



Bayside Council

Serving Our Community

NOTICE OF DETERMINATION OF A DEVELOPMENT APPLICATION

Application number	DA-2024/268 PAN-474263
Applicant	Wondal Theo 1 MEADOW WAY BANKSMEADOW 2019
Description of development	Demolition of existing structures, removal of trees, construction of a multi-storey food manufacturing facility and associated landscaping, site works and signage;
Property	30 SWINBOURNE STREET BANKSMEADOW 2019 1/-/DP884139 1/-/DP114614 2/-/DP217549 D/-/DP317215 B/-/DP354365 1/-/DP725745 C/-/DP317215 A/-/DP354365
Determination	Approved Consent Authority -
Date of determination	
Date from which the consent operates	10/07/25

**Date on which the
consent lapses**

10/07/25

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 consent using the power in section 4.16(1)(a) of the EP&A Act, subject to the conditions specified in this notice.

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 Andrew Ison - 02 9562 1701 / 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

1	Compliance with Building Code of Australia and insurance requirements under Home Building Act 1989
	<ol style="list-style-type: none"> 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>. 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. 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>. 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. 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. 6. This section does not apply— <ol style="list-style-type: none"> 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 b. to the erection of a temporary building, other than a temporary structure to which subsection (3) applies.
	Condition reason: Prescribed condition under section 69 of the Environmental Planning and Assessment Regulation 2021.
2	Shoring and adequacy of adjoining property
	<ol style="list-style-type: none"> 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. 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—

L DA00.06	A	Planting Plan - Trees	CM Plus	24/4/25
L DA00.07	A	Planting Schedule – Trees	CM Plus	24/4/25
L DA00.08	A	Planting Strategy – Shrubs	CM Plus	24/4/25
L DA00.09	A	Planting Schedule – Shrubs	CM Plus	24/4/25
L DA00.11	A	Section B – Proposed Solution	CM Plus	24/4/25
L DA00.12	A	Section C – Adjacent Loading	CM Plus	24/4/25
LDA00.01	A	Typical Landscape Details	CM Plus	24/4/25
CDA011	P3	Erosion and Sediment Control Plan	Edge Consulting Engineers	29/4/25
CDA031	P6	Stormwater and Site Grading Plan – Ground Floor	Edge Consulting Engineers	29/4/25
CDA032	P5	Stormwater Longitudinal Sections – Sheet 1	Edge Consulting Engineers	29/4/25
CDA033	P1	Stormwater Longitudinal Sections – Sheet 2	Edge Consulting Engineers	29/4/25
CDA041	P2	Stormwater Details Sheet 1	Edge Consulting Engineers	29/4/25
CDA042	P2	Stormwater Details Sheet 2	Edge Consulting Engineers	29/4/25
CDA051	P3	Siteworks Plan – External Works	Edge Consulting Engineers	29/4/25

CDA061	P3	Post Development Catchment Plan	Edge Consulting Engineers	29/4/25
CDA062	P2	MUSIC Catchment Plan	Edge Consulting Engineers	29/4/25
CDA063	P1	External Catchment Plan	Edge Consulting Engineers	29/4/25

Approved documents				
Document title	Version number	Prepared by	Date of document	
Access Report	SYD224_049-2 (ACCESS DA)	DC Partnership	2/9/24	
Noise and Vibration Impact Assessment	17268-N, Version 2	Sound In	March 2025	
Arborist Report	9661.1	Redgum Horticultural	3/9/24	
BCA Compliance Report	SYD224_049-2(BCA)	DC Partnership	10/9/24	
Preliminary Site Investigation	2201081Rpt02	Geo-Logix	19/1/23	
Detailed Site Investigation	2401034Rpt01	Geo-Logix	25/7/24	
Remediation Action Plan	2401034Rpt02	Geo-Logix	25/7/24	
Flood Assessment Report	AU240418	Edge Consulting Engineers	30/4/25	
Geotechnical Report	2401034GTR	Geo-Logix	12/9/24	
Odour Assessment	17268-A, Version 1.0	Sound In	12/9/24	
Botany Industrial Park Hazard Assessment	21916-LET-001	Sherpa Consulting	24/6/24	

	Plan of Management and Operational Environmental Management Plan	2230413	Ethos Urban	2/5/25
	Section J Report		Sustain Erbas	13/9/25
	Traffic and Parking Impact Assessment Report	24052	Transport Strategies Alliance Pty Ltd	April 2025
	Operational Waste Management Plan	6073, Revision C	Elephants Foot Consulting	3/9/24
	Construction and Demolition Waste Management Plan	Revision C	Elephants Foot Consulting	3/9/24
	ESD Report		Sustain Erbas	2/5/25
<p>In the event of any inconsistency between the approved plans and documents, the approved Plans prevail.</p> <p>In the event of any inconsistency with the approved plans / documents and a condition of this consent, the condition prevails.</p> <p>Condition reason: To ensure all parties are aware of the approved plans and supporting documentation that applies to the development.</p>				
4	Plan of Management			
	<p>Plan of Management (PoM):</p> <ol style="list-style-type: none"> 1. The approved development shall at all times be operated in accordance with the approved Plan of Management (PoM) listed in Condition 3 or as updated in accordance with Item 4 below, and 2. A copy of the approved PoM shall be provided to all staff at induction and management must ensure that this it is followed at all times, and 3. A copy of the PoM shall be made freely available to family and visitors who frequent the facility, as well as to neighbouring property owners and local residents, if requested, and 4. The PoM shall be reviewed annually and provided to Council's Environmental Health Officers at time of the annual inspection or as requested. If the Plan of Management is updated following the review, the operator is required to: <ol style="list-style-type: none"> a. provide summary of changes, and b. ensure that the amended PoM is consistent with all conditions of this consent, and 			

	<p>c. the PoM is updated, if required, to include comments provided by Council.</p>
	<p>Condition reason: To ensure the approved development is constructed and operated in accordance with the approved plans and documentation and to avoid adverse impacts.</p>
5	<p>Tree Protection and Management</p> <p><u>Tree Protection</u></p> <p>Comply with all recommendations, requirements, and management plans contained within the Council approved Arborist report, prepared by Redgum Horticultural, Rev 1, dated 3 September 2024. Trees to be retained on site are to be tagged with clearly visible marking tape at a height of approximately 2 metres from ground and numbered with the corresponding number in the Arborist Report.</p> <p>The key recommendations to be complied with include:</p> <ul style="list-style-type: none"> • Tree Retention and Protection On Site: Trees 2, 3, 4, 5, 6, 7 and 8 • Tree Retention and Protection Off Site: Trees 16-50, 52-55, 56A, 56B, 57, 66 and 67 <p><u>Supervision by Arborist</u></p> <p>Prior to issue of any Construction Certificate, a suitably qualified project Arborist (with minimum AQF Level 5 qualifications in Arboriculture) must be engaged to advise on compliance with conditions of consent relating to the protection of trees at the site and/or adjoining properties and to supervise the installation and maintenance of tree protection measures and arboricultural monitoring program required by this consent and the approved arboricultural impact assessment. Evidence of engagement of a project arborist is to be submitted to, and approved, by Council.</p> <p><u>Tree Protection</u></p> <p>Prior to commencement of any work on site, in order to ensure that trees to be retained are protected against adverse conditions during demolition and construction, and the health and structural stability ensured, a Tree Protection Zone must be established for each tree.</p> <p>All Tree Protection Zones (TPZs) shall be established as follows:</p> <ul style="list-style-type: none"> • To protect and retain trees in accordance with AS49702009 protective fences consisting of chain wire mesh temporary fence panels with a height 1.8m shall be erected outside the dripline. The fence panels must be securely mounted and braced to prevent movement. The area within the fencing must be mulched with leaf mulch to a depth of 100mm and a weekly deep watering program undertaken, and

- Protective fences at least 1.5 metres high erected, at the greater of the drip line or 1.5 metres from the trunk of each tree which is to be retained. The protective fences shall consist of parawebbing or chain wire mesh mounted on star pickets or similar metal posts, shall be in place prior to the commencement of any work on site and shall remain until the completion of all building and hard landscape construction, and
- Fencing shall be erected to ensure that the public footway is unobstructed. If there is insufficient space to erect fencing, wrap the trunk with hessian or carpet underlay to a height of 2.5m or to the trees first lateral branch, whichever is greater, and affix timber palings around the tree with strapping or wire (not nails), and
- The applicant is required to contact Council for an inspection and/or provide photographic evidence of the fenced tree protection zones. Council approval is required prior to commencement of any works.

All TPZ's as well as the entire Council nature strip are a 'No Go' zone. There shall be no storage of waste bins, materials and equipment, site residue, site sheds, vehicle access, concrete / chemical mixing/disposal, or washing down of tools and equipment permitted within the TPZ's at any time.

Tree Removal

The Applicant has permission to remove Trees 1, 9, 10, 11, 12, 13, 14, 15, 51, 58, 59, 60, 61, 62, 63, 64, 65, 68 to 70, 71 and 72.

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

No other trees located within the site, adjoining properties or Council's nature strip shall be removed or pruned, inclusive of roots with a diameter greater than 40mm, without the prior written consent of Council in the form of a Permit issued under Council's Development Control Plan and/or State Environmental Planning Policy (Biodiversity and Conservation) 2021.

Deed of Agreement

In accordance with Bayside Council Development Control Plan 2022 3.8.2 accepts offset planting on public land subject to an application or property owner entering into a deed of agreement that is supported by a condition of consent under s4.16 of the Environmental Planning and Assessment Act.

The Agreement is to provide for a funding arrangement between the applicant and Council where Council has approved removal of tree's required by way of a condition of consent. An applicant may choose to replant all required trees on private land at the required ratio or enter into an arrangement with Council to provide funding to Council for the replanting of tree on public land.

	<p><u>Tree Offset Controls</u></p> <p>The proposed development includes the removal of twenty two (22) live trees. To offset the loss of canopy the applicant is required to replace the tree at a 3:1 replacement ratio, therefore a total of sixty six (66) new trees shall be planted to offset the canopy loss for environmental reasons.</p> <p>The consent specifies that a Tree Location Plan must be lodged with Council prior to the issue of a Construction Certificate, nominating the location and species of trees to be replanted. Tree location and species must be consistent with the Landscape Plan approved by Council's Director City Futures (or delegate) prior to issue of the Construction Certificate.</p> <p>Where the applicant is relying on the Deed of Agreement to satisfy the consent, this Agreement must be in place prior to the issue of a Construction Certificate.</p> <p><u>Public Domain Tree Bond</u></p> <p>Prior to the commencement of any work the applicant is to submit payment for a Tree Preservation Bond of \$4,000.00 to ensure protection of the retained Public Domain Trees. AND an additional \$4,000 as a Tree Planting Bond. The duration of the \$8,000.00 Bond shall be limited to a period of 12 months after the occupation certificate is issued. At completion of the bond period of twelve months (12 months) the Bond shall be refunded pending an inspection of the tree by council. If a tree is found to be dead, pruned or dying and will not recover the applicant will forfeit all or part of the bond to replace or maintain the trees.</p> <p><u>Breach of Conditions</u></p> <p>The above listed requirements and tree protection measures must be complied with at all times until completion of all building and hard landscape construction. Council may choose to issue an infringement notice or pursue legal action.</p> <p>Condition reason: To minimise adverse impacts on trees, protect local canopy through tree retention and replacement and ensure best practice is implemented.</p>
6	<p><u>Rail Authorities</u></p> <p>The applicant must, prior to the issue of a Construction Certificate for building works, obtain approval from Australian Rail Track Corporation (ARTC) to operate any equipment (i.e. cranes) that may be required to operate at a height that may penetrate the airspace above the Botany Goods Railway Line corridor and liaise with ARTC for any site works that may result in adverse impacts to the operation of the Botany Goods Railway Line.</p> <p>Condition reason: To ensure adverse impacts to the Botany Goods Railway Line are avoided.</p>

7	Parking Allocation												
	<p>Parking spaces and associated facilities shall be provided and allocated in accordance with the table below.</p> <table border="1" data-bbox="280 373 906 667"> <thead> <tr> <th>Use</th><th>Number of Spaces Allocated</th></tr> </thead> <tbody> <tr> <td>Industrial</td><td>96 spaces</td></tr> <tr> <td>Loading Bay</td><td>4 HRV</td></tr> <tr> <td>SRV parking</td><td>5 spaces</td></tr> <tr> <td>Motorcycle parking</td><td>13 spaces</td></tr> <tr> <td>Bicycle parking</td><td>27 spaces</td></tr> </tbody> </table> <p>The above allocation must be adhered and complied with at all times.</p> <p>Condition reason: To ensure that car parking is provided and allocated in accordance with the approved plans and documentation.</p>	Use	Number of Spaces Allocated	Industrial	96 spaces	Loading Bay	4 HRV	SRV parking	5 spaces	Motorcycle parking	13 spaces	Bicycle parking	27 spaces
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8	Amendments require Modification Application												
9	<p>Relocation of the fire booster valves and/or electricity substation, shall not be undertaken without first obtaining approval from Council under Section 4.55 of the EP&A Act.</p> <p>Condition reason: To avoid changes that may result in adverse impacts without proper assessment.</p>												
10	Approved Materials and Finishes.												
	<p>The finishes, materials and colour scheme approved under condition titled 3 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>Condition reason: To ensure that the development is finished in accordance with the approved plans and documentation.</p>												
	Certification of External Wall Cladding												
	<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 the relevant 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>Condition reason: To ensure development complies with the NCC and fire safety requirements.</p>
11	<p>Construction Certificate Required</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>Condition reason: To ensure that a Construction Certificate is obtained at the appropriate time.</p>
12	<p>Earthworks Not Shown on Plans</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>Condition reason: To avoid changes that may result in adverse impacts without proper assessment.</p>
13	<p>No Intensification of Activities</p> <p>No intensification of activities shall occur on the premises without prior consent from Council.</p> <p>Condition reason: To avoid changes that may result in adverse impacts without proper assessment.</p>
14	<p>Adopt Acoustic Report - Managing Noise</p> <p>Adopt and implement all recommendations contained in the acoustic report prepared by Sound in – Noise and Vibration Impact Assessment – 47 Swinbourne Street Banksmeadow – Version 2.0 (FINAL), Report NO. 17268-N, Dated March 2025 – Prepared by Nic Hall.</p> <p>Condition reason: To protect the amenity of the local area.</p>
15	<p>Adopt Operational Management Plan and Operational Environmental Management Plan</p> <p>Adopt and implement all recommendations contained in the Operational Management Plan and Operational Environmental Management Plan by Ethos Urban – Nutrisoy Food</p>

	<p>Manufacturing Facility – 47 Swinbourne Street, Banksmeadow, Document Version 2.0 (FINAL) dated the 2 May 2025.</p> <p>Condition reason: To protect the amenity of the local area.</p>
16	<p>Adopt Odour Management Plan</p> <p>Adopt and implement all recommendations contained in the Odour report prepared by Sound in – Odour Assessment – 47 Swinbourne Street Banksmeadow – Version 1.0 (FINAL), Report NO. 17268-A, Dated 12 September 2024 – Prepared by Nic Hall.</p> <p>Condition reason: To protect the amenity of the local area.</p>
17	<p>Adopt Operational Waste Management Plan</p> <p>Adopt and implement all recommendations contained in the Waste Management Plan prepared by Elephants Foot Consulting – Operational Waste Management Plan – 47 Swinbourne Street Banksmeadow – Revision C (FINAL), Report NO. 6073, Dated 3 September 2024 – Prepared by R,Jayaratnam.</p> <p>Condition reason: To protect the amenity of the local area.</p>
18	<p>Food Premises – Grease Trap</p> <p>Adequate provision must be made for the treatment of waste water from the premises to include provision for a Sydney Water approved grease trap.</p> <p>The grease trap installation must service all commercial sections of the development and be designed, constructed and operated in accordance with: Australian Standard AS 3500 and National Plumbing & Drainage Code.</p> <p>Details demonstrating compliance with the requirements of this condition are to be submitted to the Principal Certifier prior to the issue of any Occupation Certificate.</p> <p>Condition reason: To protect the environment.</p>
19	<p>General Landscape Conditions</p> <ol style="list-style-type: none"> 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. 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.

	Condition reason: To ensure compliance with landscape requirements from relevant policies.
20	<p>Sydney Airport</p> <p>All requirements imposed by the Sydney Airport Corporation Limited (SACL) in their letter dated 24 October 2024 and must be complied with, including (but not limited to):</p> <ol style="list-style-type: none"> 1. Sydney Airports Corporation has approved the development to a maximum height of 30.2 <p>The approved height of 30.2 metres AHD is inclusive of all vents, chimneys, aerials, TV antennae and construction cranes etc. No permanent or temporary structure is to exceed this height without further approval from Sydney Airport Corporation Limited.</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>Condition reason: To ensure compliance with requirements of Sydney Airports Corporation Limited.</p>
21	<p>Ausgrid</p> <p>The following conditions are imposed by Ausgrid in their letter and must be complied with:</p> <ol style="list-style-type: none"> 1. Ausgrid underground cables are in vicinity to the development <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 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 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>1. New driveways – proximity to existing poles</p> <p>Proposed driveways shall be located to maintain a minimum clearance of 1.5 metres 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>1. New or modified connection</p> <p>To apply to connect or modify a connection for a residential or commercial premises, Ausgrid recommends the proponent engage an Accredited Service Provider and submit a connection application to Ausgrid as soon as practicable. Visit the Ausgrid website for further details; https://www.ausgrid.com.au/Connections/Get-connected</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: www.ausgrid.com.au/Your-safety/Working-safe/Clearance-enquiries</p> <p>Condition reason: To ensure compliance with requirements of Ausgrid.</p>
22	<p>Carrying out of Works Wholly Within the Site</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, other than approved public domain works</p> <p>Condition reason: To avoid encroachment of the development beyond the site boundaries.</p>

Demolition Work

Before demolition work commences

23	<p>Disconnection of services before demolition work</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>Condition reason: To protect life, infrastructure and services</p>
24	<p>Notice of commencement for demolition</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"> 1. name 2. address, 3. contact telephone number, 4. licence type and license number of any demolition waste removal contractor and, if applicable, asbestos removal contractor, and 5. the contact telephone number of council and 6. the contact telephone number of SafeWork NSW (4921 2900). <p>Condition reason: To advise neighbours about the commencement of demolition work and provide contact details for enquiries</p>
25	<p>Demolition Management Plan</p> <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, Bayside Development Control Plan 2022 and must include the following matters:</p> <ol style="list-style-type: none"> 1. The proposed demolition methods. 2. The materials for and location of protective fencing and any hoardings to the perimeter of the site. 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. 4. Details of construction traffic management, including proposed truck movements to and from the site, estimated frequency of those movements, and compliance with AS 1742.3 Traffic Control for Works on Roads and parking of vehicles. 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 Bayside Development Control Plan 2022.

	<ol style="list-style-type: none"> 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. 7. Dust, noise and vibration control measures, in accordance with any Noise and Vibration Control Plan approved under this consent. 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. 9. Details of any bulk earthworks to be carried out. 10. Details of re-use and disposal of demolition waste material in accordance with Bayside Development Control Plan 2022. 11. Location of any reusable demolition waste materials to be stored on-site (pending future use). 12. Location and type of temporary toilets on-site. 13. A garbage container with a tight-fitting lid. <p>Condition reason: To provide details of measures for the safe and appropriate disposal of demolition waste and the protection of the public and surrounding environment during the carrying out of demolition works on the site.</p>
26	<p>Dilapidation Report - Public Domain - Pre-Construction - Major</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>Condition reason: To advise Council of, and provide Council with, the required dilapidation report.</p>

During demolition work

27	Site Maintenance
	<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"> 1. Protective fencing and any hoardings to the perimeter on the site. 2. Access to and from the site. 3. Construction traffic management measures. 4. Protective measures for on-site tree preservation and trees in adjoining public domain. 5. On-site temporary toilets. 6. A garbage container with a tight-fitting lid.
	Condition reason: To protect workers, the public and the environment.
28	Hours of Work
	<p>Demolition work must only be carried out between the following times:</p> <p>For building work, demolition or vegetation removal from 7:00am to 5:00pm on Monday to Saturday. No works to be carried out on Sunday and public holidays.</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> <p>Demolition works are to be carried out in accordance with the approved Demolition Waste Management Plan listed in Condition 3.</p>
	Condition reason: To protect the amenity of the surrounding area.

On completion of demolition work

No additional conditions have been applied to this stage of development.

Building Work

Before issue of a construction certificate

29	Long Service Levy
	<p>Before the issue of the relevant Construction Certificate, the long service levy of \$187,310.75, as calculated at the date of this consent, must be paid to the Long Service Corporation or Council under the Building and Construction Industry Long Service Payments Act 1986, section 34, and evidence of payment is to be provided to the Principal Certifying Authority.</p>
	<p>Condition reason: To ensure the long service levy is paid.</p>
30	Construction Site Management Plan
	<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> <ul style="list-style-type: none"> a. The location and materials for protective fencing and hoardings on the perimeter of the site; b. Location of dedicated washdown areas (located away from drainage lines, stormwater drains and water bodies); c. Provisions for public safety; d. Pedestrian and vehicular site access points and construction activity zones; e. Details of construction traffic management including: <ul style="list-style-type: none"> i. Proposed truck movements to and from the site; ii. Estimated frequency of truck movements; and iii. Measures to ensure pedestrian safety near the site; f. Details of bulk earthworks to be carried out; g. The location of site storage areas and sheds; h. The equipment used to carry out works; i. The location of a garbage container with a tight-fitting lid; j. Dust, noise and vibration control measures; k. Details of chemical storage and management; l. The location of temporary toilets; m. The protective measures for the preservation of trees on-site and in adjoining public areas including measures in accordance with: <ul style="list-style-type: none"> i. AS 4970 – Protection of trees on development sites; ii. An applicable Development Control Plan; iii. An arborist's report approved as part of this consent <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>Condition reason: To require details of measures that will protect the public, and the surrounding environment, during site works and construction.</p>
31	Erosion and sediment control plan
	<p>Before the issue of the relevant Construction Certificate, an erosion and sediment control plan must be prepared by a suitably qualified person in accordance with the following documents and provided to the principal certifier:</p> <ol style="list-style-type: none"> 1. Council's relevant development control plan,

	<p>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</p> <p>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).</p>
	<p>Condition reason: To ensure no substance other than rainwater enters the stormwater system and waterways.</p>
32	<p>Utilities and services</p> <p>Before the issue of the relevant Construction Certificate, written evidence of the following service provider requirements must be provided to Principal Certifier:</p> <p>(a) a letter from Ausgrid demonstrating that satisfactory arrangements can be made for the installation and supply of electricity.</p> <p>(b) a response from Sydney Water as to whether the plans accompanying the application for a construction certificate would affect any Sydney infrastructure, and whether further requirements need to be met.</p> <p>(c) other relevant utilities or services – that the development as proposed to be carried out is satisfactory to those other service providers, or if it is not, the changes that are required to make the development satisfactory to them.</p> <p>Condition reason: To ensure relevant utility and service providers' requirements are provided to the certifier.</p>
33	<p>Payment of Section 7.12 Contributions.</p> <p>Before the issue of ANY Construction Certificate, the applicant must pay a total contribution of \$753,013.45 as calculated at the date of this consent to Council under section 7.12 of the EP&A Act in accordance with the City of Botany Bay S94A Development Contributions Plan 2016. The total amount payable may be adjusted at the time the payment is made, in accordance with the provisions of the City of Botany Bay S94A Development Contributions Plan 2016.</p> <p>A copy of the development contributions plan is available for inspection at the Bayside Council Customer Service Centre, 444-446 Princes Highway, Rockdale.</p> <p>Condition reason: To address the increased demand for regional infrastructure resulting from the approved development.</p>
34	<p>Lighting.</p> <p>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.</p>

	Condition reason: To ensure that adverse impacts from lighting are minimised in accordance with relevant standards.
35	<p>Sydney Water Tap-in</p> <p>Prior to the issue of the any 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: https://www.sydneywater.com.au/SW/plumbing-building-developing/building/sydney-water-tap-in/index.htm</p> <p>Condition reason: To ensure compliance with Sydney Water requirements.</p>
36	<p>Mechanical Plant and Equipment Design</p> <p>Details demonstrating compliance with the following requirements are to be submitted to the satisfaction of the Principal Certifier prior to the issue of the relevant Construction Certificate:</p> <ol style="list-style-type: none"> 1. Any exhaust from the food premises shall be ventilated to the roof and away from the property boundaries, and in accordance with the provisions of AS1668.1 - The use of ventilation and air-conditioning in buildings - Fire and smoke control in multi-compartment buildings and AS1668.2 - The use of ventilation and air-conditioning in buildings - Mechanical ventilation in buildings, and 2. All mechanical plant and equipment (including but not limited to air conditioning equipment) is to be located within the basement or other areas of the site where it is not visible from the public domain or adjoining properties. Any plant and equipment located on the roof must be located as shown in the approved plans and must be appropriately screened, and 3. All plumbing stacks, vent pipes, stormwater downpipes and the like shall be kept within the building and suitably concealed from view. This condition does not apply to the venting to atmosphere of the stack above roof level. <p>Condition reason: To minimise amenity impacts resulting from the operation of mechanical plant and equipment including compliance with relevant standards.</p>
37	<p>Odour Emission Control</p> <p>There are to be no emissions or discharges from the premises which will give rise to an offence under the Protection of the Environment Operations Act 1997 and Regulations.</p>

	<p>The recommendations of the Odour Assessment must be complied with at all times.</p> <p>Details demonstrating compliance with the requirements of the Odour Assessment are to be submitted to the satisfaction of the Principal Certifier prior to the issue of the relevant Construction Certificate.</p> <p>Condition reason: To protect the environment, comply with relevant standards and minimise amenity impacts resulting from site operations.</p>
38	<p>Trade Waste Agreement</p> <p>Evidence of a Sydney Water permit or consent for discharge of wastewater to the sewer shall be submitted to the Principal Certifier prior to the issue of the relevant Construction Certificate. Where a permit or consent may not be required from Sydney Water, certification shall be provided verifying that any discharges to the sewer will meet specific standards imposed by Sydney Water.</p> <p>Condition reason: To protect the environment and comply with relevant Sydney Water requirements.</p>
39	<p>Food Premises</p> <p>The proposed development must be designed, constructed and operated in compliance with the following legislation and/or requirements, with details demonstrating compliance submitted to the Principal Certifier prior to issue of the relevant Construction Certificate:</p> <ol style="list-style-type: none"> 1. Food Act 2003, and 2. Food Regulation 2015, and 3. Australian Standard AS 4674-2004: Construction and fit out of food premises, and 4. Australia and New Zealand Food Standards Code, and 5. Standard 3.2.3 – Food Premises and Equipment. <p>Condition reason: To ensure compliance with relevant standards and legislation.</p>
40	<p>Appointment of Site Auditor</p> <p>A Site Audit Statement will be required for this site prior to the issue of any Occupation Certificate. To ensure the necessary assessment and remediation is completed, a NSW Environment Authority (EPA) Accredited Site Auditor must be appointed to the site prior to the commencement of any remediation works, excavation or commencement of works at the site. The Site Auditor must review and endorse any additional investigation and remediation proposed prior to the commencement of any works.</p> <p>Written evidence of this appointment must be provided to Council <u>prior to the issue of any Construction Certificate.</u></p> <p>Condition reason: To protect human health and the environment in accordance with legislative requirements.</p>

41	Interim Site Audit Advice
	<p>To ensure that the soil and groundwater investigations and any remedial action plan (RAP) proposed for the site are sufficient to enable the land to be made suitable for the proposed uses of commercial / industrial, an Interim Site Audit Advice must be completed by the accredited site auditor under the Contaminated Land Management Act 1997 and must be submitted to Council clearly demonstrating that the land can be made suitable for the proposed use. All measures to be undertaken to enable this must be outlined. This must be provided prior to the issue of any Construction Certificate.</p> <p>Condition reason: To protect human health and the environment in accordance with legislative requirements.</p>
42	Acid Sulfate Soils Management Plan (ASSMP)
43	Tree Planting

To ensure that the soil and groundwater investigations and any remedial action plan (RAP) proposed for the site are sufficient to enable the land to be made suitable for the proposed uses of commercial / industrial, an Interim Site Audit Advice must be completed by the accredited site auditor under the Contaminated Land Management Act 1997 and must be submitted to Council clearly demonstrating that the land can be made suitable for the proposed use. All measures to be undertaken to enable this must be outlined. This must be provided prior to the issue of any Construction Certificate.

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

Acid Sulfate Soils Management Plan (ASSMP)

An Acid Sulfate Soils Management Plan, that has been prepared by a suitably qualified and experienced environmental consultant, must be submitted to the Principal Certifying Authority and Bayside Council prior to the issue of any Construction Certificate.

This plan must include any site-specific procedures and mitigation measures required and must include a site analysis from a NATA registered laboratory. The plan must provide details of the following:

1. Site-specific mitigation measures to both minimise the disturbance of acid sulfate soils as well as any measures relating to acid generation and acid neutralisation of the soil;
2. Management of acid sulfate affected excavated material;
3. Measures required to neutralise the acidity of any acid sulfate affected material including groundwater; and
4. Run-off control measures for the acid sulfate affected soil.

This report must be provided prior to the issue of any construction certificate and all recommendations of the report must be implemented during works on site.

Condition reason: To protect the natural environment.

Tree Planting

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

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

	<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>Condition reason: To ensure compliance with requirements of Sydney Water.</p>
44	<p>Landscape Construction Certificate Drawings</p> <p><u>Landscape Requirements shown in Architectural Plans</u></p> <p>Prior the issue of the relevant 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> <ol style="list-style-type: none"> 1. The rooftop landscape area is to be increased to a minimum area of 50m². <ol style="list-style-type: none"> a. This area is to include native shrubs, climbers and groundcover species. These species are to be selected from the nominated species on sheet LDA00.09 on the submitted landscape plans. b. The minimum depth of the rooftop planting bed must be provided as 500mm as specified in 2.2.8 of the Bayside Landscape Technical Specification. 2. The proposed driveway on the Southern boundary of the site is not supported by Council. This driveway would adjoin a privatised road which is not supported. 3. This reclaimed area shall incorporate the 2 meter deep soil landscape setback seen along the remainder of the Southern boundary. 4. This reclaimed area shall include a mix of shrubs and groundcover species. 5. Deep soil areas on the periphery of the site shall be prioritized for planting. 6. Proposed architectural and landscape design shall deliver passive surveillance. Swinbourne and Pater Street public domain shall follow CPTED principles. 7. Details of the rooftop planting area. Include construction details of planters, and how the planters have the capability to provide greenery to the streetscape. 8. Include drainage details for all planting areas. 9. 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 2.2.8 of the Bayside Landscape Technical Specification. <p>The plans and sections approved in this condition must be reflected in the construction certificate issued by the Certifier.</p> <p>Condition reason: To ensure compliance with landscape requirements from relevant policies.</p>
45	<p>Detailed Landscape Plan for Construction Certificate</p> <p>Prior the issue of the relevant Construction Certificate, detailed landscape plans must be submitted to, and approved by, the Director of City Futures (or delegate) of Bayside Council.</p>

The detailed landscape plans shall be generally in accordance with the Landscape Plans prepared by Conybeare Morrison, project number 23077, dated 24/04/2025, revision A 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. The landscape setbacks around the periphery of the site shall include a dense layered planting scheme consisting of trees, shrubs and / or groundcovers 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. One (1) *Corymbia maculata* tree with a minimum pot size supplied at 400 litre, to be planted in the front garden, to reach a minimum mature height of 20 meters. Details are to be submitted to and approved by Principal Certifying Authority prior to the issue of a Construction Certificate.
5. Seventy (70) native trees with a minimum pot size supplied at 200 litre, to be planted around the periphery of the development, to reach a minimum mature height of 15 meters. Details are to be submitted to and approved by Principal Certifying Authority prior to the issue of a Construction Certificate.
 - a. Tree planting schedule is to include: *Corymbia maculata*, *Elaeocarpus reticulatus*, *Tristanopsis laurina*, *Banksia integrifolia*, *Banksia serrata* and / or any other native canopy tree capable of reaching a minimum mature height of 15 meters.
 - b. Trees to be planted shall not possess a disruptive lateral root system.
 - c. Trees are not to be planted within the Council's drainage easement.
6. All new trees to be planted in deep soil within the site are to be supplied and planted in super advanced form, of minimum 200 litres.
7. All deep soil areas to include canopy trees to mitigate the loss of existing mature trees on site and to provide a level of amelioration to the buildings.
8. 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.
9. 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.
10. 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.
11. The front setback area shall incorporate tree planting which does not conflict with the stormwater system.
12. All trees shall be located within mulched landscaped beds except where this may interfere with the performance of an above ground stormwater system.
13. 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.

	<p>14. Show all aspects of the stormwater systems on the landscape plans, including the easements.</p> <p>15. All shrubs planted on site are to be supplied at a minimum pot size of 200mm.</p> <p>16. The rooftop landscape area is to be increased to a minimum area of 50m².</p> <ol style="list-style-type: none"> This area is to include native shrubs, climbers and groundcover species. These species are to be selected from the nominated species on sheet LDA00.09 on the submitted landscape plans. The minimum depth of the rooftop planting bed must be provided as 500mm as specified in 2.2.8 of the Bayside Landscape Technical Specification. <p>17. The proposed driveway on the Southern boundary of the site is not supported by Council. This driveway would adjoin a privatised road which is not supported.</p> <p>18. This reclaimed area shall incorporate the 2 meter deep soil landscape setback seen along the remainder of the Southern boundary. This reclaimed area shall include a mix of native shrubs and groundcover species.</p>
	<p>Condition reason: To ensure compliance with landscape requirements from relevant policies.</p>
46	<p>Landscape Maintenance Manual and Specifications</p> <p>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.</p> <p>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:</p> <ol style="list-style-type: none"> Frequency and methodology of different maintenance requirements including the removal of green waste; irrigation system tests, waterproofing inspections. Details of maintenance safety procedures; Laminated copies of Landscape drawings; Manufacturer's contact details and copies of manufacturers' typical details and specification; Copies of warranties and guarantees relating to all materials and plant used in construction; <p>Inspection programs based on AS/NZS 1891.4, including annual load testing of chemical and friction anchors, for all installed anchors</p> <p>Condition reason: To ensure compliance with landscape requirements from relevant policies.</p>

47	Planterbox Landscape Specifications for Construction Certificate
	<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"> 1. Planter boxes constructed over a concrete slab shall be built in accordance with the following requirements: <ol style="list-style-type: none"> a. 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. b. 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. c. 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 d. 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. e. 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). f. All planter boxes shall be provided with a fully automated drip irrigation system. g. All planter boxes shall have the required depth and volume of soil to sustain the proposed planting, as detailed below: <ul style="list-style-type: none"> • Trees over 8 meters: Minimum soil depth 1.3 metre, • Medium trees (8 metre canopy diameter at maturity): Minimum soil depth one (1) metre, • Small trees (4 metre canopy diameter at maturity): Minimum soil depth 800mm. • Shrubs: Minimum soil depths 500-600mm. • Groundcover: Minimum soil depths 300-450mm. • Soil volume – compliance with the Apartment Design Guide. <p>Condition reason: To ensure compliance with landscape requirements from relevant policies.</p>
48	Street Tree Preservation Bond

	<p>To protect and retain Council trees, prior to the issue of the relevant Construction Certificate, the applicant is to submit payment for a Tree Preservation Bond of \$4,000.00 to ensure protection of the retained public domain trees from damage during construction. The duration of the Bond shall be limited to a period of 12 months after issue of the Occupation Certificate. At the completion of the 12 month period the Tree Preservation Bond shall be refunded pending a satisfactory inspection by Council or a qualified Arborist. If the tree was found to be in decline, damaged (including roots), dead, excessively pruned or removed without Council permission or, if tree protection measures were not satisfied at any time, then all or part thereof of the bond shall be forfeited.</p> <p>Condition reason: To minimise adverse impacts on trees, protect local canopy through tree retention and replacement and ensure best practice is implemented.</p>						
49	<p>Housing and Productivity Contribution</p> <p>Before the issue of the relevant Construction Certificate, the housing and productivity contribution (HPC) set out in the table below is required to be made.</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>\$256,354.23</td></tr> <tr> <td>Total Housing and Productivity Contribution</td><td>\$256,354.23</td></tr> </tbody> </table> <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>Condition reason: To require contributions towards the provision of regional infrastructure.</p>	Housing and Productivity Contribution	Amount	Housing and Productivity Contribution (base component)	\$256,354.23	Total Housing and Productivity Contribution	\$256,354.23
Housing and Productivity Contribution	Amount						
Housing and Productivity Contribution (base component)	\$256,354.23						
Total Housing and Productivity Contribution	\$256,354.23						
50	<p>Noise Impact Assessment</p>						

	<p>Prior to the issue of the relevant Construction Certificate, a detailed noise impact assessment is to be conducted of the proposed mechanical plant and equipment serving the development.</p> <p>The detailed noise impact assessment of the mechanical plant and equipment must include mechanical services drawings, a schedule of mechanical, sound power levels of the mechanical plant and predicted noise levels of the mechanical plant at all receptors.</p> <p>Mechanical plant and equipment shall be selected in consultation with a suitably qualified acoustic consultant in order to meet the criteria of the acoustic report.</p> <p>Note: "Suitably qualified acoustic consultant" means a consultant who is a Member of the Australian Acoustical Society (AAS) or employed by an Association of Australasian Acoustical Consultants (AAAC) member firm.</p> <p>Condition reason: To ensure that noise impacts of mechanical plant are suitably addressed prior to operation of the premises.</p>
51	<p>Glazing Reflectivity</p> <p>The reflectivity index of glazing and finishing materials used on the facades and roof of the building shall not exceed 20%. Details demonstrating compliance with the above requirement shall be submitted to the satisfaction of the Principal Certifier prior to the issue of a Construction Certificate for the relevant stage of works.</p> <p>Condition reason: To ensure that adverse reflectivity impacts are minimised.</p>
52	<p>Waste Storage Containers – Industrial</p> <p>Appropriate waste and recycling containers and facilities will need to be provided for all specific end use businesses in accordance with the following waste generation rates:</p> <p><u>Industrial Waste</u></p> <ol style="list-style-type: none"> 1. General Waste Facilities - 0.1-0.2 cubic metres per 100 square metres of floor area per day, and 2. Industrial Waste - that is solid waste derived from the manufacture or repair of equipment - specialised containers appropriate for the nature of waste derived from the manufacture or repair of equipment, and 3. Recycling Facilities - appropriate recycling facilities to be provided. <p>All waste and recycling containers shall be stored in an approved waste storage area that is large enough to store the required number of bins for the number of units and intended uses of the building.</p> <p>Bins shall be stored in an area of the building that can be adequately serviced by waste collection vehicles. If the waste storage area is located in a part of the building that cannot</p>

	<p>be easily accessed by service providers, it will be the responsibility of the Owners Corporation to present the bins for collection to the kerb-side.</p> <p>Details of the waste storage area must be illustrated on the plans submitted with the application for the Construction Certificate for approval.</p> <p>Condition reason: To manage waste in accordance with Council's Waste Management Technical Specifications.</p>								
53	<p>Payment of fees and security deposits.</p> <p>Before the commencement of any works on the site or the issue of the relevant Construction Certificate, the Applicant must make all of the following payments to Council and provide written evidence of these payments to the Certifier:</p> <table border="1"> <tr> <td>Soil and Water Management Sign Fee</td><td>\$25.50</td></tr> <tr> <td>Builders Damage Deposit (Security Deposit)</td><td>\$66,930.00</td></tr> <tr> <td>Tree Preservation Bond (Security Deposit)</td><td>\$4,000.00</td></tr> <tr> <td>Section 7.12 Contributions</td><td>\$758,938.45</td></tr> </table> <p>Note: The amount payable must be in accordance with Council's fees and charges at the payment date.</p> <p>Note: At the completion of the project only security deposits can be refunded, fees and contributions are non-refundable.</p> <p>Condition reason: To ensure any damage to public infrastructure is rectified and public works can be completed.</p>	Soil and Water Management Sign Fee	\$25.50	Builders Damage Deposit (Security Deposit)	\$66,930.00	Tree Preservation Bond (Security Deposit)	\$4,000.00	Section 7.12 Contributions	\$758,938.45
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Tree Preservation Bond (Security Deposit)	\$4,000.00								
Section 7.12 Contributions	\$758,938.45								
54	<p>Retaining Walls Over 600mm</p> <p>Retaining walls over 600mm in height shall be designed and specified by a structural engineer registered with the National Engineering Register (NER).</p> <p>Condition reason: To ensure the structural adequacy of new retaining walls.</p>								
55	<p>Detailed Internal Stormwater Management Plan</p> <p>Prior to the issue of any 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</p>								

final discharge/end connection point, must comply with Bayside Technical Specification Stormwater Management.

The detailed drainage design plans shall incorporate the provisions generally made in the stormwater concept plans prepared by EDGE CONSULTING ENGINEERS, job number AU240418, DRAWING NUMBER CDA001-CDA063 along with the requirements detailed below:

1. A minimum 10,000 litre rainwater tank shall be provided for the development, connected to all toilets, and external taps/landscape irrigation for non-potable stormwater re-use. The rainwater tank top water level (TWL) to be a minimum 100mm higher than the OSD TWL. Only non-trafficable roof areas to drain into the rainwater tank, planter box to drain to drain directly into the WSUD chamber.
2. The WSUD modelling requires the implementation of Water Sensitive Urban Design (WSUD) in the design of the drainage system. Bayside Technical Specification Stormwater Management section 7.1 requires the development to confirm the targets for the stormwater pollution reduction and to justify using MUSIC modelling.
3. Additional section and details of the rainwater tank and the OSD to be provided.
4. A WSUD catchment plan highlighting the impervious and pervious areas for water quality treatment and areas which bypass the treatment system as well. The WSUD catchment plan is to show the non-trafficable roof areas draining into the rainwater tank.
5. All pits both surface and sealed to have a minimum of 0.3m cover. A minimum of 20mm drop is to be provided in all pits between the inlet and outlet pipe.
6. A level one drainage plan to be provided and must clearly show how the suspended loading dock will drain to the OSD. The surface level of the rainwater outlets to be shown along with the crossfalls.
7. A DRAINS Model is to be submitted for the HGL analysis for the internal drainage system including the pit and pit network and to ensure no overflow for the minor storm (5%AEP) and is to include a tailwater condition as per Bayside Technical Specification Stormwater Management. The blockage factors to be modelled for the pits as per Bayside Technical Specification Stormwater Management Section 6.
8. A DRAINS catchment plan to be provided highlighting the catchment area per pit indicating the percentage of impervious and pervious areas.
9. A pit schedule to be provided showing the pit size, surface level and invert level including pits fitted with pit inserts.
10. The location of the sedimentation basin to be shown on the erosion and control plan.
11. A OSD base plan is to be provided for the OSD, showing all base levels and minimum 1% fall towards the outlet pipe. The dimensions of the internal walls to be shown of the OSD including the weir levels and the length of the overflow weir length.
12. A OSD lid plan to be submitted for the OSD; showing the distance from pit centre to centre.
13. A civil site grading plan to be provided showing the crossfalls, surface level, bottom of wall and top of wall.
14. All details of the connection to the culvert to be provided.

	<p>15. Manufacturer details is to be provided for the proprietary products for stormwater treatment (stormfilter cartridges, oceanguards and oil separator).</p> <p>16. Pavement details for the driveway over the Council stormwater infrastructure to be provided to Council satisfaction.</p>
	<p>Condition reason: To ensure compliance with Council's Stormwater Management Technical Guidelines / Specifications.</p>
56	<p>Council Stormwater Realignment Box Culvert and Council Stormwater Pipe</p> <p>Prior to the issue of any Construction Certificate, detailed design plans for the Council stormwater pipe realignment are to be submitted to 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. The diverted box culvert stormwater infrastructure design shall have minimum dimensions of 2700mm x 1100mm and the Council pipe realignment from Pater Street and along the rear boundary shall have a minimum 600mm increasing to 900mm (unless varied by Council).</p> <p>The detailed drainage design plans shall incorporate the provisions generally made in in the stormwater concept plans prepared by EDGE CONSULTING ENGINEERS project number AU240418 Rev P6 date 29/07/2024 along with the requirements detailed below:</p> <p>a) All hydraulic calculations to be shown in the stormwater plans including the head losses. All hydraulic models to be provided including the upstream catchment draining into the box culvert.</p> <p>b) Details of the custom chambers and pits to be provided including sections and elevations.</p> <p>Before the removal/demolition of the existing stormwater infrastructure on the property, the new stormwater infrastructure must be constructed to the satisfaction of Bayside Council Director of City Futures (or Delegate).</p> <p>An inspection schedule to be prepared to the satisfaction of Bayside Council including the construction methodology.</p> <p>Condition reason: To ensure compliance with Council's Stormwater Management Technical Guidelines / Specifications.</p>
57	<p>Building Within the Zone of Influence for a Council Stormwater Infrastructure</p> <p>Prior to the issue of any Construction Certificate, any footings or excavation to be located or undertaken adjacent to Bayside Council's stormwater infrastructure must be designed to address the following requirements:</p>

	<ol style="list-style-type: none"> 1. All footings and excavation must be located outside of the easement boundaries, and 2. Footings must extend to at least 300mm below the depth of the invert of the pipeline unless the footings are to be placed on competent bedrock, and <p>If permanent excavation is proposed below the obvert of the pipeline, suitable means to protect the excavation and proposed retaining structures from seepage or other water flow from the pipeline and surrounding subsoil, must be provided.</p> <p>Condition reason: To protect Council's infrastructure.</p>
58	<p>Video CCTV for Council Stormwater Infrastructure before Construction</p> <p>Prior to the issue of any Construction Certificate or the commencement of any works on site, whichever occurs first, a qualified practitioner shall undertake a closed-circuit television (CCTV) inspection and then report on the existing condition of Bayside Council's stormwater drainage infrastructure traversing through, and adjacent to, the site. The camera and its operation shall comply with the following:</p> <ol style="list-style-type: none"> (a) The internal surface of the drainage pipe shall be viewed and recorded in a clear and concise manner, and (b) The CCTV camera used shall be capable to pan, tilt and turning at right angles to the pipe axis over an entire vertical circle to view the conduit joints, and (c) Distance from the drainage pit shall be accurately measured, and (d) The inspection survey shall be conducted from manhole to manhole. <p>The written report, together with a copy of the digital video footage of the pipeline shall be submitted to the satisfaction of Bayside Council prior to the commencement of any works. A written acknowledgment shall be obtained from Bayside Council attesting to this condition being appropriately satisfied and submitted to the Principal Certifier. If the existing pipe is full of debris preventing the effective inspection of the pit and pipe system, the contractor shall clear the pipe to a degree where CCTV inspection is possible at the applicant's expense.</p> <p>Condition reason: To require details of the condition of Council's stormwater asset prior to commencement of any works.</p>
59	<p>Detailed Roof Drainage</p> <p>Prior to the issue of the relevant Construction Certificate, a detailed roof drainage plan to be prepared by a qualified engineer designed in accordance with AS/NZS 3500.3 and to be submitted to the Principal Certifier for assessment and approval. Engineering design certification and drainage design calculations are to be submitted with the plans.</p> <p>Condition reason: To ensure that the stormwater system is constructed as approved and in accordance with relevant standards.</p>

60	Structural Certification for Flood Prone Land
	Prior to the issue of the relevant Construction Certificate, a suitably qualified engineer is to certify that the structure can withstand the forces of floodwater, scour, debris, and buoyancy up to the 1% AEP event. All building materials shall be flood resistant, or flood compatible to a height of 500mm above the 1% AEP flood event. All internal electrical switches, power points or similar utilities liable to flood damage shall be set at a minimum of 500mm above the 1% AEP flood level.
	Condition reason: To ensure the development meets flood planning requirements.
61	Flow Through Fencing
	Prior to the issue of the relevant Construction Certificate, flow through open form fencing is required for all new boundary fencing and all new internal fences and gates up to the 1% AEP flood level. This requirement shall be reflected on the Construction Certificate plans and supporting documentation.
	Condition reason: To ensure the development meets flood planning requirements.
62	Detailed Flood Risk Management Plan
	<p>Prior to the issue of the relevant Construction Certificate, a Flood Risk Management Plan, prepared by a suitably qualified Civil Engineer, must be provided for the development. The flood risk and flood hazard on the site and its surrounds shall be assessed for the 1% AEP and PMF flood events. The management plan must make provision for, but not be limited to, the following:</p> <ol style="list-style-type: none"> 1. Recommendations on all precautions to minimise risk to personal safety of occupants and the risk of property damage for the total development, and 2. Flood warning signs / depth indicators for areas that may be inundated, and 3. A flood evacuation strategy, and 4. A flood awareness strategy, and 5. On site response plan to minimise flood damage, demonstrating that adequate storage areas are available for hazardous materials and valuable goods above the flood level.
	Condition reason: To ensure the development meets flood planning requirements and minimise risk to personal safety and property.
63	Flooding Requirements
	<p>Prior to the issue of the relevant Construction Certificate, details are to be submitted to the Principal Certifier demonstrating compliance with the following:</p> <p><u>Storage of Materials Damaged by Flood</u></p> <p>Materials which may be damaged by flood waters shall be stored, or able to be stored, at or above 500mm above the 1% Annual Exceedance Probability (AEP) Flood Level.</p>

	<p>Condition reason: To ensure the development meets flood planning requirements and minimise risk to property.</p>
64	<p>Detailed Parking Facility Design Requirements and Certification</p> <p>Prior to the issue of the relevant Construction Certificate, the construction certificate plans and supporting documentation shall demonstrate compliance with the following:</p> <ol style="list-style-type: none"> 1. Compliance with AS2890 Car, Bicycle and Motorcycle Parking: <ol style="list-style-type: none"> a. The parking facility (including parking spaces, ramps, aisles, vehicular crossing etc.) must comply in full with the current AS2890.1:2004. 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 b. All vehicles are to enter and exit the site in a forward direction, and 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 d. Pedestrian sightlines for vehicles existing the site are to comply with the current AS2890.1:2004, and e. Convex mirrors shall be provided at blind corners within, and leading to, the car parking levels to provide increased sight distance for vehicles, and f. A minimum of 27 bicycle parking spaces and 13 motorcycle parking spaces must be provided as part of the development and designed in accordance with AS2890.3:2015 and the current AS2890.1:2004 respectively, and 2. Compliance with AS2890.2 Commercial (Service) Vehicle Parking: <ol style="list-style-type: none"> a. Loading and unloading within the site shall be designed and be restricted to commercial vehicles not exceeding the size and mass description of the HRV from AS2890.2:2018, and b. The design of the parking facility (including driveways/access ramps/vehicular crossings etc.) shall conform with Australian Standards AS2890.2:2018 along the travel path of the service vehicles, and c. All service vehicles shall enter the property front in front out, and d. Swept path analysis shall be provided for manoeuvring of HRV commercial vehicles, depicting a forward entry and forward exit manoeuvre to/from the site via the loading dock(s) proposed within the development, and e. A longitudinal section plotting headroom clearance along the travel path of the service vehicle(s) is to be provided. It must be demonstrated that a safe headroom clearance of 4.5m is achieved along the entire travel path, parking and manoeuvring areas of the HRV within the development, and f. All waste collection must be undertaken on-site, no bins/waste are permitted to be presented to the street for collection. g. Swept paths for an HRV vehicle demonstrating a 3 point turn at the end of Pater Street to allow manoeuvre around and exit Pater Street in a forward direction. The gate must be setback to allow this movement to occur.

	<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>Condition reason: To ensure compliance with the relevant Australian Standard.</p>
65	<p>Use of Neighbouring Properties and Roadways for Support</p> <p>Prior to the issue of the relevant Construction Certificate, if neighbouring properties or roadway are to be utilised for excavation support, the legal rights of any adjoining properties must be respected including for permanent and temporary excavation supports. In this regard the written permission of the affected property owners must be obtained and a copy of the owner's 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 Roads Act 1993, via a permit application. The submission would need to be supported by an engineering report prepared by an Engineer registered with the National Engineering Register (NER), with supporting details addressing the following issues:</p> <ol style="list-style-type: none"> 1. 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>The report must be supported by suitable geotechnical investigations to demonstrate the efficacy of all design assumptions.</p> <p>Condition reason: To ensure landowner's legal rights are protected and that damage to adjoining land is minimised.</p>
66	<p>Geotechnical Certification</p> <p>Prior to the issue of any Construction Certificate, a Geotechnical Engineer must:</p> <ol style="list-style-type: none"> 1. Review and ensure the appropriate construction methodology, parameters, and recommendations in the geotechnical report prepared by GEO-LOGIX, report no. 2401034GTRpt01FinalV01_12Sept24, dated 12/09/2024, have been implemented and relied upon during the preparation of the Construction Certificate plans and documentation. 2. Provide detailed recommendations to allow the satisfactory implementation of the works. <ol style="list-style-type: none"> a. The appropriate means of any excavation/shoring is to be determined and detailed considering the proximity to adjacent property and structures. b. Potential vibration caused by the method of excavation and potential settlements affecting nearby footings/foundations/buildings shall be discussed and ameliorated.

	<ol style="list-style-type: none"> 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). 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. <ol style="list-style-type: none"> 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. 4. Certify that the construction certificate plans and supporting documentation are satisfactory from a geotechnical perspective. 5. Inspect the works as they progress at frequencies determined by the geotechnical engineer (where necessary). <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>Condition reason: To ensure that structural designs are adequate and that damage to adjoining land is minimised.</p>
67	<p>Frontage Works Application</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 Roads Act 1993. Public domain frontage works can include, but not be limited to, civil, drainage, landscaping, undergrounding of services, lighting, traffic signage, line marking, parking, and traffic devices to address and satisfy relevant development consent conditions. All frontage works shall be in accordance with Bayside Council technical manuals, specifications, master plans, town centre plans, Australian Standards, and standard design drawings.</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 & street trees. Bayside Council is entitled to recover any monies expended more than the bond amount in undertaking such works.</p> <p>Condition reason: To ensure that public domain works are designed and constructed in accordance with relevant requirements and standards.</p>
68	<p>Equal Access to Premises</p> <p>Before the issue of the relevant Construction Certificate, plans which demonstrate that adequate access to the premises will be provided for persons with disabilities in accordance with the Commonwealth Disability (Access to Premises – Buildings) Standards 2010. These plans must be submitted to the Certifier.</p> <p>Condition reason: To ensure safe and easy access to the premises for people with a disability.</p>
69	<p>Fire Hydrants</p> <p>Prior to the issue of the relevant Construction Certificate, the Certifying Authority is to ensure any fire hydrants are visually screened from the public domain in accordance with Australian Standard 2419.1, with the location to be determined in consultation with and approved by Council's Director of City Futures or their delegate.</p> <p>Condition reason: To ensure the appropriate screening of fire hydrants to the satisfaction of the Australian Standard as well as Council</p>

Before building work commences

70	<p>Erosion and sediment controls in place</p> <p>Before any site work commences, the Principal Certifying Authority must be satisfied the erosion and sediment controls in the Erosion and Sediment Control Plan are in place. These controls must remain in place until any bare earth has been restabilised in accordance with the NSW Department of Housing Manual 'Managing Urban Stormwater: Soils and Construction Certificate' (the Blue Book) (as amended from time to time).</p> <p>Condition reason: To ensure sediment laden runoff and site debris do not impact local stormwater systems and waterways.</p>
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71	Deliveries
	<p>While site work is being carried out, deliveries of material and equipment must only be carried out between –</p> <p>7:00am to 5:00pm on Monday to Saturday. No deliveries to be carried out on Sunday and public holidays.</p>
	Condition reason: To protect the amenity of neighbouring properties.
72	Signs on site
	<p>A sign must be erected in a prominent position on any site on which building work or demolition work is being carried out:</p> <ol style="list-style-type: none"> 1. showing the name, address and telephone number of the principal certifier for the work, and 2. showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside work hours, and 3. stating that unauthorised entry to the work site is prohibited. <p>Any such sign is to be maintained while the building work or demolition work is being carried out, but must be removed when the work has been completed.</p> <p>Note: This does not apply in relation to building work or demolition work that is carried out inside an existing building that does not affect the external walls of the building.</p> <p>Condition reason: Prescribed condition EP&A Regulation, Section 70 (2) and (3).</p>
73	Dilapidation Report – Private Land
	<p>A professional engineer specialising in structural shall prepare a Pre-Construction Dilapidation Report detailing the current structural condition of all relevant adjoining premises (or part of adjoining premises), a photographic survey, and where accessible including buildings, foundations, and structures likely to be affected by the excavation as determined by the consulting engineer. This shall include, but not be limited to, the following properties (or part of the following properties):</p> <ol style="list-style-type: none"> 1. 28 Swinbourne Street BANKSMEADOW NSW 2019 2. 32 Swinbourne Street BANKSMEADOW NSW 2019 <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 associated 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</p>

	<p>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 8.00 am and 6.00 pm.</p> <p>Condition reason: To establish and document the structural condition of adjoining properties for comparison as building work progresses and is completed.</p>
74	<p>Vibration Monitoring</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-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>

	Condition reason: To protect the amenity of the neighbourhood and the structural integrity of nearby developments.
75	Utility Services Adjustments
	The approved elements including driveways, stormwater connections, (etc.) prevail over the location of existing utility services and power poles. All services shall be adjusted at the Applicants cost to suit the construction of approved design elements. Applicants must seek approval from the relevant public utility, state authority or service provider.
	Condition reason: To ensure required changes to public utility services are completed, in accordance with the relevant agency requirements, before occupation.

During building work

76	Hours of work
	Site work (including demolition) must only be carried out between the following times: For building work, demolition or vegetation removal from 7:00am to 5:00pm on Monday to Saturday. No works to be carried out on Sunday and public holidays. Site work is not to be carried out outside of these times except where there is an emergency, or for urgent work directed by a Police Officer or a public authority.
	Condition reason: To protect the amenity of the surrounding area.
77	Implementation of the site management plans
	While site work is being carried out: <ol style="list-style-type: none"> 1. the measures required by the construction site management plan, Waste Management Plan (Approved plan – see Condition 3) and the erosion and sediment control plan (plans) must be implemented at all times; and 2. a copy of these plans must be kept on site at all times and made available to Council officers upon request.
	Condition reason: To ensure site management measures are implemented during the carrying out of site work.
78	Procedure for critical stage inspections
	While building work is being carried out, the work must not continue after each critical stage inspection unless the principal certifier is satisfied the work may proceed in accordance with this consent and the relevant construction certificate.
	Condition reason: To require approval to proceed with building work following each critical stage inspection.

79	Responsibility for changes to public infrastructure
	While site work is being carried out, any costs incurred as a result of the approved removal, relocation or reconstruction of infrastructure (including ramps, footpaths, kerb and gutter, light poles, kerb inlet pits, service provider pits, street trees or any other infrastructure in the street footpath area) must be paid as directed by the consent authority.
	Condition reason: To ensure payment of approved changes to public infrastructure.
80	Surveys by a registered surveyor
	<p>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:</p> <ul style="list-style-type: none"> a. All footings / foundations in relation to the site boundaries and any registered and proposed easements b. At other stages of construction – any marks that are required by the principal certifier.
	Condition reason: To ensure buildings are sited and positioned in the approved location.
81	Approved Plans kept on Site
	A copy of the Construction Certificate, the Development Consent and the approved and current stamped Construction Certificate plans and specifications must be kept on the site at all times and be available to Council officers upon request.
	Condition reason: To ensure relevant information is available on site.
82	Implementation of Soil and Water Management Plan
	<p>All management measures recommended and contained within the Soil and Water Management Plan (SWMP) shall be implemented prior to commencement of any site works or activities. All controls in the plan shall be maintained at all times throughout the entire demolition, excavation and construction phases of the development and for a minimum three (3) month period after the completion of the project, where necessary. The plan is to be available to Council officers, on request.</p> <p>Council's warning sign for soil and water management must be displayed on the most prominent point on the building site, visible to both the street and site workers. The sign shall be erected prior to commencement of works and shall be displayed throughout construction.</p>
	Condition reason: To ensure no substance other than rainwater enters the stormwater system and waterways.
83	Noise during Construction
	<p>The following shall be complied with during construction and demolition:</p> <ul style="list-style-type: none"> (a) Construction Noise

	<p>Noise from construction activities associated with the development shall comply with the NSW Environmental Protection Authority's Interim Construction Noise Guidelines and the <i>Protection of the Environment Operations Act 1997</i>.</p> <p>(b) Level Restrictions</p> <p>Any building works being carried out must ensure that any noise caused by demolition, vegetation removal or construction does not exceed an LAeq (15min) of 5dB(A) above background noise, when measured at any lot boundary of the property where the construction is being carried out.</p> <p>(c) Out of hours work</p> <p>For any activity that is required to be undertaken outside normal construction hours due to public safety, traffic related reasons, or significant concrete pour, a separate Out of Hours Works Permit is required prior to commencement of any out of hours works being undertaken.</p> <p>(d) Silencing</p> <p>All possible steps should be taken to silence construction site equipment.</p> <p>Condition reason: To protect the amenity of the neighbourhood.</p>
84	<p>Protection of Council's Property</p> <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>Condition reason: To ensure public safety at all times and to protect the function and integrity of public infrastructure.</p>
85	<p>Site Fencing</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>

	Condition reason: To protect the amenity of the neighbourhood and ensure public safety.
86	<p>Site Fencing and Hoarding</p> <p>(a) 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> <ul style="list-style-type: none"> i. is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or ii. involves the enclosure of a public place. <p>(b) 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>(c) 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> <ul style="list-style-type: none"> i. the vertical height above footpath level of the structure being demolished is less than 4m, or ii. the least horizontal distance between footpath and the nearest part of the structure is greater than half the height of the structure. iii. the overhead structure must consist of a horizontal platform of solid construction and vertical supports, and the platform must: <ul style="list-style-type: none"> a. extend from the common boundary to 200mm from the edge of the carriageway for the full length of the boundary, and b. have a clear height above the footpath of not less than 2.1m, and c. terminate not less than 200mm from the edge of the carriageway (clearance to be left to prevent impact from passing vehicles with a continuous solid upstand projecting not less than 0.5m above the platform surface, and d. together with its supports, be designed for a uniformly distributed live load of not less than 7kPa. iv. The 'B' Class hoarding is to be lit by fluorescent lamps with anti-vandalism protection grids. <p>(d) 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>(e) The developer must allow access to the hoarding for inspection by the Council's</p>

	<p>compliance team at any reasonable time.</p> <p>(f) The developer must comply with any directives issued by the Council regarding the maintenance and appearance of the hoarding.</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>Condition reason: To protect the amenity of the neighbourhood and ensure public safe.</p>
87	<p>Toilet Facilities</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> <ul style="list-style-type: none"> i. Be a standard flushing toilet connected to a public sewer, or ii. Have an on-site effluent disposal system approved under the <i>Local Government Act 1993</i>, or iii. Be a temporary chemical closet approved under the <i>Local Government Act 1993</i>. <p>Condition reason: To ensure compliance with the Local Government Act 1993.</p>
88	<p>Vibration During Demolition Works</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>Condition reason: To protect the amenity of the neighbourhood and the structural integrity of nearby developments.</p>

89	Site Management - Principal Certifier Inspections
	<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>
	Condition reason: To protect public safety and water quality around building sites.
90	Acid Sulfate Soil Management – General
	<p>The management of potential and actual acid sulfate soils must be conducted in accordance with all recommendations within the Acid Sulfate Soil Management Plan Within the Geotechnical Report as listed in Condition 3 (and any amendments).</p>
	Condition reason: To ensure acid sulfate is appropriately managed.
91	Remediation Works
	<p>All remediation work must be carried out in accordance with:</p> <ol style="list-style-type: none"> 1. NSW EPA (2020) 'Consultants reporting on contaminated land'; 2. NSW Environment Protection Authority (NSW EPA) guidelines under the Contaminated Land Management Act 1997; 3. Chapter 4 of the State Environmental Planning Policy (Resilience and Hazards); and 4. the Remedial Action Plan [name of remediation plan 'Remedial Action Plan'(RAP), 47 Swinbourne Street, Banksmeadow NSW 2019, ref. 2401034Rpt02FinalV01_25Jul24, prepared by Geo-Logix, dated 25 July 2024, and any subsequent revisions.
	Condition reason: To protect human health and the environment in accordance with legislative requirements.
92	Asbestos
	<p>Any material containing asbestos found on site during the demolition process must be removed and disposed of in accordance with:</p> <ol style="list-style-type: none"> 1. SafeWork NSW requirements. An appropriately licensed asbestos removalist must complete all asbestos works if they consist of the removal of more than 10m2 of bonded asbestos and/or any friable asbestos.

	<ol style="list-style-type: none"> 2. Protection of the Environment Operations Act 1997. 3. Protection of the Environment Operations (Waste) Regulation 2014. 4. NSW Environment Protection Authority Waste Classification Guidelines 2014.
	Condition reason: To protect human health and the environment in accordance with legislative requirements.
93	Contamination – UPSS Decommissioning and Removal
	Decommissioning and removal of underground petroleum storage systems (UPSS) must be carried out in accordance with: <ol style="list-style-type: none"> 1. Protection of the Environment Operations (Underground Petroleum Storage Systems) Regulation 2019; 2. NSW EPA (2020) 'Guidelines for Implementing the Protection of the Environment Operations (Underground Petroleum Storage Systems) Regulation 2019.
	Condition reason: To protect human health and the environment in accordance with legislative requirements.
94	Additional information – Contamination – Cease work addition
	Any new information that comes to light during demolition, remediation or construction which has the potential to alter previous conclusions about site contamination and remediation must be notified to Council, the appointed Accredited Site Auditor (Contaminated Land) and the accredited certifier immediately. All work on site must cease until the Council is notified in writing and appropriate measures to assess and manage the contamination in accordance with any relevant NSW EPA adopted guidelines is completed by an appropriately qualified and experienced environmental consultant and reviewed and approved by the Site Auditor (Contaminated Land).
	Condition reason: To protect human health and the environment in accordance with legislative requirements.
95	Waste Classification – Excavated Materials
	All materials excavated from the site (fill or natural) must be classified in accordance with the NSW Environment Protection Authority (EPA) Waste Classification Guidelines (2014) prior to being disposed of to a NSW approved landfill or to a recipient site. Appropriate records must be retained to support this.
	Condition reason: To ensure soil removal from the site is appropriately disposed.
96	Importation of Fill (General)
	To prevent contaminated soil being used onsite and to ensure that it is suitable for the proposed land use, all imported fill must be appropriately certified material and must be validated in accordance with the: <ol style="list-style-type: none"> 1. NSW Environmental Protection Authority (EPA) approved guidelines; and

	<p>2. Protection of the Environment Operations Act 1997; and</p> <p>3. Protection of the Environment Operations (Waste) Regulation 2014.</p> <p>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.</p> <p>Condition reason: To ensure soil imported to the site is not contaminated and is safe for future occupants.</p>
97	<p>Approval and Permits under Roads Act and Local Government Act for Works Activities on Public Land</p> <p>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 <i>Roads Act 1993</i> and <i>Local Government Act 1993</i>. 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:</p> <ul style="list-style-type: none"> • 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

	<p>the existing road surface level. The support systems include ground anchors and shoring.</p> <ul style="list-style-type: none"> • Tower Crane – To swing or hoist over and across Council property (including roadway). This permit is required when tower crane(s) are used inside the work site and will swing, slew or hoist over Council property or asset. • Public Land Access – To access through or occupy Council land. This permit is required by Applicants in order to access over or occupy Council land. • Temporary Dewatering – To pump out groundwater from the site and discharge into Council's drainage system including road gutter. This permit is required when temporary dewatering is required to pump out water from the construction site into Council stormwater drainage system including gutter, pits and pipes. Dewatering management plan and water quality plan are required for this application. • Road Opening Application Permit to open road reserve area including roads, footpaths or nature strip for any purpose whatsoever, such as relocation / re-adjustments of utility services. This does not apply to public domain works that are approved through Bayside Council's permit for Driveway Works (Public Domain Construction – Vehicle Entrance / Driveway Application) / Frontage Works (Public Domain Construction – Frontage / Civil Works Application) under section 138 of the <i>Roads Act</i>. <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>Condition reason: To ensure appropriate permits are applied for and comply with the Roads Act 1993.</p>
98	<p>Construction Activities - Minimise Pollution</p> <p>The following conditions are necessary to ensure minimal impacts during construction:</p> <ul style="list-style-type: none"> (a) Building, demolition and construction works not to cause stormwater pollution and being carried out in accordance with Council's stormwater pollution control requirements. Pollutants such as concrete slurry, clay and soil shall not be washed from vehicles onto roadways, footways or into the stormwater system. Drains, gutters, roadways and access ways shall be maintained free of sediment. Where required, gutters and roadways shall be swept regularly to maintain them free from sediment, and (b) Stormwater from roof areas shall be linked via a temporary downpipe to an approved stormwater disposal system immediately after completion of the roof area, and (c) All disturbed areas shall be stabilised against erosion within 14 days of completion, and prior to removal of sediment controls, and (d) Building and demolition operations such as brick cutting, washing tools or paint brushes, and mixing mortar shall not be performed on the roadway or public footway or

	<p>any other locations which could lead to the discharge of materials into the stormwater drainage system, and</p> <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"> (i) spraying water in dry windy weather, and (ii) cover stockpiles, and (iii) fabric fences. <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 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>Condition reason: To protect neighbourhood amenity and the quality of the waterways.</p>
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Before issue of an occupation certificate

99	Certification of acoustic measures
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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 and in accordance with all relevant conditions of this consent.</p> <p>Condition reason: To protect the amenity of the local area</p>
100	<p>Construction and installation of ventilation system</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 and in accordance with relevant standards and conditions of this consent (e.g. relating to Odour).</p> <p>Condition reason: To ensure the mechanical ventilation system has been constructed and installed as approved</p>
101	<p>Preservation of survey marks</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"> no existing survey mark(s) have been removed, damaged, destroyed, obliterated or defaced; or 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 <p>Condition reason: To protect the State's survey infrastructure.</p>
102	<p>Repair of infrastructure</p> <p>Before the issue of an Occupation Certificate:</p> <ol style="list-style-type: none"> 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 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. <p>Condition reason: To ensure any damage to public infrastructure is rectified.</p>
103	<p>Section 73 Certificate - Sydney Water</p> <p>Prior to the issue of the Final Occupation Certificate, a Section 73 Compliance Certificate under the <i>Sydney Water Act 1994</i> must be obtained from Sydney Water.</p> <p>It is recommended that applicants apply early for the Certificate, as there may be water</p>

	<p>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 www.sydneywater.com.au > Plumbing, Building and Developing > Developing > Land development or telephone 13 20 92.</p> <p>Condition reason: To comply with Sydney Water requirements.</p>
104	<p>Registration</p> <p>Prior to issue of an Occupation Certificate, the premises must be registered with NSW Food Authority in accordance with the following relevant legislation:</p> <ol style="list-style-type: none"> 1. Food Shop - Food Act 2003 <p>Condition reason: To ensure registration of the use in accordance with relevant legislation.</p>
105	<p>Food Safety Supervisor</p> <p>Prior to issue of any Occupation Certificate, the occupier of the food premises shall provide a Food Safety Supervisor (FSS) for the business. The original FSS Certificate must be kept on the premises.</p> <p>For further information regarding FSS, visit the NSW Food Authority website at www.foodauthority.nsw.gov.au.</p> <p>Condition reason: To ensure that food premises are operated in accordance with relevant policy requirements.</p>
106	<p>Trade Waste Agreement</p> <p>Liquid trade waste materials are to be disposed of in accordance with the requirements of Sydney Water, under a Trade Waste License Agreement.</p> <p>A copy of a Trade Waste Agreement demonstrating compliance with the requirements of this condition is to be submitted, to the satisfaction of the Principal Certifier, prior to the issue of any Occupation Certificate.</p> <p>Condition reason: To ensure compliance with Sydney Water requirements.</p>
107	<p>Certification of Odour Measures</p> <p>Before the issue of an Occupation Certificate, a suitably qualified person must provide details demonstrating compliance to the Principal Certifier that the odour measures have been installed in accordance with the Odour Report approved under this consent (Sound in – Odour Assessment – 47 Swinbourne Street Banksmeadow – Version 1.0 (FINAL), Report NO. 17268-A, Dated 12 September 2024 – Prepared by Nic Hall).</p>

	Condition reason: To protect the amenity of the local area.
108	<p>Managing Noise</p> <p>During ongoing use of the premises, the premises must be operated in accordance with any approved acoustic report prepared by Sound in – Noise and Vibration Impact Assessment – 47 Swinbourne Street Banksmeadow – Version 1.0 (FINAL), Report NO. 17268-N, Dated 12 September 2024 – Prepared by Nic Hall.</p> <p>Condition reason: To protect the amenity of the local area.</p>
109	<p>Contaminated Land – Site Validation Report</p> <p>A Site Validation Report (SVR) must be prepared by a suitably qualified contaminated land consultant and must be in accordance with:</p> <ol style="list-style-type: none"> 1. NSW EPA (2020) 'Consultants reporting on contaminated land'; 2. NSW Environment Protection Authority (NSW EPA) approved guidelines under the Contaminated Land Management Act 1997; and 3. Chapter 4 of the State Environmental Planning Policy (Resilience and Hazards). 4. NSW EPA (2020) 'Guidelines for Implementing the Protection of the Environment Operations (Underground Petroleum Storage Systems) Regulation 2019. 5. 'Remedial Action Plan'(RAP), 47 Swinbourne Street, Banksmeadow NSW 2019, ref. 2401034Rpt02FinalV01_25Jul24, prepared by Geo-Logix, dated 25 July 2024 and any subsequent revisions. <p>The SVR must provide a notice of completion of remediation works and a clear statement on the suitability of the proposed site use. The SVR must be submitted to the Principal Certifying Authority, and the Council for written concurrence, after completion of remediation works and prior to the issue of any occupation certificate.</p> <p>Condition reason: To protect human health and the environment in accordance with legislative requirements.</p>
110	<p>Site Audit Statement – Site Suitability</p> <p>To ensure that the site is suitable for the proposed use, a Section A1 Site Audit Statement (SAS) completed by an accredited site auditor under the Contaminated Land Management Act 1997 must be submitted to Council clearly demonstrating that the site is suitable for the proposed development. This must be provided to the appointed certifier and Council for written concurrence prior to the release of any Occupation Certificate.</p> <p>The accredited site auditor must provide Council with a copy of the Site Audit Report (SAR) and Site Audit Statement (SAS) prior to the issuing of any Occupation Certificate. In circumstances where the accredited Site Auditor is unable to issue a Section A1 SAS for the site due to remediation work not complying with the requirements of this consent (e.g. changes in the design of the building or landscaping), an application to amend the</p>

	consent pursuant to the Environmental Planning & Assessment Act 1979 must be submitted to ensure that they form part of the consent conditions.
	Condition reason: To protect human health and the environment in accordance with legislative requirements.
111	Anti-Graffiti Coating
	Prior to issue of the Occupation Certificate, ground level surfaces are to be treated with anti-graffiti coating to minimise the potential of defacement.
	Condition reason: To protect the amenity of the surrounding area.
112	Internal Landscape Works Completion
	<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"> 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. 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 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"> a. Seventy (70) native trees of at least 200 litres pot size and capable of growing to a minimum mature height of fifteen (15) - twenty (20) metres shall be planted around the periphery of the site within the property on completion of the building works and prior to the final inspection. <ol style="list-style-type: none"> i. 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. (200L) b. A minimum soil depth of 500mm is provided for all planter beds on the podium levels. c. Soil dimensions and depths of planter boxes on structures adhere to the requirements outlined in 2.2.8 of the Bayside Landscape Technical Specification. d. A fully automated irrigation system has been installed to the podium landscaping. e. Podium landscaping and paved areas are drained into the stormwater drainage system.
	Condition reason: To ensure the approved landscaping works have been completed before occupation, in accordance with the approved landscaping plan(s).
113	Occupation Certificate.

	<p>The Occupation Certificate must be obtained prior to any use or occupation of the building / development or part thereof. The Principal Certifier must ensure that all works are completed in accordance with this consent, including all conditions.</p> <p>Condition reason: To ensure that an Occupation Certificate is obtained.</p>
114	<p>Certification of New Stormwater System</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 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>Condition reason: To ensure that the stormwater system is constructed as approved and in accordance with relevant standards.</p>
115	<p>Certification of Roof Drainage System</p> <p>Prior to the issue of any Occupation Certificate, a qualified engineer must certify that the roof drainage system has been constructed in accordance with the approved plans and in accordance relevant Australian Standard and Codes.</p> <p>The constructed roof drainage system shall be inspected, evaluated, and certified. The certification shall demonstrate compliance with the approved plans, relevant Australian Standards, Codes and Council Specifications.</p> <p>Condition reason: To ensure that the roof drainage system is constructed as approved and in accordance with Australian Standards relevant standards.</p>
116	<p>Completion of Public Utility Services</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>Condition reason: To ensure required changes to public utility services are completed, in accordance with the relevant agency requirements, before occupation.</p>
117	<p>Works-As-Executed Plans and any other Documentary Evidence</p>

	<p>Before the issue of any 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"> 1. All stormwater drainage systems and storage systems, and 2. Council Pipe Box Culvert Realignment and Council Pipe Realignment 3. Civil Driveway profile including the internal ramps. 4. A copy of the plans must be provided to Council.
	<p>Condition reason: To confirm the location of works once constructed that will become Council assets.</p>
118	<p>Positive Covenant Application</p>
	<p>Prior to the issue of any 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"> 1. Stormwater Detention System 2. Stormwater Quality Improvement Device 3. Flood Storage Void <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>Condition reason: To ensure that the approved stormwater system is maintained in good working condition.</p>
119	<p>Geotechnical Certification</p>
	<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>Condition reason: To ensure that the construction works have been completed in accordance with the approved construction geotechnical report/recommendations.</p>
120	<p>Green Travel Plan</p>
	<p>Prior to the issue of any Occupation Certificate, a Green Travel Plan shall be developed by a suitably qualified traffic consultant in order to encourage people (including any and</p>

	<p>all staff and visitors) to make good use of public transport, cycling, walking and car sharing for commuting work related journeys and reduce car based travel demand. The Green Travel Plan shall be in accordance with Bayside Council requirements and include, but not be limited to, the following:</p> <ol style="list-style-type: none"> 1. Encourage people to cycle and/or walk to the workplace, and 2. Encourage people to use public transport to travel by providing financial incentive or shuttle bus services, and 3. Adopt car sharing and /or car pool scheme, and 4. Provide priority parking for car pool, and 5. Provide bike storage area and end-of-trip facilities in the convenient locations, and 6. Include clear and time bound targets, actions, measurements and monitoring framework, and 7. Develop Transport Access Guides (TAGs) to RMS/TfNSW requirements for staff and visitors about information on how to reach the site via public transport, walking or cycling. <p>The Green Travel Plan and TAGs must be prominently displayed within the communal areas within the development.</p>
	<p>Condition reason: To ensure sustainable transport alternatives are used.</p>
121	<p>Rainwater Tank - Plumbing Certification</p> <p>Prior to the issue of any Occupation Certificate, a registered plumber shall certify that the rainwater tank has been connected to all toilet flushing, the cold water tap that supplies all the external taps/landscape irrigations for non-potable stormwater re-use.</p> <p>Condition reason: To ensure that the rainwater will be reused within the site in accordance with this approval.</p>
122	<p>Parking Facility Certification</p> <p>Prior to the issue of any Occupation Certificate, a Civil Engineer registered with the National Engineering Register (NER) shall certify that the vehicular access and off-street parking facilities have been constructed & line marked in accordance with the approved construction plans and the applicable Australian Standards (i.e., AS/NZS 2890.1, AS 2890.2, AS 2890.3, AS/NZS 2890.6, AS 1742). The car parking area is to be clearly and appropriately line marked/signposted indicating all the vehicular movements on the site. All parking spaces must be clearly designated as to their use in accordance with this development consent.</p> <p>Furthermore, the below shall be certified as being implemented within the completed development:</p>

	<ul style="list-style-type: none"> Wheel stops shall be installed in all car parking spaces adjoining high obstructions in accordance with AS/NZS 2890.1. Bollards shall be erected for all accessible parking spaces that are designed in accordance with AS/NZS 2890.6. Large convex mirrors are to be installed at all corners/bends throughout the parking facility to provide increased sight distance for vehicles. <p>The certification must be submitted to the Principal Certifier.</p> <p>Condition reason: To ensure compliance with the relevant standards.</p>
123	<p>Erection of Signage</p> <p>Prior to the issue of any Occupation Certificate, the following signage shall be erected:</p> <ol style="list-style-type: none"> 1. Flooding: A flood sign plaque shall be fixed to a prominent place within the flood affected area, approved by the Principal Certifier, in such a way that it cannot be removed. The flood sign shall contain the wording "The site is subject to flooding in heavy storms. Keep clear of the area when flooding occurs". 2. On-Site Detention System 3. Confined Space Signage for the OSD 4. Vehicles Enter & Exit in Forward Direction: All vehicles shall enter and exit the site in a forward direction at all times. A plaque with minimum dimensions 300mm x 200mm shall be permanently fixed to a prominent place near the primary vehicular entrance to the site, approved by the Principal Certifier, stating the following: "All vehicles shall enter and exit the site in a forward direction at all times". <p>The owners shall preserve the plaque(s) in a good condition and keep it visible.</p> <p>Condition reason: To ensure that signposting occurs where required to advise people of restrictions or hazards.</p>
124	<p>Surveyor's Certificate for Finished Floor Level (Flooding)</p> <p>Prior to the issue of any Occupation Certificate, a certificate from a registered surveyor shall be provided to the Principal Certifier, certifying that the habitable / commercial floor levels are constructed a minimum of 500 mm above the 1% Annual Exceedance Probability (AEP) Flood Level and that the non-habitable level is either constructed at or above the 1% AEP Flood Level.</p> <p>Condition reason: To ensure that floor levels are built in accordance with required flood planning levels.</p>
125	<p>Flood Risk Management Plan</p> <p>The approved Flood Risk Management Plan and all recommendations from the Flood Awareness & Evacuation Strategy are to be implemented within the development prior to the issue of any Occupation Certificate. A copy of the Flood Risk Management Plan is to be kept on-site. Details and evidence are to be provided to the satisfaction of the Principal Certifier prior to the issue of any Occupation Certificate.</p>

	Condition reason: To minimise risk to life and property.
126	<p>Video CCTV for Council Stormwater Infrastructure after Construction</p> <p>Prior to the issue of the Whole of Building Occupation Certificate, a qualified practitioner shall undertake a closed-circuit television (CCTV) inspection, and then report on the post construction condition of Bayside Council stormwater drainage infrastructure traversing through, and adjacent to, the site. The camera and its operation shall comply with the following:</p> <ol style="list-style-type: none"> 1. The internal surface of the drainage pipe shall be viewed and recorded in a clear and concise manner, and 2. The CCTV camera used shall be capable to pan, tilt and turning at right angles to the pipe axis over an entire vertical circle, to view the conduit joints, and 3. Distance from the manholes shall be accurately measured, and 4. The inspection survey shall be conducted from manhole to manhole. <p>The diverted box culvert and Council pipe shall undertake a closed-circuit television (CCTV) at the completion of all works.</p> <p>The written report, together with a copy of the digital video footage of the pipeline, shall be submitted to Bayside Council for review. Any damage to the culvert / pipeline since the commencement of construction on the site, shall be repaired in full to the satisfaction of Bayside Council. A written acknowledgment shall be obtained from Bayside Council (attesting to this condition being appropriately satisfied) and submitted to the Principal Certifier.</p> <p>Condition reason: To ensure the integrity of Council's infrastructure has not been compromised.</p>
127	<p>Easement Over Bayside Council Stormwater Infrastructure and Easement for Pater Street turning Bay</p> <p>Prior to the issue of any Occupation Certificate, easements to drain water, in favour of Bayside Council, shall be created over the location of the diverted Bayside Council stormwater infrastructure that traverses the site. The width of the easement is to comply with Bayside Technical Specification Stormwater Management Section 8.4.1. The terms of the easement shall be in accordance with the Conveyancing Act 1919. A restriction to user preventing building works within the easement is also required. The easement to drain water is to be covered by a Section 88B Instrument, which may only be varied or extinguished with the consent of Bayside Council. The location, terms and width of the easement shall be to the satisfaction of Bayside Council.</p> <p>Additionally, a right of carriageway easement benefitting Bayside Council shall be provided to allow an HRV vehicle to turn around and manoeuvre around the end of Pater Street.</p>

	<p>Bayside Council requires proof of lodgement of the signed Subdivision Certificate and 88B Instrument with the NSW Land Registry Services prior to the issue of the Occupation Certificate. A written acknowledgment shall be obtained from Bayside Council (attesting to this condition being appropriately satisfied) and submitted to the Principal Certifier.</p> <p>Condition reason: To ensure the integrity of Council's infrastructure can be maintained.</p>
128	<p>Loading Dock Management Plan</p> <p>Prior to the issue of any 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>Condition reason: To ensure that loading docks are operated in a manner that minimises amenity impacts to residents within the site and surrounding properties.</p>
129	<p>Roads Act / Public Domain Works - Major Development Frontage Works</p> <p>Prior to the issue of any Occupation Certificate, the Applicant shall carry out the following works as specified by Bayside council in accordance with Bayside Council's Engineer, Landscape Architect, Public Domain Masterplans, and Infrastructure Specifications:</p> <ol style="list-style-type: none"> 1. Construction of a new footpath and planting of required street trees/landscaping along the frontage of the development site. 2. Construction of vehicular entrances designed to accommodate the largest vehicle entering the site. 3. Construction of new kerb and gutter along the frontage of the development site. 4. Removal of the existing concrete vehicular entrance/s, kerb laybacks and other damaged/redundant public domain improvements which will no longer be required. 5. Reconstruction of selected areas of the existing footpath, vehicular entrances, road, kerb, and gutter as required. 6. Construct new kerb inlet pits and associated stormwater pipe in Pater Street to Bayside Council infrastructure specifications. 7. The end of Pater Street shall be reconstructed to the satisfaction of Bayside Council. 8. The traffic signage on Pater Street shall be revised to accommodate the movement of the commercial vehicles as per the swept paths in the traffic report (particularly to allow a HRV vehicle to manoeuvre around the end of the Pater Street). <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</p>

	<p>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>Condition reason: To ensure that required public domain outcomes are achieved.</p>
130	<p>Post-construction dilapidation report</p> <p>Before the issue of any Occupation Certificate, a post-construction dilapidation report must be prepared by a suitably qualified Engineer, to the satisfaction of the Principal Certifier, detailing whether:</p> <ol style="list-style-type: none"> 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 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 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). <p>Condition reason: To identify any damage to adjoining properties resulting from site work on the development site.</p>
131	<p>Dilapidation Report – Public Domain – Post-Construction</p> <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</p>

	<p>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 Whole of Building Occupation Certificate.</p> <p>Condition reason: To identify damage to adjoining properties resulting from building work on the development site.</p>
132	<p>Coal Pier Road driveway</p> <p>Prior to issue of any Occupation Certificate the driveway to Coal Pier Road is to be removed or a fence erected that prevents direct access from the site to Coal Pier Road.</p> <p>Condition reason: To restrict vehicular access to the subject site to Swinbourne Street and Pater Street only.</p>

Occupation and ongoing use

133	<p>Release of securities</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>Condition reason: To allow release of securities where the terms and conditions for the securities have been met to Council's satisfaction.</p>
134	<p>Shipping Containers</p> <p>No shipping containers are to be stored on the premises.</p> <p>Condition reason: To ensure that uses operate in accordance with their approval, that nominated areas are not obstructed and to minimise adverse impacts to the streetscape and surrounding sites.</p>
135	<p>Impacts on the Amenity</p> <p>The operation of the premises shall be conducted in such a manner as not to interfere with or materially affect the amenity of the neighbourhood by reason of noise, vibration, odour, fumes, vapour, steam, soot, ash, dust, waste water, waste products, grit, oil, or otherwise.</p> <p>Condition reason: To manage site operations so that adverse impacts to the locality are minimised.</p>

136	Health Impacts
	The use of the premises shall not give rise to an environmental health nuisance to the adjoining or nearby premises and environment. There are to be no emissions or discharges from the premises, which will give rise to a public nuisance or result in an offence under the Protection of the Environment Operations Act 1997 and Regulations. The use of the premises and the operation of plant and equipment shall not give rise to the transmission of a vibration nuisance or damage other premises.
	Condition reason: To manage site operations so that adverse impacts to the locality are minimised.
137	Maintenance of Food Premises
	The food premises must be maintained in accordance with the following: <ul style="list-style-type: none"> 1. Food Act 2003, and 2. Food Regulation 2015, and 3. Australia and New Zealand Food Standards Code, and 4. The Australian Standard AS 4674-2004: Construction and fit out of food premises, and 5. Standard 3.2.3 – Food Premises and Equipment
	Condition reason: To ensure compliance with the relevant standards and legislation.
138	Noise from Mechanical Plant / Ventilation and Air Conditioning
	<ul style="list-style-type: none"> 1. The use of the premises, building services, equipment, machinery and, ancillary fittings shall not give rise to an “offensive noise” as defined under the provisions of the Protection of the Environment Operations Act 1997, and 2. The use of mechanical plant including air conditioners, fans, compressors, condensers, freezers, swimming pool or spa pumps (whether commercial or domestic) shall not cause sound pressure levels in excess of the criteria given in the NSW Industrial Noise Policy – 2000.
	Condition reason: To manage site operations so that adverse impacts to the locality are minimised.
139	Maintenance of Sound Attenuation
	Sound attenuation must be maintained in accordance with the Acoustic Report submitted by Sound in – Noise and Vibration Impact Assessment – 47 Swinbourne Street Banksmeadow – Version 1.0 (FINAL), Report NO. 17268-N, Dated 12 September 2024 – Prepared by Nic Hall.
	Condition reason: To manage site operations so that adverse impacts to the locality are minimised.
140	Spruikers and Speakers

	<p>Spruikers (with or without sound amplification) shall not operate without the prior written consent of Council. No signs, amplification equipment, goods or the like shall be placed on public areas or the footpath. Speakers and/or noise amplification equipment must not be installed, and music must not be played in any of the outdoor areas associated with the premises including the public domain and communal open space areas. Speakers located within the premises must not be placed so as to direct the playing of music towards the outdoor areas associated with the premises.</p> <p>Condition reason: To manage site operations so that adverse impacts to the locality are minimised.</p>
141	<p>Vibration from Plant and Equipment</p> <p>The use of the premises and the operation of plant and equipment shall not give rise to the transmission of a vibration nuisance or damage to other premises as defined in the Environment Protection Authority's Technical Guidelines for Assessing Vibration.</p> <p>Condition reason: To manage site operations so that adverse impacts to the locality are minimised.</p>
142	<p>Odour</p> <p>The operation shall not give rise to offensive odour or other air impurities in contravention of the Protection of the Environment Operations Act 1997. The Principal contractor shall ensure that all practical means are applied to minimise dust and odour from the site.</p> <p>Condition reason: To ensure compliance with the Protection of the Environment Operations Act 1997.</p>
143	<p>Water Pollution and OEMP</p> <p>The operation of the premises shall be conducted in a manner which does not pollute water as defined by the Protection of the Environment Operations Act. Treated overflow or other discharge shall not cause pollution of the council's stormwater system in accordance with the Protection of the Environment Operations Act 1997. Management of the site shall be undertaken in accordance with measures outlined in the Operational Environmental Management Plan (OEMP).</p> <p>Condition reason: To ensure compliance with the Protection of the Environment Operations Act 1997.</p>
144	<p>Storage of Liquids</p> <p>All liquids, including oils and chemicals, must be stored in a covered and bunded area. The bund is to be made of an impervious material and be large enough to hold the contents of the largest container plus 10% i.e. 110% of the total stored volume. Where applicable the construction of bunds must comply with the requirements of:</p> <ol style="list-style-type: none"> 1. AS 1940 – The Storage and Handling of Flammable and Combustible Liquids, and

	<ol style="list-style-type: none"> 2. AS4452 – The Storage and Handling of Toxic Substances, and 3. Work Health and Safety Act 2011. <p>The area used for the storage shall be bunded. The bund (walls and floor) shall be constructed of impervious materials. The bund walls shall be a minimum of 100 mm high and be of a sufficient volume to contain 25% of the maximum volume of liquids likely to be stored within the bund or the volume of the largest container stored in the bund (whichever is the greater). Drain valves shall not be provided in the bund.</p>
	<p>Condition reason: To ensure compliance with relevant standards and legislation.</p>
145	<p>Landscape Maintenance</p> <ol style="list-style-type: none"> 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 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) 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. 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 4. An automatic drip irrigation system shall be installed and maintained in working order for all landscaped areas, and 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. <p>Condition reason: To ensure ongoing maintenance of approved landscaping.</p>
146	<p>Hours of Operation</p> <p>The hours of operation of the approved use are 24 hours a day, 7 days a week, subject to operations being in accordance with the approved Plan of Management.</p> <p>Condition reason: To manage hours of operation for the approved premises.</p>

147	Coal Pier Road driveway
	The use of the Coal Pier Road driveway is not permitted to be used for access into the site by any vehicles as part of the operation of the approved premises.
	Condition reason: To manage the use of the site
148	Office premises
	The use of the office premises portion of the approved development is to be ancillary to the approved general industry and is to not be separated and be used for a separate activity not related to the primary use on the site.
	Condition reason: To ensure consistency with the provisions of Section 5.19 of the State Environmental Planning Policy (Transport and Infrastructure) 2021
149	Storage & Transport of Dangerous and Hazardous Goods
	Dangerous and hazardous goods (including flammable and combustible liquids) shall be stored in accordance with Safework NSW requirements and AS1940 – The Storage and Handling of Flammable and Combustible Liquids.
	Hazardous and/or industrial waste arising from the use, must be removed and/or transported in accordance with the requirements of the NSW Environment Protection Authority (EPA) and Safework NSW.
	Condition reason: To manage site operations and risks in accordance with relevant legislation so that adverse impacts are minimised.
150	Operation of Vehicular Premises
	<p>The operation of the development and movements of vehicles shall comply with the following requirements:</p> <ol style="list-style-type: none"> 1. All vehicles must enter and exit the site in a forward direction. 2. All commercial vehicles (including deliveries and garbage collection) shall enter and exit the site in a forward direction and exit the site in a forward direction. 3. All loading / unloading and garbage / waste collection activities shall take place on-site wholly within the dedicated loading areas and not from public places, public streets, or any road related area (e.g., footpath, nature strip, road shoulder, road reserve). 4. The maximum size of vehicles accessing the site shall be limited to an 12.5m long HRV Vehicle (as denoted in AS2890.2). The occasional AV is allowed to access the site. 5. All manoeuvring movements of vehicles shall be carried out wholly within the site and vehicle manoeuvring area shall be kept clear at all times. 6. 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.

	<p>7. 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.</p> <p>Condition reason: To manage site operations so that adverse impacts are minimised.</p>
151	<p>Maintenance of Stormwater Drainage System</p> <p>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.</p> <p>Condition reason: To protect waterways and minimise adverse impacts to the environment.</p>
152	<p>Maintenance of Wastewater and Stormwater Treatment Device</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> <p>Condition reason: To protect sewerage and stormwater systems.</p>
153	<p>Emergency Spill Response Management Plan</p> <p>During ongoing use of the premises, the premises must be operated in accordance with any approved Operational Management Plan and Operational Environmental Management Plan by Ethos Urban – Nutrisoy Food Manufacturing Facility – 47 Swinbourne Street, Banksmeadow, Document Version 2.0 (FINAL) dated the 26 September 2024.</p> <p>Condition reason: To ensure compliance with the Environmental Management Plan and minimise adverse impacts resulting from spills.</p>
154	<p>Storage of Goods during Ongoing Use</p> <p>During ongoing use of the premises, all goods must be stored wholly within the premises and must not be stored or displayed outside the premises, including any public place, without Council's approval.</p> <p>Condition reason: To ensure goods are stored wholly within the premises and protect the amenity of the local area.</p>

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.