Bayside Council
Serving Our Community

NOTICE OF DETERMINATION OF A DEVELOPMENT APPLICATION

Application number	DA-2024/357 PAN-494604
Applicant	Marie-Claire Alexander-Hatzipilis LEVEL 5, 140 WILLIAM STREET, WOOLLOOMOOLOO NSW 2011
Description of development	Integrated Development - Demolition of existing structures and construction of a mixed-use development comprising business premises, industrial units and self storage
Property	34 RICKETTY STREET, MASCOT NSW 2020 LOT 1 and 2 in DP 220569
Determination	Approved Consent Authority -
Date of determination	
Date from which the consent operates	TBC
Date on which the consent lapses	TBC

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

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Right of appeal / review of determination

If you are dissatisfied with this determination:

Request a review

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

Rights to appeal

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

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

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

For further information, please contact Andrew Ison - 02 9562 1701 / Senior Development Assessment Planner

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Terms and Reasons for Conditions

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

General Conditions

1	**Compliance with Building Code of Australia and insurance requirements under Home Building Act 1989**
	1. It is a condition of a development consent for development that involves building work that the work must be carried out in accordance with the requirements of the *Building Code of Australia*. 2. It is a condition of a development consent for development that involves residential building work for which a contract of insurance is required under the *Home Building Act 1989*, Part 6 that a contract of insurance is in force before building work authorised to be carried out by the consent commences. 3. It is a condition of a development consent for a temporary structure used as an entertainment venue that the temporary structure must comply with Part B1 and NSW Part H102 in Volume 1 of the *Building Code of Australia*. 4. In subsection (1), a reference to the *Building Code of Australia* is a reference to the Building Code of Australia as in force on the day on which the application for the construction certificate was made. 5. In subsection (3), a reference to the *Building Code of Australia* is a reference to the Building Code of Australia as in force on the day on which the application for development consent was made. 6. This section does not apply— a. to the extent to which an exemption from a provision of the *Building Code of Australia* or a fire safety standard is in force under the *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*, or b. to the erection of a temporary building, other than a temporary structure to which subsection (3) applies.
	Condition reason: Prescribed condition under section 69 of the Environmental Planning and Assessment Regulation 2021.
2	**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 plans				
Plan number	**Revision number**	**Plan title**	**Drawn by**	**Date of plan**

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AR-DA-0102	D	Proposed Site Plan	Place Studio	21/7/25
AR-DA-0104	D	Demolition Plan	Place Studio	21/7/25
AR-DA-1000	J	Ground Floor Plan	Place Studio	19/9/25
AR-DA-1005	H	Ground Floor - Mezzanine	Place Studio	21/7/25
AR-DA-1010	I	Podium P1 Parking	Place Studio	19/9/25
AR-DA-1020	H	Level 01 Plan	Place Studio	19/9/25
AR-DA-1025	G	Level 01 - Mezzanine	Place Studio	21/7/25
AR-DA-1030	H	Level 02 Plan	Place Studio	19/9/25
AR-DA-1035	G	Level 02 - Mezzanine	Place Studio	21/7/25
AR-DA-1040	I	Level 03 Plan	Place Studio	19/9/25
AR-DA-1045	F	Level 03 – Mezzanine	Place Studio	21/7/25
AR-DA-1050	I	Level 04 Plan	Place Studio	19/9/25
AR-DA-1055	F	Level 04 – Mezzanine	Place Studio	21/7/25
AR-DA-1060	H	Level 05 Plan	Place Studio	19/9/25
AR-DA-1065	G	Level 05 – Mezzanine	Place Studio	21/7/25
AR-DA-1070	G	Roof Plan	Place Studio	15/8/25
AR-DA-2001	G	South Elevation (Ossary)	Place Studio	21/7/25
AR-DA-2002	F	North Elevation (Ricketty)	Place Studio	21/7/25
AR-DA-2003	F	East Elevation	Place Studio	21/7/25
AR-DA-2004	E	West Elevation	Place Studio	21/7/25
AR-DA-2005	A	Site Through Link – Elevations	Place Studio	28/8/25
AR-DA-3001	D	Overall Section A	Place Studio	21/7/25
AR-DA-3002	D	Overall Section B	Place Studio	21/7/25
AR-DA-3003	D	Overall Section C	Place Studio	21/7/25
AR-DA-3004	D	Overall Section D	Place Studio	21/7/25
AR-DA-9700	D	Material Finishes Schedule	Place Studio	21/7/25
AR-DA-9800	C	Signage	Place Studio	21/7/25
L003	D	Hardscape	Place Landscape	26/8/25
L004	D	Planting Plan Full Site	Place Landscape	26/8/25
L005	D	Planting Plan	Place Landscape	26/8/25
L006	D	Planting Plan	Place Landscape	26/8/25
L007	D	Planting Plan	Place Landscape	26/8/25
L008	D	GF Podium	Place Landscape	26/8/25
L009	D	Level 5	Place Landscape	26/8/25
L010	D	Rooftop	Place Landscape	26/8/25
L011	D	Front Elevation Ricketty	Place Landscape	26/8/25

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L012	D	Front Elevation Ossary	Place Landscape	26/8/25
L014	D	West Elevation	Place Landscape	26/8/25
L015	D	Typical Planter Sections	Place Landscape	26/8/25
101	D	Stormwater Concept Plan Ground Floor	Telford Civil	29/8/25
104	D	RWT & WSUD Chamber Details	Telford Civil	28/8/25
106	D	Catchment Plan and MUSIC Results	Telford Civil	29/8/25
107	A	Sediment and Erosion Control Plan & Details	Telford Civil	22/11/24
108	B	Miscellaneous Details Sheet	Telford Civil	30/5/25

Approved documents			
Document title	**Version number**	**Prepared by**	**Date of document**
Acid Sulfate Soil Management Plan	232400.00	Douglas Partners	3/12/24
Additional Preliminary Site Investigation Report	3123-LTR-01-290525.v1f	Environmental Group Australia	17/7/25
Arboricultural Impact Assessment	2425115.3	Redgum Horticultural	2/9/25
BCA Addendum Letter	120294-BCA Addendum-r01	Jensen Hughes	9/6/25
Crime Risk Assessment and Security Management Plan		Sutherland & Associates Planning	December 2024
ESD Report	P01579	E-LAB Consulting	30/5/25
Flood Impact Assessment	TEL24355	Telford Civil	August 2025
Groundwater Monitoring Event	3123-GME-01-270625.v1f	Environmental Group Australia	27/6/25
Net Zero Carbon Statement	P01579	E-LAB Consulting	30/5/25
Noise Impact Assessment	P02123	E-LAB Consulting	3/6/25
Operational Waste Management Plan	6327, Rev B	Elephants Foot	28/11/24
Pedestrian Wind Environment Statement	WF765-04F02(REV1)-WS REPORT	Windtech	6/6/25
Remedial Action Plan	3123-RAP-01-280725.v2f	Environmental Group Australia	6/8/25
Revised Green Travel Plan	24151	CJP Consulting Engineers	22/9/25
Revised Traffic & Parking Assessment	24151	CJP Consulting Engineers	22/9/25

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Statement of Compliance Access for People with a Disability	224180	Accessible Building Solutions	30/5/25
Statement of Environmental Effects		Sutherland & Associates Planning	December 2024
Stormwater Concept Plan Certification		Telford Civil	29/8/25
Updated Civil Letter		Telford Civil	25/8/25

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

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

Condition reason: To ensure all parties are aware of the approved plans and supporting documentation that applies to the development.

3 **Tree Management**

<u>Tree Removal</u>

- Public Domain Street Trees: Tree 1, 2, 6, 7, 11, 12 & 17.
- On Site Trees: Trees 19, 21-42.
- 30 Trees in Total
- Exempt Species: Tree 13.
  Previously removed Trees: Tree 9.

No other trees located within the site, adjoining properties or Council's nature strip shall be removed or pruned, inclusive of roots with a diameter greater than 40mm, without the prior written consent of council in the form of a Permit issued under Council's Development Control Plan and/or State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017.

<u>Tree Protection</u>

The applicant shall comply with all recommendations, requirements, and management plans contained within the Arborist report, prepared by Redgum Horticultural, Rev 2, dated 2 September 2025.

Tree Retention & Protection

- <u>On Site</u>. Trees 3, 4, 5, 8, 10, 14, 15, 16 & 18
- <u>Adjacent Lots</u>. Tree 20.
- <u>Public Domain</u>. Nill

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

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

To protect and retain trees in accordance with AS4970-2009 protective fences consisting of chain wire mesh temporary fence panels with a height 1.8m shall be erected outside the dripline. The fence panels must be securely mounted and braced to prevent movement. The area within the fencing must be mulched with leaf mulch to a depth of 100mm and a weekly deep watering program undertaken, and

Protective fences at least 1.5 metres high erected, at the greater of the drip line or 1.5 metres from the trunk of each tree which is to be retained. The protective fences shall consist of para-webbing or chain wire mesh mounted on star pickets or similar metal posts, shall be in place prior to the commencement of any work on site and shall remain until the completion of all building and hard landscape construction, and

Fencing shall be erected to ensure that the public footway is unobstructed. If there is insufficient space to erect fencing, wrap the trunk with hessian or carpet underlay to a height of 2.5m or to the trees first lateral branch, whichever is greater, and affix timber palings around the tree with strapping or wire (not nails), and

The applicant is required to contact Council for an inspection and/or provide photographic evidence of the fenced tree protection zones. Council approval is required prior to commencement of any works

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

Deed of Agreement

In accordance with **Bayside Council Development Control Plan 2020 3.8.2** accepts offset planting on public land subject to an application or property owner entering into a deed of agreement that is supported by a condition of consent under s4.16 of the Environmental Planning and Assessment Act.

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

Tree Offset Controls

The proposed development includes the removal of thirty (30) live trees. To offset the loss of canopy the applicant is required to replace the tree at a 3:1 replacement ratio, therefore a total of ninety (90) new trees shall be planted to offset the canopy loss for environmental reasons.

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The consent specifies that a Tree Location Plan must be lodged with Council prior to the issue of a Construction Certificate, nominating the location and species of trees to be replanted. Where the applicant is relying on this Agreement to satisfy the consent, this Agreement must be in place prior to the issue of a Construction Certificate.

Public Domain Landscape Maintenance Bond

The applicant is to submit payment of a Public Domain Landscape Maintenance Bond of $15,000.00. The duration of the Bond shall be limited to a period of twelve (12) months after. the occupational certificate is issued. The Bond shall be refunded pending an inspection of the trees by Council. If a tree is found dead, pruned or dying and will not recover the applicant will forfeit all or part of the bond to replace or maintain the trees.

Breach of Conditions

The above listed requirements and tree protection measures must be complied with at all times until completion of all building and hard landscape construction.
Council may choose to issue an infringement notice or pursue legal action if the conditions of consent have been broken.

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

4 **Parking Allocation**

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

Use	Number of Spaces Allocated
Showroom/Business Premises Mezz 00.01	11 car parking spaces 1 x MRV loading bay
Warehouse Unit/Industrial Mezz 00.02	4 car parking spaces 1 x MRV loading bay
Warehouse Unit/Industrial Mezz 00.03	4 car parking spaces 1 x SRV loading bay
Industrial Units/Industrial Mezz 1.05, 1.06, 2.05, 2.06, 5.05 & 5.06	1 car parking space for each unit 1 SRV loading bay each
Industrial Units/Industrial Mezz 1.01, 2.01	2 car parking spaces for each unit

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	1 Van loading bay for each unit
Industrial Units/Industrial Mezz 1.02 - 1.03, 1.07, 1.10 - 1.12, 2.02 - 2.03, 2.07, 2.10 - 2.12, 5.02 & 5.07	2 car parking spaces for each unit 1 SRV loading bay for each unit
Industrial Unit/Industrial Mezz 5.01	3 car parking spaces for each unit 1 Van loading bay for each unit
Industrial Units/Industrial Mezz 1.09, 1.13, 2.09, 2.13, 5.03, 5.04 & 5.08 - 5.13	3 car parking spaces for each unit 1 SRV loading bay for each unit
Industrial units 1.04, 1.08, 2.04 & 2.08	4 car parking spaces for each unit 1 SRV loading bay for each unit
Self-Storage units P.01 – P.08, 3.01 – 3.25 & 4.01 - 4.26	10 car spaces 1 car wash bay 2 spaces allocated exclusively to self-storage unit 3.02 2 spaces allocated exclusively to self-storage unit 4.02
Loading Bays shared by the entire building	3 x MRV 5 x Van
Motorcycle parking shared by the entire building	12 spaces
Bicycle parking shared by the entire building	23 spaces

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

All residential bicycle spaces, motorcycle spaces and the ground floor 3 MRV loading bays + 5 Van loading bays shall be stated as common property on any Strata plan for the site.

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

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	Condition reason: To ensure that car parking is provided and allocated in accordance with the approved plans and documentation.
5	**Approved Materials and Finishes.**
	The finishes, materials and colour scheme approved under condition titled **3** and any other relevant condition(s) of this consent must not be altered or amended at the construction certificate stage without a separate Section 4.55 approval.
	Condition reason: To ensure that the development is finished in accordance with the approved plans and documentation.
6	**Certification of External Wall Cladding**
	The external walls of the building, including attachments must comply with the relevant requirements of the National Construction Code (NCC). Prior to the issue of the relevant Construction Certificate and Occupation Certificate, the Principal Certifier must: a) Be satisfied that suitable evidence is provided to demonstrate that the products and systems proposed for use or used in the construction of external walls including finishes and claddings such as synthetic or aluminium composition panels comply with the relvant 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.
	Condition reason: To ensure development complies with the NCC and fire safety requirements.
7	**Construction Certificate Required**
	A Construction Certificate must be obtained from Council or a Principal Certifier prior to any building work commencing. Building work is defined under the *Environmental Planning and Assessment Act Part 6*.
	Condition reason: To ensure that a Construction Certificate is obtained at the appropriate time.
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.
	Condition reason: To avoid changes that may result in adverse impacts without proper assessment.
9	**No Intensification of Activities**

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	No intensification of activities shall occur on the premises without prior consent from Council.
	Condition reason: To avoid changes that may result in adverse impacts without proper assessment.
10	**Separate Application Required for Any Non-Specified Uses**
	Separate approval shall be obtained for any non-specified use/uses of the property prior to their commencement. Additional conditions may be applicable. Specified uses in the approval are: a) Storage premises, b) Light industries, c) Specialised retail premises, and d) Business premises. Note: Parking and loading provisions in a mixed use development may preclude certain uses.
	Condition reason: To ensure that a proper assessment and approvals are undertaken for future uses.
11	**Design Architect Involvement**
	(a) In order to ensure the design excellence of the development is retained: (i) A registered architect (design architect) is to have direct involvement in the design documentation, contract documentation and construction stages of the project, and (ii) The Design Architect is to have full access to the site and is to be authorised by the applicant to respond directly to the consent authority where information or clarification is required in the resolution of design issues throughout the life of the project, and (iii) Evidence of the Design Architect's commission is to be provided to the Council prior to release of the Construction Certificate. (b) The Design Architect of the project is not to be changed without prior notice and approval of the Council.
	Condition reason: To ensure design quality is achieved in accordance with the approved plans and documentation.
12	**Adopt Acoustic Report - Managing Noise**
	Adopt and implement all recommendations contained in the Noise Impact Assessment prepared by E-LAB Consulting and dated 3 June 2025.

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	Details demonstrating compliance with the approved acoustic report listed above must be shown in the plans submitted with the Construction Certificate and must be implemented prior to issue of any Occupation Certificate.
	Condition reason: To protect the amenity of the local area.
13	**Adopt Operational Waste Management Plan**
	Adopt and implement all recommendations contained in the Operational Waste Management Plan prepared by Elephants Foot Group and dated 28 November 2024.
	Condition reason: To protect the amenity of the local area.
14	**General Landscape Conditions**
	a) Landscaped areas and deep soil zones as depicted in the approved plans are not to be reduced in size and shall be provided with soft landscape treatment. Built in planter boxes approved above slab structures as indicated in approved plans are not to be replaced with plant pots. b) Irrigation. To ensure satisfactory growth and maintenance of the landscaping, a fully automatic drip irrigation system is required in all landscaped areas. The system shall be installed by a qualified landscape contractor and provide full coverage of planted areas with no more than 300mm between drippers, automatic controllers and backflow prevention devices, and should be connected to a recycled water source. Irrigation shall comply with both Sydney Water and Council requirements as well as Australian Standards and be always maintained in effective working order.
	Condition reason: To ensure compliance with landscape requirements from relevant policies.
15	**Separate Approval for Any Additional Signage**
	A separate consent must be obtained for any signage, in addition to signage specifically approved under this consent / prior to the erection of any additional signage, (other than exempt and complying development). Advisory Note: 'signage' is defined as follows: ‘signage’ means any sign, notice, device, representation or advertisement that advertises or promotes any goods, services or events and any structure or vessel that is principally designed for, or that is used for, the display of signage, and includes any of the following: (a) an advertising structure, and (b) building identification sign, and

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(c) business identification sign.

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

16 **Water NSW**

The following conditions are imposed by Water NSW in their letter dated 5 March 2025 and must be complied with:

a) GT0115-00001 Groundwater must only be pumped or extracted for the purpose of temporary construction dewatering at the site identified in the development application. For clarity, the purpose for which this approval is granted is only for dewatering that is required for the construction phase of the development and not for any dewatering that is required once construction is completed.
b) GT0117-00001 A water access licence, for the relevant water source, must be obtained prior to extracting more than 3ML per water year of water as part of the construction dewatering activity. Advisory Notes: 1. This approval is not a water access licence. 2. A water year commences on 1 July each year. 3. This approval may contain an extraction limit which may also restrict the ability to take more than 3ML per water year without further information being provided to WaterNSW. 4. Note that certain water sources may be exempted from this requirement – see paragraph17A, Schedule 4 of the Water Management (General) Regulation 2018.
c) GT0118-00001 If no water access licence is obtained for the first 3ML / year (or less) of water extracted, then, in accordance with clause 21(6), Water Management (General) Regulation 2018, the applicant must: (a) record water taken for which the exemption is claimed, and (b) record the take of water not later than 24 hours after water is taken, and (c) make the record on WAL exemption form located on WaterNSW website "Record of groundwater take under exemption", and (d) keep the record for a period of 5 years, and (e) give the record to WaterNSW either via email to Customer.Helpdesk@waternsw.com.au or post completed forms to - PO Box 398 Parramatta NSW 2124 (i) not later than 28 days after the end of the water year (being 30 June) in which the water was taken, or (ii) if WaterNSW directs the person in writing to give the record to WaterNSW on an earlier date, by that date.
d) GT0119-00001 All extracted groundwater must be discharged from the site in accordance with Council requirements for stormwater drainage or in accordance with any applicable trade waste agreement.
e) GT0120-00001 The design and construction of the building must prevent: (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

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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.

f) 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)

g) GT0123-00001 (a) Prior to the issuing of the occupation certificate, and following the completion of the dewatering activity, and any monitoring required under the Approved Monitoring Programme, the applicant must submit a completion report to WaterNSW. (b) The completion report must, unless agreed otherwise in writing by WaterNSW, include matters set out in any guideline published by the NSW Department of Planning Industry and Environment in relation to groundwater investigations and monitoring. Where no guideline is current or published, the completion report must include the following (unless otherwise agreed in writing by WaterNSW): 1) All results from the Approved Monitoring Programme; and 2) Any other information required on the WaterNSW completion report form as updated from time to time on the WaterNSW website. c) The completion report must be submitted using "Completion Report for Dewatering work form" located on WaterNSW website www.waternsw.com.au/customer-service/waterlicensing/dewatering

h) GT0150-00001 The extraction limit shall be set at a total of 3ML per water year (being from 1 July to 30 June). The applicant may apply to WaterNSW to increase the extraction limit under this condition. Any application to increase the extraction limit must be in writing and provide all information required for a hydrogeological assessment. Advisory note: Any application to increase the extraction limit should include the following: - Groundwater investigation report describing the groundwater conditions beneath and around the site and subsurface conceptualisation - Survey plan showing ground surface elevation across the site - Architectural drawings showing basement dimensions - Environmental site assessment report for any sites containing contaminated soil or groundwater (apart from acid sulphate soils (ASS)) - Laboratory test results for

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soil sampling testing for ASS - If ASS, details of proposed management and treatment of soil and groundwater. Testing and management should align with the NSW Acid Sulphate Soil Manual

i) GT0151-00001 Any dewatering activity approved under this approval shall cease after a period of two (2) years from the date of this approval, unless otherwise agreed in writing by WaterNSW (Term of the dewatering approval). Advisory note: an extension of this approval may be applied for within 6 months of the expiry of Term.

j) GT0152-00001 This approval must be surrendered after compliance with all conditions of this approval, and prior to the expiry of the Term of the dewatering approval, in condition GT0151-00001. Advisory note: an extension of this approval may be applied for within 6 months of the expiry of Term.

k) GT0155-00001 The following construction phase monitoring requirements apply (Works Approval): 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

l) 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.

m) GT0241-00001 A construction certificate can be issued for excavation work in accordance with a valid development consent, however dewatering cannot take place without an Approval being granted by Water NSW for any water supply works required by the development. If the excavation work will or is likely to require dewatering, the applicant must apply and obtain, an approval under the Water Management Act 2000 prior to any dewatering taking place and notify WaterNSW of the programme for the dewatering activity including the commencement and proposed completion dates of the dewatering activity. Advisory Note: An approval under the Water Management Act 2000 is required to construct and/or install the water supply works. For the avoidance of doubt, these General Terms of Approval do not represent any authorisation for the take of groundwater, nor do they constitute the grant or the indication of an intention to grant, any required Water Access Licence (WAL). A WAL is required to lawfully take more than 3ML of water per water year as part of the dewatering activity. A water use approval may also be required, unless the use of the water is for a purpose for which a development consent is in force.

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	Condition reason: To ensure compliance with requirements of Water NSW.
17	**Transport for NSW (TfNSW)**
	The following conditions are imposed by TfNSW in their letter dated 19 August 2025 and must be complied with: a) All buildings and structures together with any improvements integral to the future use of the site (apart from kerb and gutter replacement, stormwater/drainage works, pedestrian footpath awnings, and required public utility works) are to be wholly within the freehold property unlimited in height or depth along the Ricketty Street boundary b) The construction of the channelised vehicular crossings, kerb, stormwater drainage and associated works on Ricketty Street shall be in accordance with TfNSW requirements. Detailed design plans are to be submitted to TfNSW for approval prior to the issue of a Construction Certificate and commencement of any road works. Please send all documentation to development.sydney@transport.nsw.gov.au. A plan checking fee and lodgement of a performance bond is required from the applicant prior to the release of the approved road design plans by TfNSW. c) Detailed design plans and hydraulic calculations of any changes to the stormwater drainage system that impact upon Ricketty Street are to be submitted to TfNSW for approval, prior to the issue of a Construction Certificate and 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. d) Vehicular access to the subject development on Ricketty Street shall be restricted to left-in and left-out movements only. Swept path plans shall be provided to ensure that the channelised driveways on Ricketty Street restrict ingress and egress vehicle movements to left-in and left-out only. The minimum clearance from the driveway to the power pole (measured from the edge) shall be 1 metre. e) 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. f) A Road Occupancy Licence (ROL) shall be obtained from the Transport Management Centre for any works that may impact on traffic flows on the state road network during construction activities. A ROL can be obtained through https://myrta.com/oplinc2/pages/security/oplincLogin.jsf.
	Condition reason: To ensure compliance with requirements of Transport for NSW.
19	**Sydney Airport**

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All requirements imposed by the Sydney Airport Corporation Limited (SACL) in their letter dated 8 January 2025 and must be complied with, including (but not limited to):

1. Sydney Airports Corporation has approved the development to a maximum height of 43 metres

   The approved height of 43 metres AHD is inclusive of all vents, chimneys, aerials, TV antennae and construction cranes etc. No permanent or temporary structure is to exceed this height without further approval from Sydney Airport Corporation Limited.

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.

Condition reason: To ensure compliance with requirements of Sydney Airports Corporation Limited.

20 **Ausgrid**

The following conditions are imposed by Ausgrid in their letter and must be complied with:

a) Ausgrid underground cables are in vicinity to 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 Before You Dig Australia (BYDA).

   In addition to BYDA the proponent should refer to the following documents to support safety in design and construction:

   SafeWork Australia – Excavation Code of Practice

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

   The following points should also be taken into consideration:

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

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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.

b) 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.

c) New driveways – proximity to existing poles

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

d) New or modified connection

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

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

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Condition reason: To ensure compliance with requirements of Ausgrid.

21 **Sydney Water**

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

a) Section 73 Compliance Certificate

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

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

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

b) Building Plan Approval (including Tree Planting Guidelines)

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

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

c) Tree Planting

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

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

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	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.
	Condition reason: To ensure compliance with requirements of Sydney Water.
22	**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, other than approved public domain works
	Condition reason: To avoid encroachment of the development beyond the site boundaries.

Demolition Work

Before demolition work commences

23	**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.
	Condition reason: To protect life, infrastructure and services
24	**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, and e) the contact telephone number of council and f) the contact telephone number of SafeWork NSW (4921 2900).
	Condition reason: To advise neighbours about the commencement of demolition work and provide contact details for enquiries

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25	**Demolition Management Plan**
	Before demolition work commences, a demolition management plan must be prepared by a suitably qualified person. The demolition management plan must be prepared in accordance with Australian Standard 2601 – the Demolition of Structures, the Code of Practice – Demolition Work, Bayside Development Control Plan 2022 and must include the following matters: 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 Bayside Development Control Plan 2022. 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 Bayside Development Control Plan 2022. 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.
	Condition reason: To provide details of measures for the safe and appropriate disposal of demolition waste and the protection of the public and surrounding environment during the carrying out of demolition works on the site.
26	**Waste Management Plan – an approved document of this consent**
	Before site work commences, a waste management plan for the development must be prepared and provided to the Ceritifer in accordance with all relevant condtions of this consent.
	Condition reason: To ensure resource recovery is promoted and local amenity protected during construction.
	Compliance with all relevant requirements

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27	Prior to commencement of demolition works, all relevant conditions in the 'Before Building Work Commences' and 'During Building Works' sections of the consent below must be satisfied.
	Condition reason: To ensure compliance with all relevant requirements prior to demolition.

During demolition work

28	**Site Maintenance**
	While demolition work is being carried out, the following requirements, as specified in the approved demolition management plan, must be maintained until the demolition work and demolition waste removal are complete: 1. Protective fencing and any hoardings to the perimeter on the site. 2. Access to and from the site. 3. Construction traffic management measures. 4. Protective measures for on-site tree preservation and trees in adjoining public domain. 5. On-site temporary toilets. 6. A garbage container with a tight-fitting lid.
	Condition reason: To protect workers, the public and the environment.
29	**Hours of Work**
	Demolition work must only be carried out between the following times: For building work, demolition or vegetation removal from 7:00am to 5:00pm on Monday to Saturday. No works to be carried out on Sunday and public holidays. Site work is not to be carried out outside of these times except where there is an emergency, or for urgent work directed by a Police Officer or a public authority. Demolition works are to be carried out in accordance with the approved Demolition Waste Management Plan listed in Condition 3.
	Condition reason: To protect the amenity of the surrounding area.

On completion of demolition work

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

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Building Work

Before issue of a construction certificate

30	**Design Amendments**
	Before the issue of the relevant Construction Certificate, the following amendments are required to be made to the approved plans and documentation, with details submitted to, and approved by, Council's Director of City Futures (or delegate):: (a) Fire Hyrdrant location –any fire hydrants must be visually screened from the public domain in accordance with Australian Standard 2419.1, with the location to be determined in consultation with and approved by Council's Director of City Futures or their delegate; and, (b) Substation to be relocated out of the side setback and housed within the building as required to address flooding issues (refer to Condition 58). The amended location, design and materials must minimize impacts on the streetscape; and,, (c) materials / design of the pedestrian through site link, including bollards, with surface treatment for pedestrians to be differentiated from vehicles;
	Condition reason: To require minor amendments to the plans endorsed by the consent following assessment of the development.
31	**Protection of Trees**
	Prior to issue of any Construction Certificate, a suitably qualified project arborist (with minimum AQF Level 5 qualifications in Arboriculture) must be engaged to advise on compliance with conditions of consent relating to the protection of trees at the site and/or adjoining properties and to supervise the installation and maintenance of tree protection measures and arboricultural monitoring program required by this consent and the approved arboricultural impact assessment. Evidence of engagement of a project arborist is to be submitted to, and approved, by Council.
	Condition reason: To ensure the protection of retained trees during demolition and construction.
32	**Long Service Levy**
	Before the issue of the relevant Construction Certificate, the long service levy of $124,285.27 as calculated at the date of this consent, must be paid to the Long Service Corporation or Council under the Building and Construction Industry Long Service Payments Act 1986, section 34, and evidence of payment is to be provided to the Principal Certifying Authority.
	Condition reason: To ensure the long service levy is paid.

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34 **Payment of fees and security deposits.**

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

Soil and Water Management Sign Fee	$27.00
Builders Damage Deposit (Security Deposit)	$168,130.75
Tree Preservation Bond (Security Deposit)	$15,000
Section 7.12 Contributions	$838,542.02

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

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

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

33 **Construction Site Management Plan**

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

(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;

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(j) The location of temporary toilets;

(k) The protective measures for the preservation of trees on-site and in adjoining public areas including measures in accordance with:

i. AS 4970 - Protection of trees on development sites;

ii. An applicable Development Control Plan;

iii. An arborist's report approved as part of this consent.

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

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

34 **Erosion and sediment control plan**

Before the issue of the relevant Construction Certificate, an erosion and sediment control plan must be prepared by a suitably qualified person in accordance with the following documents and provided to the principal certifier:

1. Council's relevant development control plan,
2. the guidelines set out in 'Managing Urban Stormwater: Soils and Construction' prepared by Landcom (the Blue Book) (as amended from time to time), and
3. the 'Guidelines for Erosion and Sediment Control on Building Sites' (Department of Planning, Housing and Infrastructure) (dated 2024, as amended from time to time).

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

35 **Requirements for Building Over Bayside Council's Stormwater Infrastructure**

Prior to the issue of any Construction Certificate, the design of the development shall comply with the following requirements, with information submitted to, and approved by, the Bayside Council Director of City Futures (or delegate):

a) The exact location, dimensions, and depth (including invert, obvert, cover etc.) of the council culvert needs to be accurately determined and surveyed by a registered surveyor and shown on a plan. A section of the surveyed levels of the existing box culvert in relation to the existing natural ground levels is to be provided.

b) A CCTV inspection and condition assessment of the existing box culvert prepared by a structural engineer registered with the National Engineering Register (NER) shall be provided.

c) The existing stormwater infrastructure (box culvert) traversing the site shall be reconstructed as part of this development. Detailed design plans prepared and certified by a qualified civil & structural engineer shall be provided. The design shall retain the existing dimensions and alignment of the asset to the satisfaction of Bayside Council with an access pit at the eastern and western boundaries of

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the site. Furthermore, the design must incorporate two (2) access pits at regular intervals within the building. The minimum dimensions of all access pits are to be 900x900mm.

d) The width of the easement is required to be increased to be 3.5m (the width of the drainage structures plus 1000mm on each side of the drainage structure). Furthermore, the easement extent shall be confirmed to be located directly over the centreline of the stormwater asset. The centreline and dimensions of the stormwater asset along with the easement dimensions shall be clearly shown on all construction drawings.

e) All permanent footings, foundations and/or piers shall be located outside the easement. Footings and piers including all foundations for buildings, walls, retaining walls, fill, and the underside of slabs located adjacent to Councils Stormwater infrastructure traversing the site, shall be designed so that no load is applied to the stormwater infrastructure.

f) The construction methodology for the demolition and reconstruction of the existing stormwater drainage infrastructure must allow for stormwater flows to continue flowing through the site during construction.

g) Beginning 500 mm (minimum) below the invert of the stormwater infrastructure at the easement boundary and continuing upwards to the surface at the angle of repose of the soil, this area above the angle of repose is generally considered as the zone of influence. Any footings or excavation to be located or undertaken adjacent to Bayside Council's stormwater infrastructure must be designed to address the following requirements:

    i. All footings and excavation must be located outside of the easement boundaries unless otherwise approved by Bayside Council, and

    ii. If footings are proposed within the zone of influence, these are to be supported fully on piers that extend below the zone of influence to a depth of at least 500mm below the invert of the stormwater asset.

h) No structural elements/load bearing walls etc. are permitted to be located within the easement on the ground floor of the building (other than the ground floor slab).

The design of the development is to be certified by an engineer registered with the National Engineering Register (NER) as being in accordance with the above-mentioned requirements. Bayside Council's Director of City Futures (or delegate) must advise in writing that this condition has been satisfied prior to the issue of any Construction Certificate. The requirements of this condition must be reflected in the construction certificate drawings and documentation.

Condition reason: Requirements for building over Council's asset to protect the asset and ensure long term performance.

36 **Detailed Design Stormwater Management Plan**

Prior to the issue of any Construction Certificate, detailed drainage design plans for the management of stormwater are to be submitted to the Bayside Council Director of City Futures (or delegate) for assessment and approval. Engineering design certification and drainage design calculations are to be submitted with the plans. Bayside Technical

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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 TELFORD, project number 24355, dated 28/08/2025, issue D along with the revisions/requirements detailed below:

a) The reconstruction of the council stormwater asset traversing the site is to be revised to comply with Baysie Council requirements that the box culvert be replaced with a new box culvert of identical dimensions as existing.

b) A minimum 50,000 litre rainwater tank shall be provided for the development, connected to all ground floor toilet flushing and the entire landscape irrigation system for non-potable stormwater re-use. A hydraulic rainwater re-use diagram shall accompany the plans.

c) The plans shall detail the flood mitigation measures.

d) The connection detail to the stormwater culvert shall be shown. The connection to the culvert shall be in accordance with section 3.2.4 of Bayside Technical Specification Stormwater Management.

e) Full manufacturer details of the SQID's shall be provided on the plans.

On Ossary Street the existing kerb inlet pit shall be demolished and two (2) new kerb inlet pits with an increased size (e.g., lintel length of 3.4m) shall be constructed as part of the development in accordance with Bayside Council infrastructure specifications.

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

37 **Utilities and services**

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

(a) a letter from Ausgrid demonstrating that satisfactory arrangements can be made for the installation and supply of electricity.

(b) a response from Sydney Water as to whether the plans accompanying the application for a construction certificate would affect any Sydney infrastructure, and whether further requirements need to be met.

(c) other relevant utilities or services – that the development as proposed to be carried out is satisfactory to those other service providers, or if it is not, the changes that are required to make the development satisfactory to them.

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

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38 **Payment of Section 7.11 Contributions**

A Section 7.11 contribution of $838,542.02 shall be paid to Council. The contribution is calculated according to the provisions contained within Council's adopted Former City of Botany Bay s7.11 Development Contributions Plan 2016 (Amendment 1) and having regard to the Ministerial Directive of 21 August 2012 (the $20,000 cap). The amount to be paid is to be adjusted at the time of payment, in accordance with the review process contained Contributions Plan. The contribution is to be paid prior to the issue of any compliance certificate; subdivision certificate or construction certificate. The contributions are only used towards the provision or improvement of the amenities and services identified below. Copies of the Contribution Plan can be inspected at the Council's Customer Services Centre, Administration Building, 444-449 Princes Highway, Rockdale.

Community Facilities	$73,139.44
Recreation and Open Space	$607,535.06
Transport Facilities	$151,158.84
Administration	$6,708.68
Total in 2025/26	**$838,542.02**

Condition reason: To address the increased demand for regional infrastructure resulting from the approved development.

39 **Housing and Productivity Contribution**

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

Housing and Productivity Contribution	**Amount**
Housing and Productivity Contribution (base component)	$198,434.18
Total Housing and Productivity Contribution	**$198,434.18**

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.

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	Condition reason: To require contributions towards the provision of regional infrastructure.
40	**Lighting**
	All proposed lights shall comply with the *Australian Standard AS4282 - Control of the Obstrusive Effects of Outdoor Lighting.* In this regard, the lighting of the premises shall be directed so as not to cause nuisance to the owners or occupiers of adjacent / adjoining premises or to motorists on adjoining or nearby roads.
	Condition reason: To ensure that adverse impacts from lighting are minimised in accordance with relevant standards.
41	**Safer by Design Requirements**
	To maximise security in and around the development the following shall be incorporated into the development. Details for the following are to be approved by the Principal Certifier prior to the issue of the Construction Certificate, implemented prior to issue of the Occupation Certificate, and maintained for the lifetime of the development: (a) Monitored CCTV facilities shall be implemented throughout the development. Areas of focus include car entry and exits, main entry areas to the development and garbage/storage areas, and (b) A lighting maintenance policy shall be established for the development. Lighting shall be designed to the Australian and New Zealand Lighting Standards. Australia and New Zealand Lighting Standard 1158.1 - Pedestrian, requires lighting engineers and designers to consider crime risk and fear when selecting lamps and lighting levels, and (c) Security mirrors shall be installed within corridors and on blind corners to enable users to see around blind corners, and (d) Graffiti resistant materials shall be used to ground level external surfaces, and (e) Intercom facilities shall be installed at all vehicular and pedestrian entry/exit points to enable residents to communicate and identify with people prior to admitting them to the development, and (f) The front window of the ground floor tenancies must be kept free of shelves, and a maximum of 25% of the window display area may be covered with promotional materials or may be obscure / opaque or other glazing, to ensure passive surveillance is maintained to and from the tenancy. In this regard, a minimum of 75% of all windows fronting Ricketty Street and Ossary Street must be clear glazed and not be blocked with shelving or other matter, and (g) The ceiling of the car parking areas shall be finished in light colour or natural concrete in order to maximise visibility.

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

42 **Wind Report**

The development (Commercial / Industrial) shall be constructed in accordance with the approved Wind Report listed under "*Approved Plans and Supporting Documents*" condition. Details are to be provided in the Construction Certificate plans and documentation.

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

43 **Contaminated Land – Supplementary Investigation and Amended Remedial Action Plan (RAP) Requirement**

All supplementary investigation works, including the 'Supplementary Contamination Assessment' (SCA), outlined in Section 6 of the 'Remedial Action Plan – 32-34 Ricketty Street Mascot NSW' (Updated RAP), reference 3123-RAP-01-280725.v2f, prepared by EGA, dated 6/08/2025, must be completed by a suitably qualified and experienced contaminated land consultant in accordance with:

a) NSW Environmental Protection Authority (EPA) 'Consultants reporting on contaminated land' 2020;
b) NSW EPA approved guidelines under the 'Contaminated Land Management Act 1997';
c) Chapter 4 of the 'State Environmental Planning Policy (Resilience and Hazards) 2021';
d) Section 3.11.3 of the 'Bayside Development Control Plan 2022' and
e) 'National Environment Protection (Assessment of Site Contamination) Measure 1999' (as amended 2013).

The SCA can be completed following site demolition in order to address the data gap of soil sampling below building footprints. No Construction Certificate is required for building demolition. The SCA must test for all Contaminants of Potential Concern (CoPCs) and be assessed against the appropriate Site Assessment Criteria. The results and discussion of the SCA must be provided in an amended version of the RAP. If any additional contamination is found, further remediation/management must be detailed as required.

Following the completion of the SCA, an amended RAP must be provided which updates all applicable sections of the RAP and which includes the following:

i. Provide and discuss all results of the 'Supplementary Contamination Assessment' (SCA);
ii. Update and provide a final Conceptual Site Model;
iii. Delineate the asbestos contamination at the site and specify if asbestos is heterogeneously distributed throughout the fill, or if it is only found in hot-spots;
iv. Provide an updated Remedial Options Assessment that considers the results of the SCA and that includes all high-level remediation options, even if these options are not appropriate, and provide appropriate justification for the preferred option(s);

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v. Update 'Table 9.2 – Approximate Remedial Extents' of the Updated RAP to indicate the final areas, depths, and volume of the Areas of Environmental Concern following the results of the SCA;
vi. Provide specific details of the preferred remediation for all contamination requiring management and/or remediation;
vii. Ensure that any proposed marker and capping layer considers the proposed excavations and Relative Levels (RLs) of proposed sub-surface infrastructure, including the building core, piles, Onsite Stormwater Detention (OSD) tank, and lift pits, such that these features are appropriately considered in the capping and do not penetrate through the geotextile;
viii. Provide specific details of the number, capacity, location, and depths of the Underground Storage Tanks (USTs) and any associated infrastructure that will be remediated (currently missing from the Updated RAP);
ix. Ensure that if remediation via the removal of the USTs is not possible, that the in-situ UST remediation approach is supported by an arborist report from a qualified arborist that clearly states that the USTs are unable to be removed as it would damage the root system of the significant tree that is required to be maintained;
x. Provide updated figure(s) to clearly show all the remediation areas and type of remediation, including UST remediation and validation;
xi. Ensure the landscaping areas in the figure(s) outlining remediation areas are consistent with the approved Landscape Plans (dated 28/05/2025), as the landscape areas of 'Figure 3 – Proposed Capping Areas' of the Updated RAP are currently incorrect; and
xii. Ensure there is correct cross-referencing to all remediation figure(s) in the RAP, as there are a number of incorrect references to Figure 2 in the Updated RAP as being the remediation areas.

The amended RAP must be completed by a suitably qualified and experienced contaminated land consultant to incorporate findings from any supplementary assessment. Prior to the issue of any Construction Certificate, the amended RAP must be submitted to, and approved in writing by Council's Director City Futures (or delegate).

Condition reason: *To ensure that the Amended RAP proposed for the site is sufficient, and remediation of land is in accordance with legislative requirements.*

44 **Appointment of Site Auditor**

Written evidence of the appointment of a NSW EPA Accredited Site Auditor must be provided to Council prior to the issue of any Construction Certificate. To ensure the necessary assessment and remediation is completed, a NSW EPA Accredited Site Auditor must be appointed to the site prior to the commencement of any remediation, excavation, or construction works at the site. The Site Auditor must review and endorse any additional investigation and remediation proposed prior to the commencement of any works. A Site Audit Statement (SAS) will be required prior to the issue of any Occupation Certificate to ensure the necessary assessment and remediation is completed.

Condition reason: To ensure remediation of land is in accordance with legislative requirements and that the site is suitable for the proposed use.

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45	**Site Audit Statement – Section B – Remedial Action Plan**
	To ensure that the amended RAP proposed for the site will result in the land being made suitable for the proposed use and to provide concurrence of the preferred remedial approach, a Section B SAS, completed by an accredited site auditor under the Contaminated Land Management Act 1997, must be submitted to Council. The SAS must clearly demonstrate that the amended RAP required to be prepared has been completed in accordance with the NSW guidelines, and that the land can be made suitable for the proposed use by implementation of the specified RAP. The RAP should prioritise remediation of the site without the need for a Long-Term Environmental Management Plan (LTEMP) to manage residual contamination risks. Any remediation approach that would require an LTEMP in order to make the site suitable for development must have appropriate justification via a remediation options assessment explaining why this is the preferred option against the 'National Environment Protection (Assessment of Site Contamination) Measure 1999' (as amended 2013). If deemed to be required, a LTEMP must be approved by Council and be in accordance with 'Bayside Development Control Plan 2022' Section 3.11.3. Prior to the issue of any Construction Certificate, the Section B SAS must be submitted to, and approved in writing by, Council's Director City Futures (or delegate). *Note: The SAS, which would include the LTEMP, will be notified by the planning certificate issued under Section 10.7(2) of the Environmental Planning Assessment Act 1979. A covenant registered on the title to the land under Section 88B of the Conveyancing Act 1919 will also be required.*
	Condition reason: To ensure remediation of land is in accordance with legislative requirements and that the site is suitable for the proposed use.
46	**Landscape Construction Certificate Drawings**
	<u>Detailed Landscape Plan for Construction Certificate</u> Prior the issue of the relevant Construction Certificate, detailed landscape plans must be submitted to, and approved by, the Director of City Futures (or delegate) of Bayside Council. 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 prepared by Place Studios, project number 2024089, revision D along with the revisions/requirements detailed below: i) A planting plan showing all plant locations, species and quantities. ii) All deep soil landscape areas shall include a dense layered planting scheme consisting of trees, shrubs and groundcovers.

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iii) Provide built in planter box sectional details and drainage details with finished levels to assess soil depths provisions. Podium planter boxes shall be designed to provide greenery to the streetscape.

iv) All new trees to be planted fronting Ricketty Street and Ossary Street are to be supplied and planted in advanced form, of minimum 100 litres.

v) All trees shall not be planted within 1m of any stormwater pipes, pits or other structures. Tree planting shall not decrease with this requirement.

vi) The natural ground levels of deep soil landscape areas are not to be altered unless otherwise indicated on the approved plans.

vii) Indicate the location of all stormwater elements and other underground structures relative to the landscape areas.

viii) 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.

ix) 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.

x) Details of all fencing, privacy screening, arbors and the like- elevations and materials, impacting or visible to public domain areas. 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.

xi) 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.

xii) All trees shall be located within mulched landscaped beds except where this may interfere with the performance of an above ground stormwater system.

<u>Landscape Maintenance Manual and Specifications</u>

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

The Maintenance Documentation is to cover a 12 month period to provide a guide to the landowner or occupier on how to best maintain the constructed landscaped areas; and include the following information: shrub pruning/trimming (frequency, plant requirements); Fertilising and pest control (soil testing, types, rate, frequency); Mulching, weeding and soil improvement (frequency, materials); Irrigation (checks, adjustments); tree

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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;

Inspection programs based on AS/NZS 1891.4, including annual load testing of chemical and friction anchors, for all installed anchors

Condition reason: To ensure compliance with landscape requirements from relevant policies.

47 **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:

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

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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.

Condition reason: To ensure compliance with landscape requirements from relevant policies.

48 **Landscape Frontage Works Application**

Prior to the issue of any Construction Certificate, the applicant must submit a Frontage Works Application (Public Domain Construction – Frontage / Civil Works Application) to Bayside Council.

Prior to the commencement of public domain works, a public domain landscape improvements plan shall be submitted to Bayside Council for assessment and approval. The plans shall be undertaken by a suitably experienced Landscape Architect and shall include, but not be limited to, new street tree planting, footpath paving (segmental/other), street tree pit treatments and tree guards, street furniture, in ground landscaping and irrigation. The landscape plan must indicate locations of lighting poles, underground services, stormwater infrastructure etc. The design shall be in accordance with Council's City Identity Program, Landscape DCP and any other Council specification or requirement. Contact Council's Landscape Architect for further details of specific requirements in preparation of the plan.

Note: Only one frontage works application needs to be submitted for the development consent. Lodgement of the frontage works application and payment of the fees with Bayside Council is all that is needed to satisfy this condition for the purposes of issuing the construction certificate for the purposes of issuing the construction certificate.

Condition reason: To ensure compliance with landscape requirements from relevant policies.

49 **Accessibility for Commercial Premises**

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The design and fitout of the commercial / retail areas must be in accordance with the current version of Australian Standard 1428.1 and the relevant Council Development Control Plan.

Note**:** Compliance with the relevant Council Development Control Plan and the Building Code of Australia does not necessarily guarantee that the development meets the full requirements of the Commonwealth Disability (Access to Premises – Buildings) Standards 2010 (the Premises Standard).

It is the responsibility of the applicant to make the necessary enquiries to ensure that all aspects of the DDA legislation are met.

Condition reason: To ensure that adverse impacts from wind are minimised in accordance with specified performance measures

50 **Glazing Reflectivity**

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

Condition reason: To ensure that adverse reflectivity impacts are minimised.

51 **Waste Storage Containers – Commercial / Industrial**

Appropriate waste and recycling containers and facilities will need to be provided for all specific end use businesses in accordance with the following waste generation rates:

<u>Commercial Waste</u>

(a) Retail Trading - shops, to 100 square metres - 0.1-0.2 cubic metres per 100 square metres of floor area per day, and

(b) Office - 0.01-0.03 cubic metres per 100 square metres of floor area per day.

<u>Industrial Waste</u>

(a) General Waste Facilities - 0.1-0.2 cubic metres per 100 square metres of floor area per day, and

(b) Industrial Waste - that is solid waste derived from the manufacture or repair of equipment - specialised containers appropriate for the nature of waste derived from the manufacture or repair of equipment, and

(c) Recycling Facilities - appropriate recycling facilities to be provided.

All waste and recycling containers shall be stored in an approved waste storage area that is large enough to store the required number of bins for the number of units and intended uses of the building.

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	Bins shall be stored in an area of the building that can be adequately serviced by waste collection vehicles. If the waste storage area is located in a part of the building that cannot be easily accessed by service providers, it will be the responsibility of the Owners Corporation to present the bins for collection to the kerb-side. Details of the waste storage area must be illustrated on the plans submitted with the application for the Construction Certificate for approval.
	Condition reason: To manage waste in accordance with Council's Waste Management Technical Specifications.
52	**Retaining Walls Over 600mm**
	Retaining walls over 600mm in height shall be designed and specified by a structural engineer registered with the National Engineering Register (NER).
	Condition reason: To ensure the structural adequacy of new retaining walls.
53	**Structural Certification for Flood Prone Land**
	Prior to the issue of the relevant Construction Certificate, a suitably qualified engineer is to certify that the structure can withstand the forces of floodwater, scour, debris, and buoyancy up to the 1% AEP event. All building materials shall be flood resistant, or flood compatible to a height of 500mm above the 1% AEP flood event. All internal electrical switches, power points or similar utilities liable to flood damage shall be set at a minimum of 500mm above the 1% AEP flood level.
	Condition reason: To ensure the development meets flood planning requirements.
54	**Flow Through Fencing**
	Prior to the issue of the relevant Construction Certificate, flow through open form fencing is required for all new boundary fencing and all new internal fences and gates up to the 1% AEP flood level. This requirement shall be reflected on the Construction Certificate plans and supporting documentation.
	Condition reason: To ensure the development meets flood planning requirements.
55	**Detailed Flood Risk Management Plan**
	Prior to the issue of the relevant Construction Certificate, a Flood Risk Management Plan, prepared by a suitably qualified Civil Engineer, must be provided for the development. The flood risk and flood hazard on the site and its surrounds shall be assessed for the 1% AEP and PMF flood events. The management plan must make provision for, but not be limited to, the following: a) Recommendations on all precautions to minimise risk to personal safety of occupants and the risk of property damage for the total development, and b) Flood warning signs / depth indicators for areas that may be inundated, and c) A flood evacuation strategy, and d) A flood awareness strategy, and

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e) On site response plan to minimise flood damage, demonstrating that adequate storage areas are available for hazardous materials and valuable goods above the flood level.

Condition reason: To ensure the development meets flood planning requirements and minimise risk to personal safety and property.

56 **Flooding Requirements and Revisions**

Prior to the issue of any Construction Certificate, details are to be submitted to the Principal Certifier demonstrating compliance with the following:

(a) Amended Flood Report
An amended flood impact assessment report and 2D flood modelling (TUFLOW) that does not propose cut within the TPZ of the existing trees along Ricketty Street shall be submitted to the Bayside Council Director of City Futures (or delegate) for approval. This will require further suspension of the ground floor slab. The amended flood modelling shall continue to demonstrate compliance with section 3.10 and section 9.5.4 of the Bayside DCP. The amended flood report approved by Bayside Council shall be implemented and relied upon in the construction certificate drawings.

(b) Suspended Ground Floor Slab
Part of the ground floor of the development shall be designed to be a suspended slab with a void below up to at least the 1% AEP flood level. The extent of the suspended ground floor slab (supported by the amended flood modelling) shall be submitted to the Bayside Council Director of City Futures (or delegate) for approval. Amended architectural plans and sections shall be submitted to the Bayside Council Director of City Futures (or delegate) for approval. Horizontal louvers with minimum 80mm gap shall be provided around the suspended floor to avoid pet animal/children being trapped under the building. No fill is permitted below the suspended floors. These requirements shall be reflected on the Construction Certificate plans and supporting documentation.

(c) Storage of Materials Damaged by Flood
Materials which may be damaged by flood waters shall be stored, or able to be stored, at or above 500mm above the 1% Annual Exceedance Probability (AEP) Flood Level.

(d) Side Passage to Remain Clear
The side passages between the building and the side boundaries shall remain clear of obstructions up to the 1% AEP flood level. Air conditioning units, electrical connections to hot water tanks, and other items that may be damaged by flood waters, shall be set at or above 500mm above the 1% AEP flood level.

(e) Substation Relocation

The substation shall be relocated to be within the building footprint so that it is not located within the flood extent.

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(f) No Fill Permitted
There is to be no fill outside of the building footprint as part of the development.

Condition reason: To ensure the development meets flood planning requirements and minimise risk to property.

57 **Detailed Parking Facility Design Requirements and Certification**

Prior to the issue of the relevant Construction Certificate, the construction certificate plans and supporting documentation shall demonstrate compliance with the following:

a) Compliance with AS2890 Car, Bicycle and Motorcycle Parking:

i. The parking facility (including parking spaces, ramps, aisles, vehicular crossing etc.) must comply in full with AS2890.1. The longitudinal profile(s) of the access driveway and any ramps within the parking facilities must comply with the Ground Clearance, Gradient (%) and Length requirements of the 2890 Australian Standards Series, and

ii. All vehicles are to enter and exit the site in a forward direction, and

iii. The minimum number of accessible car parking spaces shall be in accordance with the relevant disability legislation. The design and construction of accessible car parking spaces shall be in accordance with AS2890.6, and

iv. Pedestrian sightlines for vehicles existing the site are to comply with AS2890.1, and

v. Convex mirrors shall be provided at blind corners within, and leading to, the car parking levels to provide increased sight distance for vehicles, and

vi. The car wash bay(s) shall be 3.5m wide minimum, and

vii. A minimum of 23 bicycle parking spaces and 12 motorcycle parking spaces must be provided as part of the development and designed in accordance with AS2890.3:2015 and AS2890.1 respectively, and

b) Compliance with AS2890.2 Commercial (Service) Vehicle Parking:

i. Loading and unloading within the site shall be designed and be restricted to commercial vehicles not exceeding the size and mass description of the MRV from AS2890.2:2018 & Councils Garbage Truck. Commercial vehicles greater in size and mass than the MRV & Councils Garbage Truck are not permitted to enter the site, and

ii. The design of the parking facility (including driveways/access ramps/vehicular crossings etc.) shall conform with Australian Standards AS2890.2:2018 along the travel path of the service vehicles, and

iii. All service vehicles shall enter the property front in front out, and

iv. Swept path analysis shall be provided for manoeuvring of SRV & MRV commercial vehicles, depicting a forward entry and forward exit manoeuvre to/from the site via the loading dock(s) proposed within the development, and

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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 & 4.5m is achieved along the entire travel path, parking and manoeuvring areas of the SRV & MRV respectively 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, and

vii. The vehicular entry gate for the carpark shall be located to permit the queuing of one MRV when waiting to enter the building without overhanging the property boundary.

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.

Condition reason: To ensure compliance with the relevant Australian Standard.

58 **Provision of Car Wash Bay**

Prior to the issue of the relevant Construction Certificate, the car wash bay must be bunded in accordance with AS1940 and AS/NZS 4452 with direct connection to the sewer. A cold-water tap (typically connected to the rainwater tank) and waterproof power outlet shall be provided along with a sign fixed to the wall saying, 'Car Wash Bay'.

Condition reason: To ensure that a carwash bay is provided in accordance with Council requirements and relevant standards.

59 **Geotechnical Certification**

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

a) Review and ensure the appropriate construction methodology, parameters, and recommendations in the geotechnical report prepared by Douglas, project 232400.00, dated 2 December 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.

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.

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

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	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.
	Condition reason: To ensure that structural designs are adequate and that damage to adjoining land is minimised.
60	**Frontage Works Application**
	Prior to the issue of any Construction Certificate, an application for Frontage Works (Public Domain Construction – Frontage / Civil Works Application) shall be made to Bayside Council's Customer Service Centre for assessment of all required works within the road reserve. A fee is payable to Bayside Council in accordance with Council's adopted fees and charges. Prior to the commencement of the public domain works, a Public Domain Frontage Design package must be prepared by suitably qualified professionals for all frontage works that are required to be constructed within the public domain that are subject to assessment and approval pursuant to Section 138 of the Roads Act 1993. Public domain frontage works can include, but not be limited to, civil, drainage, landscaping, undergrounding of services, lighting, traffic signage, line marking, parking, and traffic devices to address and satisfy relevant development consent conditions. All frontage works shall be in accordance with Bayside Council technical manuals, specifications, master plans, town centre plans, Australian Standards, and standard design drawings. A public domain performance bond is to be provided to Bayside Council prior to the issue of the Final Occupation Certificate. The performance bond is calculated by Bayside Council as part of the frontage works process as per Bayside Council's adopted fees and charges. The performance bond will be kept for a period of 12 months after the completion of all external works and the issuing of a Final Occupation Certificate (defects liability/street tree maintenance period). The bond may be applied by Bayside Council to rectify defective/non-conforming public domain works and the establishment and maintenance of landscaping & street trees. Bayside Council is entitled to recover any monies expended more than the bond amount in undertaking such works.
	Condition reason: To ensure that public domain works are designed and constructed in accordance with relevant requirements and standards.
61	**Undergrounding of Overhead Services and Installation of Lighting**
	All overhead cables, including electricity and telecommunication cables, along the entire length of all frontages of the development site must be relocated underground as part of the development. The Ausgrid lighting and power poles will need to be decommissioned, and new underground supplied lighting columns shall be constructed (where necessary) satisfying the applicable requirements. Ausgrid's approval for the works must be obtained. The existing Ausgrid power pole that conflicts with the driveway shall be removed as part of this development. 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

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associated with other cabling such as telecommunications cables. These works must be completed to the satisfaction of Bayside Council prior to the issue of the whole of building Occupation Certificate.

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

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

Condition reason: *To improve the public domain in accordance with Council's Development Control Plan.*

62 **Sustainability**

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

a) Provision of photovoltaic cell systems on the rooftops. Detailed design for the photovoltaic cells systems is to be provided, the provision of photovoltaic cells is to be at a rate that maximises the coverage of available non-trafficable space on the rooftop. A storage battery is to be provided where possible. This solar power shall be utilised in communal areas and other suitable areas to reduce the developments demand for electricity from the grid.

b) Provision of a rainwater tank with minimum 50,000L capacity that is designed to be connected to all ground floor toilets and the entire 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) Electric hot water and electric appliances are to be utilised instead of gas.

e) Use of admixtures in concrete to minimise cement and reduce embodied carbon.

f) Separate circuiting for temporary power to minimal stair and corridor lighting.

g) Use of LEDs and other low energy flicker free lighting resources.

h) Provision of Electric Vehicle (EV) charging car parking spaces as per Bayside DCP section 3.5.9. At least 20% of the car parking spaces must be designed to be equipped with EV charging facilities. The EV charging systems shall be provided as 'Level 2' charging infrastructure with a power range of 7kW-22kW or greater, as defined by NSW Electric and Hybrid Vehicle Plan Future Transport 2056.

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

Condition reason: To ensure sustainability initiatives are provided.

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63	**Through Site Link Lighting**
	Prior to the issue of the relevant Construction Certificate, a lighting design shall be provided which shall include a lighting coverage assessment demonstrating a suitable lighting category is provided along the entire through site link to provide improved safety and illumination. The lighting shall be designed in accordance with the AS/NZS 1158 lighting series and AS 4282-1997 "Control of the Obtrusive Effects of Outdoor Lighting". All lighting shall be directed so to not to cause nuisance to the owners or occupiers of adjacent/adjoining premises or to motorists on adjoining or nearby roads. The location of and design of lighting structures is to be provided.
	Condition reason: *To ensure the through site link is safely illuminated at night.*
64	**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.
	Condition reason: To ensure safe and easy access to the premises for people with a disability.
65	**Fire Hydrants**
	Prior to the issue of the relevant Construction Certificate, the Certifying Authority is to ensure any fire hydrants are visually screened from the public domain in accordance with Australian Standard 2419.1, with the location to be determined in consultation with and approved by Council's Director of City Futures or their delegate.
	Condition reason: To ensure the appropriate screening of fire hydrants to the satisfaction of the Australian Standard as well as Council
66	**Materials and Finishes – Design Excellence**
	(a) The materials and façade details approved under Condition 2 and any other relevant condition of this consent shall not be altered or amended such that they are not generally consistent with the approval at the construction certificate stage without a prior S4.55 application and approval under the EP&A Act. (b) To ensure design excellence is achieved, as required by Cl6.14 of Rockdale Local Environmental Plan 2011/ Cl6.16 of Botany Bay Local Environmental Plan 2013, prior to the issue of any construction certificate entailing any works above basement levels including public domain works, the following must be prepared by the registered architect commissioned for the construction of the project :

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(i) Two (2) sample boards containing original samples and swatches of all external materials and colours including:

1. wall and roof cladding;
2. columns located in front of the corner retail tenancy (including vertical elements attached to columns);
3. balustrading;
4. louvres;
5. glazing;
6. window edge treatments;
7. paving/surface in front setback areas;
8. driveway;
9. footpaths;
10. retaining wall details;
11. roof top garden (including all surface treatments.

(ii) Full coloured elevational details at a minimum scale of 1:10;

(iii) Sections through relevant façade elements, public domain stairs, planter boxes at a minimum scale of 1:10.

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

Any modifications that are not generally consistent with the approved materials under this condition require submission and approval of a S4.55 application.

Condition reason: To ensure that design excellence is achieved in accordance with clause 6.10 of the Bayside LEP 2021.

Before building work commences

67	**Erosion and sediment controls in place**

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	Before any site work commences, the Principal Certifying Authority must be satisfied the erosion and sediment controls in the Erosion and Sediment Control Plan are in place. These controls must remain in place until any bare earth has been restabilised in accordance with the NSW Department of Housing Manual 'Managing Urban Stormwater: Soils and Construction Certificate' (the Blue Book) (as amended from time to time).
	Condition reason: To ensure sediment laden runoff and site debris do not impact local stormwater systems and waterways.
68	**Tree Protection Measures**
	Before any site work commences, the Principal Certifier must be satisfied the measures for tree protection detailed in the construction Site Management Plan are in place.
	Condition reason: To protect and retain trees.
69	**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.
	Condition reason: To protect the amenity of neighbouring properties.
70	**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: 1. showing the name, address and telephone number of the principal certifier for the work, and 2. showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside work hours, and 3. stating that unauthorised entry to the work site is prohibited. 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.
	Condition reason: Prescribed condition EP&A Regulation, Section 70 (2) and (3).
71	**Dilapidation Report – Private Land**
	A professional engineer specialising in structural shall prepare a Pre-Construction Dilapidation Report detailing the current structural condition of all relevant adjoining

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	premises (or part of adjoining premises), a photographic survey, and where accessible including buildings, foundations, and structures likely to be affected by the excavation as determined by the consulting engineer. This shall include, but not be limited to, the following properties (or part of the following properties): a) 24-26 Ricketty Street MASCOT NSW 2020 b) 36 Ricketty Street MASCOT NSW 2020 The report shall be prepared at the expense of the applicant and a copy of the Dilapidation Survey and an insurance policy that covers the cost of associated rectification works shall be submitted to the Principal Certifier prior to commencement of any works. The insurance cover shall be a minimum of $10 million. A copy of the Pre-Construction Dilapidation Report is to be provided to the adjoining properties (subject of the Dilapidation Report), a minimum of five (5) working days prior to the commencement of work. Evidence confirming that a copy of the Dilapidation Report was delivered to the adjoining properties must be provided to the PCA. Should the owners of properties (or their agents) refuse access to carry out inspections, after being given reasonable written notice, this shall be reported to Council to obtain Council's agreement to complete the report without access. Reasonable notice is a request for access in no sooner than 14 days between 8.00 am and 6.00 pm.
	Condition reason: To establish and document the structural condition of adjoining properties for comparison as building work progresses and is completed.
72	**Video CCTV for Council Stormwater Pipe before Construction**
	Prior to the issue of any Construction Certificate or the commencement of any works on site, whichever occurs first, a qualified practitioner shall undertake a closed-circuit television (CCTV) inspection and then report on the existing condition of Bayside Council's stormwater drainage infrastructure traversing through, and adjacent to, the site. The camera and its operation shall comply with the following: (a) The internal surface of the drainage pipe shall be viewed and recorded in a clear and concise manner, and (b) The CCTV camera used shall be capable to pan, tilt and turning at right angles to the pipe axis over an entire vertical circle to view the conduit joints, and (c) Distance from the drainage pit shall be accurately measured, and (d) The inspection survey shall be conducted from manhole to manhole. The written report, together with a copy of the digital video footage of the pipeline shall be submitted to the satisfaction of Bayside Council prior to the commencement of any works. A written acknowledgment shall be obtained from Bayside Council attesting to this condition being appropriately satisfied and submitted to the Principal Certifier. If the existing pipe is full of debris preventing the effective inspection of the pit and pipe

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	system, the contractor shall clear the pipe to a degree where CCTV inspection is possible at the applicant's expense.
	Condition reason: To require details of the condition of Council's stormwater asset prior to commencement of any works.
73	**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.
	Condition reason: To protect the amenity of the neighbourhood and the structural integrity of nearby developments.
74	**Dilapidation Report – Public Domain - Pre-Construction - Major**
	Prior to the commencement of any work, a professional engineer specialising in civil, structural, or geotechnical engineering shall prepare a Dilapidation Report detailing the

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	current condition of Bayside Council's infrastructure adjoining, and within 50m of, the development site. This includes the condition of the road reserve (including footpath, nature strip, landscaping, trees, kerb and gutter, pits, pipes, traffic devices, signs, retaining walls, driveways, and road pavement) and any other adjacent Bayside Council properties. Photographs are to be in colour, digital, annotated and date stamped. The full name, accreditation, professional registration, and signature of the professional engineer is to be detailed. The report is to be supplied in an electronic format to the Principal Certifier and Bayside Council. The liability for any damage to public infrastructure in the vicinity of the site, where such damage is not accurately recorded by the requirements of this condition, will be borne by the Applicant. The Applicant shall bear the cost of all restoration works to Council's property damaged by the Applicant during this development.
	Condition reason: To advise Council of, and provide Council with, the required dilapidation report.
75	**Utility Services Adjustments**
	The approved elements including driveways, stormwater connections, (etc.) prevail over the location of existing utility services and power poles. All services shall be adjusted at the Applicants cost to suit the construction of approved design elements. Applicants must seek approval form the relevant public utility, state authority or service provider.
	Condition reason: To ensure required changes to public utility services are completed, in accordance with the relevant agency requirements, before occupation.

During building work

76	**Hours of work**
	Site work (including demolition) must only be carried out between the following times: For building work, demolition or vegetation removal from 7:00am to 5:00pm on Monday to Saturday. No works to be carried out on Sunday and public holidays. Site work is not to be carried out outside of these times except where there is an emergency, or for urgent work directed by a Police Officer or a public authority.
	Condition reason: To protect the amenity of the surrounding area.
77	**Implementation of the site management plans**

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	While site work is being carried out: a) the measures required by the construction site management plan, Waste Management Plan (Approved plan – see Condition 3) and the erosion and sediment control plan (plans) must be implemented at all times; and b) a copy of these plans must be kept on site at all times and made available to Council officers upon request.
	Condition reason: To ensure site management measures are implemented during the carrying out of site work.
78	**Procedure for critical stage inspections**
	While building work is being carried out, the work must not continue after each critical stage inspection unless the principal certifier is satisfied the work may proceed in accordance with this consent and the relevant construction certificate.
	Condition reason: To require approval to proceed with building work following each critical stage inspection.
79	**Responsibility for changes to public infrastructure**
	While site work is being carried out, any costs incurred as a result of the approved removal, relocation or reconstruction of infrastructure (including ramps, footpaths, kerb and gutter, light poles, kerb inlet pits, service provider pits, street trees or any other infrastructure in the street footpath area) must be paid as directed by the consent authority.
	Condition reason: To ensure payment of approved changes to public infrastructure.
80	**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.
	Condition reason: Prescribed condition under section 74 of the Environmental Planning and Assessment Regulation 2021.
81	**Construction Activities – Minimise Pollution**

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

a) Building, demolition and construction works not to cause stormwater pollution and being carried out in accordance with Council's stormwater pollution control requirements. Pollutants such as concrete slurry, clay and soil shall not be washed from vehicles onto roadways, footways or into the stormwater system. Drains, gutters, roadways and access ways shall be maintained free of sediment. Where required, gutters and roadways shall be swept regularly to maintain them free from sediment, and

b) Stormwater from roof areas shall be linked via a temporary downpipe to an approved stormwater disposal system immediately after completion of the roof area, and

c) All disturbed areas shall be stabilised against erosion within 14 days of completion, and prior to removal of sediment controls, and

d) Building and demolition operations such as brick cutting, washing tools or paint brushes, and mixing mortar shall not be performed on the roadway or public footway or any other locations which could lead to the discharge of materials into the stormwater drainage system, and

e) Stockpiles are not permitted to be stored on Council property (including nature strip) unless prior approval has been granted. In addition, stockpiles of topsoil, sand, aggregate, soil or other material shall be stored clear of any drainage line or easement, natural watercourse, kerb or road surface, and

f) Wind blown dust from stockpile and construction activities shall be minimised by one or more of the following methods:

   (i) spraying water in dry windy weather, and

   (ii) cover stockpiles, and

   (iii) fabric fences

g) All vehicles transporting soil, sand or similar materials and demolition material to or from the site shall cover their loads at all times, and

h) The applicant shall conduct all construction works and any related deliveries/activities wholly within the site, and

i) During the construction works, the Council nature strip shall be maintained in a clean and tidy state at all times and shall be suitably repaired and/or replaced in accordance with Council Specifications at the completion of construction works, and

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

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	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.
	Condition reason: To protect neighbourhood amenity and the quality of the waterways.
82	**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.
	Condition reason: To ensure buildings are sited and positioned in the approved location.
83	**Approved Plans kept on Site**
	A copy of the Construction Certificate, the Development Consent and the approved and current stamped Construction Certificate plans and specifications must be kept on the site at all times and be available to Council officers upon request.
	Condition reason: To ensure relevant information is available on site.
84	**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.
	Condition reason: To ensure no substance other than rainwater enters the stormwater system and waterways.
85	**Noise during Construction**

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	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 (15min) of 5dB(A) above background noise, when measured at any lot boundary of the property where the construction is being carried out. (c) Out of hours work For any activity that is required to be undertaken outside normal construction hours due to public safety, traffic related reasons, or significant concrete pour, a separate Out of Hours Works Permit is required prior to commencement of any out of hours works being undertaken. (d) Silencing All possible steps should be taken to silence construction site equipment.
	Condition reason: To protect the amenity of the neighbourhood.
86	**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.
	Condition reason: To ensure public safety at all times and to protect the function and integrity of public infrastructure.
87	**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.

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	Condition reason: To protect the amenity of the neighbourhood and ensure public safety.
88	**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.
	Condition reason: To protect the amenity of the neighbourhood and ensure public safe.
89	**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*.
	Condition reason: To ensure compliance with the Local Government Act 1993.
90	**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.
	Condition reason: To protect the amenity of the neighbourhood and the structural integrity of nearby developments.
91	**Approval and Permits under Roads Act and Local Government Act for Work Activities on Public Land**
	During all stages of demolition and construction, application(s) shall be made to Bayside Council (upon payment of a fee in accordance with Bayside Council's adopted fees and charges) to obtain the necessary approvals and permits for any and all works/activities on Bayside Council land or road reserve pursuant to the Roads Act

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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

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	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.
	Condition reason: *To ensure appropriate permits are applied for and comply with the Roads Act 1993.*
92	**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.
	Condition reason: *To ensure any ground water encountered during works is appropriately treated and disposed of.*
93	**Procedure for Critical Stage Inspections**

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	While building work is being carried out, the work must not continue after each critical stage inspection unless the Principal Certifier is satisfied the work may proceed in accordance with this consent and the relevant Construction Certificate.
	Condition Reason: To require approval to proceed with building work following each critical stage inspection.
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.
	Condition reason: To protect public safety and water quality around building sites.
95	**Acid Sulfate Soil Management – General**
	The management of Potential and Actual Acid Sulfate Soils (ASS) must be conducted in accordance with all recommendations within the 'Acid Sulfate Soil Management Plan – Proposed Industrial Development – 32-34 Ricketty Street, Mascot NSW' (ASSMP), reference 232400.00.R.003.Rev0, (or as updated), prepared by Douglas Partners, dated 3 December 2024.
	Condition reason: To ensure compliance with relevant guidelines and legislation.
96	**Remediation Works – Specific 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); and d) The amended RAP required to be submitted prior to the issue of the Construction Certificate.
	Condition reason: To protect human health and the environment in accordance with legislative requirements.
97	**Asbestos**

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	Any material containing asbestos found on site during the demolition process must be removed and disposed of in accordance with: a) SafeWork NSW requirements. An appropriately licensed asbestos removalist must complete all asbestos works if they consist of the removal of more than 10m2 of bonded asbestos and/or any friable asbestos. b) Protection of the Environment Operations Act 1997. c) Protection of the Environment Operations (Waste) Regulation 2014. d) NSW Environment Protection Authority Waste Classification Guidelines 2014.
	Condition reason: To protect human health and the environment in accordance with legislative requirements.
98	**Contamination – Underground Petroleum Storage Systems Decommissioning and Removal**
	Decommissioning and removal or in-situ remediation of Underground Petroleum Storage Systems (UPSS) in proximity to the root system of the on-site trees that are to be retained must be carried out in accordance with: a) 'Protection of the Environment Operations (Underground Petroleum Storage Systems) Regulation 2019'; and b) NSW EPA 'Guidelines for Implementing the Protection of the Environment Operations (Underground Petroleum Storage Systems) Regulation 2019'.
	Condition reason: *To minimise impacts on the environment in accordance with legislative requirements.*
99	**Additional information – Contamination – Cease work addition**
	Any new information that comes to light during demolition, remediation or construction which has the potential to alter previous conclusions about site contamination and remediation must be notified to Council, the appointed Accredited Site Auditor (Contaminated Land) and the accredited certifier immediately. All work on site must cease until the Council is notified in writing and appropriate measures to assess and manage the contamination in accordance with any relevant NSW EPA adopted guidelines is completed by an appropriately qualified and experienced environmental consultant and reviewed and approved by the Site Auditor (Contaminated Land).
	Condition reason: To protect human health and the environment in accordance with legislative requirements.
100	**Waste Classification – Excavated Materials**
	All materials excavated from the site (fill or natural) must be classified in accordance with the NSW Environment Protection Authority (EPA) Waste Classification Guidelines (2014) prior to being disposed of to a NSW approved landfill or to a recipient site. Appropriate records must be retained to support this.
	Condition reason: To ensure soil removal from the site is appropriately disposed.

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101	**Dewatering**
	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. 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.
	Condition reason: To ensure that relevant engineering and water quality provisions are met and that any groundwater encountered during works is appropriately tested and disposed of.
102	**Importation of Fill (General)**
	To prevent contaminated soil being used onsite and to ensure that it is suitable for the proposed land use, all imported fill must be appropriately certified material and must be validated in accordance with the: a) NSW Environmental Protection Authority (EPA) approved guidelines; and b) Protection of the Environment Operations Act 1997; and c) Protection of the Environment Operations (Waste) Regulation 2014. All imported fill must be accompanied by documentation from the supplier which certifies that the material has been analysed and is suitable for the proposed land use.
	Condition reason: To ensure soil imported to the site is not contaminated and is safe for future occupants.

Before issue of an occupation certificate

103	**Certification of acoustic measures**

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	Before the issue of a relevant occupation certificate, a suitably qualified person must provide details demonstrating compliance to the principal certifier that the acoustic measures have been installed in accordance with the acoustic report approved under this consent and in accordance with all relevant conditions of this consent.
	Condition reason: To protect the amenity of the local area
104	**Preservation of survey marks**
	Before the issue of an Occupation Certificate, documentation must be submitted by a registered surveyor to the principal certifier, which demonstrates that: a) no existing survey mark(s) have been removed, damaged, destroyed, obliterated or defaced; or b) any survey mark(s) that were damaged, destroyed, obliterated or defaced have been re-established in accordance with the Surveyor General's Direction No. 11 – Preservation of Survey Infrastructure
	Condition reason: To protect the State's survey infrastructure.
105	**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.
	Condition reason: To ensure any damage to public infrastructure is rectified.
106	**Section 73 Certificate - Sydney Water**
	Prior to the issue of the Final Occupation Certificate, a Section 73 Compliance Certificate under the *Sydney Water Act 1994* must be obtained from Sydney Water. It is recommended that applicants apply early for the Certificate, as there may be water and sewer pipes to be built and this can take some time. This can also impact on other services and building, driveway or landscape design. Application must be made through an authorised Water Servicing Coordinator. For help either visit www.sydneywater.com.au > Plumbing, Building and Developing > Developing > Land development or telephone 13 20 92.
	Condition reason: To comply with Sydney Water requirements.

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107	**Consolidation of Lots**
	All allotments involved in this proposal must be consolidated into one allotment. Details demonstrating compliance with the requirements of this condition and evidence of registration are to be submitted to the satisfaction of the Principal Certifier prior to the issue of an Occupation Certificate.
	Condition reason: To encourage the orderly and economic use of the land.
108	**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 'Consultants reporting on contaminated land' 2020; b) NSW EPA approved guidelines under the Contaminated Land Management Act 1997; c) Chapter 4 of the 'State Environmental Planning Policy (Resilience and Hazards) 2021'; and d) Section 3.11 – Contamination of the 'Bayside Development Control Plan 2022'. The site validation report must provide a notice of completion of remediation works and a clear statement on the suitability of the proposed site use. Prior to the issue of any Occupation Certificate, a SVR must be submitted to, and approved in writing by, Council's Director City Futures (or delegate).
	Condition reason: To ensure remediation of land is in accordance with legislative requirements and that the site is suitable for the proposed use.
109	**Site Audit Statement – Section A – Site Suitability**
	To ensure that the site is suitable for the proposed use, a Section A1 Site Audit Statement (SAS) completed by an accredited site auditor under the Contaminated Land Management Act 1997 must be submitted to Council clearly demonstrating that the site is suitable for the proposed development. This must be provided to the appointed certifier and Council for written concurrence prior to the release of any Occupation Certificate. The accredited site auditor must provide Council with a copy of the Site Audit Report (SAR) and Site Audit Statement (SAS) prior to the issuing of any Occupation Certificate. In circumstances where the accredited Site Auditor in unable to issue a Section A1 SAS for the site due to remediation work not complying with the requirements of this consent (e.g. changes in the design of the building or landscaping), an application to amend the consent pursuant to the Environmental Planning & Assessment Act 1979 must be submitted to ensure that they form part of the consent conditions.
	Condition reason: To protect human health and the environment in accordance with legislative requirements.

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110	**Anti-Graffiti Coating**
	Prior to issue of the whole of building Occupation Certificate, ground level surfaces are to be treated with anti-graffiti coating to minimise the potential of defacement.
	Condition reason: To protect the amenity of the surrounding area.
111	**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 fronting Ossary Street at time of inspection shall have a minimum height of 2.4 meters, calliper at 300mm greater than 50mm, installed with stakes and ties within a mulch bed or equivalent. **(100L)** ii) A minimum soil depth of 300mm is provided for all planter beds on the podium levels. iii) A fully automated irrigation system has been installed to the podium landscaping. iv) Podium landscaping and paved areas are drained into the stormwater drainage system.
	Condition reason: To ensure the approved landscaping works have been completed before occupation, in accordance with the approved landscaping plan(s).
112	**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 Ricketty Street, and Ossary Street frontages to the development site, including footpaths, paving, street trees, tree pits/grates and other planting, and street furniture, etc.

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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 NATSPEC guide.

c) Verge strip of Ricketty Street shall be planted with four (4) Tristaniopsis laurina (Water gum), per the approval of TfNSW.

   i) Pot size supplied shall be not less than 200 **Litre**. Height above container 3.5meters, calliper at 300mm greater than 60mm, with a clear trunk height of 1.5 meters.

d) Each new Street tree shall include a 50mm diameter slotted watering pipe with geotextile sleeve around rootball connected to watering grate (or kerb hole if WSUD option used) Root Rain Urban or equivalent.

e) An experienced Landscape Contractor shall be engaged to undertake all landscaping public domain work and shall be provided with a copy of both the approved landscape drawing and the conditions of approval to satisfactorily construct the landscape to Council requirements. The Contractor shall be engaged weekly for a minimum period of 52 weeks from final completion of landscaping for maintenance and defects liability, replacing plants in the event of death, damage, theft or poor performance. After that time regular and ongoing maintenance is required.

f) Root barriers shall be specified to be installed in all street trees along both kerb and footpaths. Root barriers shall be installed as far as possible of trees. Ensure 50mm of root barrier is left above finished ground height. Root barrier shall be minimum 2 meters long to each side. Root barriers shall be installed alongside the landscape element to be protected in accordance with manufacturer's recommendations.

g) Mulching - Tree pit mulched shall conform to AS 4454 and free of deleterious extraneous matter such as soil, weeds, wood slivers, stones. Mulch shall be in all tree pits to a depth of 100mm, when plants are installed, clear of all plant stems, and rake to an even surface flush with the surrounding finished levels.

h) Tree pits shall be planted with *Dianella caerulea 'Breeze'* groundcover, per the approval of TfNSW.

i) A Dial-Before-You-Dig enquiry is required prior to stump grinding the trunk and shall occur without damage to Council infrastructure or underground services/utilities.

j) Tree Stakes - Each new street tree shall be installed with stakes and ties - Three stakes (3) of 50 x 50 x 2500mm of durable hardwood, straight, free from knots or twists, pointed at one end. Provide ties fixed securely to the stakes, 50mm hessian webbing installed around the stakes and stem in a figure of eight pattern and stapled to the stakes.

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	k) All telecommunication and utility services (including all high and low voltage power lines) are to be placed underground along the entire development site frontage including the installation of underground supplied street lighting columns. The extent of works required in order to achieve this outcome may involve works beyond the frontage of the development site. All works (including the installation of underground supplied street lighting columns) are to be completed prior to the issue of any Occupation Certificate to the satisfaction of Bayside Council. The Applicant is required to obtain a Council inspection and approval of all public domain landscape improvements prior the issue of the relevant occupation certificate. Inspections can be arranged with Council's Landscape Architect with two weeks advanced notice. Final inspection reports for the landscape works on the road reserve shall be obtained from Bayside Council's authorised officer and submitted to the Principal Certifier attesting that this condition has been satisfied prior to the issue of the whole of building Occupation Certificate.
	Condition reason: To ensure the approved landscaping and public domain works have been completed before occupation, in accordance with the approved plan(s), and will be maintained for the lifetime of the development.
113	**Occupation Certificate.**
	The Occupation Certificate must be obtained prior to any use or occupation of the building / development **or part thereof**. The Principal Certifier must ensure that all works are completed in accordance with this consent, including all conditions.
	Condition reason: To ensure that an Occupation Certificate is obtained.
114	**Certification of New Stormwater System**
	Prior to the issue of any Occupation Certificate, a Civil Engineer registered with the National Engineering Register (NER) must certify that the stormwater system has been constructed in accordance with the approved plans and as required by Bayside Technical Specification Stormwater Management. The constructed stormwater drainage system shall be inspected, evaluated, and certified. The certification shall demonstrate compliance with the approved plans, relevant Australian Standards, Codes and Council Specifications. A works-as-executed (WAE) drainage plan shall be prepared by a registered surveyor based on a survey of the completed works. The WAE plan must clearly illustrate the surveyed dimensions and details of all drainage aspects. The certification and WAE plan(s) shall be supplied to the Principal Certifier and Bayside Council.
	Condition reason: To ensure that the stormwater system is constructed as approved and in accordance with relevant standards.
115	**Certification of New Bayside Stormwater Asset**

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	Prior to the issue of any Occupation Certificate, the reconstruction of the Bayside Council stormwater infrastructure traversing the site shall be undertaken to the written satisfaction of Bayside Council. Engineering certification, CCTV footage and a works-as-executed (WAE) drainage plan prepared by a registered surveyor based on a survey of the completed works shall be submitted.
	Condition reason: To ensure that the stormwater asset is constructed as approved and in accordance with relevant standards.
116	**Works-As-Executed Plans and any other Documentary Evidence**
	Before the issue of any relevant Occupation Certificate, works-as-executed plans, any compliance certificates and any other evidence confirming the following completed works must be submitted to the satisfaction of the Principal Certifier: a) All stormwater drainage systems and storage systems, and b) Council Pipe Box Culvert Realignment and Council Pipe Realignment c) Civil Driveway profile including the internal ramps. d) A copy of the plans must be provided to Council.
	Condition reason: To confirm the location of works once constructed that will become Council assets.
117	**Positive Covenant Application**
	Prior to the issue of the whole of building Occupation Certificate, a Restriction on Use of Land and Positive Covenant(s) pursuant to the Conveyancing Act 1919 are to be created on the title of the lots on which the following systems are present: (a) Stormwater Quality Improvement Device (b) Flood Storage Void (c) Positive Covenant requiring the owners of the land to maintain the stormwater infrastructure traversing the site (owned by Bayside Council) at the owners cost. (d) Positive Covenant permitting access through the site to the culvert. 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.
	Condition reason: To ensure that the approved stormwater system is maintained in good working condition.

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118	**Green Travel Plan**
	Prior to the issue of the whole of building Occupation Certificate, the approved Green Travel Plan and Transport Access Guides (TAGs) must be prominently displayed within the communal lobby areas within the development. Details and evidence are to be provided to the satisfaction of the principal certifier prior to the issue of any Occupation Certificate.
	Condition reason: To ensure sustainable transport alternatives are used.
119	**Provision of Right of Footway Easement for Through Site Link**
	Prior to the issue of the whole of building Occupation Certificate, a Right of Footway easement, in favour of Bayside Council, over the through site link along the eastern side of the building (connecting Ricketty Street and Ossary Street) 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. The right of footway traversing north south through the site (along the eastern side of the building connecting Ricketty Street and Ossary Street) may be closed during times that are outside of the approved hours of operation of the ground floor uses. This can be addressed via the terms of this easement.
	Condition reason: To ensure the pedestrian through site link is provided.
120	**Undergrounding of Overhead Services and Installation of Lighting**
	Prior to the issue of the whole of building Occupation Certificate, all overhead cables, including electricity and telecommunications cables, along the entire length of all frontages of the development site must be relocated underground to the satisfaction of Bayside Council. The Ausgrid lighting and power poles will need to be decommissioned, and new underground supplied lighting columns shall be construction (where necessary) satisfying the applicable lighting requirements. All works shall be carried out at the applicant's expense, to the satisfaction of the asset owner and Bayside Council. If further works are required beyond the frontages of the development site (e.g. across a road) to support the required works, these works must also be carried out at no cost or expense to Bayside Council. Bayside Council's Director of City Futures (or delegate) must advise in writing that the works have been completed to the Principal Certifier.
	Condition reason: To ensure that overhead services are placed underground to achieve required public domain outcomes.
121	**Rainwater Tank - Plumbing Certification**

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	Prior to the issue of any Occupation Certificate, a registered plumber shall certify that the rainwater tank has been connected to all toilet flushing, the cold water tap that supplies all the external taps/landscape irrigations for non-potable stormwater re-use.
	Condition reason: To ensure that the rainwater will be reused within the site in accordance with this approval.
122	**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. The certification must be submitted to the Principal Certifier.
	Condition reason: To ensure compliance with the relevant standards.
123	**Erection of Signage**
	Prior to the issue of any Occupation Certificate, the following signage shall be erected: a) Flooding: A flood sign plaque shall be fixed to a prominent place within the flood affected area, approved by the Principal Certifier, in such a way that it cannot be removed. The flood sign shall contain the wording “The site is subject to flooding in heavy storms. Keep clear of the area when flooding occurs”. b) 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 vehicular entrances 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.

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	Condition reason: To ensure that signposting occurs where required to advise people of restrictions or hazards.
124	**Surveyor's Certificate for Finished Floor Level (Flooding)**
	Prior to the issue of any Occupation Certificate, a certificate from a registered surveyor shall be provided to the Principal Certifier, certifying that the habitable / commercial floor levels are constructed a minimum of 500 mm above the 1% Annual Exceedance Probability (AEP) Flood Level and that the non-habitable level is either constructed at or above the 1% AEP Flood Level.
	Condition reason: To ensure that floor levels are built in accordance with required flood planning levels.
125	**Flood Risk Management Plan - Major**
	The approved Flood Risk Management Plan and all recommendations from the Flood Awareness & Evacuation Strategy are to be implemented within the development prior to the issue of the Occupation Certificate. A copy of the Flood Risk Management Plan is to be kept on-site. Details and evidence are to be provided to the satisfaction of the Principal Certifier prior to the issue of any Occupation Certificate.
	Condition reason: To minimise risk to life and property.
126	**Video CCTV for Council Stormwater Infrastructure after Construction**
	Prior to the issue of the Whole of Building Occupation Certificate, a qualified practitioner shall undertake a closed-circuit television (CCTV) inspection, and then report on the post construction condition of Bayside Council stormwater drainage infrastructure traversing through, and adjacent to, the site. The camera and its operation shall comply with the following: a) The internal surface of the drainage pipe shall be viewed and recorded in a clear and concise manner, and b) The CCTV camera used shall be capable to pan, tilt and turning at right angles to the pipe axis over an entire vertical circle, to view the conduit joints, and c) Distance from the manholes shall be accurately measured, and d) The inspection survey shall be conducted from manhole to manhole. The diverted box culvert and Council pipe shall undertake a closed-circuit television (CCTV) at the completion of all works. The written report, together with a copy of the digital video footage of the pipeline, shall be submitted to Bayside Council for review. Any damage to the culvert / pipeline since the commencement of construction on the site, shall be repaired in full to the satisfaction of Bayside Council. A written acknowledgment shall be obtained from Bayside Council (attesting to this condition being appropriately satisfied) and submitted to the Principal Certifier.

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	Condition reason: To ensure the integrity of Council's infrastructure has not been compromised.
127	**Easement Over Bayside Council Stormwater Asset**
	Prior to the issue of any Occupation Certificate, an easement to drain water 3.5m wide, in favour of Bayside Council, shall be created over the location of the Bayside Council stormwater pipe that traverses the site. The width of the easement shall be the width of the drainage structures plus 1000mm on each side of the drainage structure. The terms of the easement shall be in accordance with the Conveyancing Act 1919. A restriction to user preventing building works within the easement is also required. The easement to drain water is to be covered by a Section 88B Instrument, which may only be varied or extinguished with the consent of Bayside Council. The location, terms and width of the easement shall be to the satisfaction of Bayside Council. Bayside Council requires proof of lodgement of the signed Subdivision Certificate and 88B Instrument with the NSW Land Registry Services prior to the issue of the Occupation Certificate. A written acknowledgment shall be obtained from Bayside Council (attesting to this condition being appropriately satisfied) and submitted to the Principal Certifier.
	Condition reason: To ensure the integrity of Council's infrastructure can be maintained.
128	**Roads Act / Public Domain Works - Major Development Frontage 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 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. c) Construction of new kerb and gutter along the frontage of the development site where required. d) Removal of the existing concrete vehicular entrance/s, kerb laybacks and other damaged/redundant public domain improvements which will no longer be required. Reconstruction of selected areas of the existing footpath, vehicular entrances, road, kerb, and gutter as required. e) On Ossary Street, adjacent to development, demolish the existing kerb inlet pit and construct two (2) new kerb inlet pits with an increased size (e.g., lintel length of 3.4m including any repair/re-sheeting of road pavement on Ossary Street on the site frontage where required.

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	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.
	Condition reason: To ensure that required public domain outcomes are achieved.
129	**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).
	Condition reason: To identify any damage to adjoining properties resulting from site work on the development site.
130	**Dilapidation Report – Public Domain – Post-Construction - Major**
	After the completion of all construction and public domain works, a professional Engineer specialising in civil, structural, or geotechnical engineering shall prepare a dilapidation report detailing the post-construction condition of Bayside Council's infrastructure adjoining, and within 50m of, the development site. This includes the condition of the road reserve (including footpath, nature strip, landscaping, trees, kerb and gutter, pits, pipes, traffic devices, signs, retaining walls, driveways, and road pavement etc.) and any other adjacent Bayside Council properties. Photographs are to be in colour, digital, annotated and date stamped. The full name, accreditation, professional registration, and signature of the professional Engineer is

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	to be detailed. The report is to be supplied in an electronic format to the Principal Certifier and Bayside Council. Any damage identified in the dilapidation report must be fully rectified by the Applicant or owner at no cost to Bayside Council. Details demonstrating compliance with the requirements of this condition are to be submitted to the satisfaction of Bayside Council's Director of City Futures (or delegate), prior to the issue of the Whole of Building Occupation Certificate.
	Condition reason: To identify damage to adjoining properties resulting from building work on the development site.
131	**Construction and installation of ventilation system**
	Before the issue of a relevant occupation certificate, a suitably qualified person must provide details demonstrating compliance to the principal certifier which demonstrates that the mechanical exhaust ventilation system has been constructed and installed in accordance with the approved plans and in accordance with relevant standards and conditions of this consent.
	Condition reason: To ensure the mechanical ventilation system has been constructed and installed as approved
132	**Wind Report**
	The development (Commercial / Industrial) shall be constructed in accordance with the approved Wind Report listed under "*Approved Plans and Supporting Documents*" condition. Details are to be implemented prior to issue of any Occupation Certificate.
	Condition reason: To ensure that adverse impacts from wind are minimised in accordance with specified performance measures.
133	**Sustainability Measures**
	The development (Commercial / Industrial) shall include all approved and required sustainability measures detailed on the plans and in the previous conditions of this consent prior to issue of any Occupation Certificate.
	Condition reason: To ensure that adverse impacts from wind are minimised in accordance with specified performance measures.
134	**Managing Noise**
	During ongoing use of the premises, the premises must be operated in accordance with any approved acoustic report prepared by E-LAB Consulting, dated 3 June 2025.
	Condition reason: To protect the amenity of the local area.
135	**Pedestrian Through Site Link**

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	Prior to issue of any Occupation Certificate, the bollards between the pedestrian path and access driveway shall be installed in locations shown on the plans approved prior to issue of the Construction Certificate and in accordance with relevant standards. The materials and finishes to the through site link must be completed as shown in the approved plans.
	Condition reason: To protect the amenity of the local area.

Occupation and ongoing use

136	**Approved Uses / Uses that require approval**
	(a) Approved Use(s) – This consent grants approval for the use of the self-storage premises only. (b) Uses that require approval prior to commencement of that use: This consent does not grant approval for use of the following tenancies, with a separate application required prior to commencement of any use within these tenancies: (i) industrial units; and (ii) showroom / business premises;
	Condition reason: To protect the amenity of the local area.
137	**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.
	Condition reason: To allow release of securities where the terms and conditions for the securities have been met to Council's satisfaction.
138	**Shipping Containers**
	No shipping containers are to be stored on the premises.
	Condition reason: To ensure that uses operate in accordance with their approval, that nominated areas are not obstructed and to minimise adverse impacts to the streetscape and surrounding sites.
140	**Impacts on the Amenity**
	The operation of the premises shall be conducted in such a manner as not to interfere with or materially affect the amenity of the neighbourhood by reason of noise, vibration, odour, fumes, vapour, steam, soot, ash, dust, waste water, waste products, grit, oil, or otherwise.

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	Condition reason: To manage site operations so that adverse impacts to the locality are minimised.
141	**Noise from Mechanical Plant / Ventilation and Air Conditioning**
	1. The use of the premises, building services, equipment, machinery and, ancillary fittings shall not give rise to an "offensive noise" as defined under the provisions of the Protection of the Environment Operations Act 1997, and 2. The use of mechanical plant including air conditioners, fans, compressors, condensers, freezers, swimming pool or spa pumps (whether commercial or domestic) shall not cause sound pressure levels in excess of the criteria given in the NSW Industrial Noise Policy – 2000.
	Condition reason: To manage site operations so that adverse impacts to the locality are minimised.
142	**Spruikers and Speakers**
	Spruikers (with or without sound amplification) shall not operate without the prior written consent of Council. No signs, amplification equipment, goods or the like shall be placed on public areas or the footpath. Speakers and/or noise amplification equipment must not be installed, and music must not be played in any of the outdoor areas associated with the premises including the public domain and communal open space areas. Speakers located within the premises must not be placed so as to direct the playing of music towards the outdoor areas associated with the premises.
	Condition reason: To manage site operations so that adverse impacts to the locality are minimised.
143	**Vibration from Plant and Equipment**
	The use of the premises and the operation of plant and equipment shall not give rise to the transmission of a vibration nuisance or damage to other premises as defined in the Environment Protection Authority's Technical Guidelines for Assessing Vibration.
	Condition reason: To manage site operations so that adverse impacts to the locality are minimised.
144	**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) Green corridors/ Gateway/ landscape setbacks: Dead or declined trees shall be replaced with same trees as specified in approved plans. Replacement of planting material, including trees as indicated in approved landscape plan, with an alternative tree species shall be approved by the Director City Futures (or delegate) of Bayside Council. Maintenance tasks will include pruning to ensure CPTED principles are always met. All tree works must be done by a qualified

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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/Strata Corporation for a period of twelve (12) months after final inspection by Council. Maintenance includes twice weekly watering within the first 6 months then weekly thereafter, biannual feeding, weed removal round the base, mulch replenishment at 3 monthly intervals (to 75mm depth) and adjusting of stakes and ties; to sustain adequate growth and health. Maintenance does not include trimming or pruning of the trees under any circumstances.

Condition reason: To ensure ongoing maintenance of approved landscaping.

145 **Hours of Operation**

a) The hours of operation of the drive to storage premises shall be 24 hours a day, 7 days per week.

b) The hours of operation of machinery of the business and industrial units shall be restricted to between 5:30am to 10:00pm, 7 days a week.

Condition reason: To manage hours of operation for the approved premises.

146 **Operation of Vehicular Premises**

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

a) All vehicles must enter and exit the site in a forward direction.

b) All commercial vehicles (including deliveries and garbage collection) shall enter and exit the site in a forward direction and exit the site in a forward direction.

c) All loading / unloading and garbage / waste collection activities shall take place on-site wholly within the dedicated loading areas and not from public places, public streets, or any road related area (e.g., footpath, nature strip, road shoulder, road reserve).

d) The maximum size of vehicles accessing the site shall be limited to an 8.8m long MRV Vehicle (as denoted in AS2890.2) and Councils Garbage Truck.

e) All manoeuvring movements of vehicles shall be carried out wholly within the site and vehicle manoeuvring area shall be kept clear at all times.

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	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
	Condition reason: To manage site operations so that adverse impacts are minimised.
147	**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.
	Condition reason: To protect waterways and minimise adverse impacts to the environment.
148	**Green Travel Plan and Transport Access Guide**
	The Workplace “Green” Travel Plan and Transport Access Guide shall be monitored and reviewed annually in order to revise and improve the plan to achieve the targets on the number of staff to travel by public transport, cycling and walking. Copy of the annual review shall be submitted to bayside Council. 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.
	Condition reason: To reduce car dependency.
149	**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).
	Condition reason: To protect sewerage and stormwater systems.
150	**Waste Management**
	During occupation and ongoing use of the building, occupants shall ensure compliance with the approved operational waste management plan listed in Condition 2.

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Condition reason: To ensure that waste is minimized and managed in accordance with relevant requirements.

General advisory notes

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

The approved development must be carried out in accordance with the conditions of this consent. It is an offence under the EP&A Act to carry out development that is not in accordance with this consent.
Building work or subdivision work must not be carried out until a construction certificate or subdivision works certificate, respectively, has been issued and a principal certifier has been appointed.

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

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Dictionary

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

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

AS means Australian Standard published by Standards Australia International Limited and means the current standard which applies at the time the consent is issued.
Building work means any physical activity involved in the erection of a building.

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

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

Council means BAYSIDE COUNCIL.

Court means the Land and Environment Court of NSW.

EPA means the NSW Environment Protection Authority.

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

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

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

Local planning panel means Bayside Local Planning Panel

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

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

Site work means any work that is physically carried out on the land to which the development the subject of this development consent is to be carried out, including but not limited to building work, subdivision work, demolition work, clearing of vegetation or remediation work.

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Stormwater drainage system means all works and facilities relating to:

- the collection of stormwater,

- the reuse of stormwater,

- the detention of stormwater,

- the controlled release of stormwater, and

- connections to easements and public stormwater systems.

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

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

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