



Land and Environment Court New South Wales

Case Name: **Emag Apartments Pty Ltd v Bayside Council**

Medium Neutral Citation: [2025] NSWLEC 1907

Hearing Date(s): Conciliation conference 15 December 2025

Date of Orders: 19 December 2025

Date of Decision: 19 December 2025

Jurisdiction: Class 1

Before: Walsh C

Decision: The Court orders that:

- (1) The Applicant is granted leave to amend Development Application DA-2024/286 to include the documents set out in Annexure B.
- (2) The Applicant is to pay the Respondent's costs thrown away as a result of the amendment of the application, pursuant to s 8.15(3) of the *Environmental Planning and Assessment Act 1979* (NSW), in the agreed amount of \$40,000, by no later than 30 April 2026.
- (3) The appeal is upheld.
- (4) Integrated Development Application DA-2024/286, as amended, for the demolition of existing structures and construction of an eleven (11) storey shop-top housing development consisting of two (2) commercial tenancies at ground floor level with residential co-living above (131 rooms), basement car parking and landscaping at 465-469 Princes Highway and 5-7 Geeves Avenue, Rockdale, is determined by the grant of consent, subject to the conditions at Annexure A.

Catchwords: DEVELOPMENT APPLICATION — conciliation conference — agreement between the parties — orders

Legislation Cited: *Environmental Planning and Assessment Act 1979* (NSW), ss 4.15, 8.7, 8.15
Land and Environment Court Act 1979 (NSW), s 34
Water Management Act 2000 (NSW), s 90

Bayside Local Environmental Plan 2011, cll 2.7, 4.3, 4.6, 6.3, 6.7, 6.10, 6.11
Environmental Planning and Assessment Regulation 2021, s 38
State Environmental Planning Policy (Housing) 2021, Ch 3 Pt 3, ss 67, 69
State Environmental Planning Policy (Resilience and Hazards) 2021, Ch 4, s 4.6
State Environmental Planning Policy (Transport and Infrastructure) 2021, ss 2.48, 2.99, 2.100, 2.119, 2.120

Cases Cited: *McMillan v Taylor* (2023) 111 NSWLR 634; [2023] NSWCA 183

Texts Cited: Bayside Development Control Plan 2022

Category: Principal judgment

Parties: Emag Apartments Pty Ltd (Applicant)
Bayside Council (Respondent)

Representation: Counsel:
A Pickles SC (Applicant)
P Brown (Solicitor) (Respondent)

Solicitors:
Mills Oakley (Applicant)
HWL Ebsworth (Respondent)

File Number(s): 2025/94872

Publication Restriction: Nil

JUDGMENT

- 1 **COMMISSIONER:** These proceedings, brought under Class 1 of the Court's jurisdiction, are an appeal pursuant to s 8.7 of the *Environmental Planning and Assessment Act 1979* (NSW) (EPA Act) against the deemed refusal of Development Application DA-2024/286 (DA) by Bayside Council (Council).
- 2 The site is at 465-469 Princes Highway and 5-7 Geeves Avenue, Rockdale, comprising: Lot A in DP 315664, Lot A in DP 306355, Lot B in DP 315664, Lot A in DP 402977, Lot 1 in DP 131822 and Lot B in DP 402977.
- 3 The DA seeks consent for demolition of the site's existing structures and the construction of ground commercial floorspace with ten levels of co-living housing above. Basement parking is proposed.

Conciliation and agreement between the parties

- 4 The Court arranged a conciliation conference between the parties under s 34(1) of the *Land and Environment Court Act 1979* (NSW) (LEC Act), which was held on 16 December 2025 and at which I presided. The parties had filed an agreement as to the terms of a decision in the proceedings that would be acceptable to the parties. This decision involved the Court upholding the appeal and granting consent to the DA, as amended, in accordance with agreed conditions.

Jurisdiction

- 5 Under s 34(3) of the LEC Act, I must dispose of the proceedings in accordance with the parties' decision if it is a decision that the Court could have made in the proper exercise of its functions. The point of consideration here is whether there are any jurisdictional constraints to the exercise of the function to grant development consent in accordance with the parties' agreement (*McMillan v Taylor* (2023) 111 NSWLR 634; [2023] NSWCA 183 at [62]-[65]).
- 6 Ultimately, I find that there are none. But there are certain statutory queries which require attention before this function can be exercised by the Court. I attend to the

relevant matters below, assisted by the advice in the parties agreed jurisdictional statement (JS), as amended, and received by the Court on 16 December 2025.

Integrated development

- 7 The parties advise that, in order for it to be carried out, the proposal also requires approval under s 90(2) of the *Water Management Act 2000* (NSW). In turn the proposal was referred to WaterNSW as integrated development. General terms of approval have subsequently been issued by WaterNSW and incorporated into agreed consent conditions.

State Environmental Planning Policy (Housing) 2021

- 8 Part 3 of Ch 3 (co-living housing) applies. The proposal is permissible under s 67(b) given the site zoning of E1 - Local Centre which, relevantly, permits shop top housing.
- 9 Section 69 outlines standards for co-living housing. Section 69(1) establishes certain development standards. Section 69(2) indicates various matters which otherwise must be considered by the consent authority. The parties work through these matters relevantly in their jurisdictional statement and advise that the DA, as amended, complies with each of the development standards nominated at s 69(1). I accept this advice and am satisfied with regard to the matters at s 69(1)(a)-(h). The parties also advise, in the JS, of their consideration of the matters at s 69(2). This is noted.

State Environmental Planning Policy (Resilience and Hazards) 2021

- 10 Chapter 4 (Remediation of Land) applies with s 4.6 providing that a consent authority must not grant consent to a development unless it has considered whether a site is contaminated or potentially contaminated land and, if it is, that it is satisfied that the site is suitable (or will be suitable after undergoing remediation) for the proposed use. The parties indicate that a detailed site investigation and remediation action plan have been prepared to ensure the site will be suitable for the proposed development. Compliance with the remediation action plan is

required under the agreed consent conditions. On the basis of the parties' advice, I am satisfied with respect to s 4.6.

State Environmental Planning Policy (Transport and Infrastructure) 2021

- 11 Section 2.48 is triggered as a consequence of overhead power lines running adjacent to the site along Princes Highway. I am advised that Council gave the necessary notice to Ausgrid, which has nominated certain requirements which have been incorporated into agreed consent conditions.
- 12 Given the site's proximity to the rail corridor, a referral notice was also issued to Transport for NSW (TfNSW), as the relevant rail authority, under s 2.99. The TfNSW response raised an issue relating to access along Geeves Avenue, which has been subsequently resolved to the satisfaction of the parties and TfNSW (JS par 34). The requirements of s 2.99 have been met.
- 13 Section 2.100(3) and 2.120(3) require findings of satisfaction in relation to acoustics in consideration of rail and road noise respectively. The parties agree that the noise assessment accompanying the amended DA notes the consideration of relevant guidelines and makes findings in regard to construction recommendations to ensure compliance with the specified standards. Compliance with the acoustic report is required under agreed Condition 1, 30 and 127. I accept this advice and am satisfied with respect to ss 2.100(3) and 2.119(3).
- 14 Section 2.119 applies to development with frontage to a classified road and applies given the site's frontage to Princes Highway. It requires certain findings of satisfaction before power is available for the granting of consent. With respect to s 2.119(2)(a), I am satisfied that the vehicular access to the site is provided by a road other than the classified road (ie vehicular access is via Geeves Lane). I am also satisfied with respect to s 2.119(2)(b). This is based on the parties' advice, relying on relevant technical evaluation, on the net benefits of the proposal in terms of traffic generation compared to the existing setting. I am satisfied with respect to s 2.119(2)(c) given my earlier findings on acoustics and agreed consent conditions relating to construction.

- 15 The parties advise that consideration has been given to the objectives of the relevant E1 Local Centre zone. The parties indicate their agreement that the proposal, as now further amended, is consistent with the objectives. I further note that demolition is permissible pursuant to cl 2.7.
- 16 The proposal contravenes cl 4.3 which sets a maximum building height of 35m and relies on cl 4.6 (relating to exceptions to development standards). In accordance with the Environmental Planning and Assessment Regulation 2021 (NSW), the DA is accompanied by a document setting out the grounds upon which the applicant seeks to demonstrate the requirements of cl 4.6(3) have been met (prepared by Planning Ingenuity dated 24 October 2025 (Planning Ingenuity documentation)). The maximum contravention is 1.87m, comprising the lift overrun. The parties agree that, on the basis of the amendments to the DA, and referencing the Planning Ingenuity Documentation arguments, compliance with cl 4.3 is unreasonable and unnecessary and there are sufficient environmental planning grounds to justify the contravention of the development standard. I agree with the parties and find that the applicant, through the Planning Ingenuity documentation, has demonstrated that:
- (1) Compliance with the development standard is unreasonable or unnecessary in the circumstances. This is through the Planning Ingenuity documentation (Section 4) working through each of the objectives of cl 4.3 and demonstrating they are relevantly satisfied. It is my finding that the applicant has demonstrated that there is no need for strict compliance with the building height standard because it has demonstrated to my satisfaction that the objectives of the clause have been achieved in any event.
 - (2) There are sufficient environmental planning grounds to justify the contravention. The Planning Ingenuity documentation works through a series of convincing points of justification in its Section 5. Of particular note for me is the relative minor scale of the contravention given the fact of the

buildings design qualities and the permissibility of taller buildings in the nearby vicinity.

- 17 Clause 6.3 concerns stormwater and water sensitive urban design. Prior to the grant of development consent, the consent authority must be satisfied that the proposed development complies with a number of factors at cl 6.3(2). I note that Council is satisfied with respect to these technical matters (JS par 53). I accept this advice and am relevantly satisfied.
- 18 Clause 6.7 is concerned with airspace operations. The parties advise that an appropriate controlled activity approval has been issued by Sydney Airport. I am satisfied with respect to cl 6.7.
- 19 Clause 6.10 concerns design excellence and applies to the proposal. It provides that consent must not be granted for development to which this clause applies unless the consent authority considers that the development exhibits design excellence. Clause 6.10(4) lists a series of matters to have regard to in that respect. The parties advise that this consideration has occurred (JS par 57). Clause 6.10(5) requires jurisdictional findings of satisfaction. In respect to cl 6.10(5)(a), the parties advised that a design review panel has reviewed the development. Copies of the relevant report from the panel's meeting of 5 December 2024 were provided to the Court for my own consideration. The parties advise that Council has taken into account these findings in coming to the position that the further amended proposal exhibits design excellence. In turn, with respect to cl 6.10(3), Council advises that it considers that the development exhibits design excellence. I accept this advice and find that I too am satisfied with respect to cl 6.10(3).
- 20 With respect to cl 6.11 and essential services, on the advice of the parties, I am satisfied that water, electricity, sewerage, stormwater and vehicular access services that are essential for the development are available or that adequate arrangements have been made to make them available when required.

Other provisions of s 4.15(1) of the Environmental Planning and Assessment Act 1979

- 21 The parties advise that Bayside Development Control Plan 2022 has been taken into account in assessing the DA, as amended. The parties agree that the amended plans demonstrate a satisfactory planning outcome when measured against the relevant controls and objectives.
- 22 The parties have advised that one, in-part, objecting submission was received when the DA was notified and that it has been given consideration.

Conclusion

- 23 With the above findings, I am satisfied that the jurisdictional pre-requisites have been met and the parties' decision is one that the Court could have made in the proper exercise of its functions. In turn, I am required under s 34(3) of the LEC Act to dispose of the proceedings in accordance with the parties' decision.
- 24 In making the orders to give effect to the agreement between the parties, I was not required to make, and have not made, any merit assessment of the issues that were originally in dispute between the parties. The LEC Act also requires me to "set out in writing the terms of the decision" (s 34(3)(b)). The final orders have this effect.

Notations

- 25 With respect to the amendments of the DA, the Court notes that:
- (1) Bayside Council, as the relevant consent authority, has approved, under s 38(1) of the Environmental Planning and Assessment Regulation 2021 (NSW), the applicant's further amendment to Development Application DA-2024/286 to include the documents set out in Annexure B.
 - (2) The Applicant provided the further amended Development Application to the Court on 10 December 2025.

- (3) The parties agree that:
- (a) the \$40,000 costs referred to in the Court orders (at Order (2) below) includes the costs ordered by the Court in Order 4 of the orders made on 15 October 2025; and
 - (b) the \$40,000 costs referred to in Order 3(b) below must be paid by the Applicant to the Council in the following manner:
 - (i) \$10,000 payable on 30 January 2026
 - (ii) \$10,000 payable on 27 February 2026
 - (iii) \$10,000 payable on 30 March 2026
 - (iv) \$10,000 payable on 30 April 2026.

Orders

26 The Court orders that:

- (1) The Applicant is granted leave to amend Development Application DA-2024/286 to include the documents set out in Annexure B.
- (2) The Applicant is to pay the Respondent's costs thrown away as a result of the amendment of the application, pursuant to s 8.15(3) of the *Environmental Planning and Assessment Act 1979* (NSW), in the agreed amount of \$40,000, by no later than 30 April 2026.
- (3) The appeal is upheld.
- (4) Integrated Development Application DA-2024/286, as amended, for the demolition of existing structures and construction of an eleven (11) storey shop-top housing development consisting of two (2) commercial tenancies at ground floor level with residential co-living above (131 rooms), basement

car parking and landscaping at 465-469 Princes Highway and 5-7 Geeves Avenue, Rockdale, is determined by the grant of consent, subject to the conditions at Annexure A.

I certify that this and the preceding 7 pages are a true copy of my reasons for judgment.



P Walsh

Commissioner of the Court

Annexure A**DETERMINATION OF DEVELOPMENT APPLICATION BY GRANT OF CONSENT**

Development Application No:	DA-2024/286
Development:	Integrated Development - Demolition of existing structures and construction of an eleven (11) storey shop top housing development consisting of two (2) commercial tenancies at ground floor level with residential co-living above (131 rooms), basement car parking and landscaping.
Site:	465-469 Princes Hwy & 5-7 Geeves Ave, Rockdale Lot A and Lot B in DP 315664, Lot A in DP 306355, Lot A and B in DP 402977 and Lot 1 in DP 131822

The above development application has been determined by the granting of consent subject to the conditions specified in this consent.

Date of determination: 19 December 2025
Date from which consent takes effect: Date of determination

TERMINOLOGY

In this consent:

- (a) Any reference to a Construction, Compliance, Occupation or Subdivision Certificate is a reference to such a certificate as defined in the *Environmental Planning and Assessment Act 1979*.
- (b) Any reference to the "applicant" means a reference to the applicant for development consent or any person who may be carrying out development from time to time pursuant to this consent.
- (c) Any reference to the "site", means the land known as 465-469 Princes Hwy & 5-7 Geeves Ave, Rockdale.

The conditions of consent are as follows:

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

1. Approved Plans and Supporting Documentation

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

Approved Architectural Plans				
Plan No.	Revision No.	Plan Title	Drawn By	Date of Plan
100	H	Cover Page	Tier Architects	26/11/2025
100A	H	Calculations	Tier Architects	26/11/2025
100B	H	Aerial View	Tier Architects	26/11/2025
100C	H	Site Analysis	Tier Architects	26/11/2025
100E	H	Site Photos	Tier Architects	26/11/2025
103	H	Survey Plan	Tier Architects	26/11/2025
200	H	Basement Floor Plan	Tier Architects	26/11/2025
201	H	Ground Floor	Tier Architects	26/11/2025
202	H	Level 1 Floor Plan	Tier Architects	26/11/2025
203	H	Level 2 Floor Plan	Tier Architects	26/11/2025
204	H	Level 3 Floor Plan	Tier Architects	26/11/2025
205	H	Level 4 Floor Plan	Tier Architects	26/11/2025
206	H	Level 5 Floor Plan	Tier Architects	26/11/2025
207	H	Level 6 Floor Plan	Tier Architects	26/11/2025
208	H	Level 7-10 Floor Plan	Tier Architects	26/11/2025
209	H	Roof Plan	Tier Architects	26/11/2025
300	H	East Elevation (Princes Hwy)	Tier Architects	26/11/2025
301	H	South Elevation (Geeves Ave)	Tier Architects	26/11/2025
302	H	West Elevation (Geeves Ln)	Tier Architects	26/11/2025
303	H	North Elevation	Tier Architects	26/11/2025
304	H	Princes Highway Streetscape Elevation	Tier Architects	26/11/2025
400	H	Section AA	Tier Architects	26/11/2025
401	H	Section BB	Tier Architects	26/11/2025
900	H	Materials and Finishes	Tier Architects	26/11/2025
954	D	Crane Section	Tier Architects	23/10/2025

Approved Landscape Plans				
Plan No.	Revision No.	Plan Title	Drawn By	Date of Plan
1 of 5 2698/23	F	Landscape Site Plan	Paul Scrivener Landscape	25/11/2025
2 of 5 2698/23	F	Level 1	Paul Scrivener Landscape	25/11/2025
3 of 5 2698/23	F	Level 3	Paul Scrivener Landscape	25/11/2025
4 of 5 2698/23	F	Level 6	Paul Scrivener Landscape	25/11/2025
5 of 5 2698/23	F	Calculations Plan	Paul Scrivener Landscape	25/11/2025

Approved Documents			
Document Title	Version	Prepared By	Date of Document
Plan of Management	-	Emag Apartments	November 2025
Access Report	-	Vista Access Architects Pty Ltd	18/11/2025
Acoustic Report	-	West and Associates Pty Ltd	19/11/2025
Section J Report	-	Outsource Ideas Pty Ltd	20/11/2025
Wind Impact & Wind Tunnelling Emulation Assessment Report	-	ANA Civil Pty Ltd	19/11/2025
Combined Demolition / Constriction and Operational Waste Management Plan		Archer Consultants Pty Ltd	November 2025

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

REASON

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

2. Construction Certificate Required

A Construction Certificate must be obtained from Council or a Principal Certifier prior to any building work commencing in relation to staged Construction Certificates. Building work is defined under the *EPA Act Part 6*.

REASON

To ensure that a Construction Certificate is obtained at the appropriate time.

3. Compliance with the Building Code of Australia (BCA)

Building work must be carried out in accordance with the requirements of the BCA.

REASON

EP&A Regulation Clause 69(1).

4. Certification of External Wall Cladding

The external walls of the building, including attachments must comply with the relevant requirements of the National Construction Code (NCC). Prior to the issue of the relevant Construction Certificate and an Occupation Certificate the Principal Certifier must:

- a) Be satisfied that suitable evidence is provided to demonstrate that the products and systems proposed for use or used in the construction of external walls including finishes and claddings such as synthetic or aluminium composite panels comply with the relevant requirements of the NCC, and
- b) Ensure that the documentation relied upon in the approval process include an appropriate level of detail to demonstrate compliance with the NCC as proposed and as built.

REASON

To ensure development complies with the NCC and fire safety requirements.

5. Amendments Require Modification Application

Further alterations and/or additions to the subject building, including the relocation of the fire booster valves and/or provision of an electricity substation, shall not be undertaken without first obtaining approval from Council under Section 4.55 of the EP&A Act in relation to works requiring development consent.

REASON

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

6. Substation / Fire Hydrant Booster

The substation and fire hydrant booster are to be located within the footprint of the building as per the approved plans. Any change to the location of the aforementioned services or their size will necessitate the submission of a modification application under Section 4.55 of the EP&A Act.

REASON

To ensure minimal impact on the streetscape.

7. Enclosure of Structures

Car spaces within the development shall not be enclosed at any future time without prior development consent. The outdoor rooftop communal open space area shall not be enclosed at any time in the future without prior development consent.

REASON

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

8. Earthworks Not Shown on Plans

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

REASON

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

9. Approved Materials and Finishes

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

REASON

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

10. Co Living Rooms

A maximum of 131 co living rooms, being 102 double and 29 single, are permitted on site.

REASON

To quantify the maximum number and breakdown of approved co living rooms.

11. Parking Allocation

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

Use	Number of Car Spaces Allocated
Residential	
Co Living	16 spaces
Others	
Loading Bay	1 SRV
Car Share	1 space
Motorcycle parking	
Residential	2 spaces
Non-Residential	1 space
Bicycle parking	44 spaces

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

All car share and loading bays shall be stated as common property. All accessible parking spaces shall be allocated to adaptable co living rooms.

REASON

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

12. Carrying out of works wholly within the Site

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

REASON

To avoid encroachment of the development beyond the site boundaries.

13. Design Architect Involvement

- a) In order to ensure the design excellence of the development is retained:
- i) A registered architect is to have direct involvement in the design documentation, contract documentation and construction stages of the project, and
 - ii) A registered architect is to have full access to the site and is to be authorised by the applicant to respond directly to the consent authority where information or clarification is required in the resolution of design issues throughout the life of the project, and
 - iii) Evidence of the Design Architect's commission is to be provided to the Council prior to release of the first Construction Certificate.
- b) The Design Architect of the project is not to be changed without prior notice and approval of the Council.

REASON

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

14. Separate Approval for Use

A separate application shall be submitted for the use and fit out of the two separate ground floor commercial tenancies.

REASON

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

REQUIREMENTS OF CONCURRENCE, INTEGRATED AND OTHER AUTHORITIES**15. General Terms of Approval**

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

Approval Body	Date of GTA
Water NSW	25 November 2025
Sydney Trains	20 August 2025
SACL	16 November 2025
TfNSW	8 November 2024
Ausgrid	-
Sydney Water	18 November 2024

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

REASON

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

16. Sydney Trains

The following conditions are imposed by Sydney Trains/ Transport for NSW in their letter dated 20 August 2025 and must be complied with:

1. TAM land forming Geeves Avenue may be used for vehicular and pedestrian access to the proposed development, subject to Bayside Council entering into a licence agreement with TAM for the permitted use and ongoing maintenance of the land.
2. Prior to the issuing of a Construction Certificate, the Applicant shall prepare and provide to Sydney Trains for review, comment, and written endorsement the following final version rail specific items in compliance with the relevant AMB Standards (<https://www.transport.nsw.gov.au/industry/asset-management-branch>):
 - (a) Geotechnical and Structural report/drawings that meet Sydney Trains' requirements. The Geotechnical Report must be based on actual borehole testing conducted on the site closest to the rail corridor.
 - (b) Construction methodology with construction details pertaining to structural support during excavation. The Applicant is to be aware that Sydney Trains will not permit any rock anchors/bolts (whether temporary or permanent) within its land or easements.
 - (c) Detailed Survey Plan showing the relationship of the proposed development with respect to the rail corridor, TAM land and easements. All measurements are to be verified by a Registered Surveyor.
 - (d) Cross Sectional Drawings showing the rail corridor, sub soil profile, proposed basement excavation and/or structural design of sub ground support adjacent to the rail corridor and TAM Land. All measurements are to be verified by a Registered Surveyor.The Certifier is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.
3. Given the possible likelihood of objects being dropped or thrown onto the rail corridor from balconies, windows, and other external features (e.g., roof terraces and external fire escapes) that are within 20 metres of, and face, the rail corridor, the development must have measures installed, to the satisfaction of Sydney Trains (e.g., awning windows, louvres, enclosed balconies, window restrictors etc.) which prevent the throwing of objects onto the rail corridor. The Certifier is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.
4. Prior to the issue of a Construction Certificate, the Applicant is to engage an Electrolysis Expert to prepare a report on the Electrolysis Risk to the development from stray currents. The Applicant must incorporate in the development all the measures recommended in the report to control that risk. A copy of the report is to be provided to the Certifier with the application for a Construction Certificate. The Certifier must ensure that the recommendations of the electrolysis report are incorporated in the construction drawings and documentation prior to the issuing of the relevant Construction Certificate.
5. Prior to the issuing of a Construction Certificate, the Applicant must submit to Sydney Trains a plan showing all craneage and other aerial operations for the development and must comply with all Sydney Trains' requirements. If required by Sydney Trains, the Applicant must amend the plan showing all craneage and other aerial operations to comply with all Sydney Trains' requirements. The Certifier is not to issue the Construction Certificate until written confirmation has been received from the Sydney Trains confirming that this condition has been satisfied.
6. No scaffolding is to be used facing TAM Land unless prior written approval has been obtained from Sydney Trains/TAM. To obtain approval the Applicant will be required to

submit details of the scaffolding, the means of erecting and securing this scaffolding, the material to be used, and the type of screening to be installed to prevent objects falling onto TAM Land.

7. The Applicant must ensure that all drainage from the development is adequately disposed of and managed and not allowed to be discharged into the rail corridor or TAM Land unless prior written approval has been obtained from Sydney Trains/TAM.

8. During all stages of the development, the Applicant must take extreme care to prevent any form of pollution entering the rail corridor and TAM Land. Any form of pollution that arises as a consequence of the development activities shall remain the full responsibility of the Applicant.

9. Excess soil is not allowed to enter, be spread, or stockpiled within the rail corridor or TAM Land (and its easements) and must be adequately managed/disposed of.

10. The Applicant/Developer shall not at any stage block any nearby rail corridor access and should make provision for easy and ongoing 24/7 access by rail vehicles, plant, and equipment to support maintenance and emergency activities.

11. The Applicant/Developer shall not at any stage block commuter access to Rockdale Station commuter carpark and/or Rockdale Railway Station.

12. If required by Sydney Trains, prior to the issue of a Construction Certificate a Risk Assessment/Management Plan and detailed Safe Work Method Statements (SWMS) for the proposed works are to be submitted to Sydney Trains for review and comment on the impacts on rail corridor. The Certifier is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.

13. If required by Sydney Trains, prior to the commencement of works or at any time during the excavation and construction period deemed necessary by Sydney Trains, a joint inspection of the rail infrastructure and property in the vicinity of the project is to be carried out by representatives from Sydney Trains and the Applicant. These dilapidation surveys will establish the extent of any existing damage and enable any deterioration during construction to be observed. The submission of a detailed dilapidation report will be required within 10 days following the undertaking of the inspection, unless otherwise notified by Sydney Trains.

14. If required by Sydney Trains, prior to the issue of the Occupation Certificate, or at any time during the excavation and construction period deemed necessary by Sydney Trains, a joint inspection of the rail infrastructure and property in the vicinity of the project is to be carried out by representatives from Sydney Trains and the Applicant. These dilapidation surveys will establish the extent of any existing damage and enable any deterioration during construction to be observed. The Certifier is not to issue the final Occupation Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.

15. Prior to the issue of an Occupation Certificate (whether an interim or final Occupation Certificate), a report must be prepared and submitted to the Certifying Authority and Council certifying that the completed development meets the requirements of State Environmental Planning Policy (Transport and Infrastructure) 2021 and with the Department of Planning and Infrastructure's Development Assessment Guideline titled "Development Near Rail Corridors and Busy Roads - Interim Guidelines" as set down in the subject condition of this consent. Such a report must include external and internal noise levels to ensure that the external noise levels during the test are representative of the typical maximum levels that may occur at this development, and that internal noise levels meet the required dB(A) levels. Where it is found that internal noise levels are greater than the required dB(A) level, necessary corrective measures must be carried out to ensure that internal noise levels are compliant with the requirements of this consent.

16. Sydney Trains, TAM or Transport for NSW, and persons authorised by those entities for the purpose of this condition, must be permitted to inspect the site of the development and all structures to enable it to consider whether those structures have

been or are being constructed and maintained in accordance with the approved plans and the requirements of this consent, on giving reasonable notice to the principal contractor for the development or the owner or occupier of the part of the site to which access is sought.

17. Copies of any certificates, drawings, approvals/certification, or documents endorsed by, given to, or issued by Sydney Trains or TAM (Transport Asset Manager of NSW) must be submitted to Council for its records prior to the issuing of the applicable Construction Certificate or Occupation Certificate.

18. The Applicant must ensure that at all times they have a representative (which has been notified to Sydney Trains in writing), who:

oversees the carrying out of the Applicant's obligations under the conditions of this consent and in accordance with correspondence issued by Sydney Trains; acts as the authorised representative of the Applicant; and is available (or has a delegate notified in writing to Sydney Trains that is available) on a 7 day a week basis to liaise with the representative of Sydney Trains, as notified to the Applicant.

19. Without in any way limiting the operation of any other condition of this consent, the Applicant must, during demolition, excavation and construction works, consult in good faith with Sydney Trains in relation to the carrying out of the development works and must respond or provide documentation as soon as practicable to any queries raised by Sydney Trains in relation to the works.

20. Where a condition of consent requires consultation with Sydney Trains, the Applicant shall forward all requests and/or documentation to the relevant Sydney Trains External Interface Management team. In this instance the relevant interface team is Illawarra Interface, and they can be contacted via email on Illawarra_Interface@transport.nsw.gov.au.

17. Water NSW

The following conditions are imposed by WaterNSW in their letter dated 25 November 2025 and must be complied with:

Dewatering

GT0115-00001	Groundwater must only be pumped or extracted for the purpose of temporary construction dewatering at the site identified in the development application. For clarity, the purpose for which this approval is granted is only for dewatering that is required for the construction phase of the development and not for any dewatering that is required once construction is completed.
GT0119-00001	All extracted groundwater must be discharged from the site in accordance with Council requirements for storm water drainage or in accordance with any applicable trade waste agreement.
GT0120-00001	The design and construction of the building must prevent: (a) any take of groundwater, following the grant of an occupation certificate (and completion of construction of development), by making any below-ground levels that may be impacted by any water table fully watertight for the anticipated life of the building. Waterproofing of below-ground levels must be sufficiently extensive to incorporate adequate provision for unforeseen high water table elevations to prevent potential future inundation; (b) obstruction to groundwater flow, by using sufficient permanent drainage beneath and around the outside of the watertight

structure to ensure that any groundwater mounding shall not be greater than 10 % above the pre-development level; and (c) any elevated water table from rising to within 1.0 m below the natural ground surface.

GT0122-00001

Construction Phase Monitoring programme and content: a) A monitoring programme must be submitted, for approval, to WaterNSW with the water supply work application. The monitoring programme must, unless agreed otherwise in writing by WaterNSW, include matters set out in any Guide published by the NSW Department of Planning Industry and Environment in relation to groundwater investigations and monitoring. Where no Guide is current or published, the monitoring programme must include the following (unless otherwise agreed in writing by WaterNSW): i. Pre-application measurement requirements: The results of groundwater measurements on or around the site, with a minimum of 3 bore locations, over a minimum period of 3 months in the six months prior to the submission of the approval to WaterNSW. ii. Field measurements: Include provision for testing electrical conductivity; temperature; pH; redox potential and standing water level of the groundwater; iii. Water quality: Include a programme for water quality testing which includes testing for those analytes as required by WaterNSW; iv. QA: Include details of quality assurance and control v. Lab assurance: Include a requirement for the testing by National Association of Testing Authorities accredited laboratories. b) The applicant must comply with the monitoring programme as approved by WaterNSW for the duration of the water supply work approval (Approved Monitoring Programme)

GT0123-00001

(a) Prior to the issuing of the occupation certificate, and following the completion of the dewatering activity, and any monitoring required under the Approved Monitoring Programme, the applicant must submit a completion report to WaterNSW. (b) The completion report must, unless agreed otherwise in writing by WaterNSW, include matters set out in any guideline published by the NSW Department of Planning Industry and Environment in relation to groundwater investigations and monitoring. Where no guideline is current or published, the completion report must include the following (unless otherwise agreed in writing by WaterNSW): 1) All results from the Approved Monitoring Programme; and 2) Any other information required on the WaterNSW completion report form as updated from time to time on the WaterNSW website. c) The completion report must be submitted using "Completion Report for Dewatering work form" located on WaterNSW website www.watarnsw.com.au/customer-service/waterlicensing/dewatering

GT0150-00001

The extraction limit shall be set at a total of 3ML per water year (being from 1 July to 30 June). The applicant may apply to WaterNSW to increase the extraction limit under this condition. Any application to increase the extraction limit must be in writing and provide all information required for a hydrogeological

assessment. Advisory note: Any application to increase the extraction limit should include the following: - Groundwater investigation report describing the groundwater conditions beneath and around the site and subsurface conceptualisation - Survey plan showing ground surface elevation across the site - Architectural drawings showing basement dimensions - Environmental site assessment report for any sites containing contaminated soil or groundwater (apart from acid sulphate soils (ASS)) - Laboratory test results for soil sampling testing for ASS - If ASS, details of proposed management and treatment of soil and groundwater. Testing and management should align with the NSW Acid Sulphate Soil Manual

- GT0151-00001 Any dewatering activity approved under this approval shall cease after a period of two (2) years from the date of this approval, unless otherwise agreed in writing by WaterNSW (Term of the dewatering approval). Advisory note: an extension of this approval may be applied for within 6 months of the expiry of Term.
- GT0152-00001 This approval must be surrendered after compliance with all conditions of this approval, and prior to the expiry of the Term of the dewatering approval, in condition GT0151-00001. Advisory note: an extension of this approval may be applied for within 6 months of the expiry of Term.
- GT0155-00001 The following construction phase monitoring requirements apply (Works Approval): a. The monitoring bores must be installed in accordance with the number and location shown, as modified by this approval, unless otherwise agreed in writing with WaterNSW. b. The applicant must comply with the monitoring programme as amended by this approval (Approved Monitoring Programme). c. The applicant must submit all results from the Approved Monitoring Programme, to WaterNSW, as part of the Completion Report
- GT0174-00001 Construction phase monitoring bore requirements GTA: a) Monitoring bores are required to be installed and collecting data prior for at least 3 months prior to submitting a water supply work approval b) A minimum of three monitoring bore locations are required at or around the subject property, unless otherwise agreed by WaterNSW. c) The location and number of proposed monitoring bores must be submitted for approval, to WaterNSW and should be submitted prior to the application for a water supply work approval. d) The monitoring bores should be used to develop a water table map for the site and its near environs. e) The monitoring bores must be protected from construction damage. Advisory note: no approval under the Water Management Act 2000 is required for these monitoring bores provided that they extract less than 3ML/water year.
- GT0279-00001 A construction certificate can be issued for excavation work in accordance with a valid development consent, however

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

GT0281-00001

A water access licence, for the relevant water source, must be obtained prior to extracting groundwater, unless an exemption applies. Advisory Note: See Schedule 4 of the Water Management (General) Regulation 2025.

18. Sydney Airport Corporation Limited

The following conditions are imposed by the Sydney Airport Corporation Limited (SACL) in their letter dated 16 November 2025 and must be complied with:

1. The approved height of 50.90AHD is inclusive of all vents, chimneys, aerials, TV antennae and construction cranes etc. No permanent or temporary structure is to exceed this height without further approval from Sydney Airport Corporation Limited.

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

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

REASON

To ensure compliance with requirements of Sydney Airports Corporation Limited.

19. Ausgrid

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

Ausgrid Underground Cables are in the vicinity of the development.

Special care should be taken to ensure that driveways and any other construction activities do not interfere with existing underground cables located in the footpath or adjacent roadways.

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

position of cables along footpaths and roadways can be obtained by contacting Dial Before You Dig (DBYD).

In addition to DBYD the proponent should refer to the following documents to support safety in design and construction.

SafeWork Australia – Excavation Code of Practice.

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

Ausgrid cannot guarantee the depth of cables due to possible changes in ground levels from previous activities after the cables were installed.

Should ground 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.

Should ground anchors be required in the vicinity of Ausgrid underground cables, the anchors must not be installed within 300mm of any cable, and the anchors must not pass over the top of any cable.

Ausgrid Overhead Powerlines are in the vicinity of the development.

The developer should refer to SafeWork NSW Document – Work Near Overhead Powerlines: Code of Practice. This document outlines the minimum separation requirements between electrical mains (overhead wires) and structures within the development site throughout the construction process. It is a statutory requirement that these distances be maintained throughout the construction phase.

Consideration should be given to the positioning and operating of cranes, scaffolding, and sufficient clearances from all types of vehicles that are expected be entering and leaving the site.

The "as constructed" minimum clearances to the mains must also be maintained. These distances are outlined in the Ausgrid Network Standard, NS220 Overhead Design Manual. This document can be sourced from Ausgrid's website at www.ausgrid.com.au.

It is the responsibility of the developer to verify and maintain minimum clearances onsite. In the event where minimum safe clearances are not able to be met due to the design of the development, the Ausgrid mains may need to be relocated in this instance. Any Ausgrid asset relocation works will be at the developer's cost.

New Driveways - Proximity to Existing Poles

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

New or modified connection

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

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

REASON

To ensure the requirements of Ausgrid are adhered to.

20. Transport for NSW

The following conditions are imposed by the Transport for NSW in their letter dated 8 November 2024 and must be complied with:

- a. Detailed design plans and hydraulic calculations of any changes to the stormwater drainage system are to be submitted to TfNSW for approval, prior to the commencement of any works. Please send all documentation to development.sydney@transport.nsw.gov.au. A plan checking fee will be payable, and a performance bond may be required before TfNSW approval is issued.
- b. Any public utility adjustment/relocation works on the state road network will require detailed civil design plans for road opening /underboring to be submitted to TfNSW for review and acceptance prior to the commencement of any works. The developer must also obtain necessary approvals from the various public utility authorities and/or their agents. Please send all documentation to development.sydney@transport.nsw.gov.au. A plan checking fee will be payable, and a performance bond may be required before TfNSW approval is issued.
- c. The developer is to submit design drawings and documents relating to the excavation of the site and support structures to TfNSW for assessment, in accordance with Technical Direction GTD2020/001. The developer is to submit all documentation at least six (6) weeks prior to commencement of construction and is to meet the full cost of the assessment by TfNSW. Please send all documentation to development.sydney@transport.nsw.gov.au. If it is necessary to excavate below the level of the base of the footings of the adjoining roadways, the person acting on the consent shall ensure that the owner/s of the roadway is/are given at least seven (7) day notice of the intention to excavate below the base of the footings. The notice is to include complete details of the work.
- d. The developer is required to enter a Works Authorisation Deed (WAD) with TfNSW for the works required by Conditions 1, 2 and 3 that impact the Princes Highway.
- e. A Road Occupancy Licence (ROL) should be obtained from the Transport Management Centre (TMC) for any works that may impact on traffic flows on Botany Road during construction activities. A ROL can be obtained through <https://myrta.com/oplinc2/pages/security/oplincLogin.jsf>.

- f. The proposed awning along the Princes Highway frontage shall be setback a minimum distance of 600mm away from the face of the kerb to protect against heavy vehicle overhang.
- g. For the life of the completed development: all servicing of the site (e.g. delivery drop offs and pick ups) for the retail/commercial premises, including waste collection, must be undertaken within the development site and not be undertaken from the Princes Highway frontage of the site.

REASON

To ensure compliance with requirements of Transport for NSW.

21. Sydney Water

The following conditions are imposed by Sydney Water in their letter dated 18 November 2024 and must be complied with:

Prior to the issue of an Occupation Certificate:

Section 73 Compliance Certificate

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

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

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

Prior to the issue of the relevant Construction Certificate:

Building Plan Approval

The plans must be approved by Sydney Water prior to demolition, excavation or construction works commencing. This allows Sydney Water to determine if sewer, water or stormwater mains or easements will be affected by any part of your development. Any amendments to plans will require reapproval.

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

Tree Planting

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

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

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

REASON

To ensure the requirements of Sydney Water are adhered to.

22. Transport for NSW/ Transport Asset Manager of NSW (TAM) - Conditions of Landowner's Consent

The Applicant/Developer will need to obtain separate approval from TAM for any application for scaffolding or hoarding on TAM Land.

The land forming Geeves Avenue is owned by Transport Asset Manager NSW (TAM) and until such time the land is transferred to Council's ownership, Bayside Council must enter into a licence agreement with TAM for the ongoing maintenance of the roadway and footpath to enable pedestrian and vehicular access to this development and other development along Geeves Avenue.

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATES

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

23. Construction Certificate Required

A Construction Certificate must be obtained from Council or a Principal Certifier prior to the relevant building work commencing.

Building work is defined under the EPA Act Part 6.

REASON

To ensure that a Construction Certificate is obtained at the appropriate time.

24. DPE – Payment of fees and security deposits

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

Soil and Water Management Sign Fee	\$27.00
Section 7.11 Contributions	\$1,160,584.04
Builders Damage Deposit (Security Deposit)	\$119,611.00

Note: The contribution amount payable has been calculated based on FY 2025/26 contribution rates and must be in accordance with Council's fees and charges at the payment date.

Note: "The amount to be paid is to be adjusted at the time of payment, in accordance with the review process contained in the Contributions Plan." **REASON**
To ensure any damage to public infrastructure is rectified and public works can be completed.

25. DPE – Housing and Productivity Contribution

Before the issue of any Construction Certificate, the housing and productivity contribution (HPC) set out in the table below is required to be made.

Housing and Productivity Contribution	Amount
Housing and Productivity Contribution (base component)	\$32.44 per sq/m GFA
Total Housing and Productivity Contribution	\$159,785.71

The HPC must be paid using the NSW Planning Portal.

At the time of payment, the amount of the HPC is to be adjusted in accordance with the *Environmental Planning and Assessment (Housing and Productivity Contribution) Order 2024 (HPC Order)*.

The HPC may be made wholly or partly as a non-monetary contribution (apart from any transport project component) if the Minister administering the *Environmental Planning and Assessment Act 1979* agrees.

The HPC is not required to be made to the extent that a planning agreement excludes the application of Subdivision 4 of Division 7.1 of the *Environmental Planning and Assessment Act 1979* to the development, or the HPC Order exempts the development from the contribution.

The amount of the contribution may also be reduced under the HPC Order, including if payment is made before 1 July 2025.

REASON

To require contributions towards the provision of regional infrastructure.

26. DPE – Payment of Security Deposits

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

- (a) make payment of \$119,611.00 for a security deposit to the consent authority, and
- (b) if a Principal Certifier is required to be appointed for the development provide the Principal Certifier with written evidence of the payment and the amount paid.

REASON

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

27. Long Service Levy

Before the issue of the first Construction Certificate, the long service levy of \$83,416.80 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 Certifier.

REASON

To ensure the long service levy is paid.

28. Payment of Section 7.11 Contributions

1. Before the issue of the first Construction Certificate in respect of any building to which this consent relates, a section 7.11 contribution calculated in accordance with subclause (2) applies.
2. The applicant must pay the following contributions to Council in accordance with Rockdale City Council Section 94 Contributions Plan:

Regional Open Space	\$103,113.21
City Wide Open Space	\$188,246.97
Local Open Space	\$341,870.62
City-wide Town Centre	\$29,812.88
Car Parking (based on 6 spaces deficiency)	\$343,066.18
Rockdale Local Town Centre	\$2,465.69
Childcare Services	\$3,502.27
Community Services	\$5,698.04
Library Services	\$50,614.16
Pollution Control	\$85,798.56
Administration	\$6,395.46

The total contribution payable to Council under this condition is \$1,160,584.04 as calculated at the date of this consent.

Note: The contribution amount payable has been calculated based on FY 2025/26 contribution rates and must be adjusted in accordance with Council's fees and charges at the payment date. A copy of the development contributions plan is available for inspection at Bayside Council.

REASON

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

29. Design Excellence

To ensure design excellence is achieved, as required by Cl 6.10 of Bayside Local Environmental Plan 2021 prior to the issue of any construction certificate the following

must be prepared by the registered architect commissioned for the construction of the project:

- a) Two (2) sample boards containing original samples and swatches of all external materials and colours including:
 - i) Wall and roof cladding, and
 - ii) Columns within front setback to the Princes Highway if required, and
 - iii) Balustrading, and
 - iv) Louvres, and
 - v) Glazing, and
 - vi) Window edge treatments, and
 - vii) Paving/surface in front setback areas, and
 - viii) Driveway, and
 - ix) Footpaths, and
 - x) Signage, and
 - xi) Retaining wall details.
- b) Full coloured elevational details at a minimum scale of 1:50;
- c) Sections through relevant façade elements, public domain stairs, planter boxes at a minimum scale of 1:50.

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

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

REASON

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

30. Design Amendments

Before the issue of the relevant construction certificate, the certifier must ensure the approved construction certificate plans (and specifications) detail the following required amendments to the approved plans and supporting documentation stamped by Council.

- a) External Building Appearance
 - i) Conceal all drainage pipes within floor slabs and walls so that they do not appear in the exterior of the building, including balconies and driveway entrances.
 - ii) Finish the internal entrance area of the car park that is visible from the public domain in a manner that is consistent with the overall façade design.

b) Acoustic Amelioration

The recommendations of the Acoustic report listed in Condition 1 of this consent shall be illustrated upon construction certificate drawings and implemented on site.

c) Wind Amelioration

The recommendations of the Wind Report listed in Condition 1 of this consent shall be illustrated upon construction certificate drawings and implemented on site.

d) Access Report

The recommendations of the Access Report listed in Condition 1 of this consent shall be illustrated upon construction certificate drawings and implemented on site.

e) Section J Report

The recommendations of the Section J Report listed in Condition 1 of this consent shall be illustrated upon construction certificate drawings and implemented on site.

f) Landscaping

Landscape plans shall be revised as required by conditions of this consent and to ensure consistency with approved architectural plans.

REASON

To require amendment to the plans endorsed by the consent following assessment of the development to mitigate the impacts of the development.

31. Waste Storage Residential

Prior to the issue of a Construction Certificate, the Principal Certifier must ensure the waste management design complies with the *Bayside Waste Management Technical Specification 2022* and these conditions.

Plans must clearly show waste storage rooms, chutes, compaction systems, bulky waste areas, and vehicle access consistent with Appendices A–C.

Prior to the issue of the relevant Construction Certificate, the waste storage areas must be designed and sized in accordance with the *Bayside Waste Management Technical Specification 2022* so that:

- a) They are large enough to accommodate all required bins and equipment for the approved number of dwellings and commercial tenancies, including garbage, recycling and organics streams.
- b) Waste storage areas are located to suitably facilitate servicing on waste collection days, with a direct carting route between the waste rooms and the approved collection point.
- c) The path of travel to the bin room is unobstructed and has a minimum clear width of 1.5 metres where 660 L or 1,100 L bins are used, and not less than 1.0 metre in any case.

Residential Waste – Bin Provision and Servicing

Residential waste and recycling facilities must be provided in accordance with the

approved Operational Waste Management Plan (Rev 1A) prepared by Archer Consultants Pty Ltd dated August 2024, including:

- i. 4x660L General waste bins – To be collected twice a week + 2 on the lineal waste chute system;
- ii. 4x660L Recycling waste bins – To be collected twice a week.

Bulky Waste Storage

Bulky waste storage is mandatory. A dedicated bulky waste storage area must be provided, sized at a minimum of 14m².

REASON

To ensure sufficient and appropriately located waste storage is provided and to manage waste.

32. Compliance with Operational Waste Management Plan

For the commercial components of the development, appropriate waste and recycling containers must be provided in accordance with the approved Operational Waste Management Plan (Rev 1A) prepared by Archer Consultants Pty Ltd dated August 2024, including:

- i. 2x 660L General waste bins – To be collected once a week;
- ii. 3x 660L Recycling waste bins – To be collected once a week.

Details of the waste storage area must be illustrated on the plans submitted with the application for the Construction Certificate for approval.

REASON

To manage waste and ensure commercial waste facilities are sized and located appropriately.

33. Waste Handling Systems

All waste handling systems—including chutes, compactors, carousels, mechanical bin tugs, and waste level rooms—must be designed, manufactured, and installed in accordance with all relevant Australian Standards, the Building Code of Australia, and the Bayside Waste Management Technical Specification.

All systems must be installed and maintained in accordance with manufacturer specifications.

Details of any proposed waste handling systems must be included with the Construction Certificate application.

Waste Chute Systems

For developments ≥ 6 storeys:

- a. Chute systems must be identified for garbage, recycling, and food organics/ garden organics.
- b. Each chute must have signage and automatic diverter or bypass control.
- c. Chute diameter and gradient must be compliant

- d. Linen and waste chutes must be separate.
- e. Chute termination room must specify if a compactor or bin carousel is in use.

Compaction Systems

Where waste compaction is proposed:

- a. Compaction applies to garbage only.
- b. Maximum ratio 1:2 (effective storage capacity halved).
- c. Compaction does not apply to recycling or garden organics.
- d. Compactors must be enclosed, ventilated, and drained to sewer.

REASON

To ensure all waste handling systems are designed, installed and operated to a safe, hygienic and compliant standard that protects building occupants, supports efficient waste collection, and meets the requirements of the Building Code of Australia, relevant Australian Standards and Council's Waste Management Technical Specification.

34. Waste Room Design

Prior to the issue of the relevant Construction Certificate, the garbage/waste storage rooms shall be designed to comply with all the relevant provisions of Bayside Council Waste Management Technical Specification 2022.

- a. The size being large enough to accommodate all waste generated on the premises, with allowances for the separation of waste types;
- b. The floor being graded and drained to a drainage outlet connected to the sewer, with minimum 0.5% gradient to the sewer outlet, and having a smooth, even surface, coved at all intersections with walls;
- c. Hot and cold water shall be provided in the waste storage room/garbage room. Services or utility systems shall not be located within the garbage room.
- d. The room shall be adequately ventilated (either natural or mechanical) in accordance with the Building Code of Australia.

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

REASON

To ensure waste generated during the ongoing operation of the premises is safely managed, properly stored, and lawfully collected, and to minimise impacts on public health, amenity, and the surrounding environment.

35. Waste Management Plan Requirements

Before the issue of a Construction Certificate, a Construction Waste Management Plan for the development must be prepared and provided to Principal Certifier. The plan must be prepared as follows:

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

- ii. a development control plan that provides for waste management that applies to the land on which the work or the clearing of vegetation is carried out, and

(b) include the following information:

- i. the contact details of the person removing the waste,
- ii. an estimate of the type and quantity of waste,
- iii. whether waste is expected to be reused, recycled or sent to landfill,
- iv. the address of the disposal location for waste.

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

REASON

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

36. Landscape Frontage Works Application

Prior to the issue of the relevant Construction Certificate, the applicant must submit a Frontage Works Application (Public Domain Construction – Frontage / Civil Works Application) to Bayside Council. Prior to the commencement of public domain works, a public domain landscape improvements plan shall be submitted to Bayside Council for assessment and approval. The plans shall be undertaken by a suitably experienced Landscape Architect and shall include, but not be limited to, new street tree planting, footpath paving (segmental/other), street tree pit treatments and tree guards, street furniture, in ground landscaping and irrigation. The landscape plan must indicate locations of lighting poles, underground services, stormwater infrastructure etc. The design shall be in accordance with Council's City Identity Program, Landscape DCP and any other Council specification or requirement. Contact Council's Landscape Architect for further details of specific requirements in preparation of the plan. Any new required street tree shall be supplied and planted at minimum 200 litres pot size.

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

REASON

To ensure compliance with landscape requirements from relevant policies.

37. Landscape Construction Certificate Drawings

A) Landscape Requirements shown in Architectural Plans

Prior the issue of the 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 include the following requirements/architectural modifications:

- i) Provide a depicted plan with all areas, including communal open spaces to be maintained by strata. Indicate maintenance access points, and any required anchor point, provide details of any required anchor including type of mounting.

- ii) Provide soil depths and soil volumes of all planting areas. Ensure this is consistent with the landscape proposal and conditions, as well as aligned with Minimum Soil depths for plant types as recommended in Table 5 Part 4P Planting in Structures, ADG NSW Department of Planning.
- iii) The awning shall have a connected recession between intersections. Small awning cut outs for trees and existing poles are not desirable. The awning must extend to 0.6m from the FOK on the intersection of Princes Highway and Geeves Avenue, and Geeves Avenue and Geeves Lane. The awning shall be setback 0.5m from the side edge (1.2m width) of the tree pits.

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

B) Detailed Landscape Plan for Construction Certificate

Prior the issue of the Construction Certificate, detailed landscape plans must be submitted to, and approved by, the Director of City Futures (or delegate) of Bayside Council. The plans must comprise detailed landscape construction documentation (plans and specifications).

The detailed landscape plans shall incorporate the provisions generally made in the landscape plans 1 – 5 prepared by Paul Scrivener Landscape, Issue F dated 25 November 2025, along with to include the revisions/requirements detailed below:

- i) A planting plan at 1:100 showing all plant locations, species and quantities.
- ii) Provide built in planter box sectional details and drainage details with finished levels to assess soil depths provisions.
- iii) Indicate the location of all basement structures relative to the landscape areas.
- iv) 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.
- v) 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.
- vi) Details of all fencing, privacy screening, arbors and the like - elevations and materials, impacting or visible to public domain areas.
- vii) 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.
- viii) Conflict between landscaped beds, existing/proposed trees or landscaped areas and underground utilities (including stormwater structures) are to be avoided. Where there is a conflict, this shall be resolved with Bayside Council.
- ix) All trees shall be located within mulched landscaped beds except where this may interfere with the performance of an above ground stormwater system.

List of Public Domain Amendments

- x) The street trees shall be planted 750mm from the Face of Kerb (FOK) rather than the Back of Kerb (BOK). Planting 750mm from the FOK will allow the trees to be situated centrally in the planting bed.
- xi) Street trees along Princes Highway must be substituted to 'Pryus calleryana'. These trees are of similar form to the proposed trees, which allow planting beside the awning.
- xii) Street trees along Geeves Avenue must be substituted to 'Flindersia australis'.
- xiii) Tree pits are to be 1.2m x 2m (2m length parallel with road frontage) and planted with Blue Flax Lilly as listed on the plans. The quantity of groundcover may be subject to variation.
- xiv) The awning shall have a connected recession between intersections. Small awning cut outs for trees and existing poles are not desirable. The awning must extend to 0.6m from the FOK on the intersection of Princes Highway and Geeves Avenue, and Geeves Avenue and Geeves Lane. The awning shall be setback 0.5m from the side edge (1.2m width) of the tree pits.
- xv) Tree planting along Geeves Avenue shall have a consistent 9m separation. The Western most tree location on Geeves Avenue is suitable and does not require amendment. This will allow a larger trafficable space in front of the Retail and Residential entry.
- xvi) Tree planting along Princes Highway shall have a consistent 6.5m separation. The Southern most tree location on Princes Highway is suitable and does not require amendment. The 2 Southern most tree pits along Princes Highway shall be connected to form a continuous planting bed.
- xvii) The awning on the architectural set is inconsistent with Rev F of the landscape plans. The plans shall be made consistent with each other, per the markup provided.

C) Landscape Maintenance Manual and Specifications

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

The Maintenance Documentation is to cover a 24 month period to provide a guide to the landowner or occupier on how to best maintain the constructed landscaped areas; and at a minimum, 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:

- i) Frequency and methodology of different maintenance requirements including the removal of green waste; irrigation system tests, waterproofing inspections.
- ii) Details of maintenance safety procedures;
- iii) Laminated copies of Landscape drawings;

- iv) Manufacturer's contact details and copies of manufacturers' typical details and specification;
- v) Copies of warranties and guarantees relating to all materials and plant used in construction;
- vi) Inspection programs based on AS/NZS 1891.4, including annual load testing of chemical and friction anchors, for all installed anchors.

REASON

To ensure compliance with landscape requirements from relevant policies.

38. Planterbox Landscape Specifications for Construction Certificate

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

- a) Planter boxes constructed over a concrete slab shall be built in accordance with the following requirements:
 - i) Soil depths must be in accordance with Council's DCP and associated Technical Specifications. The base of the planter must be screeded to ensure drainage to a piped internal drainage outlet of minimum diameter 90mm, with no low points elsewhere in the planter. There are to be no external weep holes.
 - ii) A concrete hob or haunch shall be constructed at the internal join between the sides and base of the planter to contain drainage to within the planter.
 - iii) Planters are to be fully waterproofed and sealed internally with a proprietary sealing agent and applied by a qualified and experienced tradesman to eliminate water seepage and staining of the external face of the planter. All internal sealed finishes are to be sound and installed to manufacturer's directions prior to backfilling with soil. An inspection of the waterproofing and sealing of edges is required by the Certifier prior to backfilling with soil
 - iv) Drainage cell must be supplied to the base and sides of the planter to minimize damage to the waterproof seal during backfilling and facilitate drainage. Apply a proprietary brand filter fabric and backfill with an imported lightweight soil suitable for planter boxes compliant with AS 4419 and AS 3743. Install drip irrigation including to lawns.
 - v) Planter boxes must be an external finish that is consistent with the character of the colour schemes and finishes of the building (e.g. with a suitable paint, render or tile to match the character of the approved building).
 - vi) All planter boxes shall be provided with a fully automated drip irrigation system.
 - vii) All planter boxes shall have the required depth to sustain the proposed planting, as detailed below:
 - 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.

REASON

To ensure compliance with landscape requirements from relevant policies.

39. Dewatering – Water Quality Requirements

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

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

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

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

REASON

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

40. Dewatering – Permit to Discharge to Stormwater

To ensure that relevant engineering and water quality provisions are met during the period of dewatering for construction, prior to any water from site dewatering to be permitted to go to council's stormwater system a permit to discharge to the stormwater shall be obtained from Council prior to the issue of the relevant Construction Certificate. Dewatering shall not commence until this is issued by Council.

REASON

To protect the environment.

41. DPE - External Lighting

Before the issue of the relevant Construction Certificate, plans detailing external lighting must be prepared by a suitably qualified person.

The lighting plan must be consistent with the approved plans and documents, and the following requirements:

- (a) comply with AS 1158: Lighting for Roads and Public Spaces;
- (b) comply with AS 4282: Control of Obtrusive Effects of Outdoor Lighting;
- (c) lighting must be placed at all entrances to, and exits from the premises;
- (d) lighting must provide coverage of the premises and surrounding areas for visibility and to reduce hidden areas;
- (e) lighting must not interfere with traffic safety;

- (f) lighting must not give rise to obtrusive light or have adverse impacts on the amenity of surrounding properties;
- (g) external lighting must not flash or intermittently illuminate unless required for safe ingress/egress of vehicles crossing a pedestrian footway or approved vehicle entrance; and
- (h) Relevant Council development control plan.

Plans and specifications demonstrating compliance with his condition must be submitted for approval by the Principal Certifier prior to the issue of the relevant Construction Certificate.

Note – All above documents refer to the version in effect at the time the consent is granted.

REASON

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

42. Construction Site Management Plan

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

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

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

REASON

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

43. Encroachment of Structures not Permitted

No part of any structure, including gutters and eaves and front fences (including footings), may encroach or overhang any property boundary and/or public footway. Details are to be provided on the relevant Construction Certificate plans.

REASON

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

44. Clear Public Accessways

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

REASON

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

45. Sydney Water Tap-in

Prior to the issue of the relevant Construction Certificate, the approved plans must be submitted to Sydney Water Tap inTM online service to determine whether the development will affect any Sydney Water sewer or water main, stormwater drains and/or easement, and if further requirements need to be met.

Sydney Water's Tap inTM online service is available at:

<https://www.sydneywater.com.au/SW/plumbing-building-developing/building/sydney-water-tap-in/index.htm>

REASON

To ensure compliance with Sydney Water requirements.

46. Safer by Design Requirements

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

- (a) Monitored CCTV facilities shall be implemented throughout the development. Areas of focus include the basement car park (including entry and exits), main entry areas to the development and garbage/storage areas, and
- (b) A lighting maintenance policy shall be established for the development. Lighting shall be designed to the Australian and New Zealand Lighting Standards. Australia and New Zealand Lighting Standard 1158.1 - Pedestrian, requires lighting engineers and designers to consider crime risk and fear when selecting lamps and lighting levels, and

- (c) Security mirrors shall be installed within corridors and on blind corners to enable users to see around blind corners, and
- (d) Graffiti resistant materials shall be used to ground level external surfaces, and
- (e) Intercom facilities shall be installed at all vehicular and pedestrian entry/exit points to enable residents to communicate and identify with people prior to admitting them to the development, and
- (f) Front windows of all ground floor tenancies must be kept free of shelves, and a maximum of 15% of the window display area may be covered with promotional materials to ensure passive surveillance is maintained to and from tenancies, and
- (g) The ceiling of the basement car park shall be finished in light colour in order to maximise visibility.

REASON

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

47. DPE – Adaptable Dwellings

Before the issue of the relevant Construction Certificate, a report prepared by a suitably qualified consultant must be obtained that demonstrates to the Principal Certifier's satisfaction, that any adaptable dwellings specified in the approved plans or documents comply with the provisions of AS 4299 *Adaptable Housing Standards*.

REASON

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

48. Glazing Reflectivity

The reflectivity index of glazing and finishing materials used on the facades and roof of the building shall not exceed 20%. Details demonstrating compliance with the above requirement shall be submitted to the satisfaction and approval of the Principal Certifier prior to the issue of the relevant Construction Certificate for the relevant stage of works.

REASON

To ensure that adverse reflectivity impacts are minimised.

49. Inter-Tenancy Acoustic Attenuation

The development shall achieve the following minimum equivalent AAAC Star Rating within the below specified areas of the development.

- (a) Three (3) Star for tiled areas within kitchens, balconies, bathrooms and laundries. Tiled flooring within corridors, living areas and bedrooms is not permitted, and
- (b) Four (4) Star for timber flooring in any area, and
- (c) Five (5) Star for carpet in any area.

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

A report shall be submitted to the Principal Certifier for approval prior to the issue of the relevant Construction Certificate. The report is to include BCA requirements and details of floor/ceilings between residential apartments. Floor coverings within apartments shall be identified within the report.

A suitably qualified Acoustic Engineer with MIE Australia membership or employed by a consulting firm eligible for AAAC membership is to certify that the details provided in the said report satisfy the requirements of this condition, with the certification to be submitted to the Principal Certifier for approval prior to the issue of the relevant Construction Certificate.

REASON

To minimise adverse amenity impacts to residents within the building.

50. Detailed Design Stormwater Management Plan

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

The detailed drainage design plans shall incorporate the provisions generally made in the stormwater concept plans prepared by LMW DESIGN GROUP, job number 2260.24, dated 28/8/24, revision C along with the requirements detailed below:

- a) The stormwater plans to be revised with the approved architectural plans.
- b) All surface run-off from the car parking facility is to be directed through an oil separator designed within the WSUD chamber such as an oil baffle. Manufacturers details to be provided.
- c) The catchment area draining into the basement pump out pit to be shown. The pump-out pit must not drain groundwater and discharge groundwater from the basement to the Council drainage system.
- d) The basement stormwater plan is to provide with a pump out pit designed in accordance with AS/NZS3500.3 along with calculations. The minimum fall to the grated surface pits is to be 0.5% towards the grated surface pits. A minimum cover of 0.3m is to be provided in trafficable areas.
- e) An OSD catchment plan is to be provided highlighting the impervious (roof and hardstand) and pervious areas draining into the OSD as well the bypass area.
- f) The DRAINS model is to be revised demonstrating the OSD volume, PSD etc. complies with the requirements of Bayside Technical Specification Stormwater Management Section 6. Including the tailwater condition as the top of grate at RL14.7m AHD for the 1% AEP storm event and must exclude the WSUD chamber as a part of the effective OSD area. The overflow weir must be modelled in DRAINS as per the plans.
- g) A survey to be provided prepared by a register surveyor to confirm the invert level and pipe size of the existing drainage system in Princes Highway at the legal point of discharge.
- h) A WSUD catchment plan to be provided 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 and the trafficable areas draining into the WSUD chamber. The WSUD catchment plan and the MUSIC model to be coordinated. The MUSIC Model is to be submitted to Council for further assessment.

- i) All balcony and trafficable areas to drain into the WSUD chamber for treatment. The location of the gross pollutant trap shown on the MUSIC model to be clearly shown.
- j) 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 (stormfilter and overflow weirs).
- k) A sediment and erosion control plan to be provided.
- l) A minimum 10,000 litre rainwater tank shall be provided for the development, connected to all ground floor toilets, clothes washers and external taps/landscape irrigation for non-potable stormwater re-use. Balconies, planter boxes and the communal open space must drain into the WSUD chamber.
- m) The pump out pit section to be provided and must show the surface level, base levels, top water level (TWL), and minimum 1% fall towards the pumps. Sizing and volume for the pump out pit must be provided on the plans. The top water level (TWL) is to be 100mm lower than the invert level of the inlet pipe.

REASON

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

51. Aircraft Noise – Compliance with submitted Report

Prior to issue of the relevant Construction Certificate, the measures required in the acoustical assessment report shall be included in the construction drawings and in accordance with the provisions of AS 2021 - 2015: Acoustics - Aircraft Noise Intrusion - Building Siting and Construction.

Plans and specifications demonstrating compliance with his condition must be submitted for approval by the Principal Certifier prior to the issue of the relevant Construction Certificate.

REASON

To minimise adverse amenity impacts to residents within the building.

52. Utilities and Services

Before the issue of the relevant Construction Certificate, written evidence of the following service provider requirements must be provided to the Principal Certifier a letter from Ausgrid demonstrating that satisfactory arrangements can be made for the installation and supply of electricity.

- a) a response from Sydney Water as to whether works affect any Sydney infrastructure, and whether further requirements need to be met.
- b) other relevant utilities or services – that the development as proposed to be carried out is satisfactory to those other service providers, or if it is not, the changes that are required to make the development satisfactory to them.

REASON

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

53. Erosion and Sediment Control Plan

Before the issue of first 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:

- a) Council's relevant Development Control Plan,
- b) the guidelines set out in the NSW Department of Housing Manual 'Managing Urban Stormwater: Soils and Construction Certificate' (the Blue Book), and
- c) the 'Do it Right On-Site, Soil and Water Management for the Construction Industry' (Southern Sydney Regional Organisation of Councils and the Natural Heritage Trust) (as amended from time to time).

REASON

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

54. Awnings over Public Footpath

Prior to issue of the relevant Construction Certificate, details of the approved street awning, including plans and sections, must be provided to the Principal Certifier for approval. The awning shall be consistent with the approved development application plans unless specifically varied below. The details must include:

- a) A minimum setback of 600mm from the face of the kerb, maximum fascia height 600mm, minimum soffit height 3.3m and a maximum step of 900mm for sloping sites. The awnings must be entirely self-supporting; posts are not permitted, and
- b) All stormwater is to be collected and connected to Council's street gutter. In this regard awning downpipes for drainage are to be fully concealed within or recessed into the ground floor frontage of the building. Awning gutters are to be constructed so that they are not visible from the footpath or are integral to the awning structure, and
- c) The design and certification by a Structural Engineer registered with the National Engineering Register (NER) for Roof Category R1 in accordance with AS/NZS 1170.1: 2002, AS/NZS 1170.0: 2002, and AS/NZS 1170.3: 2011. The design must incorporate all loads including dead loads, live loads, wind load (lateral, uplift, and downward pressure), and potential impact load, and
- d) The awning(s) must be constructed of non-combustible materials, and
- e) Lighting is required and must comply with AS/NZS 1158.3.1: 2005 and AS/NZS 1158.0: 2005. Lighting must be recessed into the awning and be integral to its structure with all wiring and conduits concealed.

Subject to compliance with the requirements above, Bayside Council grants approval pursuant to Section 138 of the *Roads Act 1993*. Council's approval remains whilst the structure is in place and the structural stability of the awning is not compromised. Maintenance of the awning is the responsibility of the owner of the land.

REASON

To ensure that awnings are designed, constructed and maintained in accordance with relevant requirements and standards

55. Dilapidation Report

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

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

REASON

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

56. Property Address Allocation

Prior to the issue of the relevant Construction Certificate for the development an application for street address Property Address Allocation and associated fee shall be submitted to Council for the building within the development in accordance with Section 5.2 of the NSW Address Policy and User Manual dated May 2021.

The form is available for download at:

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

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

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

REASON

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

57. Sustainability

Prior to the issue of the relevant Construction Certificate, the applicant is to demonstrate the use of the following sustainability measures within the development:

- a) Provision of photovoltaic cell systems on the rooftops. Detailed design for the photovoltaic cells systems is to be provided, the provision of photovoltaic cells is to be at a rate that maximises the coverage of available non-trafficable space on the rooftop. A storage battery is to be provided where possible. This solar power shall be utilised in communal areas and other suitable areas within the development to reduce the developments demand for electricity from the grid.
- b) Provision of a 10,000L rainwater tank connected to all ground floor toilet flushing, the cold water tap that supplies the ground floor clothes washing machines on the ground floor, the car wash bay(s), and the landscape irrigation system for non-potable stormwater re-use.
- c) Sensor controlled and zoned internal lighting within the building's car park and common areas.
- d) Use of admixtures in concrete to minimise cement and reduce embodied carbon.

- e) Separate circuiting for temporary power to minimal stair and corridor lighting.
- f) Use of LEDs and other low energy flicker free lighting resources.
- g) Provision for EV charging in accordance with the below requirements;
 - i. One residential car parking space must be 'EV-Ready'. An 'EV-Ready' car space requires the provision of a backbone cable tray and a dedicated spare 15A circuit within an EV Distribution Board enabling future installation of a smart EV charger and cabling to the EV Distribution Board.
 - ii. Provide EV Distribution Boards of sufficient size to allow connection of all 'EV-Ready' car spaces.
 - iii. Locate EV Distribution board(s) so that no future 'EV-Ready' car space will require a cable run greater than 55m from the parking bay to an EV distribution board and, ensure that no cables will obstruct vehicular circulation aisles. Development shall provide cable trays, electrical cabinets, and conduits sufficient to accommodate the electric circuitry to each 'EV-Ready' and 'EV Equipped' car space.
 - iv. EV Distribution Boards are to be dedicated to EV charging that is capable of supplying not less than 50% of EV connections at full power (full power being each individual connection being provided with not less than 2kW power and preferably 7kW power) at any one time during off-peak periods, to minimize impacts to maximum demand loads. To deliver this, an EV Load Management System and an active suitably sized connection to the main switchboard is required.
 - v. EV Load Management System is to be capable of:
 - Reading real time current and energy from the EV chargers under management via ethernet connection;
 - Determining, based on known installation parameters and real time data, the appropriate behaviour of each EV charger to minimise building peak power demand whilst ensuring electric vehicles connected are fully recharged;
 - Scale for residents to engage an EV Load Management provider to provide additional smart chargers to residential car spots over time.
 - Ensuring each multi-unit residential 'EV-Ready' car parking spaces be metered separately to their individual account as part of the 'EV-Ready' system.

The above measures shall be implemented on site prior to the issue of the Final Occupation Certificate.

REASON

To ensure sustainability measures are implemented on site.

58. Tanking and Waterproofing Basement Intercepting Groundwater Table

Prior to the issue of the relevant Construction Certificate, all subsurface structures shall be designed with a waterproof retention system (i.e., full structural tanking and waterproofing) with adequate provision for future fluctuation of the water table. The subsurface structure is required to be designed with consideration of uplift due to water pressure and "flotation" (buoyancy) effects. If subsoil drainage is permitted to be provided around the subsurface structure, the subsoil drainage around the subsurface

structure must allow free movement of groundwater around the structure but must not be connected to the internal drainage system. No groundwater is permitted to enter the subsurface structures and, no pump-out system is permitted to be used to drain and discharge groundwater from the subsurface structures. The design of subsurface structure, tanking, waterproofing and subsoil drainage shall be undertaken and certified by Engineer(s) registered with the National Engineering Register (NER). Design details, construction specifications and engineering design certification shall be included in the documentation accompanying the Construction Certificate.

REASON

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

59. Detailed Parking Facility Design Requirements and Certification

Prior to the issue of the relevant Construction Certificate, the construction certificate plans and supporting documentation shall demonstrate compliance with the following and be accommodated by a design certificate by a suitable qualified traffic engineer:

- a) Compliance with AS2890 Car, Bicycle and Motorcycle Parking:
 - i. The parking facility (including parking spaces, ramps, aisles, vehicular crossing etc.) must comply in full with AS2890.1. The longitudinal profile(s) of the access driveway and any ramps within the parking facilities must comply with the Ground Clearance, Gradient (%) and Length requirements of the 2890 Australian Standards Series, and
 - ii. All vehicles are to enter and exit the site in a forward direction, and
 - iii. The minimum number of accessible car parking spaces shall be in accordance with the relevant disability legislation. The design and construction of accessible car parking spaces shall be in accordance with AS2890.6 and
 - iv. The gate for the basement shall be located to permit the queuing of one vehicle when waiting to enter the basement garage, and
 - v. Pedestrian sightlines for vehicles existing the site are to comply with AS2890.1, and
 - vi. Convex mirrors shall be provided at blind corners within, and leading to, the car parking levels to provide increased sight distance for vehicles, and
 - vii. A minimum of 44 bicycle parking spaces and 3 motorcycle parking spaces must be provided as part of the development and designed in accordance with AS2890.3:2015 and AS2890.1 respectively, and
 - viii. Line marking and signage must be provided at both the entry to the basement and within the basement parking facility to clearly delineate waiting bay areas that provide for passing of vehicles entering/exiting the car park via the ramp and traversing through the parking facility. The function of these waiting areas must be demonstrated using swept paths for a B85 passing a B99 vehicle with appropriate clearances as per AS/NZS 2890.1. 2004
- b) Compliance with AS2890.2 Commercial (Service) Vehicle Parking:
 - i. Loading and unloading within the site shall be designed and be restricted to commercial vehicles not exceeding the size and mass description of

- the SRV from AS2890.2:2018. Commercial vehicles greater in size and mass than the SRV are not permitted to enter the site, and
- ii. The design of the parking facility (including driveways/access ramps/vehicular crossings etc.) shall conform with Australian Standards AS2890.2:2018 along the travel path of the service vehicles, and
 - iii. All service vehicles shall enter the property reversing in and existing the site front out, and
 - iv. Swept path analysis shall be provided for manoeuvring of SRV commercial vehicles, depicting a reverse entry and forward exit manoeuvre from the site via the loading dock proposed within the development, and
 - v. A longitudinal section plotting headroom clearance along the travel path of the service vehicle(s) is to be provided. It must be demonstrated that a safe headroom clearance of 3.5m is achieved along the entire travel path, parking and manoeuvring areas of the SRV within the development, and
 - vi. All waste collection must be undertaken on-site, no bins/waste are permitted to be presented to the street for collection.

The design of the entire car parking facility is to be certified by a Civil Engineer registered with the National Engineering Register (NER) as being strictly in accordance with the abovementioned requirements and the Australian Standard 2890 parking facilities series.

REASON

To ensure compliance with the relevant Australian Standard.

60. Low Level Driveway Prevent Inflow of Water

Prior to the issue of the relevant Construction Certificate the low-level driveway must be designed to prevent inflow of water from the road reserve. The assessment of flows and design of prevention measures shall be in accordance with the requirements of Bayside Council.

A civil engineer shall be engaged to assess gutter flows as follows:

- The 1 in 100 year flow discharge is to be determined using the Rational Method;
- The depth of flow is to be determined using Mannings Equation, HEC-RAS or standard nomographs where applicable;
- The driveway crest level within the property is to be at least 100mm above the 1 in 100 year flow level and confirmed on the plans.
- The upstream catchment to be shown.

Details shall be included in the documentation presented with the Construction Certificate application.

REASON

To protect property and structures from water ingress.

61. Structural Certificate Basement Structure Adjacent to Public Road

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

Plans and specifications demonstrating compliance with this condition must be submitted for approval by the Principal Certifier prior to the issue of the relevant Construction Certificate.

REASON

To minimise risk to personal safety and property

62. Use of Neighbouring Properties and Roadways for Support

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 prior to the issue of the relevant Construction Certificate.

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

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

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

REASON

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

63. Geotechnical Certification

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

- a) Review and ensure the appropriate construction methodology, parameters, and recommendations in the geotechnical report prepared by MORROW, report no. P3324_01, dated 24/11/2024, have been implemented and relied upon during the preparation of the Construction Certificate plans and documentation.
- b) Provide detailed recommendations to allow the satisfactory implementation of the works.

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

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

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

REASON

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

64. Frontage Works Application

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

Prior to the commencement of the public domain works, a Public Domain Frontage Design package must be prepared by suitably qualified professionals for all frontage works that are required to be constructed within the public domain that are subject to

assessment and approval pursuant to Section 138 of the *Roads Act 1993*. Public domain frontage works can include, but not be limited to, civil, drainage, landscaping, undergrounding of services, lighting, traffic signage, line marking, parking, and traffic devices to address and satisfy relevant development consent conditions. All frontage works shall be in accordance with Bayside Council technical manuals, specifications, master plans, town centre plans, Australian Standards, and standard design drawings.

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

REASON

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

65. Undergrounding of Overhead Services and Installation of Lighting

All overhead cables, including electricity and telecommunication cables, on the Princes Highway frontage of the development between Ausgrid pole K013826 and Ausgrid pole K013825 must be relocated underground as part of the development. If required by Ausgrid, the existing poles shall be upgraded/replaced/decommissioned to facilitate the undergrounding. The Ausgrid lighting and power poles will need to be decommissioned, and new underground supplied lighting columns shall be constructed (where necessary) satisfying the applicable requirements. Ausgrid's approval for the works must be obtained prior to the issue of the relevant Construction Certificate. The location of the new electrical pillars, new lighting poles, any new pits, and trenches for utilities shall be confirmed with Bayside Council prior to the commencement of public domain works. The applicant is responsible for all relocation costs, including costs associated with other cabling such as telecommunications cables. These works must be completed to the satisfaction of Bayside Council prior to the issue of the Occupation Certificate.

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

REASON

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

66. DPE - Equal Access to Premises

Before the issue of the relevant Construction Certificate, plans which demonstrate that adequate access to the premises will be provided for persons with disabilities in accordance with the Commonwealth Disability (Access to Premises – Buildings) Standards 2010. These plans must be submitted to the Certifier for approval.

REASON

To ensure safe and easy access to the premises for people with a disability.

67. Contaminated Land – RAP Supplementary Assessment

Following demolition of the existing buildings all supplementary contamination assessment works outlined (in section 6 of the 'Remedial Action Plan – 465-469 Princes Highway and 5-7 Geeves Avenue, Rockdale' (Report No. E26749.E06_Rev1) dated 25 November 2025 by EI Australia (or as amended) (RAP) must be completed by a suitably qualified and experienced contaminated land consultant in accordance with:

- a) NSW EPA (2020) 'Consultants reporting on contaminated land';
- b) NSW Environment Protection Authority (NSW EPA) approved guidelines under the Contaminated Land Management Act 1997;
- c) Chapter 4 of the State Environmental Planning Policy (Resilience and Hazards); and
- d) Section 3.11 – Contamination of Bayside Development Control Plan 2022.

The supplementary contamination assessment works (Data Gap Closure Investigation, Site-Specific Risk Assessment, Remedial Excavation of Petroleum Hydrocarbon Impacted Area) must clearly state proposed clean-up objectives and provide the design details of any remediation strategies (with consideration of the remediation options detailed in sections 5 and 6.6 of the RAP) to make the site suitable for the proposed uses.

Any remediation that utilises a containment strategy for contaminants must be passive and be accompanied by a Long-term Environmental Management Plan (LTEMP). This LTEMP must be added to the title of the site under the Conveyancing Act.

Prior to the issue of the relevant Construction Certificate the amended the Remediation Action Plan (RAP) that incorporates the supplementary contamination assessment and remediation works (including a Site-specific Risk Assessment) must be submitted to the Principal Certifier and EPA Accredited Site Auditor..

REASON

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

68. Appointment of Site Auditor

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

Written evidence of this appointment must be provided to council prior to the issue of the relevant Construction Certificate by the appointed certifier.

REASON

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

69. Tanking and Waterproofing

Prior to the issue of relevant Construction Certificate, all subsurface structures shall be designed with a waterproof retention system (i.e. full structural tanking and waterproofing) with adequate provision for future fluctuation of the water table. The subsurface structure is required to be designed with consideration of uplift due to water pressure and "flotation" (buoyancy) effects. If subsoil drainage is permitted to be provided around the subsurface structure, the subsoil drainage around the subsurface structure must allow free movement of groundwater around the structure but must not be connected to the internal drainage system.

No pump-out is permitted to be used to drain and discharge seepage from the subsurface structures and no groundwater is permitted to enter the subsurface structures. The design of subsurface structure, tanking, waterproofing and subsoil drainage shall be undertaken by Engineer(s) registered with the National Engineering Register (NER). Design details, construction specifications and design certification shall be included in the documentation accompanying the Construction Certificate.

REASON

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

BEFORE BUILDING WORK COMMENCES (including demolition and excavation)

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

70. Soil Stockpile Area

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

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

REASON

To minimise adverse impacts on surrounding properties and the environment.

71. Erosion and Sediment Controls in Place

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

REASON

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

72. Signs on site

A sign must be erected in a prominent position on any site on which building work or demolition work is being carried out:

- a) showing the name, address and telephone number of the Principal Certifier for the work, and
- b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside work hours, and
- c) stating that unauthorised entry to the work site is prohibited.

Any such sign is to be maintained while the building work or demolition work is being carried out but must be removed when the work has been completed.

Note: This does not apply in relation to building work or demolition work that is carried out inside an existing building that does not affect the external walls of the building.

REASON

Prescribed condition EP&A Regulation, Section 70 (2) and (3).

73. DPE – Notice regarding dilapidation report

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

REASON

To advise neighbours and Council of any dilapidation report.

74. Demolition Management Plan

Before demolition work commences, a demolition management plan must be prepared by a suitably qualified person and provided to the Principal Certifier.

The demolition management plan must be prepared in accordance with *Australian Standard 2601 – the Demolition of Structures*, the *Code of Practice – Demolition Work*, Rockdale Development Control Plan 2011 and must include the following matters:

- a) The proposed demolition methods.
- b) The materials for and location of protective fencing and any hoardings to the perimeter of the site.
- c) 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.
- d) 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.
- e) 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 Rockdale Development Control Plan 2011.
- f) 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.

- g) Dust, noise and vibration control measures, in accordance with any Noise and Vibration Control Plan approved under this consent.
- h) 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.
- i) Details of any bulk earthworks to be carried out.
- j) Details of re-use and disposal of demolition waste material in accordance with Rockdale Development Control Plan 2011.
- k) Location of any reusable demolition waste materials to be stored on-site (pending future use).
- l) Location and type of temporary toilets on-site.
- m) A garbage container with a tight-fitting lid.

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.

75. Disconnection of Services before Demolition Work

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.

REASON

To protect life, infrastructure and services.

76. Notice of Commencement for Demolition

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:

- a) Name;
- b) Address;
- c) Contact telephone number;
- d) Licence type and license number of any demolition waste removal contractor and, if applicable, asbestos removal contractor;
- e) The contact telephone number of Council; and
- f) The contact telephone number of SafeWork NSW (PH 4921 2900).

REASON

To advise neighbours about the commencement of demolition work and provide contact details for enquiries.

77. Vibration Monitoring

Vibration monitoring equipment must be installed and maintained, under the supervision of a professional engineer with expertise and experience in geotechnical engineering, between any potential source of vibration and any building identified by the professional engineer as being potentially at risk of movement or damage from

settlement and/or vibration during the excavation and during the removal of any excavated material from the land being developed.

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

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

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

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

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

REASON

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

78. Dilapidation Report - Public Domain - Pre-Construction

Prior to the commencement of any work, a professional engineer specialising in civil, structural, or geotechnical engineering shall prepare a Dilapidation Report detailing the current condition of Bayside Council's infrastructure adjoining the development site. This includes the condition of the road reserve (including footpath, nature strip, landscaping, trees, kerb and gutter, pits, pipes, traffic devices, signs, retaining walls, driveways, and road pavement) and any other adjacent Bayside Council properties.

Photographs are to be in colour, digital, annotated and date stamped. The full name, accreditation, professional registration, and signature of the professional engineer is to be detailed. The report is to be supplied in an electronic format to the Principal Certifier and Bayside Council.

The liability for any damage to public infrastructure in the vicinity of the site, where such damage is not accurately recorded by the requirements of this condition, will be borne by the Applicant. The Applicant shall bear the cost of all restoration works to Council's property damaged by the Applicant during this development.

REASON

To advise Council of, and provide Council with, the required dilapidation report.

79. Dilapidation Report – Private Land

A professional engineer specialising in structural or geotechnical engineering shall prepare a Pre-Construction Dilapidation Report detailing the current structural condition of all adjoining premises, a photographic survey, and including buildings, foundations, and structures likely to be affected by the excavation as determined by the consulting engineer. This shall include the following properties:

- a) 463 Princes Highway Rockdale

The report shall be prepared at the expense of the applicant and a copy of the Dilapidation Survey shall be submitted to the Principal Certifier prior to commencement of any works.

A copy of the Pre-Construction Dilapidation Report is to be provided to the adjoining properties (subject of the Dilapidation Report), a minimum of five (5) working days prior to the commencement of work. Evidence confirming that a copy of the Dilapidation Report was delivered to the adjoining properties must be provided to the Principal Certifier.

Should the owners of properties (or their agents) refuse access to carry out inspections, after being given reasonable written notice, this shall be reported to Council to obtain Council's agreement to complete the report without access. Reasonable notice is a request for access in no sooner than 14 days between 8.00 am and 6.00 pm.

REASON

To establish and document the structural condition of adjoining properties for comparison as building work progresses and is completed.

80. Utility Services Adjustments

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

REASON

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

81. Hazardous Material Survey before Demolition

Before demolition work commences, a hazardous materials survey of the site must be prepared by a suitably qualified person and a report of the survey results must be provided to Council at least one week before demolition commences.

Hazardous materials include, but are not limited to, asbestos materials, synthetic mineral fibre, roof dust, PCB materials and lead based paint.

The report must include at least the following information:

- a) The location of all hazardous material throughout the site.
- b) A description of the hazardous material.

- c) The form in which the hazardous material is found, e.g. AC sheeting, transformers, contaminated soil, roof dust.
- d) An estimation of the quantity of each hazardous material by volume, number, surface area or weight.
- e) A brief description of the method for removal, handling, on-site storage and transportation of the hazardous materials.
- f) Identification of the disposal sites to which the hazardous materials will be taken.

REASON

To require a plan for safely managing hazardous materials.

82. Site Preparation

Before demolition work commences the following requirements, as specified in the approved demolition management plan, must be in place until the demolition work and demolition waste removal are completed:

- a) Protective fencing and any hoardings to the perimeter on the site.
- b) Access to and from the site.
- c) Construction traffic management measures.
- d) Protective measures for on-site tree preservation and trees in adjoining public domain.
- e) On-site temporary toilets.
- f) A garbage container with a tight-fitting lid.

REASON

To protect workers, the public and the environment.

83. Demolition Noise

Prior to commencement of any demolition works, the applicant must submit to the Principal Certifier an acoustic report prepared by a qualified practicing acoustic engineer (who is a member of either the Australian Acoustical Society or the Association of Australian Acoustical Consultants) which includes the following:

- (a) All potentially noisy activities are to be identified, and
- (b) The duration of all potentially noisy activities are to be identified, and
- (c) Detail noise mitigation measures to minimise community disturbance and to meet the following conditions, and
- (d) Recommendation to inform the community of the type and duration of essential noisy activities.

REASON

To minimise adverse noise impacts to surrounding residents.

84. Asbestos Removal Signage

Before demolition work commences involving the removal of asbestos, a standard commercially manufactured sign containing the words 'DANGER: Asbestos removal in progress' (measuring not less than 400mm x 300mm) must be erected in a prominent

position at the entry point/s of the site and maintained for the entire duration of the removal of the asbestos.

REASON

To alert the public to any danger arising from the removal of asbestos.

85. Handling of Asbestos during Demolition

While demolition work is being carried out, any work involving the removal of asbestos must comply with the following requirements:

- a) Only an asbestos removal contractor who holds the required class of Asbestos Licence issued by SafeWork NSW must carry out the removal, handling and of any asbestos material;
- b) Asbestos waste in any form must be disposed of at a waste facility licensed by the NSW Environment Protection Authority to accept asbestos waste; and
- c) Any asbestos waste load over 100kg (including asbestos contaminated soil) or 10m² or more of asbestos sheeting must be registered with the EPA on-line reporting tool Waste Locate.

REASON

To ensure that the removal of asbestos is undertaken safely and professionally.

86. Dewatering**a) Permit to Discharge to Stormwater**

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

b) Water Quality Requirements

For any temporary dewatering to be permitted to go to Council's stormwater system, the water must meet the relevant default guideline values (DGVs) under the Australian & New Zealand Guidelines for Fresh & Marine Water Quality (2018). All laboratory testing must be completed by a NATA-accredited laboratory. All results must be accompanied by a report prepared by a suitably qualified and experienced person indicating the water meets these guidelines and is acceptable to be released into the stormwater system. If it is not acceptable, details of treatment measures to ensure that the water is suitable for discharge must be provided in this report. Reports must be provided to Council prior to any discharge to the stormwater system.

REASON

To ensure that relevant engineering and water quality provisions are met and that any groundwater encountered during works is appropriately tested and disposed.

DURING BUILDING WORKS (including Demolition, Excavation and Construction)

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

87. Approved Plans Kept on Site

A copy of the relevant Construction Certificate, the Development Consent and the approved and current stamped Construction Certificate plans and specifications must be kept on the site at all times and be available to Council officers upon request.

REASON

To ensure relevant information is available on site.

88. Waste Management

While site work is being carried out:

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

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

REASON

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

89. Noise during Construction

The following shall be complied with during construction and demolition:

- a) **Construction Noise**

Noise from construction activities associated with the development shall comply with the NSW Environmental Protection Authority's Interim Construction Noise Guidelines and the *Protection of the Environment Operations Act 1997*.
- b) **Level Restrictions**

Any building works being carried out must ensure that any noise caused by demolition, vegetation removal or construction does not exceed an LAeq (15 min) of 5dB(A) above background noise, when measured at any lot boundary of the property where the construction is being carried out. Out of hours work

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

An Out of Hours Application must be submitted for each separate event to Council a minimum of 48 hours (subject to an additional urgency fee for each application) prior to the planned activity being undertaken.

c) Silencing

All possible steps should be taken to silence construction site equipment.

REASON

To protect the amenity of the neighbourhood.

90. Hours of Work

Site work must only be carried out between the following times.

For building work, demolition or vegetation removal from 7:00am to 5:00pm on Monday to Saturday. No works to be carried out on Sunday and public holidays.

Site work is not to be carried out outside of these times except where there is an emergency, or for urgent work directed by a Police Officer of a public authority.

REASON

To protect the amenity of the surrounding area.

91. Deliveries

While site work is being carried out, deliveries of material and equipment must only be carried out between 7:00am to 5:00pm on Monday to Saturday. No deliveries to be carried out on Sunday and public holidays.

REASON

To protect the amenity of neighbouring properties.

92. Procedure for Critical Stage Inspections

While building work is being carried out, the work must not continue after each critical stage inspection unless the Principal Certifier is satisfied the work may proceed in accordance with this consent and the relevant Construction Certificate.

REASON

To require approval to proceed with building work following each critical stage inspection.

93. Implementation of the Site Management Plans

While site work is being carried out:

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

REASON

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

94. Site Management – Principal Certifier Inspections

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

- a) Sediment control measures, and
- b) Provision of secured perimeter fences or hoardings for public safety to restrict access to building sites, and
- c) Maintenance of the public place free from unauthorised materials, waste containers or other obstructions.

REASON

To protect public safety and water quality around building sites.

95. Surveys by a Registered Surveyor

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

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

REASON

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

96. Noise and Vibration

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

REASON

To protect the amenity of the neighbourhood during construction.

97. Noise and Vibration Requirements

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

REASON

To protect the amenity of the neighbourhood during construction.

98. Responsibility for changes to Public Infrastructure

While site work is being carried out, any costs incurred as a result of the approved removal, relocation or reconstruction of infrastructure (including ramps, footpaths, kerb and gutter, light poles, kerb inlet pits, service providers pits, street trees or any other infrastructure in the street footpath area) must be paid as directed by the consent authority.

REASON

To ensure payment of approved changes to public infrastructure.

99. Waste Data Maintained

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

REASON

To meet aims and objectives outlined in Bayside Councils Waste Management Technical Specification 2022.

100. Shoring and Adequacy of Adjoining Property

If the development involves an excavation that extends below the level of the base of the footings of a building, structure or work on adjoining land (including any structure or work within a road or rail corridor), the person having the benefit of the development consent must, at the person's own expense –

- a) Protect and support the building, structure or work from possible damage from the excavation, and
- b) Where necessary, underpin the building, structure or work to prevent any such damage.

This condition does not apply if the person having the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying.

REASON

Prescribed condition – EP&A Regulation, Section 74.

101. Implementation of Soil and Water Management Plan

All management measures recommended and contained within the Soil and Water Management Plan (SWMP) shall be implemented prior to commencement of any site works or activities. All controls in the plan shall be maintained at all times throughout the entire demolition, excavation and construction phases of the development and for a minimum three (3) month period after the completion of the project, where necessary. The plan is to be available to Council Officers, on request.

Council's warning sign for soil and water management must be displayed on the most prominent point on the building site, visible to both the street and site workers. The sign shall be erected prior to commencement of works and shall be displayed throughout construction.

REASON

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

102. Toilet Facilities

- a) Toilet facilities must be available or provided at the work site before works begin and must be maintained until the works are completed at a ratio of one toilet plus one additional toilet for every 20 persons employed at the site, and
- b) Each toilet must:
 - i) Be a standard flushing toilet connected to a public sewer, or
 - ii) Have an on-site effluent disposal system approved under the *Local Government Act 1993*, or

- iii) Be a temporary chemical closet approved under the *Local Government Act 1993*.

REASON

To ensure compliance with the Local Government Act 1993.

103. Construction Activities – Minimise Pollution

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

- a) Building, demolition and construction works not to cause stormwater pollution and being carried out in accordance with Council's stormwater pollution control requirements. Pollutants such as concrete slurry, clay and soil shall not be washed from vehicles onto roadways, footways or into the stormwater system. Drains, gutters, roadways and access ways shall be maintained free of sediment. Where required, gutters and roadways shall be swept regularly to maintain them free from sediment, and
- b) Stormwater from roof areas shall be linked via a temporary downpipe to an approved stormwater disposal system immediately after completion of the roof area, and
- c) All disturbed areas shall be stabilised against erosion within 14 days of completion, and prior to removal of sediment controls, and
- d) Building and demolition operations such as brick cutting, washing tools or paint brushes, and mixing mortar shall not be performed on the roadway or public footway or any other locations which could lead to the discharge of materials into the stormwater drainage system, and
- e) Stockpiles are not permitted to be stored on Council property (including nature strip) unless prior approval has been granted. In addition, stockpiles of topsoil, sand, aggregate, soil or other material shall be stored clear of any drainage line or easement, natural watercourse, kerb or road surface, and
- f) Windblown dust from stockpile and construction activities shall be minimised by one or more of the following methods:
 - i) spraying water in dry windy weather, and
 - ii) cover stockpiles, and
 - iii) fabric fences.
- g) All vehicles transporting soil, sand or similar materials and demolition material to or from the site shall cover their loads at all times, and
- h) The applicant shall conduct all construction works and any related deliveries/activities wholly within the site (excluding and approved construction and loading zones), and
- i) During the construction works, the Council nature strip shall be maintained in a clean and tidy state at all times and shall be suitably repaired and/or replaced in accordance with Council Specifications at the completion of construction works, and
- j) Access to the site shall be restricted to no more than two 3m driveways. Council's footpath shall be protected at all times. Within the site, provision of a minimum of 100mm coarse crushed rock is to be provided for a minimum length of two metres to remove mud from the tyres of construction vehicles, and
- k) An All-Weather Drive System or a vehicle wheel wash, cattle grid, wheel shaker or other appropriate device, shall be installed prior to commencement of any site

works or activities, to prevent mud and dirt leaving the site and being deposited on the street. Vehicular access is to be controlled so as to prevent tracking of sediment onto adjoining roadways, particularly during wet weather or when the site is muddy. Where any sediment is deposited on roadways it is to be removed by means other than washing and disposed of appropriately.

REASON

To protect neighbourhood amenity and the quality of the waterways.

104. Site Fencing

The site shall be secured by an 1800mm (minimum) high temporary fence for the duration of the work. Gates shall be provided at the opening points and open and secured in such a way as to not obstruct the public footway. Such protection work, including fences, is to be constructed, positioned and maintained in a safe condition to the satisfaction of the Principal Certifier, prior to the demolition of the existing structures and commencement of building operations.

REASON

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

105. Site Fencing and Hoarding

A hoarding or fence shall be erected between the work site and the public place when the work involved in the erection or demolition of a building:

- a) is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or
- b) building involves the enclosure of a public place.

Where the development site adjoins a public thoroughfare, the common boundary between them must be fenced for its full length with a hoarding, unless, the least horizontal distance between the common boundary and the nearest part of the structure is greater than twice the height of the structure. The hoarding must be constructed of solid materials (chain wire or the like is not acceptable) to a height of not less than 1.8m adjacent to the thoroughfare.

Where a development site adjoins a public thoroughfare with a footpath alongside the common boundary then, in addition to the hoarding required above, the footpath must be covered by an overhead protective structure, type B Hoarding, and the facing facade protected by heavy duty scaffolding unless either:

- a) the vertical height above footpath level of the structure being demolished is less than 4m, or
- b) the least horizontal distance between footpath and the nearest part of the structure is greater than half the height of the structure.

The overhead structure must consist of a horizontal platform of solid construction and vertical supports, and the platform must:

- a) extend from the common boundary to 200mm from the edge of the carriageway for the full length of the boundary, and
- b) have a clear height above the footpath of not less than 2.1m, and
- c) terminate not less than 200mm from the edge of the carriageway (clearance to be left to prevent impact from passing vehicles) with a continuous solid upstand projecting not less than 0.5m above the platform surface, and

- d) together with its supports, be designed for a uniformly distributed live load of not less than 7 kPa.

The 'B' Class hoarding is to be lit by fluorescent lamps with anti-vandalism protection grids.

Any such hoarding, fence or awning is to be removed when the work has been completed.

The Principal Contractor or owner builder must pay all fees and rent associated with the application and occupation and use of the road (footway) for required hoarding or overhead protection.

REASON

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

106. Demolition Requirements During Works

Demolition is to be carried out in the accordance with the following:

- a) The *approved* Safe Work Method Statement required by this consent, and
- b) Demolition is to be carried out in accordance with *Australian Standard 2601:2001: Demolition of structures*, *Work Health & Safety Act 2011 (NSW)*, *Work Health & Safety Regulation 2011 (NSW)* and the requirements of the NSW WorkCover Authority, and
- c) Vibration monitors must be placed at the footings of the nearest residential and/or *commercial* property(s) boundaries prior to any demolition commencing; and
- d) *Hazardous* or intractable wastes arising from the demolition process must be removed *and* disposed of in accordance with the requirements of WorkCover New South Wales and the Environmental Protection Authority, and
- e) Dust *control* - dust emission must be minimised for the full height of the building. Compressed air must not be used to blow dust from the building site, and
- f) Demolition *procedures* must maximise the reuse and recycling of demolished *materials* in order to reduce the environmental impacts of waste disposal, and
- g) During demolition, public property (footpaths, roads, reserves etc) must be clear at all times and must not be obstructed by any demolished material or vehicles. The *footpaths and* roads must be swept (not hosed) clean of any material, including clay, soil and sand. On the spot fines may be levied by Council against the demolisher and/or owner for failure to comply with this condition, and
- h) All *vehicles* leaving the site with demolition materials must have their loads covered and vehicles must not track soil and other materials onto public property (footpaths, *roads*, reserves etc) and the footpaths must be suitably protected against damage when plant and vehicles access the site, and
- i) The burning of any demolished material on site is not permitted and offenders will be *prosecuted*. The demolition by induced collapse and the use of explosives is not permitted, and
- j) Care must be taken during demolition to ensure that existing services on the site (ie, *sewer*, electricity, gas, phone) are not damaged. Any damage caused to existing *services* must be repaired by the relevant authority at the Applicant's expense. *Dial Before You Dig* website: www.1100.com.au should be contacted prior to works commencing, and

- k) Suitable erosion and sediment control measures in accordance with the Soil and Water *Management Plan* must be erected prior to the commencement of demolition works and must be maintained at all times, and
- l) Any material containing asbestos found on site during the demolition process shall be removed and disposed of in accordance with WorkCover NSW requirements. *Protection of the Environment Operations Act 1997*, *Protection of the Environment Operation (Waste) Regulation* and 'Waste Classification Guidelines 2014' prepared by the NSW Office of Environment and Heritage. Following completion, an Asbestos Clearance Certificate is to be provided to Council following the final asbestos clearance inspection.

REASON

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

107. Protection of Council's Property

During demolition, excavation and construction, care must be taken to protect Council's infrastructure, including street signs, footpath, kerb, gutter and drainage pits etc. Protecting measures shall be maintained in a state of good and safe condition throughout the course of demolition, excavation, and construction. The area fronting the site and in the vicinity of the development shall also be made safe for pedestrian and vehicular traffic at all times. Any damage to Council's infrastructure (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub-contractors, concrete delivery vehicles) shall be fully repaired in accordance with Council's specification and AUS-SPEC at no cost to Bayside Council.

REASON

To ensure public safety at all times and to protect the function and integrity of public infrastructure.

108. Vibration During Demolition Works

Vibration levels induced by the demolition activities must not exceed levels listed in Standard DIN 4150-3 (1999-02), *Structural vibration Part 3 – Effects of vibration on structures Table 12-7*.

The operation of plant and equipment must not give rise to the transmission of vibration nuisance or damage to other premises.

Prior to commencement a specific vibration monitor must be set up to monitor and record the vibration levels affecting surrounding buildings.

REASON

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

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

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

Sites Application Form” and “Road Opening Application” to obtain permits/approvals for the following:

- Road, Footpath and Road Related Area Closure – To temporarily close any part of the road, footpath or car park to vehicle or pedestrian traffic. This permit is required to allow the Applicant to close a road or part of, footpath or car park to vehicle or pedestrian traffic.
- Stand and Operate Registered Vehicle or Plant – To occupy any part of the road, footpath or car park to work from a vehicle parked on the street. This permit is required when construction activities involve working from a vehicle parked on the street including mobile crane, concrete truck, concrete pump or other similar vehicles.
- Occupy Road with Unregistered Item – To place a waste container or other item within the roadway which is not a registered vehicle. This permit is required to allow the Applicant to place unregistered items within the roadway including waste containers and skip bins.
- Erection of a Works Zone – To implement a statutory Work Zone for activities adjacent to the development site. These applications are assessed by Bayside Council officers and are referred to the Traffic Committee for approval. A Work Zone being that you must not stop or park in a work zone unless you are driving a vehicle that is engaged in construction work in or near the zone.
- Placement of Scaffolding, Hoarding and Fencing – To erect a temporary structure in a public place to enclose a work area. This permit is required for all temporary structures to enclose a work area within the public domain. These include site fencing, types A & B hoarding, type A & B hoarding with scaffolding and type B hoarding plus site sheds.
- Temporary Shoring/Support using Ground Anchors in Council Land – To install temporary ground anchors in public road to support excavation below the existing road surface level. This permit is required to allow the Applicant to install temporary support system in or under a public road to support excavation below the existing road surface level. The support systems include ground anchors and shoring.
- Tower Crane – To swing or hoist over and across Council property (including roadway). This permit is required when tower crane(s) are used inside the work site and will swing, slew or hoist over Council property or asset.
- Public Land Access – To access through or occupy Council land. This permit is required by Applicants in order to access over or occupy Council land.
- Temporary Dewatering – To pump out groundwater from the site and discharge into Council's drainage system including road gutter. This permit is required when temporary dewatering is required to pump out water from the construction site into Council stormwater drainage system including gutter, pits and pipes. Dewatering management plan and water quality plan are required for this application.
- Road Opening Application - Permit to open road reserve area including roads, footpaths or nature strip for any purpose whatsoever, such as relocation / re-adjustments of utility services. This does not apply to public domain works that are approved through Bayside Council's permit for Driveway Works (Public Domain Construction – Vehicle Entrance / Driveway Application) / Frontage Works (Public Domain Construction – Frontage / Civil Works Application) under section 138 of the *Roads Act*.

A valid permit/approval to occupy Bayside Council land or road reserve to carry out any works or activities within the public domain must be obtained, and permit conditions complied with, during all stages of demolition and construction. Fines apply if an activity commences without a valid permit being issued. It shall be noted that any works/activities shown within Bayside Council land or road on the DA consent plans are indicative only and no approval of this is given until this condition is satisfied.

REASON

To ensure appropriate permits are applied for and comply with the Roads Act 1993.

110. Temporary Dewatering Permit - Water Quality Requirements

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

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

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

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

REASON

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

111. Waste Management

While site work is being carried out:

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

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

REASON

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

112. Waste Disposal Verification Statement

On completion of demolition work:

- a) A signed statement must be submitted to the Principal Certifier verifying that demolition work, and any recycling of materials, was undertaken in accordance with the waste management plan approved under this consent,
And
- b) If the demolition work involved the removal of asbestos, an asbestos clearance certificate issued by a suitably qualified person, must be submitted to the Principal Certifier within 14 days of completion of the demolition work.

REASON

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

113. Soil Management

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

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

REASON

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

114. Waste Classification

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

REASON

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

115. 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:

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

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

REASON

To appropriately manage any fill on site.

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

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

REASON

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

117. Remediation Works – Specific RAP/Plan

All remediation work must be carried out in accordance with:

- a) NSW EPA (2020) 'Consultants reporting on contaminated land';
- b) NSW Environment Protection Authority (NSW EPA) guidelines under the Contaminated Land Management Act 1997;
- c) Chapter 4 of the State Environmental Planning Policy (Resilience and Hazards);
- d) Section 3.11 – Contamination of Bayside Development Control Plan 2022; and
- e) the 'Remedial Action Plan – 465-469 Princes Highway and 5-7 Geeves Avenue, Rockdale' (Report No. E26749.E06_Rev1) dated 25 November 2025 by EI Australia (or as amended) (RAP)

REASON

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

118. Dewatering Water Quality Requirements

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

REASON

To protect the natural environment.

PRIOR TO ISSUE OF ANY OCCUPATION CERTIFICATE

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

119. Occupation Certificate

The Occupation Certificate must be obtained prior to any use or occupation of the building/development. The Principal Certifier must ensure that all works are completed in accordance with this consent, including all conditions.

REASON

To ensure that an Occupation Certificate is obtained.

120. Geeves Avenue

Prior to the issue of any Occupation Certificate the Applicant is to provide evidence to the satisfaction of Council's Director - City Futures demonstrating that it has appropriate and lawful rights of access to and from the site over the portion of Geeves Avenue to the south of the site to facilitate access from the site to Geeves Lane, over Geeves Avenue, to the Princes Highway. This may occur via the dedication of Geeves Avenue as a public road.

REASON

To ensure satisfactory access.

121. Waste Management

Prior to the Issue of any Occupation Certificate:

1. Waste Facility Construction

The Principal Certifier must verify that all waste storage areas, chutes, rooms, and associated facilities have been constructed in full accordance with the approved plans and the Waste Management Technical Specification (WMTS).

2. Evidence of Ongoing Collection Services

Written evidence confirming ongoing waste collection arrangements for all waste streams must be provided to the Principal Certifier.

- a) A formal written contract with a private waste contractor must be provided prior to issue of any Occupation Certificate.
- b) Collection vehicles must be Small Rigid Vehicle (SRV) size or smaller, with maximum dimensions of 6.4 m (L) × 2.3 m (W) × 3.5 m (H).
- c) Garbage, recycling and garden organics must be collected as separate waste streams.

REASON

To ensure all waste generated by the development can be safely and efficiently collected on site.

122. DPE – Repair of Infrastructure

Before the issue of an Occupation Certificate:

- a. any public infrastructure damaged as a result of the carrying out of work approved under this consent (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub-contractors, concreting vehicles) must be fully repaired to the written satisfaction of Council, and at no cost to Council, or
- b. if the works in (a) are not carried out to Council's satisfaction, Council may carry out the works required and the costs of any such works must be paid as directed by Council and in the first instance will be paid using the security deposit required to be paid under this consent.

REASON

To ensure any damage to public infrastructure is rectified.

123. Internal Landscape Works Completion

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

- a. All landscape works are to be carried out in accordance with the 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.
- b. A Landscape Architect shall provide a report to the principal certifier (with a copy provided to Council, if Council is not the principal certifier) certifying that the landscape works have been carried out in accordance with the approved plans and documentation. The certificate shall, amongst other matters included in approved plans, confirm compliance with the following requirements:
 - i. Trees planted above structures at time of inspection shall have a height of 2.2 to 2.5 meters, calliper at 300mm greater than 30mm, installed with stakes and ties within a mulch bed or equivalent.
 - ii. Trees in ground level or along interfaces with public spaces shall be planted at minimum 100 litres, trees at time of inspection shall have a minimum height of 2.5-3.5 meters, calliper at 300mm greater than 40mm, installed with stakes and ties within a mulch bed or equivalent.

- iii. A minimum soil depth of 800mm is provided for all planter beds on the podium levels.
- iv. A fully automated irrigation system has been installed to the podium landscaping.
- v. Podium landscaping and paved areas are drained into the stormwater drainage system.

REASON

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

124. Public Domain Landscape Improvements

Prior the issue of the whole of building Occupation Certificate, the Landscape works within the Public Domain shall comply with the following:

- a. Works to be completed in public space owned by Council and TfNSW, will be of no cost to Council or the TfNSW, including the following: Landscaping and embellishment of Geeves Avenue Street, and Princes Highway Street frontages to the development site, including footpaths, paving, street trees, tree pits/grates and other planting, and street furniture, etc.
- b. All street trees have to be supplied in a pot size not less than 200 Litre. Trees supplied shall be healthy and vigorous, free of pest and disease, free from injuries. Trees provided shall conform to AS 2303:2018 Tree stock for landscape use.
- c. 465-469 Princes Highway shall be planted with two (2) *Pyrus calleryana* (Callery pear) as per Rockdale Street Tree Master Plan 2011.
 - i. Pot size supplied shall be not less than 100 Litre. Height above container 2.5-3.5 metres, calliper at 300mm greater than 40mm, with a clear trunk height of 1.5 metres.
- d. Geeves Avenue shall be planted with two (2) *Flindersia australis* (Crow's ash) as per Rockdale Street Tree Master Plan 2011.
 - i. Pot size supplied shall be not less than 100 Litre. Height above container 2.5-3.5 metres, calliper at 300mm greater than 40mm, with a clear trunk height of 1.5 metres.

REASON

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

125. General Landscape

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

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

Prior to the issue of any Occupation Certificate, a maintenance plan is to be submitted and approved by the Principal Certifying Authority. A copy of the maintenance plan is to be kept on site at all times during construction and shall be

produced to Council on request following completion. The Maintenance Manual shall include as a minimum:

A 12 months Landscape Maintenance Schedule to provide a guide to the landowner or manager on how to best maintain the constructed landscaped areas; and include the following information: shrub pruning/trimming (frequency, plant requirements); Fertilising and pest control (soil testing, types, rate, frequency); Mulching, weeding and soil improvement (frequency, materials); Irrigation (checks, adjustments); maintenance of plants (fertilising, mulching, tree stakes adjustments, special plants requirements, alternative plants replacements if required); Maintenance of hard landscape elements (planters, waterproofing, irrigation, paving, edges, pergolas, seats, and any specialised maintenance requirements);

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

REASON

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

126. Waste Storage Areas

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

Evidence demonstrating compliance with this condition must be submitted for approval by the principal Certifier prior to the issue of any Occupation Certificate.

REASON

To maintain the amenity of the area.

127. DPE - Construction and Installation of Ventilation System

Before the issue of any Occupation Certificate, a suitably qualified person must provide details demonstrating compliance to the Principal Certifier for approval which demonstrates that the mechanical exhaust ventilation system has been constructed and installed in accordance with the approved plans.

REASON

To ensure the mechanical ventilation system has been constructed and installed as approved.

128. Acoustic Certification

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

REASON

To ensure the effectiveness of acoustic mitigation measures.

129. Section 73 Certificate - Sydney Water

Prior to the issue of any Occupation Certificate, a Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water.

It is recommended that applicants apply early for the Certificate, as there may be water and sewer pipes to be built and this can take some time. This can also impact on other services and building, driveway or landscape design.

Application must be made through an authorised Water Servicing Coordinator. For help either visit www.sydneywater.com.au > Plumbing, building and developing > Developing > Land development or telephone 13 20 92.

REASON

To comply with Sydney Water requirements.

130. Energy Efficiency Commitments

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

REASON

To ensure Energy Efficiency commitments are fulfilled.

131. Anti-Graffiti Coating

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

REASON

To protect the amenity of the surrounding area.

132. Provision of Intercom System

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

The intercom system shall be connected to each co living room / tenancy, and enable those co living rooms / tenancies to provide access to the car park for visitors.

REASON

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

133. Preservation of Survey Marks

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

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

REASON

To protect the State's survey infrastructure.

134. Sustainability Commitments

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

REASON

To ensure sustainability commitments are fulfilled.

135. Release of Securities

When Council receives an Occupation Certificate, an application may be lodged to release the securities held in accordance with councils' fees and charges for development.

REASON

To allow release of securities and authorise Council to use the security deposit to complete works to its satisfaction.

136. Certification of New Stormwater System

Prior to the issue of any Occupation Certificate, a Civil Engineer 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 including but not limited to finished floor levels, pipe size, pit sizes, pit surface levels, internal dimensions of the OSD, WSUD chamber and rainwater tank volume, orifice sizes and confined space and OSD warning signages. The certification and WAE plan(s) shall be supplied to the Principal Certifier and Bayside Council.

REASON

To ensure that the stormwater system is constructed as approved and in accordance with relevant standards.

137. Completion of Public Utility Services

Before the issue of any Occupation Certificate, confirmation must be obtained from the relevant authority that any adjustment or augmentation of any public utility services including gas, water, sewer, electricity, street lighting and telecommunications,

required as a result of the development, have been completed and this confirmation must be provided to the Principal Certifier.

REASON

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

138. DPE – Works-As-Executed Plans and any other Documentary Evidence

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

- (a) All stormwater drainage systems and storage systems, and
- (b) Civil Driveway profile.

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

REASON

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

139. Positive Covenant Application

Prior to the issue of any Occupation Certificate, a Restriction on Use of Land and Positive Covenants pursuant to the Conveyancing Act 1919 are to be created on the title of the lots on which the following systems are present:

- Stormwater Detention System
- Private waste collection
- Stormwater Pump System
- Stormwater Quality Improvement Devices

The terms of the instruments to be in favour of Bayside Council and are to be submitted to Bayside Council for review and approval. An application must be lodged with, and approved by, Bayside Council prior to issue of the Occupation Certificate.

Bayside Council must be provided with the relevant fees and all supporting information required (such as works-as-executed drainage plans and certification) prior to Bayside Council endorsing the Instrument.

Council requires proof of lodgement of the signed documents with the NSW Land Registry Services prior to the issue of the Occupation Certificate. A maintenance schedule is to be provided for the stormwater internal drainage system including the pump system, on-site detention and stormwater quality improvement devices.

REASON

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

140. Geotechnical Certification

Prior to the issue of any Occupation Certificate, a Geotechnical Engineer shall certify that the construction works have been constructed in accordance with the approved construction geotechnical report/recommendations and include an evaluation of the completed works.

Evidence demonstrating compliance with this condition must be submitted for approval by the Principal Certifier prior to the issue of any Occupation Certificate.

REASON

To ensure that the construction works have been completed in accordance with the approved construction geotechnical report/recommendations.

141. Certification of Tanking and Waterproofing

Prior to the issue of any Occupation Certificate, an Engineer registered with the National Engineering Register (NER) shall certify that the tanking and waterproofing of all subsurface structures has been constructed in accordance with the approved design and specification. The certification is to include an inspection and evaluation of the works.

Evidence demonstrating compliance with this condition must be submitted for approval by the Principal Certifier prior to the issue of any Occupation Certificate.

REASON

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

142. Rainwater Tank - Plumbing Certification

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

Evidence demonstrating compliance with this condition must be submitted for approval by the Principal Certifier prior to the issue of any Occupation Certificate.

REASON

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

143. Parking Facility Certification

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.

Furthermore, the below shall be certified as being implemented within the completed development:

- Wheel stops shall be installed in all car parking spaces adjoining high obstructions in accordance with AS/NZS 2890.1.
- Bollards shall be erected for all accessible parking spaces that are designed in accordance with AS/NZS 2890.6.

- Large convex mirrors are to be installed at all corners/bends throughout the parking facility to provide increased sight distance for vehicles.

Evidence demonstrating compliance with this condition must be submitted for approval by the Principal Certifier prior to the issue of any Occupation Certificate.

REASON

To ensure compliance with the relevant standards.

144. Erection of Signage

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

a) Maximum Vehicle Height Striker Bars

The driveway entries shall be provided with Maximum Vehicle Height Striker Bars detailing the maximum height of vehicle that can enter the car park and loading dock.

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

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

c) 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".

The owners shall preserve the plaque(s) in a good condition and keep it visible.

REASON

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

145. Private Waste Collection

Waste and recycling must be collected by a private waste contractor within the site. A contract for waste and recycling collection must be entered into prior to issue of the Occupation Certificate and the maximum size of the waste collection vehicle shall be equal to or smaller than an SRV vehicle (as denoted by AS2890.2). The company engaged must ensure that all recycling is collected separately from waste. Council must be advised in writing seven (7) days of a private contractor being engaged for waste collection services.

The contract and associated details demonstrating compliance with this condition must be submitted for approval by the Principal Certifier prior to the issue of any Occupation Certificate.

REASON

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

146. Loading Dock Management Plan

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 for approval prior to the issue of any Occupation Certificate. The management plan is to be implemented for the lifetime of the use of the development.

REASON

To ensure that loading docks are operated in a manner that minimises amenity impacts to residents within the site and surrounding properties.

147. Car Share

The car share car parking space must be managed under the stewardship of the building manager. Details of the car, and car share space which will be owned by the proprietors and managed by the building manager, shall be provided to the Principal Certifier prior to issue of the Occupation Certificate.

The maximum size of the car share vehicle shall be equal to, or smaller than, a B99 vehicle (as denoted by AS/NZS2890.1:2004). The car share space must be made available to residents without a fee or charge. The car share space must be appropriately line marked and signposted to indicate its usage to be exclusively as car share space. The car share space must be adequately illuminated and be accessible to all residents at any time. The car share space is to be fully operational, and the chosen car share management plan (details on booking system, timings, location of car parking space) shall be provided to the Principal Certifier and Bayside Council prior to the issue of any Occupation Certificate.

The plan of management for the building is to be amended to require a car to be provided by the owners of the property for residents to use and include a mechanism for the booking system under the stewardship of the building manager prior to the issue of any Occupation Certificate.

The car share shall be managed and operated by the building manager, for the life of the development.

REASON

To ensure that the car share space is provided.

148. Provision of Right of Footway (Geeves Lane)

Prior to the issue of the Occupation Certificate, a 1m wide Right of Footway easement, in favour of Bayside Council, along the boundary with Geeves Lane is to be provided.

The Right of Footway is to be covered by a Section 88B Instrument, which may only be varied or extinguished with the consent of Bayside Council. A works as executed (WAE) plan prepared by a registered surveyor is to be provided surveying the completed works within the area(s) subject to this easement. Council requires proof of lodgement of the signed Subdivision Certificate and 88B Instrument with the NSW Land Registry Services. A written acknowledgment shall be obtained from Bayside Council (attesting to this condition being appropriately satisfied) and submitted to the Principal Certifier.

REASON

To ensure pedestrian safety is maintained.

149. Undergrounding of Overhead Services and Installation of Lighting

Prior to the issue of any Occupation Certificate, all overhead cables, including electricity and telecommunication cables, on the Princes Highway frontage of the development between Ausgrid pole K013826 and Ausgrid pole K013825 must be relocated underground as part of the development. If required by Ausgrid, the existing poles shall be upgraded/replaced/decommissioned to facilitate the undergrounding. The Ausgrid lighting and power poles will need to be decommissioned, and new underground supplied lighting columns shall be constructed (where necessary) satisfying the applicable lighting requirements.

All works shall be carried out at the applicant's expense, to the satisfaction of the asset owner and Bayside Council. Bayside Council's Director of City Futures (or delegate) must advise in writing that the works have been completed to their satisfaction, prior to the issue of the Occupation Certificate.

REASON

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

150. Roads Act / Public Domain Works

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:

- a) Construction of a new footpath (full width) and planting of required street trees/landscaping along the frontage of the development site.
- b) Construction of vehicular entrance/s designed to accommodate the largest vehicle entering the site.
- c) Construction of new kerb and gutter along the frontage of the development site.
- d) Removal of the existing concrete vehicular entrance/s, kerb laybacks and other damaged/redundant public domain improvements which will no longer be required.
- e) Reconstruction of selected areas of the existing footpath, vehicular entrances, road, kerb, and gutter as required.

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

All works within the road reserve, which are subject to approval pursuant to Section 138 of the *Roads Act 1993*, shall be completed to the satisfaction of Bayside Council at the Applicant's expense. A report shall be submitted in accordance with Bayside Council's Contributed Asset Procedure for all constructed assets in the ownership of

Bayside Council. Works-As-Executed plans prepared by a registered surveyor and engineering certification shall be submitted.

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

REASON

To ensure that required public domain outcomes are achieved.

151. Post-Construction Dilapidation Report

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:

- a) after comparing the pre-construction dilapidation report to the post-construction dilapidation report required under this condition, there has been any structural damage to any adjoining buildings; and
- b) where there has been structural damage to any adjoining buildings, that it is a result of the building work approved under this development consent, and
- c) a copy of the post-construction dilapidation report must be provided to Council (where Council is not the Principal Certifier or a Principal Certifier is not required) and to the relevant adjoining property owner(s).

REASON

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

152. Dilapidation Report – Public Domain – Post-Construction

After the completion of all construction and public domain works, a professional Engineer specialising in civil, structural, or geotechnical engineering shall prepare a dilapidation report detailing the post-construction condition of Bayside Council's infrastructure adjoining the development site. This includes the condition of the road reserve (including footpath, nature strip, landscaping, trees, kerb and gutter, pits, pipes, traffic devices, signs, retaining walls, driveways, and road pavement etc.) and any other adjacent Bayside Council properties.

Photographs are to be in colour, digital, annotated and date stamped. The full name, accreditation, professional registration, and signature of the professional Engineer is to be detailed. The report is to be supplied in an electronic format to the Principal Certifier and Bayside Council.

Any damage identified in the dilapidation report must be fully rectified by the Applicant or owner at no cost to Bayside Council. Details demonstrating compliance with the requirements of this condition are to be submitted to the satisfaction of Bayside Council's Director of City Futures (or delegate), prior to the issue of any Occupation Certificate.

REASON

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

153. Removal of Waste Upon Completion

Before the issue of any Occupation Certificate:

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

REASON

To ensure waste material is appropriately disposed or satisfactorily stored.

154. Completion of Landscape Works

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

REASON

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

155. Conveyancing Act Registration (with SAS)

Should the remediation require residual contamination at the site to be managed, a restriction as to use under Section 88B of the Conveyancing Act 1919 is to be registered on the title of the Site with the following terms of restriction on use:

The registered proprietor must not use or otherwise undertake development on the land hereby burdened except in accordance with the provisions of the Long-Term Environmental Management Plan [Enter Name of Plan] ref: [Enter Details], prepared by [Enter Details], dated [Enter Details], incorporated within the Site Audit Statement [Insert SAS Number] dated [insert date signed], prepared by accredited Site Auditor [Insert auditors name], a copy of which Statement is held by Bayside Council.

The name of the person or authority empowered to release, vary or modify the restriction will be the Bayside Council.

156. Contaminated Land – Site Validation Report

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

- a) NSW EPA (2020) 'Consultants reporting on contaminated land';
- b) NSW Environment Protection Authority (NSW EPA) approved guidelines under the Contaminated Land Management Act 1997;
- c) Chapter 4 of the State Environmental Planning Policy (Resilience and Hazards); and
- d) Section 3.11 – Contamination of Bayside Development Control Plan 2022.

The site validation report must provide a notice of completion of remediation works and a clear statement that the site is suitable for the proposed site uses.

Prior to the issue of any Occupation Certificate a Site Validation Report (SVR) must be submitted to, and approved in writing by the Principal Certifier and EPA Accredited Site Auditor.

REASON

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

157. Site Audit Statement – Site Suitability

To ensure that the site is suitable for the proposed use, a Section A Site Audit Statement (SAS) completed by an accredited site auditor under the *Contaminated Land Management Act 1997* must be submitted to the Principal Certifier clearly demonstrating that the site is suitable for the proposed development.

Prior to the issue of any Occupation Certificate the Section A1 or A2 Site Audit Statement (Section A SAS) and the associated Site Audit Report (SAR) must be submitted to, the Principal Certifier. In circumstances where the accredited Site Auditor is unable to issue a Section A SAS for the site due to remediation work not complying with the requirements of this consent (e.g. changes in the design of the building or landscaping), an application to amend the consent pursuant to the Environmental Planning & Assessment Act 1979 must be submitted to ensure that they form part of the consent conditions.

REASON

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

158. Green Travel Plan

A Green Travel Plan and Transport Access Guide, prepared having regard to the Bayside Development Control Plan 2022, is to be prepared and submitted for approval by the Certifier prior to the issue of any Occupation Certificate

REASON

To reduce car dependency.

OPERATIONAL CONDITIONS**159. Plan of Management**

The development shall at all times be operated in accordance with the approved Plan of Management.

REASON

To ensure the development is operated in accordance with approved documentation and to avoid adverse impacts.

160. Storage and Disposal of Waste Materials During Ongoing Use

During the ongoing use of the premises:

- a. An adequate number and size of bins must be provided on-site for the storage of all waste generated, including garbage, recyclables and food organics/garden organics.
- b. All garbage, recyclable and organic materials must be stored wholly within an approved waste storage area and must not be stored outside the premises (including in any public place) at any time.

- c. Arrangements must be implemented and maintained for the separation of recyclable and organic materials from garbage.
- d. All approved waste storage areas must be maintained in a clean, tidy and hygienic condition to prevent litter, odour and pest infestation.
- e. Where Council does not provide commercial waste collection services:
 - i. A written contract must be entered into with a licensed waste contractor for the collection of garbage, recyclables and organics; and
 - ii. A copy of the current contract must be kept on the premises and made available to authorised officers, including Council, upon request.
- f. Where waste collection from the premises is undertaken by a licensed private contractor, collections must only occur within the lawful hours permitted under relevant noise control legislation and any applicable development consent conditions, having regard to the amenity of surrounding properties.
- g. All liquid trade waste discharged to the sewerage system must comply with the trade waste approval issued by the relevant water authority.
- h. All liquid trade waste pre-treatment devices must be routinely maintained to remain effective, in accordance with the conditions of the relevant liquid trade waste approval.

REASON

To ensure all waste streams generated by the premises are stored, managed and collected in a safe, hygienic and environmentally responsible manner, and to protect public health, local amenity and the surrounding environment during the ongoing use of the development.

161. Landscape Maintenance

- a) The landscaped areas on the property / site shall be maintained in accordance with any approved landscape plans and Council's Development Control Plan. The landscaped areas shall be maintained in a clean and tidy state and with a dense, even coverage of plants to Council's satisfaction at all times, and
- b) Dead or declined trees shall be replaced with same trees as specified in approved plans. Replacement of planting material, including trees as indicated in approved landscape plan, with an alternative tree species shall be approved by the Director City Futures (or delegate) of Bayside Council. Maintenance tasks will include pruning to ensure CPTED principles are always met. All tree works must be done by a qualified arborist with a minimum level 3 in arboriculture (AQF). Trees along frontages are not to be pruned in height, unless required for safety reasons or for better development of the tree.
- c) A landscape contractor shall be engaged weekly for a minimum period of 52 weeks from completion of the landscape installation to maintain the landscaping. After that time monthly maintenance is required in perpetuity, and
- d) An automatic drip irrigation system shall be installed and maintained in working order for all landscaped areas, and
- e) New street trees shall be maintained by the Applicant/Owner for a period of twenty-four (24) months after final inspection by Council. Maintenance includes twice weekly watering within the first 6 months then weekly thereafter, biannual feeding,

weed removal round the base, mulch replenishment at 3 monthly intervals (to 75mm depth) and removal or adjusting of stakes and ties; to sustain adequate growth and health. Maintenance does not include trimming or pruning of the trees under any circumstances.

REASON

To ensure ongoing maintenance of approved landscaping.

162. Green Travel Plan and Transport Access Guide

In order to ensure the certainty to implement Green Travel Plan for all future tenants of the site, a copy of the green travel plan and transport access guide shall be part of the lease agreement for all tenants.

REASON

To reduce car dependency.

163. Operation of Vehicular Premises

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

- a) All vehicles must enter and exit the site in a forward direction.
- b) All commercial vehicles (including deliveries and garbage collection) shall reverse in and exit the site in a forward direction.
- c) All loading / unloading and garbage / waste collection activities shall take place on-site wholly within the dedicated loading areas and not from public places, public streets, or any road related area (e.g., footpath, nature strip, road shoulder, road reserve).
- d) The maximum size of vehicles accessing the site shall be limited to a 6.4m long SRV Vehicle (as denoted in AS2890.2)
- e) All maneuvering movements of vehicles shall be carried out wholly within the site and vehicle maneuvering area shall be kept clear at all times.
- f) Parking spaces must not be enclosed without further approval of Bayside Council. The enclosure of car spaces is not permitted unless the enclosure complies with the design requirements of AS/NZS 2890.1.
- g) All vehicles shall be parked in the marked parking bays. All parking bays on-site shall be set aside for parking purpose only and shall not be used for storage of goods or machinery.

REASON

To manage site operations so that adverse impacts are minimised.

164. Noise from Mechanical Plant / Ventilation and Air Conditioning

- a) 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
- b) 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*.

REASON

To manage site operations so that adverse impacts to the locality are minimised

165. Noise from Air-Conditioning Units

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

REASON

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

166. DPE - Storage and Disposal of Waste Materials during Ongoing Use

During ongoing use of the premises:

- (a) An adequate number and size of bins must be put on the premises for the storage of any waste that is generated (including for recycling).
- (b) All garbage and recyclable materials generated from the premises must be stored wholly within any approved storage area and must not be stored outside the premises (including any public place) at any time.
- (c) Arrangements must be implemented for the separation of recyclable materials from garbage.
- (d) Any approved waste storage area must be appropriately maintained to prevent litter and the entry of pests.
- (e) Where Council does not provide commercial garbage and recyclable materials collection services:
 - (i) A contract must be entered into with a licensed contractor to provide these services for the premises; and
 - (ii) A copy of the contract must be kept on premises and provided to relevant authorities including Council officers on request.
- (f) Where the collection of garbage and recyclable materials from the premises is undertaken by a licensed contractor, it must only occur between 8am and 7pm Monday to Sunday.
- (g) All liquid trade waste discharged to sewerage system must comply with the trade waste approval issued by the relevant water authority.
- (h) All liquid trade waste pre-treatment devices must be regularly maintained to remain effective in accordance with the conditions of the liquid trade waste approval issued by the relevant water authority.

REASON

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

167. Awnings over Footpaths

The awnings over the footpaths adjacent to the development site shall be maintained in a structurally sound and safe condition at all times by the Owner / Owner's Corporation of the building. The awning must be inspected and regular maintenance be carried out to ensure the awning's structural integrity, aesthetic and functional qualities are maintained.

REASON

To minimise risk to life and property.

168. Private Waste Collection

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

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

REASON

To minimise adverse impacts to the locality.

169. Illumination

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

REASON

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

170. Maintenance of Stormwater Drainage System

The stormwater drainage system (including all pits, pipes, absorption, detention structures, treatment devices, infiltration systems and rainwater tanks) shall be regularly cleaned, maintained and repaired to ensure the efficient operation of the system from time to time and all times. The system shall be inspected after every rainfall event to remove any blockage, silt, debris, sludge and the like in the system.

All solid and liquid waste that is collected during maintenance shall be disposed of in a manner that complies with the appropriate Environmental Guidelines. The water from the rainwater tank should not be used for drinking. Rainwater tanks shall be routinely de-sludged and all contents from the de-sludging process disposed: Solids shall be disposed to the waste disposal and de-sludged liquid shall be disposed to the sewer.

REASON

To protect waterways and minimise adverse impacts to the environment.

171. Maintenance of Wastewater and Stormwater Treatment Device

During occupation and ongoing use of the building, all wastewater and stormwater treatment devices (including drainage systems, sumps and traps, and on-site detention) must be regularly maintained to remain effective and in accordance with any positive covenant (if applicable).

REASON

To protect sewerage and stormwater systems.

172. Waste Management – Comply with Approved WMP

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

REASON

To minimise adverse impacts to the locality.

173. Co Living

- a) This approval is for a Co-Living Development as per in *State Environmental Planning Policy (Housing) 2021*.
- b) The Co Living is to operate in accordance with the requirements of the *State Environmental Planning Policy (Housing) 2021*. Any variation of the approved land use and/occupancy of any co living room beyond the scope of the consent, will require the submission to Council of a new application, and
- c) The Co Living development shall comply with the following:
 - (i) A maximum of 131 co living rooms being 102 double occupancy and 29 single occupancy, shall be provided on the site, and
 - (ii) No single boarding room shall be occupied by more than one (1) person at any one time. No double boarding room shall be occupied by more than two (2) persons at any one time, and
 - (iii) All fixtures, fittings, furniture, shall be constructed of durable, smooth, impervious materials capable of being easily cleaned. All parts of the premises and all appurtenances (including furniture, fittings, bedsteads, beds and bed linen) must be kept in a clean and healthy condition, and free from vermin, and

- (iv) Adequate number of beds, adequate storage space and blinds, curtains or similar devices to screen bedroom windows for privacy must be provided for the occupants, and
- (v) A 24 hour, 7 day contact number shall be provided to all immediate and nearby residential neighbours for use in the event of a disturbance. If the contact number changes, neighbouring residents shall be provided with a new telephone number with 7 days, and placed at (each) entry to the property and clearly visible from a public place, and
- (vi) The proprietor/operator of the proposed development must limit patron numbers in external areas to no more than 30 persons at any one time, and
- (vii) Use of the external common areas is permitted as follows;
 - 1. Between 8.00am – 10.00pm Monday to Sunday and Public Holidays.
 - 2. All windows and doors of the internal communal areas are to be closed between 6pm and 7am Monday to Sundays and Public Holidays.
- (viii) Use of music in the communal room is permitted provided that the music is played at background noise levels (66 dBA Leq sound pressure, such that conversation can be conducted without raised voice being required).
- d) The Co Living development shall be designed, constructed and maintained to comply with the requirements of the *Local Government Act 1993*, *Local Government (General) Regulations 2005*, *Public Health Act 2010*, *Public Health Regulation 2012*, *Boarding Houses Act 2012* and *Boarding Houses Regulation 2013*.
- e) Plan of Management (PoM):
 - i. The development shall at all times be operated in accordance with the approved Plan of Management (PoM), and
 - ii. A copy of the approved PoM shall be displayed in the Communal Room and within each of the boarding rooms at all times, and
 - iii. 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
 - iv. The PoM shall be reviewed annually and provided to Council's Environmental Health Officers at time of Boarding House premises annual inspection or as requested. If the Plan of Management is updated following the review, the operator is required to:
 - A. provide summary of changes;
 - B. ensure that the amended PoM is consistent with all conditions of this consent, and
 - C. the PoM is updated, if required, to include comments provided by Council.

- f) Subdivision of the development is not permitted.
- g) All tenants must enter into an occupancy agreement prior to commencing tenancy at the premises. The minimum period for the occupancy agreement must three (3) months.
- h) A copy of the annual fire safety statement is to be prominently displayed in the development. Note: An annual inspection will be carried out by Council to determine that all conditions of consent and fire safety measures are being complied with. An additional fee may be charged for the required inspection as adopted in Council's fees and charges.

REASON

To ensure boarding houses are constructed and operated in accordance with the approved plans and documentation and to avoid adverse impacts

174. On Site Waste Collection

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

REASON

To ensure waste is adequately stored within the premises.

175. DPE - Managing Noise with Ongoing Acoustic Treatment

During ongoing use of the premises, the premises must be operated in accordance with any approved acoustic report.

Where the approved acoustic report recommends ongoing acoustic treatments, an acoustic implementation report from a suitably qualified person must be submitted to Council within twelve (12) months of the date of the issue of the Occupation Certificate.

The report must confirm the implementation of acoustic treatment and demonstrate the external and internal noise levels satisfy the criteria nominated in accordance with the approved acoustic report.

REASON

To ensure operational noise levels comply with the approved acoustic report and do not unreasonably impact on the amenity of adjoining and nearby premises.

176. Thermostatic Mixing Valve

Should a thermostatic mixing valve be installed in the premises, the following requirements shall be met:

- a) The thermostatic mixing valves shall be set at a predetermined temperature of no lower than 37°C and no higher than 43°C. The “fail safe” mixing valves shall be installed, and
- b) A copy of the commissioning report for the thermostatic mixing valve shall be submitted to Council with an additional copy kept on the premises. The thermostatic mixing valves are to be serviced annually by a suitably qualified and registered Plumber who has completed a TAFE course in mixing valves, and
- c) The thermostatic mixing valve shall be registered with Council as a warm water system, by completing the attached registration form, in accordance with the provisions of the *NSW Public Health Act 2010* and the *Public Health Regulation 2012* for the control and prevention of Legionnaires Disease.

REASON

To ensure compliance with the relevant legislation and to protect human health.

177. DPE - Storage and Disposal of Waste Materials during Ongoing Use

During ongoing use of the premises:

- (a) An adequate number and size of bins must be put on the premises for the storage of any waste that is generated (including for recycling).
- (b) All garbage and recyclable materials generated from the premises must be stored wholly within any approved storage area and must not be stored outside the premises (including any public place) at any time.
- (c) Arrangements must be implemented for the separation of recyclable materials from garbage.
- (d) Any approved waste storage area must be appropriately maintained to prevent litter and the entry of pests.
- (e) Where Council does not provide commercial garbage and recyclable materials collection services:
 - (i) A contract must be entered into with a licensed contractor to provide these services for the premises; and
 - (ii) A copy of the contract must be kept on premises and provided to relevant authorities including Council officers on request.
- (f) Where the collection of garbage and recyclable materials from the premises is undertaken by a licensed contractor, it must only occur between 7 am and 6pm Monday to Friday and 8am to 6pm on Saturday, Sundays and Public Holidays
- (g) All liquid trade waste discharged to sewerage system must comply with the trade waste approval issued by the relevant water authority.
- (h) All liquid trade waste pre-treatment devices must be regularly maintained to remain effective in accordance with the conditions of the liquid trade waste approval issued by the relevant water authority.

REASON

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

178. DPE - Storage of Goods during Ongoing Use

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.

REASON

To ensure goods are stored wholly within the premises and protect the amenity of the local area.

179. Annual Fire Safety Certificate

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

REASON

To ensure annual checks on fire safety measures.

Annexure 'B'**Emag Apartments Pty Limited****v****Bayside Council****Land and Environment Court Proceedings No. 2025/00094872****Further Amended Application**

TAB	DOCUMENT	DATE
1.	Further Amended Architectural Plans (Rev H) prepared by TIER Architects - 100: Cover Page - 100A: Calculations - 100B: Aerial View - 100C: Site Analysis - 100E: Site Photos - 103: Survey Plan - 200: Basement Floor Plan - 201: Ground Floor - 202: Level 1 Floor Plan - 203: Level 2 Floor Plan - 204: Level 3 Floor Plan - 205: Level 4 Floor Plan - 206: Level 5 Floor Plan - 207: Level 6 Floor Plan - 208: Level 7-10 Floor Plan - 209: Roof Plan - 300: East Elevation (Princes Hwy) - 301: South Elevation (Geeves Ave) - 302: West Elevation (Geeves Ln) - 303: North Elevation - 304: Princes Highway Streetscape Elevation - 400: Section AA - 401: Section BB - 502: Area Calculations - 503: GFA Calculations - 504: GFA Calculations 2 - 505: GFA Calculations 3 - 700: Winter Shadows – 9AM - 701: Winter Shadows – 10AM - 702: Winter Shadows – 11AM - 703: Winter Shadows – 12PM - 704: Winter Shadows – 1PM - 705: Winter Shadows – 2PM - 706: Winter Shadows – 3PM - 900: Materials and Finishes - 954: Crane Section	26 November 2025
2.	Further Amended Landscape Plans (Issue F) prepared by Paul Scrivener:	25 November 2025

	- 1 of 5, Landscape Site Plan - 2 of 5, Level 1 Plan - 3 of 5, Level 3 Plan - 4 of 5, Level 5 Plan - 5 of 5, Calculations Plan	
3.	Amended Clause 4.6 – Height – prepared by Planning Ingenuity	19 November 2025
4.	Clause 4.6 – SEPP Car Parking Rates – prepared by Planning Ingenuity	19 November 2025
5.	Traffic Statement in Support of Parking Rates prepared by PDC	28 November 2025
6.	Site Hydrogeology Report prepared by Morrow Geotechnics	24 October 2025
7.	Dewatering Management Plan prepared by Morrow Geotechnics	24 October 2025
8.	Remedial Action Plan prepared by EI Australia	25 November 2025
9.	Response to Review of Detailed Site Investigation prepared by EI Australia	7 November 2025
10.	NABERS Embodied Emissions Materials Form prepared by QPC & C	20 November 2025
11.	Private Waste Contractor Confirmation Letter prepared by Waste Clear	22 October 2025
12.	(updated) Acoustic Report prepared by West & Associates Pty Ltd	19 November 2025
13.	(updated) Wind Impact & Wind Tunnelling Emulation Assessment Report prepared by ANA Civil	19 November 2025
14.	(updated) Access Report prepared by Vista Access Architects	18 November 2025
15.	(updated) Section J Report prepared by Outsource Ideas	20 November 2025
16.	(updated) Operational Waste Management Plan prepared by Archer Consultants Pty Ltd	November 2025
17.	(updated) Plan of Management prepared by Emag Apartments	November 2025