <p>2. a copy of these plans must be kept on site at all times and made available to Council officers upon request.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
|    | <p><b>Condition reason:</b> To ensure site management measures are implemented during the carrying out of site work.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| 43 | <p><b>Noise and Vibration requirements</b></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
|    | <p>While site work is being carried out, noise generated from the site must not exceed an LAeq (15 min) of <b>5dB(A)</b> above background noise, when measured at a lot boundary of the site.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
|    | <p><b>Condition reason:</b> To protect the amenity of the neighbourhood during construction.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| 44 | <p><b>Responsibility for changes to public infrastructure</b></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
|    | <p>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 provider pits, street trees or any other infrastructure in the street footpath area) must be paid as directed by the consent authority.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
|    | <p><b>Condition reason:</b> To ensure payment of approved changes to public infrastructure.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| 45 | <p><b>Site maintenance</b></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
|    | <p>While demolition work is being carried out, the following requirements, as specified in the approved demolition management plan, must be maintained until the demolition work and demolition waste removal are complete:</p> <ol style="list-style-type: none"> <li>1. Protective fencing to the perimeter on the site</li> <li>2. Access to and from the site</li> <li>3. Construction traffic management measures</li> <li>4. Protective measures for on-site tree preservation and trees in adjoining public domain</li> <li>5. Onsite temporary toilets</li> <li>6. A garbage container with a tight-fitting lid</li> </ol>                                                                                                                                                                                                                                                                                                                        |
|    | <p><b>Condition reason:</b> To protect workers, the public and the environment</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| 46 | <p><b>Soil management</b></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
|    | <p>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:</p> <ol style="list-style-type: none"> <li>1. All excavated material removed from the site must be classified in accordance with the Environment Protection Authority's Waste Classification Guidelines before it is disposed of at an approved waste management facility or otherwise lawfully managed, and the classification, and the volume of material removed, and the receival facility's details must be reported to &lt;Insert principal certifier or Council (where a principal certifier is not required)&gt;.</li> <li>2. All fill material imported to the site must be: &lt;Delete as required&gt; <ol style="list-style-type: none"> <li>a. Virgin Excavated Natural Material as defined in Schedule 1 of the Protection</li> </ol> </li> </ol> |

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|    | <p>of the Environment Operations Act 1997; or</p> <p>b. a material identified as being subject to a resource recovery exemption by the NSW EPA; or</p> <p>c. 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.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
|    | <p><b>Condition reason:</b> To ensure soil removed from the site is appropriately disposed of and soil imported to the site is not contaminated and is safe for future occupants.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| 47 | <p><b>Waste management</b></p> <p>While site work is being carried out:</p> <ol style="list-style-type: none"> <li>1. all waste management must be undertaken in accordance with the waste management plan; and</li> <li>2. upon disposal or removal of the waste, records of the disposal or other fate (such as re-use on site) must be compiled and provided to the Principal Certifier or Council (where a principal certifier is not required), detailing the following: <ol style="list-style-type: none"> <li>a. The name and contact details of the person(s) who removed the waste,</li> <li>b. The waste carrier vehicle registration,</li> <li>c. The date and time of waste collection,</li> <li>d. A description of the waste (type of waste, classification and estimated quantity) and whether the waste is to be reused, recycled, go to landfill or other fate.</li> <li>e. The contact details and address of the disposal location or other offsite location(s) where the waste was taken,</li> <li>f. 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.</li> </ol> </li> <li>3. The waste generated on site during construction must be classified in accordance with the Environment Protection Authority's Waste Classification Guidelines, 2014 (as amended from time to time) and disposed of to an approved waste management facility or otherwise lawfully managed.</li> </ol> <p>If waste has been removed from the site where the waste is under an Environment Protection Authority Resource Recovery Order or Exemption, records in relation to and required by that Order or Exemption must be maintained and provided to the principal certifier and council.</p> <p><b>Condition reason:</b> To require records to be provided, during site work, documenting the lawful disposal of waste.</p> |

### On completion of demolition work

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| 48 | <p><b>Post-construction dilapidation report</b></p> <p>After completion of all site work a post-construction dilapidation report must be prepared</p> |
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|    | <p>by a suitably qualified engineer, to the satisfaction of the Principal Certifier or Council (where a Principal Certifier is not required), detailing whether:</p> <ol style="list-style-type: none"> <li>1. 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</li> <li>2. where there has been structural damage to any adjoining buildings, that it is a result of the work approved under this development consent; and</li> <li>3. 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).</li> </ol> <p><b>Condition reason:</b> To identify any damage to adjoining properties resulting from site work on the development site.</p> |
| 49 | <p><b>Preservation of survey marks</b></p> <p>Before the issue of an Occupation Certificate, documentation must be submitted by a registered Surveyor to the Principal Certifier which demonstrates that:</p> <ol style="list-style-type: none"> <li>1. no existing survey mark(s) have been removed, damaged, destroyed, obliterated or defaced, or</li> <li>2. 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.</li> </ol> <p><b>Condition reason:</b> To protect the State's survey infrastructure.</p>                                                                                                                                                                                                                                                                                                        |
| 50 | <p><b>Release of securities</b></p> <p>After completion of all site work, an application may be lodged to release the securities held in accordance with Council's Fees and Charges.</p> <p><b>Condition reason:</b> To allow release of securities where the terms and conditions for the securities have been met to Council's satisfaction.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| 51 | <p><b>Removal of waste upon completion</b></p> <p>After completion of all site work:</p> <ol style="list-style-type: none"> <li>1. 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</li> <li>2. written evidence of the waste removal must be provided to the satisfaction of the principal certifier or Council (where a principal certifier is not required).</li> <li>3. Any chemical waste generated throughout construction must be disposed of to an approved waste management facility or otherwise lawfully managed.</li> </ol> <p><b>Condition reason:</b> To ensure waste material is appropriately disposed or satisfactorily stored.</p>                                                                                                                                                                                                |

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| 52 | <b>Repair of infrastructure</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
|    | <p>After completion of all site work:</p> <ol style="list-style-type: none"> <li>1. 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</li> <li>2. 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.</li> </ol> |
|    | <b>Condition reason:</b> To ensure any damage to public infrastructure is rectified.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| 53 | <b>Waste disposal verification statement</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
|    | <p>On completion of demolition work:</p> <p>a) a signed statement must be submitted to the principal certifier or council (where a certifier is not required) verifying that demolition work, and any recycling of materials, was undertaken in accordance with the waste management plan approved under this consent,</p> <p>and</p> <p>b) if the demolition work involved the removal of asbestos, an asbestos clearance certificate issued by a suitably qualified person, must be submitted to the principal certifier or council (where a certifier is not required) within 14 days of completion of the demolition work.</p>                                                                                                               |
|    | <b>Condition reason:</b> 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                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |

## Building Work

### Before issue of a construction certificate

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| 54 | <b>Adaptable units</b>                                                                                                                                                                                                                                                                                                 |
|    | Before the issue of a construction certificate, a report prepared by a suitably qualified consultant must be obtained that demonstrates, to the certifier's satisfaction, that any adaptable dwellings specified in the approved plans or documents comply with the provisions of AS 4299 Adaptable Housing Standards. |
|    | <b>Condition reason:</b> To ensure adaptable units are designed in accordance with the Australian Standard.                                                                                                                                                                                                            |

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| 5 | <b>Clear public access ways</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| 5 | <p>Before issue of a construction certificate, construction plans must demonstrate that access doors to enclosures for building services and facilities, such as hydrant and sprinkler booster assemblies or the like, except fire stair doors, will not open over the footway or roadway.</p> <p><b>Condition reason:</b> To ensure doors used to house building services and facilities do not obstruct pedestrians and vehicles</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| 5 | <b>External lighting</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| 6 | <p>Before the issue of a construction certificate, plans detailing external lighting must be prepared by a suitably qualified person.</p> <p>The lighting plan must be consistent with the approved plans and documents, and the following requirements:</p> <ol style="list-style-type: none"> <li>1. comply with AS 4282: Control of Obtrusive Effects of Outdoor Lighting</li> <li>2. lighting must be placed at all entrances to, and exits from the premises</li> <li>3. lighting must provide coverage of the premises and surrounding areas for visibility and to reduce hidden areas;</li> <li>4. lighting must not interfere with traffic safety;</li> <li>5. lighting must not give rise to obtrusive light or have adverse impacts on the amenity of surrounding properties; and</li> <li>6. external lighting must not flash or intermittently illuminate unless required for safe ingress/egress of vehicles crossing a pedestrian footway or approved vehicle entrance.</li> <li>7. Relevant provisions of Council's Development Control Plan 2022.</li> </ol> <p>The lighting plan must be submitted to the certifier:</p> <p>Note – All above documents refer to the version in effect at the time the consent is granted.</p> <p><b>Condition reason:</b> To ensure external lighting is provided for safety reasons and to protect the amenity of the local area</p> |
| 5 | <b>Long Service Levy</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| 7 | <p>Before the issue of a Construction Certificate, the long service levy of <b>\$80,063.20</b>, as calculated at the date of this consent, must be paid to the Long Service Corporation under the Building and Construction industry Long Service Payments Act 1986, section 34, and evidence of the payment is to be provided to the principal certifier or Council (where a certifier is not required).</p> <p><b>Condition reason:</b> To ensure the long service levy is paid.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| 5 | <b>Payment of security deposits</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| 8 | <p>Before the commencement of any works on the site or the issue of a Construction Certificate, the Applicant must make all of the following payments to Council and provide written evidence of these payments to the Certifier:</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |

|                                            |                 |
|--------------------------------------------|-----------------|
| Soil and Water Management Sign Fee         | \$27.00         |
| Section 7.11 Contributions                 | \$ 1,758,027.48 |
| Builders Damage Deposit (Security Deposit) | \$55,388.40     |

The payments will be used for the cost of:

- making good any damage caused to any Council property (including street trees) as a consequence of carrying out the works to which the consent relates,
- completing any public work such as roadwork, kerbing and guttering, footway construction, stormwater drainage and environmental controls, required in connection with this consent, and
- any inspection carried out by Council in connection with the completion of public work or the making good any damage to Council property.

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

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

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

## 5 Payment of Section 7.11 Contributions

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A Section 7.11 contribution of **\$1,758,027.48** shall be paid to Council. The contribution is calculated according to the provisions contained within Council's adopted Arncliffe and Banksia Local Infrastructure Contribution Plan 2020. The amount to be paid is to be adjusted at the time of payment, in accordance with the review process contained in the Contributions Plan. The contribution is to be paid prior to the issue of any compliance certificate; subdivision certificate or construction certificate. The contributions will be used towards the provision or improvement of the amenities and services identified below.

|                         |                        |     |
|-------------------------|------------------------|-----|
| Transport               | \$ 542,373.93          | AB1 |
| Stormwater Management   | \$ 78,460.73           | AB2 |
| Open Space              | \$ 339,720.91          | AB3 |
| Community Facilities    | \$ 776,647.84          | AB4 |
| Administration          | \$ 20,824.07           | AB5 |
| <b>Total in 2025/26</b> | <b>\$ 1,758,027.48</b> |     |

The total contribution payable to Council under this condition is **\$ 1,758,027.48** as calculated at the date of this consent, in accordance with Council's Arncliffe and Banksia Local Infrastructure

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|    | <p>Contributions Plan 2020.</p> <p>The total amount payable may be adjusted at the time the payment is made, in accordance with the provisions of the Arncliffe and Banksia Local Infrastructure Contributions Plan 2020.</p> <p>A copy of the development contributions plan is available for inspection at Council's Customer Service Centre at 444 Princes highway Rockdale NSW 2216.</p> <p><b>Condition reason:</b> To ensure development contributions are paid to address the increased demand for public amenities and services resulting from the approved development.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| 60 | <p><b>Acoustic Isolation between Floors.</b></p> <p>The development shall have an impact isolation between floors which achieves an Acoustical Star Rating of 5 in accordance with the standards prescribed by the Association of Australian Acoustical Consultants (AAAC) in accordance with the report by Harwood Acoustics, dated 23 April 2024.</p> <p><b>Condition reason:</b> To minimise adverse amenity impacts to residents within the building.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| 61 | <p><b>Adaptable Units and Parking.</b></p> <p>Access must be provided to and within a minimum of nineteen (19) residential units, and between these units and their allocated car parking spaces in accordance with Council's Development Control Plan and <i>Australian Standard 4299: Adaptable Housing</i>. The adaptable units shall be constructed to comply with the requirements of AS 4299.</p> <p>Details demonstrating compliance shall be submitted to the satisfaction of the Principal Certifier prior to the issue of a Construction Certificate.</p> <p>Note: Compliance with Council's Development Control Plan does not necessarily guarantee that the development meets the full requirements of the Disability Discrimination Act 1992. It is the responsibility of the Applicant to make the necessary enquiries to ensure that all aspects of the Act are satisfied.</p> <p><b>Condition reason:</b> To ensure adaptable units are provided and designed in accordance with the relevant standards.</p> |
| 62 | <p><b>Aircraft Noise - Compliance with submitted Report.</b></p> <p>Prior to issue of the Construction Certificate, the measures required in the acoustical assessment report prepared by Harwood Acoustics shall be included in the construction drawings and in accordance with the provisions of AS 2021 - 2015: Acoustics - Aircraft Noise Intrusion - Building Siting and Construction.</p> <p>The work detailed in the report includes:</p> <p>(a) Appropriate acoustic glazing to stated windows and doors, and</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |

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|        | <p>(b) Detailed roof and ceiling construction, and</p> <p>(c) Wall and ceiling corner details, and</p> <p>(d) External door specification, and</p> <p>(e) Acoustically treated mechanical ventilation.</p> <p><b>Condition reason:</b> To minimise adverse amenity impacts to residents within the building.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| 6<br>3 | <p><b>Design Verification Statement</b></p> <p>Prior to the issue of a Construction Certificate, a statement from a qualified designer (Registered Architect) is to be submitted verifying that the plans and specifications achieve or improve the design quality of the development for which development consent was granted, having regard to the design quality principles, in accordance with the requirements of the <i>Environmental Planning and Assessment Regulation 2021</i>.</p> <p><b>Condition reason:</b> To ensure compliance with the Environmental Planning and Assessment Regulation 2021.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| 6<br>4 | <p><b>Frontage Works Application</b></p> <p>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.</p> <p>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 <i>Roads Act 1993</i>. 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.</p> <p>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 &amp; street trees. Bayside Council is entitled to recover any monies expended more than the bond amount in undertaking such works.</p> <p><b>Condition reason:</b> To ensure that public domain works are designed and constructed in</p> |

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|        | accordance with relevant requirements and standards.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| 6<br>5 | <b>Glazing Reflectivity</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
|        | The relectivity index of glazing and finishing materials used on the facades and roof of the building shall not exceed 20%. Details demonstrating compliance with the above requirement shall be submitted to the satisfaction of the Principal Certifier prior to the issue of a Construction Certificate for the relevant stage of works.                                                                                                                                                                                                                                                                                                                                                                                               |
|        | <b>Condition reason:</b> To ensure that adverse reflectivity impacts are minimised.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| 6<br>6 | <b>Lighting.</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
|        | All proposed lights shall comply with the <i>Australian Standard AS4282 - Control of the Obstrusive Effects of Outdoor Lighting</i> . 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.                                                                                                                                                                                                                                                                                                                                                                                                |
|        | <b>Condition reason:</b> To ensure that adverse impacts from lighting are minimised in accordance with relevant standards.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| 6<br>7 | <b>Materials and Finishes.</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
|        | The building shall be constructed of a masonry or brick wall construction with select <b>(colour)</b> coloured finishes as per the approved schedule of finishes. This requirement shall be reflected on the Construction Certificate plans and supporting documentation.                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
|        | <b>Condition reason:</b> To ensure that works are executed in accordance with the approval                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| 6<br>8 | <b>Property Address Allocation – Medium density, residential flat building, retirement villages, caravan parks, camping grounds, schools &amp; universities i-detached.</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
|        | Prior to the issue of a Construction Certificate for the development an application for street addresses Property Address Allocation and associated fee shall be submitted to Council for each individual dwelling within the development in accordance with Section 5.2 of the NSW Address Policy and User Manual dated October 2024.                                                                                                                                                                                                                                                                                                                                                                                                    |
|        | The form is available for download at:<br><br><a href="https://www.bayside.nsw.gov.au/sites/default/files/2025-07/2025-2026%20Property%20Address%20Allocation%20Application.PDF">https://www.bayside.nsw.gov.au/sites/default/files/2025-07/2025-2026%20Property%20Address%20Allocation%20Application.PDF</a><br><br>Derivation and production of address data components is governed by the NSW Address Policy and User Manual October 2024 to ensure consistency of application.<br><br><a href="https://www.nsw.gov.au/sites/default/files/noindex/2024/11/NSW%20Address%20Policy%20and%20User%20Manual_2024.pdf">https://www.nsw.gov.au/sites/default/files/noindex/2024/11/NSW%20Address%20Policy%20and%20User%20Manual_2024.pdf</a> |
|        | <b>Condition reason:</b> To ensure property addresses are allocated in accordance with relevant standards.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |

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| 6<br>9 | <p><b>Sydney Water Tap-in</b></p> <p>Prior to the issue of the Construction Certificate, the approved plans must be submitted to Sydney Water Tap inTM online service to determine whether the development will affect any Sydney Water sewer or water main, stormwater drains and/or easement, and if further requirements need to be met.</p> <p>Sydney Water's Tap inTM online service is available at:<br/> <a href="https://www.sydneywater.com.au/SW/plumbing-building-developing/building/sydney-water-tap-in/index.htm">https://www.sydneywater.com.au/SW/plumbing-building-developing/building/sydney-water-tap-in/index.htm</a></p> <p><b>Condition reason:</b> To ensure compliance with Sydney Water requirements.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| 7<br>0 | <p><b>Wind Report.</b></p> <p>The residential flat development shall be constructed in accordance with the approved Wind Report listed under "<i>Approved Plans and Supporting Documents</i>" condition. Details are to be provided on the Construction Certificate plans.</p> <p><b>Condition reason:</b> To ensure that adverse impacts from wind are minimised in accordance with specified performance measures.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| 7<br>1 | <p><b>Surrender of Development Consent</b></p> <p>The surrender of Development Consent No. DA-2021/437 must be undertaken prior to the issue of a Construction Certificate pursuant to Section 4.17 of the Environmental Planning and Assessment Act 1979 and Clause 97 of the Environmental Planning and Assessment Regulation 2000. Details demonstrating compliance with the requirements of this condition must be submitted to the satisfaction of the Council prior to the issue of any Construction Certificate.</p> <p><b>Condition reason:</b> To ensure any incompatible existing consent is not acted upon.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| 7<br>2 | <p><b>Design Amendment</b></p> <p>Before the issue of a Construction Certificate, the Certifier must ensure the approved Construction Certificate plans and specifications detail the following required amendments to the approved plans and documents:</p> <ol style="list-style-type: none"> <li>1. 8 of the 92 residential car parking spaces shall be allocated to affordable apartments and be shown on the basement plans.</li> <li>2. On basement level 1, the visitor bicycle spaces shall be relocated to be in front of the Duncan Street lobby and the garbage waste room shall be enlarged into the area where the visitor bicycle spaces are located.</li> <li>3. Conceal drainage pipes within the floor slabs and walls so that they do not appear in the exterior of the building, including balconies and driveway entrances.</li> <li>4. Encase any hot water system / unit in the balconies in a recessed box with the lid / cover designed to be blend into the facades and screened from the public domain.</li> </ol> <p><b>Condition reason:</b> To require minor amendments to the plans endorsed by the consent following assessment of the development.</p> |



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| 7 | <b>Retaining Walls Over 600mm</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| 3 | Retaining walls over 600mm in height shall be designed and specified by a structural engineer registered with the National Engineering Register (NER).                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
|   | <b>Condition reason:</b> To ensure the structural adequacy of new retaining walls.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| 7 | <b>Detailed Design Stormwater Management Plan</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| 4 | <p>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.</p> <p>The detailed drainage design plans shall incorporate the provisions generally made in the stormwater concept plans prepared by ATB Consulting Engineers, project number 24019, dated 12/03/25, revision B along with the revisions/requirements detailed below:</p> <ol style="list-style-type: none"> <li>1. The OSD shall be designed to section 6 of Bayside Technical Specification Stormwater management.</li> <li>2. The water quality improvement system must comply with section 7 of Bayside Technical Specification Stormwater management.</li> <li>3. A minimum 20,000 litre volume of rainwater tank(s) shall be provided for the development, connected to all ground floor and basement level 1 toilet flushing, the cold water tap that supplies the ground floor and basement level 1 clothes washing machines, the basement car wash bays and the entire landscape irrigation system for non-potable stormwater re-use. A hydraulic re-use diagram shall be provided demonstrating the re-use of the rainwater tanks.</li> <li>4. The inverts of the stormwater pit and pipe network in Duncan Street shall be determined by a registered surveyor. All services in the Council verge (from kerb to boundary) shall be accurately determined and confirmed to have no conflict with the 225mm outlet pipe.</li> <li>5. A device capable of removing oil shall be incorporated in the basement drainage system shall be provided (e.g. an oil baffle in the OSD).</li> <li>6. The stormwater plans shall show both car wash bays as being fully bunded and directed to the sewer instead of the stormwater system.</li> <li>7. An OSD base plan is to be provided for the OSD, showing all base levels, weir levels and minimum 1% fall towards the outlet pipe.</li> <li>8. The basement plans are to be revised to show the surface levels of the surface drains and must provide a minimum 0.5% crossfall to the drain.</li> <li>9. The ground floor plan is to be revised to show the surface levels of the surface drains and must provide a minimum 1% crossfall to the drain.</li> <li>10. The levels of the swales are to be shown on the plans including surface grading from the deep soil areas to the swales with minimum 1% fall.</li> <li>11. The rainwater tanks are to be redesigned to be in-situ concrete tanks with an 900x900 sealed access manhole provided from the ground floor courtyard with step irons.</li> <li>12. In addition to the basement pump-out tank storage volume required by AS3500.3,</li> </ol> |

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|   | <p>additional storage volume shall be provided in the basement with a minimum size not less than one-weeks of expected groundwater inflow. The basement level 3 drainage design and treatment/testing system to achieve ANZG and ANZECC water quality targets shall be approved by Bayside Council prior to the issue of the construction certificate for basement level 3. All basement drainage must be treated before being discharged from the development.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
|   | <p><b>Condition reason:</b> To ensure compliance with Council's Stormwater Management Technical Guidelines / Specifications.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| 7 | <p><b>Detailed Parking Facility Design Requirements and Certification</b></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| 5 | <p>Prior to the issue of any Construction Certificate, the construction certificate plans and supporting documentation shall demonstrate compliance with the following:</p> <ol style="list-style-type: none"> <li>1. Compliance with AS2890 Car, Bicycle and Motorcycle Parking: <ol style="list-style-type: none"> <li>a. 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</li> <li>b. All vehicles are to enter and exit the site in a forward direction, and</li> <li>c. The minimum number of accessible car parking spaces shall be in accordance with the relevant disability legislation. The design and construction of accessible car parking spaces shall be in accordance with AS2890.6 and/or AS4299, and</li> <li>d. Convex mirrors shall be provided at blind corners within, and leading to, the car parking levels to provide increased sight distance for vehicles, and</li> <li>e. The car wash bay(s) shall be 3.5m wide, and</li> <li>f. A minimum of 120 residential bicycle parking spaces, 11 residential visitor bicycle spaces and 10 motorcycle parking spaces must be provided as part of the development and designed in accordance with AS2890.3:2015 and AS2890.1 respectively. Bicycle parking for residents is to be in the form of bike racks within a well-lit secure room/structure monitored by security camera surveillance. All visitor bicycle spaces shall be located at the entrance to the development and be designed as security level C from table 1.1 of AS2890.3:2015, and</li> </ol> </li> </ol> <p>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.</p> <p><b>Condition reason:</b> To ensure compliance with the relevant Australian Standard.</p> |
| 7 | <p><b>Provision of Car Wash Bay</b></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| 6 | <p>The Construction Certificate plans must show the provision of 2 x 3.5m wide car wash bays. A cold-water tap (typically connected to the rainwater tank) and waterproof power outlet shall be provided along with a sign fixed to the wall saying, 'Car Wash Bay'. The car wash bay must be bunded in accordance with AS1940 and AS/NZS 4452 with direct connection to the sewer in accordance with a Sydney Water trade waste agreement.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |

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|   | <p><b>Condition reason:</b> To ensure that a carwash bay is provided in accordance with Council requirements and relevant standards.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| 7 | <p><b>Geotechnical Certification.</b></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| 7 | <p>Prior to the issue of any Construction Certificate, a Geotechnical Engineer must:</p> <ol style="list-style-type: none"> <li>1. Review and ensure the appropriate construction methodology, parameters, and recommendations in the geotechnical investigation prepared by eiaustralia, report no. E24790.G03_Rev1, dated 5 April 2024, and the Hydrogeological Report prepared by eiaustralia, report no. E24790.E16_Rev1, dated 1 July 2025 have been implemented and relied upon during the preparation of the Construction Certificate plans and documentation.</li> <li>2. Provide detailed recommendations to allow the satisfactory implementation of the works. <ol style="list-style-type: none"> <li>a. The appropriate means of any excavation/shoring is to be determined and detailed considering the proximity to adjacent property and structures.</li> <li>b. Potential vibration caused by the method of excavation and potential settlements affecting nearby footings/foundations/buildings shall be discussed and ameliorated.</li> <li>c. 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).</li> <li>d. 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.</li> </ol> </li> <li>3. 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.</li> <li>4. Certify that the construction certificate plans and supporting documentation are satisfactory from a geotechnical perspective.</li> <li>5. Inspect the works as they progress at frequencies determined by the geotechnical engineer (where necessary).</li> </ol> <p>The professional recommendations shall be implemented in full during the relevant stages of excavation and construction.</p> <p>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.</p> <p><b>Condition reason:</b> To ensure that structural designs are adequate and that damage to adjoining land is minimised.</p> |

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| 7<br>8 | <p><b>Undergrounding of Overhead Services and Installation of Lighting</b></p> <p>All overhead cables, including electricity and telecommunication cables, along the entire length of all frontages of the development site must be relocated underground as part of the development. The Ausgrid lighting and power poles will need to be decommissioned and new underground supplied lighting columns shall be constructed (where necessary) satisfying the applicable requirements. Ausgrid's approval for the works must be obtained. The location of the new electrical pillars, new lighting poles, any new pits and trenches for utilities shall be confirmed with Bayside Council prior to the commencement of public domain works. The Applicant is responsible for all relocation costs, including costs associated with other cabling such as telecommunications cables. These works must be completed to the satisfaction of Bayside Council prior to the issue of the Final Occupation Certificate.</p> <p>Where the road reserve is congested with underground utility services and/or street trees, the person acting on the consent must design the undergrounding works around the congestion to the requirements of Ausgrid and Bayside Councils Landscape Architect/Arborist.</p> <p>If further works are required beyond the frontages of the development site (e.g. across a road) to support the required undergrounding works, these works must also be carried out at no cost or expense to Bayside Council.</p> <p><b>Condition reason:</b> To improve the public domain in accordance with Council's Development Control Plan.</p> |
| 7<br>9 | <p><b>Use of Neighbouring Properties and Roadways for Support</b></p> <p>Prior to the issue of the Construction Certificate, if neighbouring properties or roadway are to be utilised for excavation support, the legal rights of any adjoining properties must be respected including for permanent and temporary excavation supports. In this regard the 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.</p> <p>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 <i>Roads Act 1993</i>, 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:</p> <p>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.</p> <p>The report must be supported by suitable geotechnical investigations to demonstrate the efficacy of all design assumptions.</p> <p><b>Condition reason:</b> To ensure landowner's legal rights are protected and that damage to</p>                                |

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|    | adjoining land is minimised.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| 80 | <p><b>Landscape Construction Certificate Drawings</b></p> <p>1. Landscape Requirements shown in Architectural Plans</p> <p>Prior the issue of any Construction Certificate, detailed construction architectural plans must be submitted to, and approved by, the Director of City Futures (or delegate) of Bayside Council. The detailed architectural plans shall include, but not be limited to, the following requirements/architectural modifications:</p> <ul style="list-style-type: none"> <li>• <b>Duncan Street Landscape Setback</b></li> </ul> <p>The three (3) meter deep soil landscape setback along Duncan Street must be free of structures, other than access paths to units, fire escapes and the lobby. The proposed courtyard for units B05, B04, B03, B02 and B01 extending into the 3m landscape setback to Duncan Street is not permitted, the courtyards must be redesigned so that no part of the courtyard extends in the 3m deep soil landscapes setback. Fencing for these units must be placed on the edge of the 3m landscape setback beside the courtyard area. The architectural plans shall be amended to address the below mentioned poin\</p> <ol style="list-style-type: none"> <li>1. Private courtyards in units B01-B05 must be revised and reduced to not extend into the three (3) meter deep soil landscape setback along Duncan Street.</li> <li>2. The reclaimed deep soil landscape area is to be planted with shrubs and groundcover that reach a maximum height of 1.5 meters. These species are to be selected from the proposed indicative plant list on LA05 of the landscape plans.</li> <li>3. The deep soil landscape setback is to be flush with the corresponding levels of the Duncan Street footpath. Plans are to be provided with detailed sections at regular intervals along all frontages demonstrating compliance.</li> <li>4. Entry pathways and gate structures adjoining to Duncan Street must be a maximum of 1.2 meters in width. The fence must not be in the landscape setback.</li> </ol> <ul style="list-style-type: none"> <li>• <b>Kyle Street Landscape Setback</b></li> </ul> <p>The three (3) meter deep soil landscape setback along Kyle Street must be free of structures, retaining walls or planting boxes are not permitted along the street frontage of units B05, G08, G09, G10, G11 &amp; G12. Access paths to units and fire escapes are acceptable. Fencing for these units must be placed on the edge of the 3m landscape setback beside the proposed courtyard area. The architectural plans shall be amended to address the below mentioned points:</p> <ol style="list-style-type: none"> <li>1. The retaining walls are not permitted in the landscape setback to Kyle Street and must be removed.</li> <li>2. Fencing for units B05, G08, G09, G10, G11 &amp; G12 are to be placed on the edge of the 3m landscape setback beside the courtyard space. Fencing is not to be in the 3m landscape setback.</li> <li>3. The reclaimed deep soil landscape area is to be planted with shrubs and groundcover that reach a maximum height of 1.5 meters. These species are to be selected from the proposed indicative plant list on LA05 of the landscape plans.</li> </ol> |

4. The 3m deep soil landscape setback is to be flush with the corresponding levels of the Kyle Street footpath. Plans are to be provided with detailed sections at regular intervals along all frontages demonstrating compliance. Canopy trees, shrubs and ground cover species are to be planted against the basement wall.
5. Entry pathways and gate structures adjoining to Kyle Street must be a maximum of 1.2 meters in width. Stairs are permitted on the entry pathways to provide access to the ground level units considering rise or drop in elevation. The fence must not be located in the landscape setback.
6. Provide a depicted plan with all areas, including communal open spaces and landscape areas to be maintained by strata. The three (3) meter deep soil landscape setback along Duncan & Kyle Street must be maintained by the owners corporation and shown on the plans.
7. Indicate maintenance access points, and any required anchor point, provide details of any required anchor including type of mounting.
8. The hydrant booster, gas meter and associated services shall remain as exposed pipework and integrated into the landscape design. No enclosing structures are permitted to enclose such services along the street frontages.
9. Details of all above slab structures that support planting shall be shown. Include construction details of planters, and how the planters have the capability to provide greenery to the Duncan and Kyle streetscapes. Include drainage details for all planting areas. Provide soil depths and soil volumes of all planting areas. Ensure this is consistent with landscape proposal and conditions, as well as aligned with Minimum Soil depths for plant types as recommended in Table 5 Part 4P Planting in Structures, ADG NSW Department of Planning.
10. The current design of the planter boxes on Ground level (above basement) and rooftop level are not supported as the planter boxes do not comply with the ADG requirements. Planter boxes proposed on structures must be revised to adhere to the soil requirements outlined in Table 5 Part 4P Planting in Structures, ADG NSW Department of Planning. Where the soil area dimensions cannot be met (e.g. 3.5m x 3.5m), less widths to a minimum of 2m would be accepted subject to an increase in length of the planter box to maintain the require m2 to allow for sufficient lateral growth. The architectural plans shall be amended to address the below mentioned points:
  - a. Trees must not be planted within 1 meter of any structures. Planter boxes containing trees are to provide a minimum soil area of 12.25m<sup>2</sup> (for small trees) as outlined in Table 5 Part 4P Planting in Structures, ADG NSW Department of Planning. The minimum width of the planter boxes is to be 2 meters, preferably the dimensions are to be 3.5 x 3.5 meters or similar.
  - b. Non-compliant planter boxes on the ground floor communal area are to be increased in size or to be merged with the periphery planter boxes adjoining units G01-G02 and G13-14.
  - c. Rooftop planter boxes containing trees are to be increased in width to meet the soil requirements in Table 5 Part 4P Planting in Structures, ADG NSW Department of Planning.

The plans and sections approved in this condition must be reflected in the construction certificate issued by the Certifier.

#### 1. Detailed Landscape Plan for Construction Certificate

Prior the issue of any Construction Certificate, detailed landscape plans must be submitted to,

and approved by, the Director of City Futures (or delegate) of Bayside Council.

The detailed landscape plans shall be generally in accordance with the Landscape Plans prepared by TaylorBrammer, dated 17/03/2025 and must comprise detailed landscape construction documentation (plans and specifications).

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

1. A planting plan at 1:100 showing all plant locations/groupings and plant centres/species.
2. Planter beds along Duncan and Kyle Street shall include a dense layered planting scheme consisting of trees and shrubs in all of these areas.
3. Provide built in planter box sectional details and drainage details with finished levels to assess soil depths provisions.
4. Increase the quantity of medium-large canopy tree planting within the setbacks to ameliorate the development and add amenity and screening to the site and adjoining southern boundary. Street setback trees are to be evergreen (unless where solar access is required) and supplied at a minimum 100 litres pot size.
5. Thirty-four (34) trees with a minimum pot size supplied at 100 litre, to be planted in the rear deep soil landscape setback, to reach a minimum mature height of 8 meters. Details are to be submitted to and approved by Principal Certifying Authority prior to the issue of a Construction Certificate.
  - a. Six (6) trees with a minimum pot size supplied at 200 litre, to be planted in the rear deep soil landscape setback, to reach a minimum mature height of 12-15 meters
6. Eleven (11) Australian native trees with a minimum pot size supplied at 100 litre, to be planted in Kyle Street deep soil landscape setback, to reach a minimum mature height of 8 meters. Details are to be submitted to and approved by Principal Certifying Authority prior to the issue of a Construction Certificate.
7. Eleven (11) Australian native or deciduous trees with a minimum pot size supplied at 100 litre, to be planted in the Duncan Street deep soil landscape setback, to reach a minimum mature height of 8 meters. Details are to be submitted to and approved by Principal Certifying Authority prior to the issue of a Construction Certificate.
  - a. Four (4) trees with a minimum pot size supplied at 200 litre, to be planted in the Duncan Street deep soil landscape setback, to reach a minimum mature height of 12-15 meters.
8. All new trees to be planted in deep soil within the site are to be supplied and planted in super advanced form, of minimum 100 litres.
  - a. Trees planted in the corners of the site shall have a minimum pot size of 200 litres.
9. All deep soil areas to include canopy trees where feasible to mitigate the loss of existing mature trees on site and to provide a level of amelioration to the buildings.
10. Indicate the location of all basement structures relative to the landscape areas.
11. Indicate access to all landscaped areas to be maintained and location of tools; and specify location of any required anchor point, mount specification and type of anchor points.
12. Specifications detailing soil and mulch finishes, root barriers, irrigation, edging and other landscape handworks such as retaining walls, steps, planter walls, feature walls, skateboard restrictions, tree pits, tree grates, tree guards, tree pit treat, areas of paving, schedule of materials, edge treatments, tactile and sectional construction details.

13. Details of all fencing, privacy screening, arbors and the like- elevations and materials, impacting or visible to public domain areas.
14. Details of all other hardscape landscape elements such as street furniture, pedestrian amenity lighting, bins, bollards. Location to be clearly identified on plan. Provide sectional construction details and elevations if required.
15. The front setback area shall incorporate tree planting which does not conflict with the stormwater system. Trees are not to be planted within one meter of stormwater pits.
16. All trees shall be located within mulched landscaped beds except where this may interfere with the performance of an above ground stormwater system.
17. The natural ground levels of private open space areas are not to be altered unless otherwise indicated on the approved plans.
18. All natural features, including natural rock outcrops, natural vegetation, soil and watercourses, are to remain undisturbed except where affected by necessary works detailed on approval plans.
19. All utility services (including all telecommunication, high and low voltage power lines) are to be placed underground along the entire development site frontages as part of the development prior to occupation. The extent of works required in order to achieve this outcome may involve works beyond the frontage of the development site.
20. Indicate location of stormwater pits and stormwater structures.

- Duncan Street Landscape Setback

The three (3) meter deep soil landscape setback along Duncan Street must be free of structures, other than access paths to units, fire escapes and the lobby. The proposed courtyard for units B05, B04, B03, B02 and B01 extending into the 3m landscape setback to Duncan Street is not permitted, the courtyards must be redesigned so that no part of the courtyard extends in the 3m deep soil landscapes setback. Fencing for these units must be placed on the edge of the 3m landscape setback beside the courtyard area. The landscape plans shall be amended to address the below mentioned points:

1. Private courtyards in units B01-B05 must be revised and reduced to not extend into the three (3) meter deep soil landscape setback along Duncan Street.
2. The reclaimed deep soil landscape area is to be planted with shrubs and groundcover that reach a maximum height of 1.5 meters. These species are to be selected from the proposed indicative plant list on LA05 of the landscape plans.
3. The deep soil landscape setback is to be flush with the corresponding levels of the Duncan Street footpath. Plans are to be provided with detailed sections at regular intervals along all frontages demonstrating compliance.
4. Entry pathways and gate structures adjoining to Duncan Street must be a maximum of 1.2 meters in width. The fence must not be located in the landscape setback.

- Kyle Street Landscape Setback

The three (3) meter deep soil landscape setback along Kyle Street must be free of structures, retaining walls or planting boxes are not permitted along the street frontage of units B05, G08, G09, G10, G11 & G12. Access paths to units and fire escapes are acceptable. Fencing for these units must be placed on the edge of the 3m landscape setback beside the proposed courtyard area. The landscape plans shall be amended to address the below mentioned points:



1.
  - a. The retaining walls are not permitted in the landscape setback to Kyle Street and must be removed.
  - b. Fencing for units B05, G08, G09, G10, G11 & G12 are to be placed on the edge of the 3m landscape setback beside the courtyard space. Fencing is not to be located in the 3m landscape setback.
  - c. The reclaimed deep soil landscape area is to be planted with shrubs and groundcover that reach a maximum height of 1.5 meters. These species are to be selected from the proposed indicative plant list on LA05 of the landscape plans.
  - d. The 3m deep soil landscape setback is to be flush with the corresponding levels of the Kyle Street footpath. Plans are to be provided with detailed sections at regular intervals along all frontages demonstrating compliance. Canopy trees, shrubs and ground cover species are to be planted against the basement wall.
  - e. Entry pathways and gate structures adjoining to Kyle Street must be a maximum of 1.2 meters in width. Stairs are permitted on the entry pathways to provide access to the ground level units considering rise or drop in elevation. The fence must not be located in the landscape setback.
2. Planting schedule of shrub, groundcover and climber species is to be 80% native.

### **3. Landscape Maintenance Manual and Specifications**

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

The Maintenance Documentation is to cover a 12 month period to provide a guide to the landowner or occupier on how to best maintain the constructed landscaped areas; and include the following information: shrub pruning/trimming (frequency, plant requirements); Fertilising and pest control (soil testing, types, rate, frequency); Mulching, weeding and soil improvement (frequency, materials); Irrigation (checks, adjustments); tree maintenance (fertilising, mulching, tree stakes adjustments, special tree requirements); Maintenance of hard landscape elements (paving, edges, walls, pergolas, seats, and planter box walls); and planter boxes/roof gardens/green wall (specialised maintenance requirements). The Maintenance Manual shall also include the following:

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

1. Inspection programs based on AS/NZS 1891.4, including annual load testing of chemical and friction anchors, for all installed anchors.
2. Copies of warranties and guarantees relating to all materials and plant used in construction;
3. Manufacturer's contact details and copies of manufacturers' typical details and specification;
4. Laminated copies of Landscape drawings;
5. Details of maintenance safety procedures;

|   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
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|   | <b>Condition reason:</b> To ensure compliance with landscape requirements from relevant policies.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| 8 | <b>Planterbox Landscape Specifications for Construction Certificate</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| 1 | <p>Prior to issue of the relevant Construction Certificate, the following must be complied with to the satisfaction of the Principal Certifier:</p> <ol style="list-style-type: none"> <li>1. <ol style="list-style-type: none"> <li>a. Planter boxes constructed over a concrete slab shall be built in accordance with the following requirements: <ol style="list-style-type: none"> <li>i. Soil depths must be in accordance with Council's DCP and associated Technical Specifications. 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.</li> <li>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.</li> <li>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</li> <li>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.</li> <li>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).</li> <li>vi. All planter boxes shall be provided with a fully automated drip irrigation system.</li> <li>vii. All planter boxes shall have the required depth to sustain the proposed planting, as detailed below: <ul style="list-style-type: none"> <li>▪ Trees over 8 meters: Minimum soil depth 1.3 metre,</li> <li>▪ Medium trees (8 metre canopy diameter at maturity): Minimum soil depth one (1) metre,</li> <li>▪ Small trees (4 metre canopy diameter at maturity): Minimum soil depth 800mm.</li> <li>▪ Shrubs: Minimum soil depths 500-600mm.</li> <li>▪ Groundcover: Minimum soil depths 300-450mm.</li> </ul> </li> </ol> </li> </ol> </li> </ol> |
|   | <b>Condition reason:</b> To ensure compliance with landscape requirements from relevant policies.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| 8 | <b>Landscape Frontage Works Application</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| 2 | Prior to the issue of any Construction Certificate, the applicant must submit a Frontage Works                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |

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|    | <p>Application (Public Domain Construction – Frontage / Civil Works Application) to Bayside Council.</p> <p>Prior to the commencement of public domain works, a public domain landscape improvements plan shall be submitted to Bayside Council for assessment and approval. The plans shall be undertaken by a suitably experienced Landscape Architect and shall include, but not be limited to, new street tree planting, footpath paving (segmental/other), street tree pit treatments and tree guards, street furniture, in ground landscaping and irrigation. The landscape plan must indicate locations of lighting poles, underground services, stormwater infrastructure etc. The design shall be in accordance with Council’s City Identity Program, Landscape DCP and any other Council specification or requirement. Contact Council’s Landscape Architect for further details of specific requirements in preparation of the plan.</p> <p>Note: Only one frontage works application needs to be submitted for the development consent. Lodgement of the frontage works application and payment of the fees with Bayside Council is all that is needed to satisfy this condition for the purposes of issuing the construction certificate for the purposes of issuing the construction certificate.</p> <p><b>Condition reason:</b> To ensure compliance with landscape requirements from relevant policies.</p> |
| 83 | <p><b>Construction Environment Management Plan (CEMP)</b></p> <p>A Construction Environmental Management Plan (CEMP) must be prepared for the excavation, waste classification and handling of all soils within the site. This may be incorporated into a wider CEMP for the development. The CEMP must include provisions for the management of waste soils including:</p> <ol style="list-style-type: none"> <li>1. Classification of waste soils for offsite disposal in accordance with the NSW EPA (2014) Waste Classification Guidelines;</li> <li>2. The assessment of any soil materials proposed for importation to the site to be utilised as backfill or for landscaping; and</li> <li>3. An Unexpected Finds Protocol to address any unexpected contingencies that may arise</li> </ol> <p>This must be provided to the Principal Certifying Authority and Bayside Council prior to the issue of any Construction Certificate.</p> <p><b>Condition reason:</b> To ensure the handling of soil on the site is carried out in accordance with the NSW EPA Guidelines.</p>                                                                                                                                                                                                                                                                                                                                          |
| 84 | <p><b>Additional information – Contamination – Cease work addition</b></p> <p>Any new information that comes to light during demolition or construction which has the potential to alter previous conclusions about site contamination and remediation must be notified to Council, the appointed Site Auditor (Contaminated Land) and the accredited certifier immediately. All work on site must cease until the Council is notified and appropriate measures to assess and manage the contamination in accordance with any relevant NSW EPA adopted guidelines is completed by an appropriately qualified and experienced environmental consultant and reviewed and approved by the Site Auditor (Contaminated Land).</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |

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|        | <b>Condition reason:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| 8<br>5 | <p><b>Provide waste storage room on premises</b></p> <p>A waste storage room will be provided on the premises for use by all future occupants and will be constructed to comply with all the relevant provisions of Waste Management Technical Specification 2022.</p> <ol style="list-style-type: none"> <li>1. The size being large enough to accommodate all waste generated on the premises, with allowances for the separation of waste types;</li> <li>2. The floor being graded and drained to an approved drainage outlet connected to the sewer and having a smooth, even surface, coved at all intersections with walls;</li> <li>3. Hot and cold water being provided in the room or adjacent to the storage room</li> <li>4. The room shall be adequately ventilated (either natural or mechanical) in accordance with the Building Code of Australia.</li> </ol> <p><b>Condition reason:</b> To ensure provision of adequate waste storage arrangements and the ability to clean and maintain the bins and the storage area.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| 8<br>6 | <p><b>WaterNSW - Dewatering.</b></p> <p><b>General Terms of Approval</b><br/>Compliance is required with the General Terms of Approval issued by WaterNSW on 17 October 2022, which are as follows:</p> <p><b>Dewatering</b></p> <p><b>GT0119-00001</b><br/>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.</p> <p><b>GT0122-00001</b><br/>Construction Phase Monitoring programme and content:</p> <p>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):</p> <ol style="list-style-type: none"> <li>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.</li> <li>ii) Field measurements: Include provision for testing electrical conductivity; temperature; pH; redox potential and standing water level of the groundwater;</li> <li>iii) Water quality: Include a programme for water quality testing which includes testing for those analytes as required by WaterNSW;</li> </ol> |

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.

**GT0123-00001 - Approved Monitoring Programme**

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](http://www.waternsw.com.au/customer-service/water-licensing/dewatering)

**GT0150-00001**

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

**GT0151-00001**

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

**GT0152-00001**

This approval must be surrendered after compliance with all conditions of this approval, and

prior to the expiry of the Term of the dewatering approval, in condition GT0151-00001.  
Advisory note: an extension of this approval may be applied for within 6 months of the expiry of Term.

#### **GT0155-00001**

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

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

#### **GT0174-00001**

Construction phase monitoring bore requirements GTA: a) Monitoring bores are required to be installed and collecting data prior for at least 3 months prior to submitting a water supply work approval b) A minimum of three monitoring bore locations are required at or around the subject property, unless otherwise agreed by WaterNSW. c) The location and number of proposed monitoring bores must be submitted for approval, to WaterNSW and should be submitted prior to the application for a water supply work approval. d) The monitoring bores should be used to develop a water table map for the site and its near environs. e) The monitoring bores must be protected from construction damage. Advisory note: no approval under the Water Management Act 2000 is required for these monitoring bores provided that they extract less than 3ML/water year.

#### **GT0279-00001**

A construction certificate can be issued for excavation work in accordance with a valid development consent, however dewatering cannot take place without an Approval being granted by Water NSW for any water supply works required by the development. If the excavation work will or is likely to require dewatering, the applicant must apply and obtain, an approval under the Water Management Act 2000 prior to any dewatering taking place and notify WaterNSW of the programme for the dewatering activity including the commencement and proposed completion dates of the dewatering activity. Advisory Note: An approval under the Water Management Act 2000 is required to construct and/or install the water supply works. For the avoidance of doubt, these General Terms of Approval do not represent any authorisation for the take of groundwater, nor do they constitute the grant or the indication of an intention to grant. 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.

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|        | <p><b>GT0280-00001</b></p> <p>A water access licence, for the relevant water source, must be obtained and nominate an occupational phase water supply work approval, to account for ongoing dewatering, unless an exemption applies.</p> <p><b>GT0281-00001</b></p> <p>A water access licence, for the relevant water source, must be obtained prior to extracting groundwater, unless an exemption applies. Advisory Note: See Schedule 4 of the Water Management (General) Regulation 2025.</p> <p><b>Condition reason:</b> To ensure compliance with requirements of WaterNSW.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| 8<br>7 | <p><b>Sydney Water</b></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
|        | <p><b>Building Plan Approval (including Tree Planting Guidelines)</b></p> <p>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.</p> <p>Sydney Water recommends developers apply for a Building Plan Approval early as to reduce unnecessary delays to further referrals or development timescales.</p> <p><b>Tree Planting</b></p> <p>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.</p> <p>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.</p> <p>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.</p> <p><b>Condition reason:</b> To ensure the development is constructed in accordance with the requirements of Sydney Water.</p> |
| 8      | <p><b>Design Excellence</b></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |

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| 8 | <p>To ensure design excellence is achieved, as required by clause 6.10 of Bayside Local Environmental Plan 2021, prior to the issue of any construction certificate entailing any works above basement levels including public domain works, the following must be prepared by the registered architect commissioned for the construction of the project:</p> <ol style="list-style-type: none"> <li>1. One (1) sample board containing original samples and swatches of all external materials and colours including: <ol style="list-style-type: none"> <li>a. Wall and roof cladding, and</li> <li>b. Columns located in front of the corner retail tenancy (including vertical elements attached to columns), and</li> <li>c. Balustrading, and</li> <li>d. Louvres, and</li> <li>e. Glazing, and</li> <li>f. Window edge treatments, and</li> <li>g. Paving/surface in front setback areas, and</li> <li>h. Driveway, and</li> <li>i. Footpaths, and</li> <li>j. Retaining wall details, and</li> <li>k. Roof top garden (including all surface treatments).</li> </ol> </li> <li>2. Full coloured elevational details at a minimum scale of 1:10;</li> <li>3. Sections through relevant façade elements, public domain stairs, planter boxes at a minimum scale of 1:10.</li> </ol> <p>The boards, elevations and sections are to be submitted and stamped as approved by the Director City Futures (or delegate) prior to the issue of any Construction Certificate entailing any works above basement levels. The Construction Certificate shall be precisely consistent with these approved materials.</p> |
|   | <p><b>Condition reason:</b> To ensure that works are executed in accordance with the approval.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| 8 | <p><b>Encroachment of Structures not Permitted.</b></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| 9 | <p>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.</p> <p>The front fence with each street frontage must not open onto public footway. The pedestrian access gates are to open inwards onto private property. Details are to be provided on the Construction Certificate plans.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
|   | <p><b>Condition reason:</b> To ensure all development is contained wholly within the site and minimise impacts on surrounding land.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| 9 | <p><b>Safer by Design Requirements</b></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| 0 | <p>To maximise security in and around the development the following shall be incorporated into the development. Details for the following are to be approved by the Principal Certifier prior to the issue of the Construction Certificate, implemented prior to issue of the Occupation Certificate, and maintained for the lifetime of the development:</p> <p>(a) Monitored CCTV facilities shall be implemented throughout the development. Areas of</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |



|                                                        | <p>focus include the basement car park (including entry and exits), main entry areas to the development and garbage / storage areas, and</p> <p>(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</p> <p>(c) Security mirrors shall be installed within corridors and on blind corners to enable users to see around blind corners, and</p> <p>(d) Graffiti resistant materials shall be used to ground level external surfaces, and</p> <p>(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</p> <p>(f) The front window of the ground floor tenancy must be kept free of shelves, and a maximum of 15% of the window display area may be covered with promotional materials to ensure passive surveillance is maintained to and from the tenancy, and</p> <p>(g) The ceiling of the basement car park shall be finished in light colour in order to maximise visibility.</p> <p><b>Condition reason:</b> To ensure compliance with the Crime Prevention Through Environmental Design (CPTED) principles.</p> |                                       |        |                                                        |              |                             |        |                                                    |                      |
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| 9<br>1                                                 | <p><b>Services in Garbage Room</b></p> <p>Hot and cold water supply shall be provided to the garbage room.</p> <p>Services or utility systems shall not be located within the garbage room.</p> <p>Details demonstrating compliance shall be provided to the satisfaction of the Principal Certifier, prior to the issue of a Construction Certificate.</p> <p><b>Condition reason:</b> To ensure the proper storage and management of waste and minimise adverse impacts to human health.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                       |        |                                                        |              |                             |        |                                                    |                      |
| 9<br>2                                                 | <p><b>Housing and Productivity Contribution</b></p> <p>Before issuance of the Construction Certificate, the housing and productivity contribution (HPC) set out in the table below is required to be made.</p> <table border="1"> <thead> <tr> <th>Housing and Productivity Contribution</th><th>Amount</th></tr> </thead> <tbody> <tr> <td>Housing and Productivity Contribution (base component)</td><td>\$ 10,812.17</td></tr> <tr> <td>Transport Project Component</td><td>\$ Nil</td></tr> <tr> <td><b>Total Housing and Productivity Contribution</b></td><td><b>\$ 843,349.57</b></td></tr> </tbody> </table>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Housing and Productivity Contribution | Amount | Housing and Productivity Contribution (base component) | \$ 10,812.17 | Transport Project Component | \$ Nil | <b>Total Housing and Productivity Contribution</b> | <b>\$ 843,349.57</b> |
| Housing and Productivity Contribution                  | Amount                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                       |        |                                                        |              |                             |        |                                                    |                      |
| Housing and Productivity Contribution (base component) | \$ 10,812.17                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                       |        |                                                        |              |                             |        |                                                    |                      |
| Transport Project Component                            | \$ Nil                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                       |        |                                                        |              |                             |        |                                                    |                      |
| <b>Total Housing and Productivity Contribution</b>     | <b>\$ 843,349.57</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                       |        |                                                        |              |                             |        |                                                    |                      |

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|  | <p>The HPC must be paid using the NSW Planning Portal.</p> <p>At the time of payment, the amount of the HPC is to be adjusted in accordance with the <i>Environmental Planning and Assessment (Housing and Productivity Contribution) Order 2024 (HPC Order)</i>.</p> <p>The HPC may be made wholly or partly as a non-monetary contribution (apart from any transport project component) if the Minister administering the <i>Environmental Planning and Assessment Act 1979</i> agrees.</p> <p>The HPC is not required to be made to the extent that a planning agreement excludes the application of Subdivision 4 of Division 7.1 of the <i>Environmental Planning and Assessment Act 1979</i> to the development, or the HPC Order exempts the development from the contribution.</p> <p>The amount of the contribution may also be reduced under the HPC Order, including if payment is made before 1 July 2025.</p> <p><b>Condition reason:</b> To require contributions towards the provision of regional infrastructure.</p> |
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### Before building work commences

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| 93 | <p><b>Erosion and sediment controls in place</b></p> <p>Before any site work commences, <b>the principal certifier</b>, must be satisfied the erosion and sediment controls in the erosion and sediment control plan which was provided to <b>the principal certifier</b> are in place. These controls must remain in place until any bare earth has been restabilised in accordance with the erosion and sediment control plan.</p> <p><b>Condition reason:</b> To ensure sediment laden runoff and site debris do not impact local stormwater systems and waterways.</p> |
| 94 | <p><b>Deliveries</b></p> <p>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.</p> <p>No deliveries to be carried out on Sunday and public holidays.</p> <p><b>Condition reason:</b> To protect the amenity of neighbouring properties.</p>                                                                                                                                                                                                                               |
| 95 | <p><b>Dilapidation Report – Private Land.</b></p> <p>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.</p>                                                                                                                                           |

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|    | <p>This shall include, but not be limited to, the following properties:</p> <ol style="list-style-type: none"> <li>1. 94 Princes Highway ARNCLIFFE NSW 2205</li> <li>2. 2 Kyle Street ARNCLIFFE NSW 2205</li> <li>3. 35-39 Duncan Street ARNCLIFFE NSW 2205</li> </ol> <p>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.</p> <p>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.</p> <p>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 8.00am and 6.00pm.</p> <p><b>Condition reason:</b> To establish and document the structural condition of adjoining properties for comparison as building work progresses and is completed.</p>                                                                                                                                                                                                                   |
| 96 | <p><b>Vibration Monitoring</b></p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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-</p> |

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|    | <p>contractor clearly setting out required work practice.</p> <p>A copy of any written direction required by this condition must be provided to the Principal Certifier within 24 hours of any event.</p> <p>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.</p> <p><b>Condition reason:</b> To protect the amenity of the neighbourhood and the structural integrity of nearby developments.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| 97 | <p><b>Dilapidation Report - Public Domain - Pre-Construction - Major</b></p> <p>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.</p> <p>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.</p> <p>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.</p> <p><b>Condition reason:</b> To advise Council of, and provide Council with, the required dilapidation report.</p> |
| 98 | <p><b>Utility Services Adjustments</b></p> <p>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.</p> <p><b>Condition reason:</b> To ensure required changes to public utility services are completed, in accordance with the relevant agency requirements, before occupation.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| 99 | <p><b>Before You Dig Australia</b></p> <p>Underground assets may exist in the area that is subject to your application. In the interests</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |

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|  | <p>of health and safety and in order to protect damage to third party assets, please contact <i>Before You Dig Australia</i> at <a href="http://www.byda.com.au">www.byda.com.au</a> or telephone on 1100 before excavating or erecting structures (This is the law in NSW).</p> <p>If alterations are required to the configuration, size, form or design of the development upon contacting the <i>Before You Dig Australia</i> 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.</p> <p>It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the <i>Before You Dig Australia</i> service in advance of any construction or planning activities.</p> <p><b>Condition reason:</b> To protect the amenity of the neighbourhood and ensure public safety.</p> |
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### During building work

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| 100 | <p><b>Discovery of relics and Aboriginal objects</b></p> <p>While site work is being carried out, if a person reasonably suspects a relic or Aboriginal object is discovered:</p> <ol style="list-style-type: none"> <li>the work in the area of the discovery must cease immediately;</li> <li>the following must be notified <ol style="list-style-type: none"> <li>for a relic – the Heritage Council; or</li> <li>for an Aboriginal object – the person who is the authority for the protection of Aboriginal objects and Aboriginal places in New South Wales under the <i>National Parks and Wildlife Act 1974</i>, section 85.</li> </ol> </li> </ol> <p>Site work may recommence at a time confirmed in writing by:</p> <ol style="list-style-type: none"> <li>for a relic – the Heritage Council; or</li> <li>for an Aboriginal object – the person who is the authority for the protection of Aboriginal objects and Aboriginal places in New South Wales under the <i>National Parks and Wildlife Act 1974</i>, section 85.</li> </ol> <p><b>Condition reason:</b> To ensure the protection of objects of potential significance during works.</p> |
| 101 | <p><b>Hours of work</b></p> <p>Site work, building work, demolition or vegetation removal must only be carried out between 7:00am to 5:00pm on Monday to Saturday. No works to be carried out on Sunday and public holidays.</p> <p>Site work is not to be carried out outside of these times except where there is an emergency, or for urgent work directed by a police officer or a public authority.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |

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|     | <b>Condition reason:</b> To protect the amenity of the surrounding area.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| 102 | <b>Implementation of the site management plans</b><br><br>While site work is being carried out: <ol style="list-style-type: none"> <li>1. the measures required by the construction site management plan and the erosion and sediment control plan (plans) must be implemented at all times; and</li> <li>2. a copy of these plans must be kept on site at all times and made available to Council officers upon request.</li> </ol>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
|     | <b>Condition reason:</b> To ensure site management measures are implemented during the carrying out of site work.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| 103 | <b>Soil management</b><br><br>While site work is being carried out, the principal certifier or Council, must be satisfied all soil removed from or imported to the site is managed in accordance with the following requirements: <ol style="list-style-type: none"> <li>1. All excavated material removed from the site must be classified in accordance with the Environment Protection Authority's Waste Classification Guidelines before it is disposed of at an approved waste management facility or otherwise lawfully managed, and the classification, and the volume of material removed, and the receival facility's details must be reported to &lt;Insert principal certifier or Council (where a principal certifier is not required)&gt;.</li> <li>2. All fill material imported to the site must be: &lt;Delete as required&gt; <ol style="list-style-type: none"> <li>a. Virgin Excavated Natural Material as defined in Schedule 1 of the Protection of the Environment Operations Act 1997; or</li> <li>b. a material identified as being subject to a resource recovery exemption by the NSW EPA; or</li> <li>c. 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.</li> </ol> </li> </ol> |
|     | <b>Condition reason:</b> To ensure soil removed from the site is appropriately disposed of and soil imported to the site is not contaminated and is safe for future occupants.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| 104 | <b>Responsibility for changes to public infrastructure</b><br><br>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 provider pits, street trees or any other infrastructure in the street footpath area) must be paid as directed by the consent authority.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
|     | <b>Condition reason:</b> To ensure payment of approved changes to public infrastructure.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| 105 | <b>Approval and Permits under Roads Act and Local Government Act for Works</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |

## Activities on Public Land

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

- Road, Footpath and Road Related Area Closure – To temporarily close any part of the road, footpath or car park to vehicle or pedestrian traffic. This permit is required to allow the Applicant to close a road or part of, footpath or car park to vehicle or pedestrian traffic.
- Stand and Operate Registered Vehicle or Plant – To occupy any part of the road, footpath or car park to work from a vehicle parked on the street. This permit is required when construction activities involve working from a vehicle parked on the street including mobile crane, concrete truck, concrete pump or other similar vehicles.
- Occupy Road with Unregistered Item – To place a waste container or other item within the roadway which is not a registered vehicle. This permit is required to allow the Applicant to place unregistered items within the roadway including waste containers and skip bins.
- Erection of a Works Zone – To implement a statutory Work Zone for activities adjacent to the development site. These applications are assessed by Bayside Council officers and are referred to the Traffic Committee for approval. A Work Zone being that you must not stop or park in a work zone unless you are driving a vehicle that is engaged in construction work in or near the zone.
- Placement of Scaffolding, Hoarding and Fencing – To erect a temporary structure in a public place to enclose a work area. This permit is required for all temporary structures to enclose a work area within the public domain. These include site fencing, types A & B hoarding, type A & B hoarding with scaffolding and type B hoarding plus site sheds.
- Temporary Shoring/Support using Ground Anchors in Council Land – To install temporary ground anchors in public road to support excavation below the existing road surface level. This permit is required to allow the Applicant to install temporary support system in or under a public road to support excavation below the existing road surface level. The support systems include ground anchors and shoring.
- Tower Crane – To swing or hoist over and across Council property (including roadway). This permit is required when tower crane(s) are used inside the work site and will swing, slew or hoist over Council property or asset.
- Public Land Access – To access through or occupy Council land. This permit is required by Applicants in order to access over or occupy Council land.
- Temporary Dewatering – To pump out groundwater from the site and discharge into Council's drainage system including road gutter. This permit is required when temporary dewatering is required to pump out water from the construction site into Council stormwater drainage system including gutter, pits and pipes. Dewatering

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|     | <p>management plan and water quality plan are required for this application.</p> <ul style="list-style-type: none"> <li>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 <i>Roads Act</i>.</li> </ul> <p>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.</p> <p><b>Condition reason:</b> To ensure appropriate permits are applied for and comply with the Roads Act 1993.</p>  |
| 106 | <p><b>Approved Plans kept on Site</b></p> <p>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.</p> <p><b>Condition reason:</b> To ensure relevant information is available on site.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| 107 | <p><b>Construction Activities - Minimise Pollution</b></p> <p>The following conditions are necessary to ensure minimal impacts during construction:</p> <p>(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</p> <p>(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</p> <p>(c) All disturbed areas shall be stabilised against erosion within 14 days of completion, and prior to removal of sediment controls, and</p> <p>(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</p> |



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|     | <p>(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</p> <p>(f) Windblown dust from stockpile and construction activities shall be minimised by one or more of the following methods:</p> <ul style="list-style-type: none"> <li>(i) spraying water in dry windy weather, and</li> <li>(ii) cover stockpiles, and</li> <li>(iii) fabric fences.</li> </ul> <p>(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</p> <p>(h) The applicant shall conduct all construction works and any related deliveries/activities wholly within the site, and</p> <p>(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</p> <p>(j) Access to the site shall be restricted to no more than two 3m driveways. Council's footpath shall be protected at all times. Within the site, provision of a minimum of 100mm coarse crushed rock is to be provided for a minimum length of two metres to remove mud from the tyres of construction vehicles, and</p> <p>(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.</p> <p><b>Condition reason:</b> To protect neighbourhood amenity and the quality of the waterways.</p> |
| 108 | <p><b>Demolition Requirements</b></p> <p>All demolition work shall be carried out in accordance with AS2601 – 2001. The Demolition of Structures and with the requirements of the WorkCover Authority of NSW.</p> <p><b>Condition reason:</b> To comply with relevant Australian Standard and Work Cover requirements.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| 109 | <p><b>Protection of Council's Property</b></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |

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|     | <p>During demolition, excavation and construction, care must be taken to protect Council's infrastructure, including street signs, footpath, kerb, gutter and drainage pits etc. Protecting measures shall be maintained in a state of good and safe condition throughout the course of demolition, excavation, and construction. The area fronting the site and in the vicinity of the development shall also be made safe for pedestrian and vehicular traffic at all times. Any damage to Council's infrastructure (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub-contractors, concrete delivery vehicles) shall be fully repaired in accordance with Council's specification and AUS-SPEC at no cost to Bayside Council.</p> <p><b>Condition reason:</b> To ensure public safety at all times and to protect the function and integrity of public infrastructure.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| 110 | <p><b>Site Fencing</b></p> <p>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.</p> <p><b>Condition reason:</b> To protect the amenity of the neighbourhood and ensure public safety.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| 111 | <p><b>Site Fencing and Hoarding</b></p> <p>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:</p> <ol style="list-style-type: none"> <li>is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or</li> <li>involves the enclosure of a public place.</li> </ol> <p>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.</p> <p>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:</p> <ol style="list-style-type: none"> <li>the vertical height above footpath level of the structure being demolished is less than 4m, or</li> <li>the least horizontal distance between footpath and the nearest part of the structure is greater than half the height of the structure.</li> </ol> <p>The overhead structure must consist of a horizontal platform of solid construction and vertical supports, and the platform must:</p> |

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|     | <p>a. extend from the common boundary to 200mm from the edge of the carriageway for the full length of the boundary, and</p> <p>b. have a clear height above the footpath of not less than 2.1m, and</p> <p>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</p> <p>d. together with its supports, be designed for a uniformly distributed live load of not less than 7kPa.</p> <p>iv. The 'B' Class hoarding is to be lit by fluorescent lamps with anti-vandalism protection grids.</p> <p>The developer must ensure that all hoarding erected on the site is maintained in a clean and tidy condition, free from graffiti. Any graffiti must be removed within 48 hours of its appearance.</p> <p>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.</p> <p>Any such hoarding, fence or awning is to be removed when the work has been completed.</p> <p><b>Condition reason:</b> To protect the amenity of the neighbourhood and ensure public safe.</p> |
| 112 | <p><b>Site Management - Principal Certifier Inspections</b></p> <p>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:</p> <p>(a) Sediment control measures, and</p> <p>(b) Provision of secured perimeter fences or hoardings for public safety to restrict access to building sites, and</p> <p>(c) Maintenance of the public place free from unauthorised materials, waste containers or other obstructions.</p> <p><b>Condition reason:</b> To protect public safety and water quality around building sites.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| 113 | <p><b>Toilet Facilities</b></p> <p>(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</p> <p>(b) Each toilet must:</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |

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|     | <ul style="list-style-type: none"> <li>i. Be a standard flushing toilet connected to a public sewer, or</li> <li>ii. Have an on-site effluent disposal system approved under the <i>Local Government Act 1993</i>, or</li> <li>iii. Be a temporary chemical closet approved under the <i>Local Government Act 1993</i>.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
|     | <p><b>Condition reason:</b> To ensure compliance with the Local Government Act 1993.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| 114 | <p><b>Temporary Dewatering Permit - Water Quality Requirements</b></p> <p>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.</p> <p>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.</p> <p>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.</p> <p>Reports shall be provided to Council prior to discharge of any groundwater to the stormwater system.</p> <p><b>Condition reason:</b> To ensure any ground water encountered during works is appropriately treated and disposed of.</p> |
| 115 | <p><b>Vibration During Demolition Works</b></p> <p>Vibration levels induced by the demolition activities must not exceed levels listed in Standard DIN 4150-3 (1999-02), Structural vibration Part 3 – Effects of vibration on structures Table 12-7.</p> <p>The operation of plant and equipment must not give rise to the transmission of vibration nuisance or damage to other premises.</p> <p>Prior to commencement a specific vibration monitor must be set up to monitor and record the vibration levels affecting surrounding buildings.</p> <p><b>Condition reason:</b> To protect the amenity of the neighbourhood and the structural</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |

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|     | integrity of nearby developments.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| 116 | <p><b>Responsibility for changes to public infrastructure</b></p> <p>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.</p> <p><b>Condition reason:</b> To ensure payment of approved changes to public infrastructure.</p>                                                                                                                                                                                                                                                                                                                                                                |
| 117 | <p><b>Shoring and Adequacy of Adjoining Property</b></p> <p>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 –</p> <p>a) Protect and support the building, structure or work from possible damage from the excavation, and</p> <p>b) Where necessary, underpin the building, structure or work to prevent any such damage.</p> <p>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.</p> <p><b>Condition reason:</b> Prescribed condition – EP&amp;A Regulation, Section 74.</p> |
| 118 | <p><b>Dewatering Water Quality Requirements</b></p> <p>For any water from site dewatering to be permitted to go to the stormwater system, the water must meet the relevant default guideline values (DGVs) under the Australian &amp; New Zealand Guidelines for Fresh &amp; Marine Water Quality. All testing must be completed by a NATA accredited laboratory. All laboratory results must be accompanied by a report prepared by a suitably qualified and experienced person indicating the water is acceptable to be released into Council's stormwater system. If it is not acceptable, details of treatment measures to ensure that the water is suitable for discharge to council's stormwater must be provided in this report. Reports must be provided to council prior to discharge of any groundwater to the stormwater system.</p> <p><b>Condition reason:</b></p>                                   |
| 119 | <p><b>Dewatering – Permit to Discharge to Stormwater</b></p> <p>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.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |

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|     | <b>Condition reason:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| 120 | <b>Waste Classification – Excavated Materials</b><br><br>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.<br><br><b>Condition reason:</b>                                                                                                                                                                                                                                                                                                                                   |
| 121 | <b>Importation of Fill (General)</b><br><br>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: <ol style="list-style-type: none"> <li>1. NSW Environment Protection Authority (EPA) approved guidelines; and</li> <li>2. Protection of the Environment Operations Act 1997; and</li> <li>3. Protection of the Environment Operations (Waste) Regulation 2014.</li> </ol> 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.<br><br><b>Condition reason:</b> |
| 122 | <b>Monitoring</b><br><br>Results of the monitoring of any field parameters for soil, groundwater, surface water, air or noise must be made available to Council Officers on request throughout the remediation and construction works.<br><br><b>Condition reason:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| 123 | <b>Surveys by a registered surveyor</b><br><br>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: <ol style="list-style-type: none"> <li>1. All footings / foundations in relation to the site boundaries and any registered and proposed easements</li> <li>2. At other stages of construction – any marks that are required by the principal certifier.</li> </ol> <b>Condition reason:</b> To ensure buildings are sited and positioned in the approved location.                                                                                                                                                           |

### **Before issue of an occupation certificate**

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| 124 | <b>Certification of acoustic measures</b> |
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|     | <p>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</p> <p><b>Condition reason:</b> To protect the amenity of the local area</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| 125 | <p><b>Completion of public utility services</b></p> <p>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.</p> <p><b>Condition reason:</b> To ensure required changes to public utility services are completed, in accordance with the relevant agency requirements, before occupation.</p>                                                                                                                                                                                                                                                                                                                                                                                                           |
| 126 | <p><b>Compliance with fire safety standards</b></p> <p>Before the issue of an occupation certificate, the building must comply with the relevant provisions of the <a href="#">Short-Term Rental Accommodation Fire Safety Standard</a> approved by the Planning Secretary.</p> <p><b>Condition reason:</b> To ensure the building meets the relevant fire safety standards.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| 127 | <p><b>Construction and installation of ventilation system</b></p> <p>Before the issue of an occupation certificate, a suitably qualified person must provide details demonstrating compliance to the principal certifier which demonstrates that the mechanical exhaust ventilation system has been constructed and installed in accordance with the approved plans.</p> <p><b>Condition reason:</b> To ensure the mechanical ventilation system has been constructed and installed as approved</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| 128 | <p><b>Post-construction dilapidation report</b></p> <p>Before the issue of an Occupation Certificate a post-construction dilapidation report must be prepared by a suitably qualified engineer, to the satisfaction of the principal certifier or Council, detailing whether:</p> <ol style="list-style-type: none"> <li>1. 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</li> <li>2. where there has been structural damage to any adjoining buildings, that it is a result of the work approved under this development consent; and</li> <li>3. 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).</li> </ol> <p><b>Condition reason:</b> To identify any damage to adjoining properties resulting from site work</p> |

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|     | on the development site.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| 129 | <p><b>Car Share</b></p> <p>The four (4) 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.</p> <p>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:</p> <ol style="list-style-type: none"> <li>1. Free use of the car share space by the car share operator.</li> <li>2. 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).</li> <li>3. 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.</li> <li>4. Insurances, including public liability.</li> <li>5. The car share space must be retained as common property in the strata subdivision of the development.</li> </ol> <p>The car share space is to be fully operational, and the commercial car share operator is to confirm its operation to the Principal Certifier and Bayside Council prior to the issue of any Occupation Certificate.</p> <p><b>Condition reason:</b> To ensure the provision of, and legal access to, the designated off-street car parking space for car share use.</p> |
| 130 | <p><b>Vehicular and Pedestrian Access Control Mechanism</b></p> <p>A method of access to pass freely through the secure access mechanisms located on 96-102 Princes Highway (2 Kyle Street) is to be provided to the owner(s) of 41-51 Duncan Street. The intercom system on 96-102 Princes Highway (2 Kyle Street) at the vehicular entrance to the basement car parking area shall be connected to all residential units within the building on 41-51 Duncan Street to ensure visitors can gain access to the visitor parking spaces located within the basement car park on 43-51 Duncan Street. The intercom must also enable public access to the carshare spaces managed by the commercial car share provider.</p> <p><b>Condition reason:</b> To ensure the provision of, and legal access to, the designated off-street car parking.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| 131 | <b>Section 73 Certificate - Sydney Water</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |



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|     | <p>Prior to the issue of the Final Occupation Certificate, a Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water.</p> <p>It is recommended that applicants apply early for the Certificate, as there may be water and sewer pipes to be built and this can take some time. This can also impact on other services and building, driveway or landscape design.</p> <p>Application must be made through an authorised Water Servicing Coordinator. For help either visit <a href="http://www.sydneywater.com.au">www.sydneywater.com.au</a> &gt; Plumbing, building and developing &gt; Developing &gt; Land development or telephone 13 20 92.</p> <p>Go to the Sydney Water website or call 1300 082 746 to learn more about applying through an authorised WSC or Sydney Water.</p> <p><b>Condition reason:</b> To comply with Sydney Water requirements.</p> |
| 132 | <p><b>Consolidation of Lots</b></p> <p>All allotments involved in this proposal must be consolidated into one allotment. Details demonstrating compliance with the requirements of this condition and evidence of registration are to be submitted to the satisfaction of the Principal Certifier prior to the issue of an Occupation Certificate.</p> <p><b>Condition reason:</b> To encourage the orderly and economic use of the land.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| 133 | <p><b>Repair of Infrastructure</b></p> <p>Before the issue of an Occupation Certificate:</p> <ol style="list-style-type: none"> <li>1. 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</li> <li>2. 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.</li> </ol> <p><b>Condition reason:</b> To ensure any damage to public infrastructure is rectified.</p>                 |
| 134 | <p><b>Release of Securities</b></p> <p>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.</p> <p><b>Condition reason:</b> To allow release of securities and authorise Council to use the security deposit to complete works to its satisfaction.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| 135 | <p><b>Certification of New Stormwater System</b></p> <p>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</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |

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|     | <p>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.</p> <p><b>Condition reason:</b> To ensure that the stormwater system is constructed as approved and in accordance with relevant standards.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| 136 | <p><b>Works-As-Executed Plans and any other Documentary Evidence</b></p> <p>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:</p> <ol style="list-style-type: none"> <li>1. All stormwater drainage systems and storage systems, and</li> <li>2. That a minimum 7.2m wide opening into the basement of 2 Kyle Street ARNCLIFFE is provided for all basement levels. The openings shall be surveyed by a registered surveyor.</li> <li>3. A copy of the plans must be provided to Council with the Occupation Certificate.</li> </ol> <p><b>Condition reason:</b> To confirm the location of works once constructed that will become Council assets.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| 137 | <p><b>Positive Covenant Application</b></p> <p>Prior to the issue of the Occupation Certificate, a Restriction on Use of Land and Positive Covenant(s) pursuant to the Conveyancing Act 1919 are to be created on the title of the lots on which the following systems are present:</p> <ol style="list-style-type: none"> <li>1. Stormwater Detention System</li> <li>2. Stormwater Quality Improvement Device</li> <li>3. Pump system</li> <li>4. Positive covenant for waste collection to be undertaken within the SRV loading bay on 96-102 Princes Highway (2 Kyle Street) by a private waste contractor.</li> </ol> <p>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.</p> <p>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.</p> <p><b>Condition reason:</b> To ensure that the approved stormwater system is maintained in good</p> |

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|     | working condition.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| 138 | <b>Geotechnical Certification</b><br><p>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.</p> <p><b>Condition reason:</b> To ensure that the construction works have been completed in accordance with the approved construction geotechnical report/recommendations.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| 139 | <b>Rainwater Tank - Plumbing Certification</b><br><p>Prior to the issue of any Occupation Certificate, a registered plumber shall certify that the rainwater tank has been connected to all ground floor and basement level 1 toilet flushing, the cold water tap that supplies the ground floor and basement level 1 clothes washing machines, the car wash bay(s), and the landscape irrigation system for non-potable stormwater re-use.</p> <p><b>Condition reason:</b> To ensure that the rainwater will be reused within the site in accordance with this approval.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| 140 | <b>Parking Facility Certification</b><br><p>Prior to the issue of the Occupation Certificate, a Civil Engineer registered with the National Engineering Register (NER) shall certify that the vehicular access and off-street parking facilities have been constructed &amp; 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.</p> <p>Furthermore, the below shall be certified as being implemented within the completed development:</p> <ul style="list-style-type: none"> <li>• Wheel stops shall be installed in all car parking spaces adjoining high obstructions in accordance with AS/NZS 2890.1.</li> <li>• Bollards shall be erected for all accessible parking spaces that are designed in accordance with AS/NZS 2890.6.</li> <li>• Large convex mirrors are to be installed at all corners/bends throughout the parking facility to provide increased sight distance for vehicles.</li> </ul> <p>The certification must be submitted to the Principal Certifier.</p> <p><b>Condition reason:</b> To ensure compliance with the relevant standards.</p> |
| 141 | <b>Private Waste Collection</b><br><p>Waste and recycling must be collected by a private waste contractor within the adjacent site (2 Kyle Street). A contract for waste and recycling collection must be entered into prior to</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |

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|     | <p>issue of the Occupation Certificate and the maximum size of the waste collection vehicle shall be equal to or smaller than an SRV 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.</p> <p><b>Condition reason:</b> To ensure the waste can be collected on site in accordance with the approved development.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| 142 | <p><b>Loading Dock Management Plan</b></p> <p>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.</p> <p><b>Condition reason:</b> To ensure that loading docks are operated in a manner that minimises amenity impacts to residents within the site and surrounding properties.</p>                                                                                                                                                                                                                                                                                                                                                              |
| 143 | <p><b>Undergrounding of Overhead Services and Installation of Lighting</b></p> <p>Prior to the issue of the whole of building Occupation Certificate, all overhead cables, including electricity and telecommunications cables, along the entire length of all frontages of the development site must be relocated underground to the satisfaction of Bayside Council. The Ausgrid lighting and power poles will need to be decommissioned, and new underground supplied lighting columns shall be construction (where necessary) satisfying the applicable lighting requirements.</p> <p>All works shall be carried out at the applicant's expense, to the satisfaction of the asset owner and Bayside Council. If further works are required beyond the frontages of the development site (e.g. across a road) to support the required works, these works must also be carried out at no cost or expense to Bayside Council. Bayside Council's Director of City Futures (or delegate) must advise in writing that the works have been completed to their satisfaction, prior to the issue of the Occupation Certificate.</p> <p><b>Condition reason:</b> To ensure that overhead services are placed underground to achieve required public domain outcomes.</p> |
| 144 | <p><b>Roads Act / Public Domain Works - Major Development Frontage Works</b></p> <p>Prior to the issue of any Occupation Certificate, the Applicant shall carry out the following works as specified by Bayside council in accordance with Bayside Council's Engineer, Landscape Architect, Public Domain Masterplans, and Infrastructure Specifications:</p> <ol style="list-style-type: none"> <li>1. Construction of a new footpath and planting of required street trees/landscaping along all frontages of the development site.</li> </ol>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |

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|     | <ol style="list-style-type: none"> <li>2. Construction of vehicular entrance/s designed to accommodate the largest vehicle entering the site.</li> <li>3. Construction of new kerb and gutter along the frontage of the development site.</li> <li>4. Removal of the existing concrete vehicular entrance/s, kerb laybacks and other damaged/redundant public domain improvements which will no longer be required.</li> <li>5. Reconstruction of selected areas of the existing footpath, vehicular entrances, road, kerb, and gutter as required.</li> <li>6. Provision of Statutory no-stopping signage/linemarking at the intersection of Kyle Street and Duncan Street.</li> <li>7. Undergrounding of all existing overhead services, removal of Ausgrid power poles and construction of new underground supplied street lighting columns along the site frontages.</li> </ol> <p>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).</p> <p>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.</p> <p>Final inspection reports for the works on the road reserve shall be obtained from Bayside Council's authorised officer and submitted to the Principal Certifier attesting that this condition has been satisfied prior to the issue of any Occupation Certificate.</p> <p><b>Condition reason:</b> To ensure that required public domain outcomes are achieved.</p> |
| 145 | <p><b>Post Construction Dilapidation Report</b></p> <p>Before the issue of any Occupation Certificate, a post-construction dilapidation report must be prepared by a suitably qualified Engineer, to the satisfaction of the Principal Certifier, detailing whether:</p> <ol style="list-style-type: none"> <li>1. 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</li> <li>2. 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</li> <li>3. 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).</li> </ol> <p><b>Condition reason:</b> To identify any damage to adjoining properties resulting from site work on the development site.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |

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| 146 | <b>Dilapidation Report - Public Domain - Post-Construction - Major</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
|     | <p>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.</p> <p>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.</p> <p>Any damage identified in the dilapidation report must be fully rectified by the Applicant or owner at no cost to Bayside Council. Details demonstrating compliance with the requirements of this condition are to be submitted to the satisfaction of Bayside Council's Director of City Futures (or delegate), prior to the issue of the Final Occupation Certificate.</p> <p><b>Condition reason:</b> To identify damage to adjoining properties resulting from building work on the development site.</p>                                                                                                                                                                                                                                                                                                                     |
| 147 | <b>Internal Landscape Works Completion</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
|     | <p>Prior to the issue of the whole of building Occupation Certificate, the following must be complied with to the satisfaction of the Principal Certifier:</p> <ol style="list-style-type: none"> <li>1. All landscape works are to be carried out in accordance with the construction certificate landscape plans approved by Bayside Council. A copy of the approved landscape maintenance schedule shall be provided on site or with the building manager.</li> <li>2. 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 construction certificate approved plans and documentation. The certificate shall, amongst other matters included in approved plans, confirm compliance with the following requirements: <ol style="list-style-type: none"> <li>a. At least six (6) native trees of at least 200 litres pot size and capable of growing to a minimum mature height of twelve (12) - fifteen (15) metres shall be planted in the rear landscape area within the property on completion of the building works and prior to the final inspection.</li> <li>b. Trees at time of inspection shall have a minimum height of 2.4 meters, calliper at 300mm greater than 50mm, installed with stakes and ties within a mulch bed or equivalent. (200L)</li> </ol> </li> </ol> <p>At least four (4) native trees of at least 200 litres pot size and capable of growing to a minimum mature height of twelve (12) - fifteen (15) metres shall be planted in the front landscape area (along Duncan Street boundary) within the property on completion of the</p> |

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|     | <p>building works and prior to the final inspection.</p> <ul style="list-style-type: none"> <li>• Trees at time of inspection shall have a minimum height of 2.4 meters, calliper at 300mm greater than 50mm, installed with stakes and ties within a mulch bed or equivalent. (200L)</li> <li>• Podium landscaping and paved areas are drained into the stormwater drainage system.</li> <li>• A fully automated irrigation system has been installed to the podium landscaping.</li> <li>• The 3 meter landscape setbacks to Kyle and Duncan Street must be constructed in accordance with the construction certificate landscape plans. No fencing is to be located in the landscape setback.</li> <li>• Soil dimensions and depths of planter boxes on structures adhere to the requirements outlined in Table 5 Part 4P Planting in Structures, ADG NSW Department of Planning.</li> <li>• Trees in ground level or along interfaces with public spaces shall be planted at minimum 100 litres, trees at time of inspection shall have a minimum height of 3 meters, calliper at 300mm greater than 60mm, installed with stakes and ties within a mulch bed or equivalent.</li> <li>• Trees planted above structures at time of inspection shall have a height of 1.5 to 2.5 meters, calliper at 300mm greater than 40mm, installed with stakes and ties within a mulch bed or equivalent.</li> </ul>                                                                                                                       |
|     | <p><b>Condition reason:</b> To ensure the approved landscaping works have been completed before occupation, in accordance with the approved landscaping plan(s).</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| 148 | <p><b>Public Domain Landscape Improvements</b></p> <p>Prior the issue of the whole of building Occupation Certificate, the Landscape works within the Public Domain shall comply with the following:</p> <ol style="list-style-type: none"> <li>1. Works to be completed in public space owned by Council and TfNSW, will be of no cost to Council or the TfNSW, including the following: Landscaping and embellishment of Kyle Street, and Duncan Street frontages to the development site, including footpaths, paving, street trees, tree pits/grates and other planting, and street furniture, etc.</li> <li>2. All street trees have to be supplied in a pot size not less than 200 Litre. These trees are to be capable of growing to a mature height of 12-15m. Trees supplied shall be healthy and vigorous, free of pest and disease, free from injuries. Trees provided shall conform to NATSPEC guide.</li> </ol> <p>Verge strip of Kyle Street shall be planted with minimum five (5) <i>Tristania laurina</i>, (Water gum) or equivalent as per Rockdale Street Tree Master Plan 2011</p> <ol style="list-style-type: none"> <li>1. Planting distance minimum 5-6 meters, along strip between footpath and kerb.</li> <li>2. Pot size supplied shall be not less than 200 Litre. Height above container 2.4 meters, calliper at 300mm greater than 50mm, with a clear trunk height of 1.5 meters.</li> </ol> <p>Verge strip of Duncan Street shall be planted with minimum five (5) <i>Eucalyptus punctata</i>,</p> |

(Grey gum) or equivalent as per Rockdale Street Tree Master Plan 2011.

1. Pot size supplied shall be not less than 200 Litre. Height above container 2.4 meters, calliper at 300mm greater than 50mm, with a clear trunk height of 1.5 meters.
2. Planting distance minimum 5-6 meters, along strip between footpath and kerb.
3. Each new Street tree shall include a 50mm diameter slotted watering pipe with geotextile sleeve around rootball connected to watering grate (or kerb hole if WSUD option used) Root Rain Urban or equivalent.
4. An experienced Landscape Contractor shall be engaged to undertake all landscaping public domain work and shall be provided with a copy of both the approved landscape drawing and the conditions of approval to satisfactorily construct the landscape to Council requirements. The Contractor shall be engaged weekly for a minimum period of 52 weeks from final completion of landscaping for maintenance and defects liability, replacing plants in the event of death, damage, theft or poor performance. After that time regular and ongoing maintenance is required.
5. Root barriers shall be specified to be installed in all street trees along both kerb and footpaths. Root barriers shall be installed as far as possible of trees. Ensure 50mm of root barrier is left above finished ground height. Root barrier shall be minimum 2 meters long to each side. Root barriers shall be installed alongside the landscape element to be protected in accordance with manufacturer's recommendations.
6. Mulching - Tree pit mulched shall conform to AS 4454 and free of deleterious extraneous matter such as soil, weeds, wood slivers, stones. Mulch shall be in all tree pits to a depth of 100mm, when plants are installed, clear of all plant stems, and rake to an even surface flush with the surrounding finished levels.
7. The trees shall be planted in an area measuring 1.5 metres long by 1.5 metres wide, backfilled with imported soil/compost, water holding additive and fertiliser. Interface of tree pit and turf shall be with hardwood, 50mm x 150mm, edging set flush with adjoining kerb and path, provide pegs at both ends and centre of timber edge.
8. Tree pits shall be finished with porous resin treatment:
  - a. 85mm depth of resin bonded porous paving finished smooth and level to adjacent footpath and kerb. The resin binder shall be a clear flexible polyurethane type material suitable for use in tree pit applications (e.g. Filtapave™, StoneSet or approved equivalent).
  - b. Around the tree trunk 5-7mm screened blue metal aggregate placed loosely around base of tree and finished level with adjoining resin bonded paving. Extend no more than 150mm from trunk.
  - c. Tree pit irrigation: 50mm diameter slotted watering pipe (200-300mm below ground level) with vertical piece of pipe with enough length to ensure that the inlet is flush or slightly (25mm) proud of the finish pit level. (RootRain Urban or equivalent).
9. Tree pits shall be planted with groundcovers: 20 Dianella caerulea 'Breeze' approx., (6 x sqm). No groundcovers shall be planted 600mm from tree trunk.
10. A Dial-Before-You-Dig enquiry is required prior to stump grinding the trunk and shall occur without damage to Council infrastructure or underground services/utilities.
11. Comply with the pedestrian lighting requirements detailed in the Australian



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|     | <p>Standard AS/NZS 1158 3.1:1999 Pedestrian Area (Category P) Lighting.</p> <p>12. Tree Guard shall be constructed for each tree; four (4) posts 2100mm long, 100mmsq dressed all round seasonal hardwood timber upright. Post shall be 1500 above ground with 2 levels of rails measuring 100x50 mm DAS seasonal hardwood. One rail at 300 mm above pavement, and the top rail at 150mm under top of post.</p> <p>13. Tree Stakes - Each new street tree shall be installed with stakes and ties - Three stakes (3) of 50 x 50 x 2500mm of durable hardwood, straight, free from knots or twists, pointed at one end. Provide ties fixed securely to the stakes, 50mm hessian webbing installed around the stakes and stem in a figure of eight pattern and stapled to the stakes.</p> <p>14. In the event of damages to the grass verge during works, trim the strip of land between the property boundary and the road, spread topsoil on top of the trimmed surface and lay approved turfing on the prepared surfaces. The turf shall be protected from vehicular traffic and kept watered until established.</p> <p>15. All telecommunication and utility services (including all high and low voltage power lines) are to be placed underground along the entire development site frontage including the installation of underground supplied street lighting columns. The extent of works required in order to achieve this outcome may involve works beyond the frontage of the development site. All works (including the installation of underground supplied street lighting columns) are to be completed prior to the issue of any Occupation Certificate to the satisfaction of Bayside Council.</p> <p>The Applicant is required to obtain a Council inspection and approval of all public domain landscape improvements prior the issue of the relevant occupation certificate. Inspections can be arranged with Council's Landscape Architect with two weeks advanced notice.</p> <p>Final inspection reports for the landscape 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.</p> <p><b>Condition reason:</b> To ensure the approved landscaping and public domain works have been completed before occupation, in accordance with the approved plan(s), and will be maintained for the lifetime of the development.</p> |
| 149 | <p><b>Covenant on Title</b></p> <p>The applicant must create and register a covenant on the title of the land under the Conveyancing Act 1919 stipulating that the use of the site is subject to the long-term management and maintenance requirements provided in the site auditor certified Long Term Environmental Management Plan for 96-102 Princes Highway, Arncliffe.</p> <p>A restriction as to use under Section 88B of the Conveyancing Act 1919 is to be registered on the title of [insert Lot and DP/SP] with the following terms of restriction on use:</p> <p><i>The registered proprietor must not use or otherwise undertake development on the land hereby burdened except in accordance with the provisions of the Long-Term Environmental Management Plan, 96-102 Princes Highway, Arncliffe, NSW'</i></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |

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|     | <p><i>(E23328.E08_Rev0), prepared by EI Australia dated 3 March 2023, incorporated within the Site Audit Statement TNC141-A dated 20 March 2023, prepared by accredited Site Auditor Tim Chambers, a copy of which Statement is held by Bayside Council.</i></p> <p>The positive covenant/s shall be binding upon the registered proprietors of the subject lots and successors in title. The instrument shall nominate Bayside Council as the only authority empowered to release, vary or modify the terms of the covenant.</p> <p>Evidence that the required covenant/s on the land title has been created under the provision of the Conveyancing Act 1919 must be provided to the satisfaction of Bayside Council Manager of Development prior to occupation and the issue of any occupation certificate.</p> <p><b>Condition reason:</b></p> |
| 150 | <p><b>Environmental Management requirements in Strata Scheme</b></p> <p>Any applicable management and maintenance requirements of the site auditor certified Long Term Environmental Management Plan for 96-102 Princes Highway, Arncliffe must be incorporated into the relevant strata management scheme documentation for 41-51 Duncan Street, Arncliffe in accordance the Strata Schemes Management Act 2015.</p> <p><b>Condition reason:</b></p>                                                                                                                                                                                                                                                                                                                                                                                              |
| 151 | <p><b>Occupation Certificate.</b></p> <p>The Occupation Certificate must be obtained prior to any use or occupation of the building / development <b>or part thereof</b>. The Principal Certifier must ensure that all works are completed in accordance with this consent, including all conditions.</p> <p><b>Condition reason:</b> To ensure that an Occupation Certificate is obtained.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                    |

### Occupation and ongoing use

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| 152 | <p><b>Graffiti removal</b></p> <p>During ongoing use of the premises, ensure graffiti is removed from the exterior of the building or associated structures, including any fences, site services and retaining/planter bed walls.</p> <p><b>Condition reason:</b> To protect and preserve the visual amenity of the surrounding public domain</p>                     |
| 153 | <p><b>Maintenance of wastewater and stormwater treatment device</b></p> <p>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).</p> |

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|     | <b>Condition reason:</b> To protect sewerage and stormwater systems.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| 154 | <b>Operation of Vehicular Premises</b><br><br>The operation of the development and movements of vehicles shall comply with the following requirements: <ol style="list-style-type: none"> <li>1. All vehicles must enter and exit the site in a forward direction.</li> <li>2. All loading / unloading and garbage / waste collection activities shall take place 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).</li> <li>3. The maximum size of vehicles accessing the site shall be limited to a B99 Vehicle (as denoted in AS2890.1).</li> <li>4. All manoeuvring movements of vehicles shall be carried out wholly within the site and vehicle manoeuvring area shall be kept clear at all times.</li> <li>5. 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.</li> <li>6. 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.</li> </ol> |
|     | <b>Condition reason:</b> To manage site operations so that adverse impacts are minimised.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| 155 | <b>Management of Stormwater Drainage System</b><br><br>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.                                                                                                                                                                                                                                                                                                                              |
|     | <b>Condition reason:</b> To protect waterways and minimise adverse impacts to the environment.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| 156 | <b>Ongoing Groundwater Management</b><br><br>Groundwater monitoring must be conducted by the registered proprietor for the lifetime of the development in accordance with the below: <ul style="list-style-type: none"> <li>• In accordance with the operational monitoring requirements in the dewatering management plan.</li> <li>• All water quality discharging from the site must meet the water quality criteria outlined in the most recent version of ANZG 2018 and ANZECC 2000 Water Quality Guidelines for Fresh &amp; Marine Water for the 95% protection trigger values</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |

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|     | <p>for Marine Water and protection of marine aquatic ecosystems</p> <ul style="list-style-type: none"> <li>• Monitoring requirements as specified by Water NSW.</li> <li>• Discharge volumes of groundwater pumped to the stormwater network will be reviewed on an annual basis.</li> <li>• Groundwater levels and volume will be monitored to enable assessment of groundwater drawdown due to ongoing operation of the drained basement.</li> <li>• Groundwater quality will be monitored on an annual basis including collection of groundwater samples for laboratory analysis (NATA accredited laboratory). All laboratory results must be accompanied by a report prepared by a suitably qualified and experienced person indicating the water is acceptable to be released into Council's stormwater system. If it is not acceptable, details of further treatment measures to ensure that the water is suitable for discharge to council's stormwater shall be provided in this report and implemented on-site.</li> <li>• A groundwater review is to occur six months after commencement of the operational system and further monitoring requirements reviewed at that time.</li> </ul>                                                                                          |
|     | <b>Condition reason:</b> To protect stormwater systems.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| 157 | <p><b>Waste Management Ongoing</b></p> <p>The Owner's Corporation / Operator must comply with the following at all times during operations:</p> <ol style="list-style-type: none"> <li>1. The approved Waste Management Plan shall be always complied with during use and operation of the premises, and</li> <li>2. Waste and recycling must be collected by a private waste contractor within the SRV loading bay on 96-102 Princes Highway (2 Kyle Street). A contract for waste and recycling collection must be always entered into by the owners of this site and the maximum size of the waste collection vehicle shall be equal to, or smaller than, an SRV vehicle (as denoted by AS2890.2). The company engaged must ensure that all recycling is collected separately from waste, and</li> <li>3. No bins are to be presented to the street for collection, all bins must be always stored in the building or the building on 2 Kyle Street, and</li> <li>4. The operator shall ensure that a commercial contract for the collection of trade /commercial waste and recyclables arising from the premises is always in place during operations. A copy of all contracts and receipts shall be kept on the premises and made available to Council Officers on request.</li> </ol> |
|     | <b>Condition reason:</b> To ensure waste is collected by a private waste collection service at the approved loading bay at 2 Kyle Street to ensure bins are not collected from the street.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| 158 | <p><b>Landscape Maintenance</b></p> <ol style="list-style-type: none"> <li>1. 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</li> <li>2. Green corridors/ Gateway/ landscape setbacks: 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)</li> </ol>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |

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|     | <p>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.</p> <ol style="list-style-type: none"> <li>3. 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 in perpetuity, and</li> <li>4. An automatic drip irrigation system shall be installed and maintained in working order for all landscaped areas, and</li> <li>5. 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.</li> </ol> |
|     | <p><b>Condition reason:</b> To ensure ongoing maintenance of approved landscaping.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| 159 | <p><b>Long Term Environmental Management Plan</b></p> <p>Any compulsory sampling, testing, monitoring and maintenance, as required by the Long-Term Environmental Management Plan, 96-102 Princes Highway, Arncliffe, NSW' (E23328.E08_Rev0), or as varied, prepared by EI Australia dated 3 March and the site audit applicable to 43-51 Duncan Street, Arncliffe must be enabled and/or carried out as necessary.</p> <p>The land, buildings and structures of the site must be managed in accordance with the requirements of this Long Term Environmental Management Plan in perpetuity.</p> <p><b>Condition reason:</b></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| 160 | <p><b>Amenity of Waste Storage Areas</b></p> <p>During occupation and use all waste storage rooms/areas will be fully screened from public view and located clear of all landscaped areas, driveways, turning areas, truck standing areas and car parking spaces. No materials, waste matter or products will be stored outside the building or any approved waste storage area at any time.</p> <p><b>Condition reason:</b> To meet the requirements outlined in, but not limited to, section 4 of the council's Waste Management Technical Specification and to maintain the amenity of the area.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| 161 | <p><b>Separate waste bins for general &amp; recycling waste</b></p> <p>During occupation and use separate waste bins will be provided on site for recyclable waste.</p> <p><b>Condition reason:</b></p> <ul style="list-style-type: none"> <li>• To provide for the appropriate collection/recycling of waste from the property whilst minimising the impact of the development upon adjoining residents.</li> <li>• To meet council's requirements regarding diversion from landfill</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |

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| 162 | <b>Management of waste storage facilities</b>                                                                                                                                                                                                                                                                                                                                                                   |
|     | During occupation and use all waste storage areas will be maintained in a clean and tidy condition at all times.                                                                                                                                                                                                                                                                                                |
|     | <b>Condition reason:</b> To ensure the ongoing management of waste storage areas.                                                                                                                                                                                                                                                                                                                               |
| 163 | <b>Bins to be collected on site</b>                                                                                                                                                                                                                                                                                                                                                                             |
|     | During occupation and use, between collection periods, all waste/recyclable materials generated on site must be kept in enclosed bins with securely fitting lids, so the contents are not able to leak or overflow. Bins must be stored in the designated waste/recycling storage room(s) or area(s) between collection periods. Bins must be collected from on site and not placed on public land at any time. |
|     | <b>Condition reason:</b> To ensure waste is adequately stored within the premises.                                                                                                                                                                                                                                                                                                                              |
| 164 | <b>Graffiti Removal</b>                                                                                                                                                                                                                                                                                                                                                                                         |
|     | Where the external walls of the building, landscaped structures and / or other facilities within the property / site are vandalised by graffiti, the graffiti shall be removed with the affected areas returned to its former state within seven (7) days of the occurrence.                                                                                                                                    |
|     | <b>Condition reason:</b> To protect the amenity of the surrounding area.                                                                                                                                                                                                                                                                                                                                        |

### General advisory notes

This consent contains the conditions imposed by the consent authority which are to be complied with when carrying out the approved development. However, this consent is not an exhaustive list of all obligations which may relate to the carrying out of the development under the EP&A Act, EP&A Regulation and other legislation. Some of these additional obligations are set out in the [Conditions of development consent: advisory notes](#). The consent should be read together with the *Conditions of development consent: advisory notes* to ensure the development is carried out lawfully.

The approved development must be carried out in accordance with the conditions of this consent. It is an offence under the EP&A Act to carry out development that is not in accordance with this consent.

Building work or subdivision work must not be carried out until a construction certificate or subdivision works certificate, respectively, has been issued and a principal certifier has been appointed.

A document referred to in this consent is taken to be a reference to the version of that document which applies at the date the consent is issued, unless otherwise stated in the conditions of this consent.

## Dictionary

The following terms have the following meanings for the purpose of this determination (except where the context clearly indicates otherwise):

**Approved plans and documents** means the plans and documents endorsed by the consent authority, a copy of which is included in this notice of determination.

**AS** means Australian Standard published by Standards Australia International Limited and means the current standard which applies at the time the consent is issued.

**Building work** means any physical activity involved in the erection of a building.

**Certifier** means a council or a person that is registered to carry out certification work under the *Building and Development Certifiers Act 2018*.

**Construction certificate** means a certificate to the effect that building work completed in accordance with specified plans and specifications or standards will comply with the requirements of the EP&A Regulation and *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*.

**Council** means BAYSIDE COUNCIL.

**Court** means the Land and Environment Court of NSW.

**EPA** means the NSW Environment Protection Authority.

**EP&A Act** means the *Environmental Planning and Assessment Act 1979*.

**EP&A Regulation** means the *Environmental Planning and Assessment Regulation 2021*.

**Independent Planning Commission** means Independent Planning Commission of New South Wales constituted by section 2.7 of the EP&A Act.

**Local planning panel** means Bayside Local Planning Panel

**Occupation certificate** means a certificate that authorises the occupation and use of a new building or a change of building use for an existing building in accordance with this consent.

**Principal certifier** means the certifier appointed as the principal certifier for building work or subdivision work under section 6.6(1) or 6.12(1) of the EP&A Act respectively.

**Site work** means any work that is physically carried out on the land to which the development the subject of this development consent is to be carried out, including but not limited to

building work, subdivision work, demolition work, clearing of vegetation or remediation work.

**Stormwater drainage system** means all works and facilities relating to:

- the collection of stormwater,
- the reuse of stormwater,
- the detention of stormwater,
- the controlled release of stormwater, and
- connections to easements and public stormwater systems.

**Strata certificate** means a certificate in the approved form issued under Part 4 of the *Strata Schemes Development Act 2015* that authorises the registration of a strata plan, strata plan of subdivision or notice of conversion.

**Sydney district or regional planning panel** means Sydney Eastern City Planning Panel.