



# Bayside Council

Serving Our Community

## NOTICE OF DETERMINATION OF A DEVELOPMENT APPLICATION

|                                             |                                                                                                                                                                                    |
|---------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Application number</b>                   | DA-2024/374<br>PAN-488554                                                                                                                                                          |
| <b>Applicant</b>                            | Hania Hapsellis<br>444-446 Princes Highway, Rockdale NSW 2216                                                                                                                      |
| <b>Description of development</b>           | Demolition of existing structure known as Le Beach Hut Cafe, removal of six (6) trees, and construction of a food and drink premises with public amenities at Peter Depena Reserve |
| <b>Property</b>                             | 179 Russell Ave, Dolls Point NSW 2219                                                                                                                                              |
| <b>Determination</b>                        | TBC<br>Consent Authority - Sydney / Regional Planning Panel                                                                                                                        |
| <b>Date of determination</b>                | TBC                                                                                                                                                                                |
| <b>Date from which the consent operates</b> | TBC                                                                                                                                                                                |
| <b>Date on which the consent lapses</b>     | 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.

### 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.

Person on behalf of the consent authority

For further information, please contact Pascal van de Walle - 9562 1746 / Coordinator Development Assessment

## 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. **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 |
| Architectural Plans |                 |                             |                         |              |
| A001                | A               | COVER PAGE                  | Sam Crawford Architects | 03/11/2023   |
| A101                | A               | SITE ANALYSIS PLAN          | Sam Crawford Architects | 03/11/2023   |
| A102                | A               | SITE PLAN                   | Sam Crawford Architects | 03/11/2023   |
| A103                | A               | DEMOLITION PLAN             | Sam Crawford Architects | 03/11/2023   |
| A104                | A               | GROUND FLOOR PLAN           | Sam Crawford Architects | 03/11/2023   |
| A105                | A               | ROOF PLAN                   | Sam Crawford Architects | 03/11/2023   |
| A201                | A               | NORTH & SOUTH ELEVATIONS    | Sam Crawford Architects | 03/11/2023   |
| A202                | A               | EAST & WEST ELEVATIONS      | Sam Crawford Architects | 03/11/2023   |
| A301                | A               | SECTIONS A & B              | Sam Crawford Architects | 03/11/2023   |
| A302                | A               | SECTION C                   | Sam Crawford Architects | 03/11/2023   |
| A401                | A               | EXTERNAL MATERIALS PALLETTE | Sam Crawford Architects | 03/11/2023   |

|                                   |         |                                                                        |                              |            |
|-----------------------------------|---------|------------------------------------------------------------------------|------------------------------|------------|
| A501                              | A       | PHOTOMONTAGE                                                           | Sam Crawford Architects      | 03/11/2023 |
| <b>Civil and Stormwater Plans</b> |         |                                                                        |                              |            |
| SWDA 2.1                          | B       | STORMWATER DRAINAGE SERVICES COVERSHEET AND DRAINAGE LEGEND            | Partridge Hydraulic Services | 29/06/2023 |
| SWDA 2.2                          | E       | STORMWATER MANAGEMENT PLAN GENERAL NOTES AND SITE PLAN                 | Partridge Hydraulic Services | 13/03/2025 |
| SWDA 2.3                          | E       | STORMWATER DRAINAGE SERVICES GROUND FLOOR LAYOUT                       | Partridge Hydraulic Services | 13/03/2025 |
| SWDA 2.4                          | D       | STORMWATER DRAINAGE SERVICES DETAILS                                   | Partridge Hydraulic Services | 13/03/2025 |
| SWDA 2.5                          | D       | STORMWATER DRAINAGE SERVICES EROSION & SEDIMENT CONTROL PLAN & DETAILS | Partridge Hydraulic Services | 13/03/2025 |
| SK06                              | A       | SWEPT PATH ANALYSIS FOR REFUSE COLLECTION                              | -                            | 28/03/2024 |
| <b>Landscape Plans</b>            |         |                                                                        |                              |            |
| Page 6                            | Issue I | Landscape Plan                                                         | SQ1                          | April 2024 |
| Page 7                            | Issue I | Landscape Sections                                                     | SQ1                          | April 2024 |
| Page 8                            | Issue I | Planting Palette                                                       | SQ1                          | April 2024 |
| Page 11                           | Issue I | Meadow Planting (eep Area) Section                                     | SQ1                          | April 2024 |

| APPROVED DOCUMENTS                                                                                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                    |                    |
|----------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------|--------------------|
| Document title                                                                                                                               | Version number                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | Prepared by                                        | Date of document   |
| Environmental Noise Assessment                                                                                                               | 6993-2.1R                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Day Design Pty Ltd Consulting Acoustical Engineers | 31/10/2023         |
| Arboricultural Impact Assessment Tree Protection Specification                                                                               | Rev B                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Tree iQ                                            | 04/09/2025         |
| Building Code of Australia Compliance Assessment Report                                                                                      | 9862 Rev 5.0                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | AED Group                                          | 08/11/2023         |
| Building Code of Australia Performance Solution Report                                                                                       | 9862PS Rev 1.0                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | AED Group                                          | 25/09/2023         |
| Flood Risk Management Report                                                                                                                 | 2018H0240                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Partridge                                          | 25/11/2021         |
| Geotechnical Investigation                                                                                                                   | 5763-1-G1                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | AssetGeoEnviro                                     | 25/11/2019         |
| In-Situ Permeability Testing                                                                                                                 | 5763-5-R1                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | AssetGeoEnviro                                     | 11/12/2024         |
| Soil Assessment & Preliminary Waste Classification                                                                                           | 5763-2-E2                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | AssetGeoEnviro                                     | 28/11/2019         |
| Plan of Management                                                                                                                           | AP 1449                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | aSquare Planning                                   | August 2025        |
| Waste Management Plan                                                                                                                        | -                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | -                                                  | Received 14/7/2025 |
| In the event of any inconsistency with the approved plans and a condition of this consent, the condition prevails.                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                    |                    |
| <b>Condition reason:</b> To ensure all parties are aware of the approved plans and supporting documentation that applies to the development. |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                    |                    |
| 2.                                                                                                                                           | <b>Compliance with Building Code of Australia and insurance requirements under Home Building Act 1989</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                    |                    |
|                                                                                                                                              | <ol style="list-style-type: none"> <li>1. It is a condition of a development consent for development that involves building work that the work must be carried out in accordance with the requirements of the <i>Building Code of Australia</i>.</li> <li>2. It is a condition of a development consent for development that involves residential building work for which a contract of insurance is required under the <i>Home Building Act 1989</i>, Part 6 that a contract of insurance is in force before building work authorised to be carried out by the consent commences.</li> <li>3. It is a condition of a development consent for a temporary structure used as an entertainment venue that the temporary structure must comply with Part B1 and NSW Part H102 in Volume 1 of the <i>Building Code of Australia</i>.</li> </ol> |                                                    |                    |

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|    | <ol style="list-style-type: none"> <li>4. In subsection (1), a reference to the <i>Building Code of Australia</i> is a reference to the Building Code of Australia as in force on the day on which the application for the construction certificate was made.</li> <li>5. In subsection (3), a reference to the <i>Building Code of Australia</i> is a reference to the Building Code of Australia as in force on the day on which the application for development consent was made.</li> <li>6. This section does not apply— <ol style="list-style-type: none"> <li>a. to the extent to which an exemption from a provision of the <i>Building Code of Australia</i> or a fire safety standard is in force under the <i>Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021</i>, or</li> <li>b. to the erection of a temporary building, other than a temporary structure to which subsection (3) applies.</li> </ol> </li> </ol>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
|    | <p><b>Condition reason:</b> Prescribed condition under section 69 of the Environmental Planning and Assessment Regulation 2021.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| 3. | <p><b>Construction Certificate Required</b></p> <p>A Construction Certificate must be obtained from Council or a Principal Certifier prior to any building work commencing.</p> <p>Building work is defined under the <i>EPA Act Part 6</i>.</p> <p><b>Condition reason:</b> <i>To ensure that a Construction Certificate is obtained at the appropriate time.</i></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| 4. | <p><b>Erection of signs</b></p> <ol style="list-style-type: none"> <li>1. This section applies to a development consent for development involving building work, subdivision work or demolition work.</li> <li>2. It is a condition of the development consent that a sign must be erected in a prominent position on a site on which building work, subdivision work or demolition work is being carried out— <ol style="list-style-type: none"> <li>a. showing the name, address and telephone number of the principal certifier for the work, and</li> <li>b. showing the name of the principal contractor, if any, for the building work and a telephone number on which the principal contractor may be contacted outside working hours, and</li> <li>c. stating that unauthorised entry to the work site is prohibited.</li> </ol> </li> <li>3. The sign must be— <ol style="list-style-type: none"> <li>a. maintained while the building work, subdivision work or demolition work is being carried out, and</li> <li>b. removed when the work has been completed.</li> </ol> </li> <li>4. This section does not apply in relation to— <ol style="list-style-type: none"> <li>a. building work, subdivision work or demolition work carried out inside an existing building, if the work does not affect the external walls of the building, or</li> <li>b. Crown building work certified to comply with the <i>Building Code of Australia</i> under the Act, Part 6.</li> </ol> </li> </ol> |

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|    | <b>Condition reason:</b> Prescribed condition under section 70 of the Environmental Planning and Assessment Regulation 2021.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| 5. | <b>Notification of Home Building Act 1989 requirements</b> <p>(a) This section applies to a development consent for development involving residential building work if the principal certifier is not the council.</p> <p>(b) It is a condition of the development consent that residential building work must not be carried out unless the principal certifier for the development to which the work relates has given the council written notice of the following—</p> <ol style="list-style-type: none"> <li>a. for work that requires a principal contractor to be appointed— <ol style="list-style-type: none"> <li>i. the name and licence number of the principal contractor, and</li> <li>ii. the name of the insurer of the work under the Home Building Act 1989, Part 6,</li> </ol> </li> <li>b. for work to be carried out by an owner-builder— <ol style="list-style-type: none"> <li>i. the name of the owner-builder, and</li> <li>ii. if the owner-builder is required to hold an owner-builder permit under the Home Building Act 1989—the number of the owner-builder permit.</li> </ol> </li> </ol> <p>(c) If the information notified under subsection (2) is no longer correct, it is a condition of the development consent that further work must not be carried out unless the principal certifier has given the council written notice of the updated information.</p> <p>(d) This section does not apply in relation to Crown building work certified to comply with the Building Code of Australia under the Act, Part 6.</p> |
|    | <b>Condition reason:</b> Prescribed condition under section 71 of the Environmental Planning and Assessment Regulation 2021.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| 6. | <b>Tree Protection / Retention / Removal / Replacement</b> <p>The following conditions are required to be complied with at all relevant stages of the development:</p> <p>(a) The Applicant has consent to remove the following Trees 1, 2, 3, 4, 7,&amp; 8 (refer to Arborists Report for tree numbers).</p> <p>(b) No other trees located within the site, adjoining properties or Council's nature strip shall be removed or pruned, inclusive of roots with a diameter greater than 40mm, without the prior written consent of council in the form of a Permit issued under Council's Development Control Plan and/or State Environmental Planning Policy (Vegetation in Non Rural Areas) 2017.</p> <p>(c) Supervision by Arborist - Prior to commencement of any works / Prior to issue of any Construction Certificate, a suitably qualified project arborist (with minimum AQF Level 5 qualifications in Arboriculture) must be engaged to advise on compliance with conditions of consent relating to the protection of trees at the site and/or adjoining properties and to supervise the installation and maintenance of tree protection measures and arboricultural monitoring program required by this consent and the approved arboricultural impact assessment. Evidence of</p>                                                                                                                                                                                                                                                             |

engagement of a project arborist is to be submitted to, and approved, by Council.

(d) Tree Removal & Protection.

The applicant shall comply with all recommendations, requirements, and management plans contained within the Arborist report, prepared by Tree iQ, dated 05/12/2024.

Trees to be retained are to be tagged with clearly visible marking tape at a height of approximately 2 metres from ground and numbered with the corresponding number in the Arborist Report.

The key recommendations to be complied with include:

- a. Tree Retention & Protection - Site Trees 6, 9 & 10;
- b. Public Domain Street Tree. Tree 5,

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

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

- a. To protect and retain trees in accordance with AS4970-2009 protective fences consisting of chain wire mesh temporary fence panels with a height 1.8m shall be erected outside the dripline. The fence panels must be securely mounted and braced to prevent movement. The area within the fencing must be mulched with leaf mulch to a depth of 100mm and a weekly deep watering program undertaken, and
- b. Protective fences at least 1.5 metres high erected, at the greater of the drip line or 1.5 metres from the trunk of each tree which is to be retained. The protective fences shall consist of para-webbing or chain wire mesh mounted on star pickets or similar metal posts, shall be in place prior to the commencement of any work on site and shall remain until the completion of all building and hard landscape construction, and
- c. Fencing shall be erected to ensure that the public footway is unobstructed. If there is insufficient space to erect fencing, wrap the trunk with hessian or carpet underlay to a height of 2.5m or to the trees first lateral branch, whichever is greater, and affix timber palings around the tree with strapping or wire (not nails), and
  - i. 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.

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|    | <p>ii. 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.</p>                                                                                                                                                                                                                                                                                                                 |
|    | <p><b>Condition reason:</b> To ensure that impacts to existing trees are minimised and that replacement trees are planted in accordance with Council's offset requirements.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| 7. | <p><b>Separate Approval for Signage.</b></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
|    | <p>A separate consent must be obtained for any proposed signage (other than exempt development).</p> <p>Advisory Note: 'signage' is defined as follows:</p> <p>'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, this display of signage, and includes any of the following:</p> <ul style="list-style-type: none"> <li>(a) an advertising structure, and</li> <li>(b) building identification sign, and</li> <li>(c) business identification sign.</li> </ul> |
|    | <p><b>Condition reason:</b> To avoid changes that may result in adverse impacts without proper assessment</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| 8. | <p><b>Earthworks Not Shown on Plans</b></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
|    | <p>No further excavation, backfilling or retaining walls can be carried out or constructed other than those identified on the approved drawings which form part of this consent unless it is otherwise permitted as exempt development or required for building foundations to the approved building.</p>                                                                                                                                                                                                                                                                                                                           |
|    | <p><b>Condition reason:</b> <i>To avoid changes that may result in adverse impacts without proper assessment.</i></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| 9. | <p><b>General Landscape Conditions</b></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
|    | <p>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.</p>                                                                                                                                                                                                                                                                                                                                       |

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| <b>Condition reason:</b> To ensure compliance with landscape requirements from relevant policies. |
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## DEMOLITION WORK

### Before demolition work commences

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| 10. | <b>Asbestos removal signage</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
|     | Before demolition work commences involving the removal of asbestos, a standard commercially manufactured sign containing the words 'DANGER: Asbestos removal in progress' (measuring not less than 400mm x 300mm) must be erected in a prominent position at the entry point/s of the site and maintained for the entire duration of the removal of the asbestos.                                                                                                                                                                                                                                                                                                                                                                                                |
|     | <b>Condition reason:</b> To alert the public to any danger arising from the removal of asbestos                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| 11. | <b>Deliveries</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
|     | While site work is being carried out, deliveries of material and equipment must only be carried out between— <ul style="list-style-type: none"><li>• 7:00am to 5:00pm on Monday to Saturday. No deliveries to be carried out on Sunday and public holidays.</li></ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
|     | <b>Condition reason:</b> To protect the amenity of neighbouring properties.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| 12. | <b>Demolition management plan</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
|     | <p>a) Before demolition work commences, a demolition management plan must be prepared by a suitably qualified person.</p> <p>b) The demolition management plan must be prepared in accordance with Australian Standard 2601 – The Demolition of Structures, the Code of Practice – Demolition Work, Bayside Council DCP 2022 and must include the following matters:</p> <ol style="list-style-type: none"><li>1. The proposed demolition methods</li><li>2. The materials for and location of protective fencing and any hoardings to the perimeter of the site</li><li>3. Details on the provision of safe access to and from the site during demolition work, including pedestrian and vehicular site access points and construction activity zones</li></ol> |

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|     | <ol style="list-style-type: none"> <li>4. Details of demolition traffic management, including proposed truck movements to and from the site, estimated frequency of those movements, and compliance with AS 1742.3 Traffic Control for Works on Roads and parking for vehicles</li> <li>5. Protective measures for on-site tree preservation and trees in adjoining public domain (if applicable) (including in accordance with AS 4970-2009 Protection of trees on development sites and Bayside DCP 2022.</li> <li>6. Erosion and sediment control measures which are to be implemented during demolition and methods to prevent material being tracked off the site onto surrounding roadways</li> <li>7. Noise minimization measures.</li> <li>8. Details of the equipment that is to be used to carry out demolition work and the method of loading and unloading excavation and other machines</li> <li>9. Details of re-use and disposal of demolition waste material in accordance with the approved Waste Management Plan &amp; Council's DCP 2022.</li> <li>10. Location of any reusable demolition waste materials to be stored on-site (pending future use)</li> <li>11. Location and type of temporary toilets onsite.</li> <li>12. A garbage container with a tight-fitting lid.</li> </ol> <p>c) All relevant measures must be implemented prior to demolition work commencing, with measures in place until demolition and/or construction works have been completed.</p> |
|     | <p><b>Condition reason:</b> To provide details of measures for the safe and appropriate disposal of demolition waste and the protection of the public and surrounding environment during the carrying out of demolition works on the site</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| 13. | <p><b>Erosion and sediment control plan</b></p> <ol style="list-style-type: none"> <li>(i) Before site work commences, an erosion and sediment control plan must be prepared by a suitably qualified person in accordance with the following documents and provided to the Principal Certifier: <ol style="list-style-type: none"> <li>a. Council's relevant development control plan,</li> <li>b. the guidelines set out in 'Managing Urban Stormwater: Soils and Construction' prepared by Landcom (the Blue Book) (as amended from time to time), and</li> <li>c. the 'Guidelines for Erosion and Sediment Control on Building Sites' (Department of Planning, Housing and Infrastructure) (dated 2024, as amended from time to time).</li> </ol> </li> <li>(ii) Before any site work commences, the Principal Certifier must be satisfied the erosion and sediment controls in the erosion and sediment control plan which was provided to the Principal Certifier are in place. These controls must remain in place until any bare earth has been restabilised in accordance with the erosion and sediment control plan.</li> </ol>                                                                                                                                                                                                                                                                                                                                                  |
|     | <p><b>Condition reason:</b> To ensure no substance other than rainwater enters the stormwater system and waterways.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| 14. | <p><b>Hazardous material survey before demolition</b></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |

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|     | <p>Before demolition work commences, a hazardous materials survey of the site must be prepared by a suitably qualified person and a report of the survey results must be provided to council at least one week before demolition commences.</p> <p>Hazardous materials include, but are not limited to, asbestos materials, synthetic mineral fibre, roof dust, PCB materials and lead based paint.</p> <p>The report must include at least the following information:</p> <ol style="list-style-type: none"> <li>1. the location of all hazardous material throughout the site</li> <li>2. a description of the hazardous material</li> <li>3. the form in which the hazardous material is found, e.g. AC sheeting, transformers, contaminated soil, roof dust</li> <li>4. an estimation of the quantity of each hazardous material by volume, number, surface area or weight</li> <li>5. a brief description of the method for removal, handling, on-site storage and transportation of the hazardous materials</li> <li>6. identification of the disposal sites to which the hazardous materials will be taken</li> </ol> <p>Controls for removal of the identified hazardous materials must be incorporated into the Demolition or Work Management Plans.</p> |
|     | <p><b>Condition reason:</b> To require a plan for safely managing hazardous materials</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| 15. | <p><b>Notice of commencement for demolition</b></p> <p>At least one week before demolition work commences, written notice must be provided to council and the occupiers of neighbouring premises of the work commencing. The notice must include:</p> <ol style="list-style-type: none"> <li>1. name</li> <li>2. address,</li> <li>3. contact telephone number,</li> <li>4. licence type and license number of any demolition waste removal contractor and, if applicable, asbestos removal contractor, and</li> <li>5. the contact telephone number of council and</li> <li>6. the contact telephone number of SafeWork NSW (4921 2900).</li> </ol> <p><b>Condition reason:</b> To advise neighbours about the commencement of demolition work and provide contact details for enquiries</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| 16. | <p><b>Before You Dig Australia</b></p> <p>Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets, please contact <i>Before You Dig Australia</i> at <a href="http://www.byda.com.au">www.byda.com.au</a> or telephone on 1100 before excavating or erecting structures (This is the law in NSW).</p> <p>If alterations are required to the configuration, size, form or design of the development upon contacting the <i>Before You Dig Australia</i> service, an amendment to the development</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |

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|     | <p>consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets.</p> <p>It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the <i>Before You Dig Australia</i> service in advance of any construction or planning activities.</p> <p><b>Condition reason:</b> To protect the amenity of the neighbourhood and ensure public safety.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| 17. | <p><b>Dilapidation Report - Public Domain - Pre-Construction - Minor</b></p> <p>At the proposed point of construction site entry, prior to commencement of any works, a full photographic survey showing the existing conditions of Bayside Council's infrastructure shall be submitted to Bayside Council and the Principal Certifier. The survey shall detail the physical conditions and identify any existing damages to the road, kerb, gutter, footpath, driveways, street trees, street signs and any other Council assets fronting the property and extending to a distance of 20m from the development. Failure to do so will result in the Applicant being liable for any construction related damages to these assets. Any damage to Bayside Council's infrastructure during the course of this development shall be restored at the Applicant's cost.</p> <p><b>Condition reason:</b> To advise Council of, and provide Council with, the required dilapidation report.</p> |
| 18. | <p><b>Toilet Facilities</b></p> <p>(a) Toilet facilities must be available or provided at the work site before works begin and must be maintained until the works are completed at a ratio of one toilet plus one additional toilet for every 20 persons employed at the site, and</p> <p>(b) Each toilet must:</p> <ul style="list-style-type: none"> <li>(i) Be a standard flushing toilet connected to a public sewer, or</li> <li>(ii) Have an on-site effluent disposal system approved under the <i>Local Government Act 1993</i>, or</li> <li>(iii) Be a temporary chemical closet approved under the <i>Local Government Act 1993</i>.</li> </ul> <p><b>Condition reason:</b> To ensure compliance with the Local Government Act 1993.</p>                                                                                                                                                                                                                                      |
| 19. | <p><b>Demolition and Construction Noise Management Plan</b></p> <p>Prior to commencement of demolition a Demolition and Construction Noise Management plan prepared by a suitably qualified acoustic consultant must be submitted to, and approved by, Council's Director City Futures (or delegate).</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |

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| <p>The Plan must demonstrate that impacts will be minimised and are in accordance with the NSW Environmental Protection Authority's <i>Interim Construction Noise Guidelines</i> and the <i>Protection of the Environment Operations Act 1997</i>.</p> |
| <p><b>Condition reason:</b> to ensure that acoustic impacts resulting from demolition and construction are minimised and in accordance with relevant standards.</p>                                                                                    |

## During demolition work

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| <p>20. <b>Discovery of relics and Aboriginal objects</b></p> <p>While site work is being carried out, if a person reasonably suspects a relic or Aboriginal object is discovered:</p> <ul style="list-style-type: none"> <li>a. the work in the area of the discovery must cease immediately;</li> <li>b. the following must be notified <ul style="list-style-type: none"> <li>i. for a relic – the Heritage Council; or</li> <li>ii. for an Aboriginal object – the person who is the authority for the protection of Aboriginal objects and Aboriginal places in New South Wales under the <i>National Parks and Wildlife Act 1974</i>, section 85.</li> </ul> </li> </ul> <p>Site work may recommence at a time confirmed in writing by:</p> <ul style="list-style-type: none"> <li>a. for a relic – the Heritage Council; or</li> <li>b. for an Aboriginal object – the person who is the authority for the protection of Aboriginal objects and Aboriginal places in New South Wales under the <i>National Parks and Wildlife Act 1974</i>, section 85.</li> </ul> <p><b>Condition reason:</b> To ensure the protection of objects of potential significance during works.</p> |
| <p>21. <b>Handling of asbestos during demolition</b></p> <p>While demolition work is being carried out, any work involving the removal of asbestos must comply with the following requirements:</p> <ul style="list-style-type: none"> <li>1. Only an asbestos removal contractor who holds the required class of Asbestos Licence issued by SafeWork NSW must carry out the removal, handling and disposal of any asbestos material;</li> <li>2. Asbestos waste in any form must be disposed of at a waste facility licensed by the NSW Environment Protection Authority to accept asbestos waste; and</li> <li>3. Any asbestos waste load over 100kg (including asbestos contaminated soil) or 10m<sup>2</sup> or more of asbestos sheeting must be registered with the EPA on-line reporting tool WasteLocate.</li> </ul>                                                                                                                                                                                                                                                                                                                                                         |

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|     | <b>Condition reason:</b> To ensure that the removal of asbestos is undertaken safely and professionally                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| 22. | <p><b>Hours of work</b></p> <p>Site work must only be carried out between the following times –</p> <ul style="list-style-type: none"> <li>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.</li> </ul> <p>Site work is not to be carried out outside of these times except where there is an emergency, or for urgent work directed by a police officer or a public authority.</p> <p><b>Condition reason:</b> To protect the amenity of the surrounding area.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| 23. | <p><b>Implementation of the site management plans</b></p> <p>While site work is being carried out:</p> <ol style="list-style-type: none"> <li>the measures required by the demolition site management plan, construction site management plan, waste management plan and the erosion and sediment control plan (plans) must be implemented at all times, and</li> <li>a copy of these plans must be kept on site at all times and made available to Council officers upon request.</li> </ol> <p><b>Condition reason:</b> To ensure site management measures are implemented during the carrying out of site work.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| 24. | <p><b>Demolition Requirements During Works</b></p> <p>Demolition is to be carried out in the accordance with the following:</p> <p>(a) Demolition is to be carried out in accordance with <i>Australian Standard 2601:2001: Demolition of structures</i>, <i>Work Health &amp; Safety Act 2011 (NSW)</i>, <i>Work Health &amp; Safety Regulation 2011 (NSW)</i> and the requirements of the NSW WorkCover Authority, and</p> <p>(b) Dust control - dust emission must be minimised for the full height of the building. Compressed air must not be used to blow dust from the building site, and</p> <p>(c) Demolition procedures must maximise the reuse and recycling of demolished materials in order to reduce the environmental impacts of waste disposal, and</p> <p>(d) During demolition, public property (footpaths, roads, reserves etc) must be clear at all times and must not be obstructed by any demolished material or vehicles. The footpaths and roads must be swept (not hosed) clean of any material, including clay, soil and sand. On the spot fines may be levied by Council against the demolisher and/or owner for failure to comply with this condition, and</p> <p>(e) All vehicles leaving the site with demolition materials must have their loads covered and vehicles must not track soil and other materials onto public property (footpaths, roads,</p> |

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|     | <p>reserves etc) and the footpaths must be suitably protected against damage when plant and vehicles access the site, and</p> <p>(f) Care must be taken during demolition, excavation or erection of structures to ensure that existing services on the site (ie, sewer, electricity, gas, phone) are not damaged. Please contact Before You Dig (Website: <a href="http://www.byda.com.au">www.byda.com.au</a>) or phone 1100 before commencement of works. Any damage caused to existing services must be repaired by the relevant authority at the Applicant's expense, and</p> <p><b>Condition reason:</b> To protect the amenity of the neighbourhood and ensure public safety.</p>                                                                                                                                                                                                                                                                                                                                                                               |
| 25. | <p><b>Noise during Demolition and Construction</b></p> <p>The following shall be complied with during construction and demolition:</p> <p>(a) Construction Noise</p> <p>Noise from construction activities associated with the development shall comply with the Demolition and Construction Noise Management Plan approved prior to commencement of demolition, and shall be in accordance with the NSW Environmental Protection Authority's Interim Construction Noise Guidelines and the <i>Protection of the Environment Operations Act 1997</i>.</p> <p>(b) Out of hours work</p> <p>For any activity that is required to be undertaken outside normal construction hours due to public safety, traffic related reasons, or significant concrete pour, a separate Out of Hours Works Permit is required prior to commencement of any out of hours works being undertaken.</p> <p>(c) Silencing</p> <p>All possible steps should be taken to silence construction site equipment.</p> <p><b>Condition reason:</b> To protect the amenity of the neighbourhood.</p> |
| 26. | <p><b>Additional information – Contamination – Cease work addition</b></p> <p>Any new information that comes to light during demolition or construction, which has the potential to alter previous conclusions about site contamination, must be notified to Council and the accredited certifier immediately. All work on site must cease until Council is notified of the appropriate measures to be implemented, by an appropriately qualified and experienced environmental consultant, to assess and manage the contamination in accordance with any relevant NSW EPA adopted guidelines.</p> <p><b>Condition reason:</b> To protect human health and the environment in accordance with legislative requirements.</p>                                                                                                                                                                                                                                                                                                                                            |

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| 27. | <b>Asbestos Removal (where Asbestos is found on site)</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
|     | <p>Any material containing asbestos found on site must be removed and disposed of in accordance with:</p> <ol style="list-style-type: none"> <li>1. SafeWork NSW requirements – An appropriately licensed asbestos removalist must complete all asbestos works if they consist of the removal of more than 10m<sup>2</sup> of bonded asbestos and/or any friable asbestos;</li> <li>2. Protection of the Environment Operations Act 1997;</li> <li>3. Protection of the Environment Operations (Waste) Regulation 2014; and</li> <li>4. NSW EPA Waste Classification Guidelines 2014.</li> </ol> |
|     | <b>Condition reason:</b> To protect human health and the environment in accordance with legislative requirements.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |

### On completion of demolition work

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| 28. | <b>Removal of waste upon completion</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
|     | <p>After completion of all site work:</p> <ol style="list-style-type: none"> <li>a. all refuse, spoil and material unsuitable for use on-site must be removed from the site and disposed of in accordance with the approved waste management plan; and</li> <li>b. written evidence of the waste removal must be provided to the satisfaction of the Principal Certifier.</li> <li>c. Any chemical waste generated throughout construction must be disposed of to an approved waste management facility or otherwise lawfully managed.</li> </ol>            |
|     | <b>Condition reason:</b> To ensure waste material is appropriately disposed or satisfactorily stored.                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| 29. | <b>Waste disposal verification statement</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
|     | <p>On completion of demolition work:</p> <ol style="list-style-type: none"> <li>a) a signed statement must be submitted to the Principal Certifier verifying that demolition work, and any recycling of materials, was undertaken in accordance with the waste management plan approved under this consent, and</li> <li>b) if the demolition work involved the removal of asbestos, an asbestos clearance certificate issued by a suitably qualified person, must be submitted to Certifier within 14 days of completion of the demolition work.</li> </ol> |

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|  | <b>Condition reason:</b> To provide for the submission of a statement verifying that demolition waste management and recycling has been undertaken in accordance with the approved waste management plan |
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## BUILDING WORK

### Before issue of a construction certificate

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|--------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------|---------|--------------------------------------------|------------|
| 30.                                        | <b>Design amendments</b> <p>Before the issue of the relevant construction certificate, the certifier must ensure the construction certificate plans and specifications detail the following required amendments to the approved plans and documents:</p> <ol style="list-style-type: none"> <li>1. The swept path of Council's garbage truck requires the landscaping in the car park to be adjusted to ensure no conflict with the movements of the waste truck. Detailed plans of the works required to the planter bed to reduce its size to facilitate the swept paths must be submitted to the Principal Certifier for approval. These works must be undertaken as part of the development.</li> </ol> <p><b>Condition reason:</b> <i>To require minor amendments to the plans endorsed by the consent authority following assessment of the development.</i></p> |                                    |         |                                            |            |
| 31.                                        | <b>Payment of fees and security deposits.</b> <p>Before the commencement of any works on the site or the issue of a Construction Certificate, the Applicant must make all of the following payments to Council and provide written evidence of these payments to the Certifier:</p> <table border="1"> <tr> <td>Soil and Water Management Sign Fee</td><td>\$27.00</td></tr> <tr> <td>Builders Damage Deposit (Security Deposit)</td><td>\$1,815.00</td></tr> </table> <p><b>Note:</b> The amount payable must be in accordance with Council's fees and charges at the payment date.</p> <p><b>Note:</b> At the completion of the project only security deposits can be refunded, fees and contributions are non-refundable.</p> <p><b>Condition reason:</b> To ensure any damage to public infrastructure is rectified and public works can be completed.</p>         | Soil and Water Management Sign Fee | \$27.00 | Builders Damage Deposit (Security Deposit) | \$1,815.00 |
| Soil and Water Management Sign Fee         | \$27.00                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                    |         |                                            |            |
| Builders Damage Deposit (Security Deposit) | \$1,815.00                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                    |         |                                            |            |
| 32.                                        | <b>Housing Productivity Contribution</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                    |         |                                            |            |

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) | <del>\$16,153.73</del><br><u>\$9,666.09</u> |
| <b>Total Housing and Productivity Contribution</b>     | <del>\$16,153.73</del><br><u>\$9,666.09</u> |

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.

**Condition Reason:** To require contributions towards the provision of regional infrastructure.

**33. Long Service Levy**

Before the issue of a Construction Certificate, the long service levy of \$14,051.00 as calculated at the date of this consent, must be paid to the Long Service Corporation under the Building and Construction industry Long Service Payments Act 1986, section 34, and evidence of the payment is to be provided to the Certifier.

**Condition reason:** To ensure the long service levy is paid.

**34. 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. Location of dedicated washdown areas (located away from drainage lines, stormwater drains and water bodies), where required;

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|     | <ul style="list-style-type: none"> <li>c. Provisions for public safety;</li> <li>d. Pedestrian and vehicular site access points and construction activity zones;</li> <li>e. Details of construction traffic management including: <ul style="list-style-type: none"> <li>i. Proposed truck movements to and from the site;</li> <li>ii. Estimated frequency of truck movements; and</li> <li>iii. Measures to ensure pedestrian safety near the site;</li> </ul> </li> <li>f. Details of bulk earthworks to be carried out;</li> <li>g. The location of site storage areas and sheds;</li> <li>h. The equipment used to carry out works;</li> <li>i. The location of a garbage container with a tight-fitting lid;</li> <li>j. Dust and noise control measures;</li> <li>k. Details of chemical storage and management;</li> <li>l. The location of temporary toilets, where required;</li> <li>m. The protective measures for the preservation of trees on-site and in adjoining public areas including measures in accordance with: <ul style="list-style-type: none"> <li>i. AS 4970 – Protection of trees on development sites;</li> <li>ii. An applicable Development Control Plan;</li> <li>iii. An arborist's report approved as part of this consent</li> </ul> </li> </ul> <p>A copy of the construction site management plan must be kept on-site at all times while work is being carried out.</p> <p><b>Condition reason:</b> To require details of measures that will protect the public, and the surrounding environment, during site works and construction.</p> |
| 35. | <p><b>Preparation of mechanical ventilation plans</b></p> <p>Before the issue of the relevant construction certificate, detailed plans of the mechanical exhaust ventilation system must be prepared by a suitably qualified person.</p> <p>The detailed plans must be in accordance with the following and submitted to the certifier:</p> <ul style="list-style-type: none"> <li>1. Australian Standard 1668: - The use of ventilation and air-conditioning in buildings; and</li> <li>2. ensure all generate heated air, smoke, fumes, steam or grease vapours do not: <ul style="list-style-type: none"> <li>a. cause a nuisance to persons within or nearby to the premises, or</li> <li>b. cause air pollution as defined under the NSW Protection of the Environment Operations Act 1997</li> </ul> </li> </ul> <p><b>Condition reason:</b> To ensure that detailed professional plans of the approved mechanical ventilation system are submitted before the issue of a construction certificate</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| 36. | <p><b>Waste Management Plan – an approved document of this consent</b></p> <p>Before the issue of the relevant Construction Certificate, the Waste Management Plan listed within condition 1 is to be amended in the following manner:</p> <ul style="list-style-type: none"> <li>1. To accommodate food organics, the following provision of bins is required <ul style="list-style-type: none"> <li>a. 1 x 1,000L waste bin, emptied daily</li> <li>b. 6 x 240L food organics bins, emptied daily</li> </ul> </li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |

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|     | <p>c. Either 4 x 240L recycling bins or 1 x 660L and 1 x 240L recycling bins, emptied daily</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
|     | <p><b>Condition reason:</b> To ensure resource recovery is promoted and local amenity protected during construction.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| 37. | <p><b>Equal access to the premises</b></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
|     | <p>Before the issue of a construction certificate, plans which demonstrate that adequate access to the premises will be provided for persons with disabilities in accordance with the Commonwealth Disability (Access to Premises – Buildings) Standards 2010. These plans must be submitted to the certifier.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
|     | <p><b>Condition reason:</b> <i>To ensure safe and easy access to the premises for people with a disability.</i></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| 38. | <p><b>Accessibility for Commercial Premises</b></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
|     | <p>The design and fitout of the commercial / retail areas must be in accordance with the current version of <i>Australian Standard 1428.1</i> and the relevant Council Development Control Plan.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
|     | <p>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 <i>Commonwealth Disability (Access to Premises - Buildings) Standards 2010 (the Premises Standard)</i>.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
|     | <p>It is the responsibility of the Applicant to make the necessary enquiries to ensure that all aspects of the DDA legislation are met.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
|     | <p><b>Condition reason:</b> <i>To ensure safe and easy access to the premises for people with a disability.</i></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| 39. | <p><b>Frontage Works Application</b></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
|     | <p>Prior to the issue of any Construction Certificate, an application for Frontage Works (Public Domain Construction – Frontage / Civil Works Application) shall be made to Bayside Council's Customer Service Centre for assessment of all required works within the road reserve. A fee is payable to Bayside Council in accordance with Council's adopted fees and charges.</p>                                                                                                                                                                                                                                                                                                                                                                                                                      |
|     | <p>Prior to the commencement of the public domain works, a Public Domain Frontage Design package must be prepared by suitably qualified professionals for all frontage works that are required to be constructed within the public domain that are subject to assessment and approval pursuant to Section 138 of the <i>Roads Act 1993</i>. Public domain frontage works can include, but not be limited to, civil, drainage, landscaping, undergrounding of services, lighting, traffic signage, line marking, parking, and traffic devices to address and satisfy relevant development consent conditions. All frontage works shall be in accordance with Bayside Council technical manuals, specifications, master plans, town centre plans, Australian Standards, and standard design drawings.</p> |

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|     | <p>A public domain performance bond is to be provided to Bayside Council prior to the issue of the Final Occupation Certificate. The performance bond is calculated by Bayside Council as part of the frontage works process as per Bayside Council's adopted fees and charges. The performance bond will be kept for a period of 12 months after the completion of all external works and the issuing of a Final Occupation Certificate (defects liability/street tree maintenance period). The bond may be applied by Bayside Council to rectify defective/non-conforming public domain works and the establishment and maintenance of landscaping &amp; street trees. Bayside Council is entitled to recover any monies expended more than the bond amount in undertaking such works.</p> <p><b>Condition reason:</b> To ensure that public domain works are designed and constructed in accordance with relevant requirements and standards.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| 40. | <p><b>Safer by Design Requirements</b></p> <p>To maximise security in and around the development the following shall be incorporated into the development. Details for the following are to be approved by the Principal Certifier prior to the issue of the relevant Construction Certificate, implemented prior to issue of the Occupation Certificate, and maintained for the lifetime of the development:</p> <ul style="list-style-type: none"> <li>(a) Monitored CCTV facilities shall be implemented throughout the development. Areas of focus include the main entry areas to the development and garbage / storage areas, and</li> <li>(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</li> <li>(c) Graffiti resistant materials shall be used to external surfaces, and</li> <li>(d) External windows of the development must be kept free of shelves, and a maximum of 15% of the window display area may be covered with promotional materials to ensure passive surveillance is maintained to and from the tenancy, and</li> <li>(e) Service cupboards containing the fire hose reel and master switchboard, as well as the bin storage room will be locked at all hours and only accessible by staff, and</li> <li>(f) All doors, including the batten screen doors to the courtyard seating, are to locked outside of opening hours.</li> </ul> <p><b>Condition reason:</b> To ensure compliance with the Crime Prevention Through Environmental Design (CPTED) principles.</p> |
| 41. | <p><b>Services in Garbage Room</b></p> <p>Hot and cold water supply shall be provided to the garbage room.</p> <p>Services or utility systems shall not be located within the garbage room.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |

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|     | <p>Details demonstrating compliance shall be provided to the satisfaction of the Principal Certifier, prior to the issue of the relevant Construction Certificate.</p> <p><b>Condition reason:</b> To ensure the proper storage and management of waste and minimise adverse impacts to human health.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| 42. | <p><b>Sydney Water Tap-in</b></p> <p>Prior to the issue of the relevant Construction Certificate, the approved plans must be submitted to Sydney Water Tap in<sup>TM</sup> online service to determine whether the development will affect any Sydney Water sewer or water main, stormwater drains and/or easement, and if further requirements need to be met.</p> <p>Sydney Water's Tap in<sup>TM</sup> online service is available at:<br/> <a href="https://www.sydneywater.com.au/SW/plumbing-building-developing/building/sydney-water-tap-in/index.htm">https://www.sydneywater.com.au/SW/plumbing-building-developing/building/sydney-water-tap-in/index.htm</a></p> <p><b>Condition reason:</b> To ensure compliance with Sydney Water requirements.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| 43. | <p><b>Detailed Design Stormwater Management Plan</b></p> <p>Prior to the issue of the relevant Construction Certificate, detailed drainage design plans for the management of stormwater are to be submitted to the Principal Certifier for assessment and approval. Engineering design certification and drainage design calculations are to be submitted with the plans. Bayside Technical Specification Stormwater Management sets out the minimum documentation requirements for detailed design plans. Stormwater management requirements for the site, including the final discharge/end connection point, must comply with Bayside Technical Specification Stormwater Management.</p> <p>The detailed drainage design plans shall incorporate the provisions generally made in the stormwater drainage ground floor layout plans prepared by Partridge, and listed within condition 1, along with the requirements detailed below:</p> <ol style="list-style-type: none"> <li>A maintenance schedule is to be provided for the stormwater drainage system including the roof gutters and the rainwater tank.</li> <li>A stormwater roof drainage plan is to be provided indicating the roof drainage design and downpipe sizes. Typical details for the proposed roof gutters to be provided. The roof design and gutters are to be designed as per AS3500.3.</li> <li>A minimum 20,000 litre rainwater tank shall be provided for the development, connected to all toilet flushing and external taps/landscape irrigation for non-potable stormwater re-use. The rainwater tank overflow invert to be shown.</li> </ol> <p><b>Condition reason:</b> <i>To ensure compliance with Council's Stormwater Management Technical Guidelines / Specifications.</i></p> |
| 44. | <p><b>Structural Certification for Flood Prone Land</b></p> <p>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</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |

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|     | <p>buoyancy in a 1% AEP flood event. All building materials shall be flood resistant, or flood compatible to a height of 500mm above the 1% AEP flood event, or flow level. 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.</p> <p><b>Condition reason:</b> <i>To ensure the development meets flood planning requirements..</i></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| 45. | <p><b>Detailed Flood Risk Management Plan</b></p> <p>Prior to the issue of the relevant Construction Certificate, a Flood Risk Management Plan, prepared by a suitably qualified Civil Engineer, must be provided for the development. The flood risk and flood hazard on the site and its surrounds shall be assessed for the 1% AEP and PMF flood events. The management plan must make provision for, but not be limited to, the following:</p> <ul style="list-style-type: none"> <li>a) Recommendations on all precautions to minimise risk to personal safety of occupants and the risk of property damage for the total development, and</li> <li>b) Flood warning signs / depth indicators for areas that may be inundated, and</li> <li>c) A flood evacuation strategy, and</li> <li>d) A flood awareness strategy, and</li> <li>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.</li> </ul> <p><b>Condition reason:</b> <i>To ensure the development meets flood planning requirements and minimise risk to personal safety and property.</i></p> |
| 46. | <p><b>Flooding Requirements</b></p> <p>Prior to the issue of the relevant Construction Certificate, details are to be submitted to the Principal Certifier demonstrating compliance with the following:</p> <ul style="list-style-type: none"> <li>(a) Storage of Materials Damaged by Flood (Commercial)<br/>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.</li> </ul> <p><b>Condition reason:</b> <i>To ensure the development meets flood planning requirements and minimise risk to property.</i></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| 47. | <p><b>Trade Waste Permit / Consent</b></p> <p>Evidence of a Sydney Water permit or consent for discharge of wastewater to the sewer shall be submitted to the Principal Certifier prior to the issue of the relevant Construction Certificate. Where a permit or consent may not be required from Sydney Water, certification shall be provided verifying that any discharges to the sewer will meet specific standards imposed by Sydney Water.</p> <p><b>Condition reason:</b> <i>To ensure compliance with Sydney Water requirements and minimise impacts on the environment.</i></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |

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| 48. | <b>External Lighting</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
|     | <p>Before the issue of the relevant Construction Certificate, plans detailing external lighting must be prepared by a suitably qualified person.</p> <p>The lighting plan must be consistent with the approved plans and documents, and the following requirements:</p> <ul style="list-style-type: none"> <li>(a) comply with AS 1158: Lighting for Roads and Public Spaces;</li> <li>(b) comply with AS 4282: Control of Obtrusive Effects of Outdoor Lighting;</li> <li>(c) lighting must be placed at all entrances to, and exits from the premises;</li> <li>(d) lighting must provide coverage of the premises and surrounding areas for visibility and to reduce hidden areas;</li> <li>(e) lighting must not interfere with traffic safety;</li> <li>(f) lighting must not give rise to obtrusive light or have adverse impacts on the amenity of surrounding properties;</li> <li>(g) external lighting must not flash or intermittently illuminate unless required for safe ingress/egress of vehicles crossing a pedestrian footway or approved vehicle entrance; and</li> <li>(h) Relevant Council development control plan.</li> </ul> <p>The lighting plan must be submitted to the Certifier.</p> <p>Note – All above documents refer to the version in effect at the time the consent is granted.</p> |
|     | <p><b>Condition reason:</b> <i>To ensure external lighting is provided for safety reasons and to protect the amenity of the local area.</i></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| 49. | <b>Food Premises</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
|     | <p>The proposed development must be designed, constructed and operated in compliance with the following legislation and/or requirements, with details demonstrating compliance submitted to the Principal Certifier prior to issue of the Construction Certificate:</p> <ul style="list-style-type: none"> <li>a) <i>Food Act 2003</i>, and</li> <li>b) <i>Food Regulation 2015</i>, and</li> <li>c) Australian Standard AS 4674-2004: Construction and fit out of food premises, and</li> <li>d) Australia and New Zealand Food Standards Code, and</li> <li>e) NSW Standards for Construction and Hygienic Operation of Retail Meat Premises (as amended), and</li> <li>f) Standard 3.2.3 – Food Premises and Equipment.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
|     | <p><b>Condition reason:</b> <i>To ensure compliance with relevant standards and legislation.</i></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |

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| 50. | <b>Food Premises – Grease Trap</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
|     | <p>Adequate provision must be made for the treatment of waste water from the premises to include provision for a Sydney Water approved grease trap.</p> <p>The grease trap installation must service all commercial sections of the development and be designed, constructed and operated in accordance with: Australian Standard AS 3500 and National Plumbing &amp; Drainage Code.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
|     | <b>Condition reason:</b> To protect the environment.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| 51. | <b>Food Premises – Fit-out Requirements</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
|     | <p>Details of the construction and fit out of food premises must be submitted to the Principal Certifier prior to issue of the relevant Construction Certificate. The plans and specifications must demonstrate compliance with:</p> <ul style="list-style-type: none"> <li>a) An extraction system shall be provided where there is any dishwasher and other washing and sanitising equipment that vents steam into the area to the extent that there is or is likely to be condensation collecting on the walls and ceiling, and</li> <li>b) All walls within the kitchen, food preparation, storage and display areas shall be of solid construction. Walls in food preparation areas shall be finished with one or a combination of glazed tiles, stainless steel, aluminium sheeting, laminated thermosetting plastic sheeting, poly vinyl sheeting with welded seams or similar impervious material which is adhered directly to the wall. The finishing materials of the wall surfaces shall provide a smooth even surface free from buckles, ledges, fixing screws, picture rails, open joint spaces, cracks or crevices, and</li> <li>c) The intersection of walls and plinths with floors in the kitchen, food preparation, storage and display areas shall be coved with a minimal 25mm radius, and</li> <li>d) The floors within the kitchen, food preparation, storage and display areas shall be constructed of a suitable material which is non-slip, durable, resistant to corrosion, non-toxic, non-absorbent and impervious to moisture. Floors which drain to a floor waste shall be evenly graded (at least 1:100) so that water falls to the floor waste, and</li> <li>e) Plinths shall be of solid construction, at least 75mm high, have an impervious finish, be rounded at all exposed edges, coved at the intersection of the floor and wall to a minimum radius of 25mm, and</li> <li>f) The surface finish of the ceiling shall not be perforated and shall be finished in an impervious material which is free from open joints, cracks, crevices, (in accordance with AS 4674-2004, acoustic and decorative panels are not to be used in wet areas, food preparation areas, bin storage areas or other areas where open food is displayed or served). The ceiling over the food preparation, storage and display areas shall be painted with a washable paint of a light colour. The intersection of walls and the ceiling shall be tight jointed, sealed and dust-proof, and</li> </ul> |

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|  | <p>g) All food premises shall have natural or artificial lighting in accordance with the requirements of the Building Code of Australia. Where artificial lighting is provided to a food premises the lighting levels shall comply with the requirements of AS1680 and AS/NZS 1680.2.4, and</p> <p>h) In areas where open food is handled or stored, light fittings whether they are intended to provide light or heat or as part of equipment, shall be designed and constructed to prevent the contamination of food should the globe or tube shatter and free from any features which would harbour any dirt, dust or insects or make the fitting difficult to clean, and</p> <p>i) In areas where open food is handled or stored, light fittings whether they are intended to provide light or heat or as part of equipment, shall be designed and constructed to prevent the contamination of food should the globe or tube shatter and free from any features which would harbour any dirt, dust or insects or make the fitting difficult to clean, and</p> <p>j) There shall be no surfaces constructed which permit the accumulation of dirt, dust or grease or the harbourage of pests, and</p> <p>k) All service pipes conduits and electrical wiring shall be either:</p> <ul style="list-style-type: none"> <li>i. Concealed in floors, walls, ceilings or concrete plinths, or</li> <li>ii. Fixed with brackets so as to provide at least 25mm clearance between the pipe and the adjacent vertical surface and 100mm between the pipe or conduit and the adjacent horizontal surface, and</li> </ul> <p>l) All openings in the walls, floors and ceilings through which service pipes and electrical conduits pass through shall be designed and constructed so as to prevent the access of vermin, and</p> <p>m) All shelving being provided for the storage of food, equipment and containers shall have the lowest shelf at least 150mm above the floor level, and</p> <p>n) Where toilets are provided on food premises, toilet cubicles shall be separated from areas where open food is handled, displayed or stored by an intervening ventilated spaced fitted with self-closing doors or provided with self-closing doors and a mechanical exhaust system that operate when the sanitary compartment is in use and for at least 30 seconds after the cubicle is vacated, and</p> <p>o) Toilets intended for public and/or customer use shall not be accessed through areas where open food is handled, displayed or stored (other than customer dining areas or similar), and</p> <p>p) All surfaces of counters, bars, food display units, window display, self –service displays and bain-maries shall be smooth, durable, impervious and free from crack. Crevices and cavities. The underside shall have an impervious finish. Window displays for wet foods shall be coved at all intersections and installed in accordance with AS/NZS 3500.2.2 - 2003, and</p> |
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|  | <p>q) Cupboards and cabinets shall be constructed on materials with a smooth, washable, impervious surface. No backing board shall be provided to cupboards which abut the wall, although the wall shall be finished with a smooth washable surface, and</p> <p>r) A temperature gauge shall be provided to each cool room, chiller, freezer, refrigeration unit, hot and cold food storage/display units. The temperature gauge shall be accurate to one degree Celsius (1oC) and be visible from the outside of such units, and</p> <p>s) Equipment shall be moveable for cleaning, built into walls with the enclosure completely vermin proofed, butted against walls or other equipment and the joints sealed. Where equipment cannot be moved easily, clearance space shall be provided so that the area around the equipment and below can be cleaned. Where equipment is constructed on legs, brackets or framework, there shall be a space between the floor and the underside of the fitting which is a minimum of 150mm, and</p> <p>t) A commercial kitchen shall be provided with a kitchen exhaust hood in compliance with Australian Standard AS1668 Parts 1 and 2 where any cooking apparatus having a total maximum electrical output exceeding 8 kW, or a total gas power input exceeding 29 MJ/h; or a total maximum power input to more than one apparatus exceeds 0.05 kW electrical power; or 1.8 MJ of gas for each square metre of the floor area of the room or enclosure, and</p> <p>u) Cavities, false bottoms and similar hollow spaces capable of providing access and harbourage for vermin are not permitted to be formed in the construction of the food preparation or storage areas, or in the installation of fixtures, fittings and equipment, and</p> <p>v) Facilities for the storage of clothing and belongings shall be a change room, lockers or cupboards in a change room or enclosed cupboards dedicated for the storage of personal belongings and located outside of the food preparation, food processing, food storage and utensil washing areas, and</p> <p>w) Cleaning chemicals, cleaning equipment, pest control chemicals and equipment shall be located in a room designated for that use and enclosed in cupboards dedicated for that use which is located away from food preparation storage and display areas and not able to contaminate personal effects and clothing, and</p> <p>x) Where premises are enclosed, windows shall be protected against the entry of pests by being tight-fitting and permanently fixed closed, or fitted with mesh screens which can be removed for cleaning or protected by a permanent mesh screen which can be cleaned in place. Entry/exits, serving hatches and similar openings to food premises shall be protected against the entry of pests by tight-fitting solid self-closing doors, roller shutters or other means of closing off the entrance or tight fitting self-closing mesh screen doors, and</p> <p>y) A floor waste fitted with a basket arrestor shall be located outside the cool room adjacent to the door, and</p> |
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|  | <p>z) Condensation from the refrigeration units and cool room motors shall be directed to a tundish installed in accordance with the requirements of Sydney Water Corporation, and</p> <p>aa) The surrounds of the cool room shall be either open for cleaning and inspection or enclosed so that a vermin proof enclosure is formed, and</p> <p>bb) All equipment shall be supported on wheels, castors or legs, and</p> <p>cc) Hot and cold food display and/or holding appliances shall be designed and capable of holding cold perishable foods at or below 5oC; and hot perishable foods at or above 60oC when the appliances are operating at full capacity, and</p> <p>dd) Hot and cold mounted taps fitted with hose connectors positioned at least 600 mm above floor level shall be installed in a convenient and accessible location in the kitchen/food preparation area, and</p> <p>ee) A double bowl sink or two compartment tub which is of a size capable of fully immersing the largest piece of equipment shall be provided with hot and cold water supplied through a single spout in the kitchen/food preparation area. Double bowl sink or tubs shall be supplied with water of at least 45oC in one bowl for washing purposes; and 80oC in the other bowl for sanitising purposes if hot water sanitising occurs at the sink, and</p> <p>ff) Premises which require food to be prepared by immersion in water shall install a designated food preparation sink which shall not be used for the washing of equipment or hands, and</p> <p>gg) Premises shall be provided with a cleaner's or sluice sink, floor waste or other similar facility which is connected to drainage that is not intended for use to prepare food, wash any equipment or for hands/face washing for disposing of mop water and similar liquid waste and shall be located outside of areas where open food is handled, and</p> <p>hh) Hand wash basins shall be located (kitchen, toilet and front display area) so that they are not obstructed, are at bench height either permanently fixed to a wall, supporting frame or sunk into the bench top, accessible and no further than 5 metres (excluding toilet hand basins) from any place where food handlers are handling open food, in the parts of the premises where open food is handled, in utensil/equipment washing areas, in staff entrance to areas where open food is handled and in toilet cubicles or immediately adjacent to toilets. Hand basins shall have a permanent supply of warm running potable water delivered through a single outlet and taps which operate hands free shall be provided at all hand basins with sufficient space between the spout and base of basin for the washing of hands and arms, and</p> <p>ii) Dishwashers and glass washers used to sanitise food contact surfaces, eating and drinking utensils shall be designed to operate so that the temperature of water used in the sanitising rinse cycles, combined with the time that the utensils are rinsed in water at that temperature (or in combination) shall be sufficient to ensure that the utensils are sanitised and comply with AS 2945, and</p> |
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|     | <p>jj) All hand basins shall be provided with soap and a towel dispenser for dispensing single use towels or other means of drying hands and arms which prevents the transfer of pathogenic micro-organisms to the hands or arms (air dryers as the only means of drying hands shall not be permitted). A receptacle for used towels shall be provided at the hand wash basin, and</p> <p>kk) Grease arrestors shall not be located in areas where food, equipment or packaging material are handled or stored. Access to grease arrestors for emptying shall not be through areas where open food is handled or stored or where food contact equipment and packaging materials are handled or stored, and</p> <p>ll) Rooms and areas designated for the storage and washing of garbage receptacles shall be designed and constructed in accordance with the following requirements:</p> <ul style="list-style-type: none"> <li>i. The floors and walls shall be constructed of a suitable material which is durable, smooth, resistant to corrosion, impervious to moisture and coved with a minimum radius of 25mm at the intersection of walls with floors, and</li> <li>ii. The floor shall be graded and drained to a floor waste gully connected to the sewerage system and traps of the premises in accordance with all Sydney Water requirements, and</li> <li>iii. Provide a hose tap connected to the water supply. Water used for cleaning garbage receptacles may be either potable or non- potable water.</li> </ul> <p>mm) The room shall be ventilated with either natural ventilation or alternatively mechanically ventilated in accordance with the requirements of Australian Standards AS 1668.</p> |
|     | <p><b>Condition reason:</b> <i>To ensure compliance with relevant standards.</i></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| 52. | <p><b>Sustainability</b></p> <p>Prior to the issue of the relevant Construction Certificate, the applicant is to demonstrate the use of the following sustainability measures within the development:</p> <ul style="list-style-type: none"> <li>a) A photovoltaic solar power system is to be provided to the roof of the development. The system is to be provided with a minimum capacity of 15kW.</li> <li>b) Battery storage of a minimum capacity of 50kWH is to be provided.</li> <li>c) Use of admixtures in concrete to minimise cement and reduce embodied carbon.</li> <li>d) The roof and walls of the development are to be provided with R values that exceed R4.0.</li> <li>e) Glazing to the development is to be provided with a U-value of less than 1.6.</li> <li>f) The materials nominated for recycling or reuse in the approved Waste Management Plan (WMP) are to be demolished and removed from the site in a manner that is suitable for their recycling or reuse. For each material that is nominated for recycling or reuse, either 60% of the removed material, or the volume nominated in the WMP (whichever is the greater), are to be recycled.</li> <li>g) The development is to employ the following design initiatives: smart lighting controls, heat recovery for HVAC systems, sub-metering with a Building Management System.</li> </ul>                                                                                                                                                                                                                                                                                                                                          |

- h) Check metering is to be provided for each of the following:
  - a. All electrical power, lighting and mechanical services.
  - b. Water use.
  - c. On-site rooftop rainwater harvesting.
  - d. Electricity generation.
- i) Rainwater tank/s are to be used, at a minimum, to supply water for WC flushing, concourse/bin room, roof, and grease arrestor washdown, and irrigation demands.
- j) A heat pump hot water system is to be provided on the roof of the development as depicted on the approved architectural plans.
- k) Water fixtures and fitting are to be provided with the following minimum WELS ratings:
  - a. Taps: 5 star
  - b. Urinals: 5 star
  - c. Toilets: 4 star
  - d. Showers: 3 star

**Condition reason:** To ensure sustainability measures are provided as required by *State Environmental Planning Policy (Sustainable Buildings) 2022*.

53. **Landscape Construction Certificate Drawings**

Detailed Landscape Plan for Construction Certificate

Prior the issue of the relevant Construction Certificate, detailed landscape plans must be submitted to, and approved by, the Principal Certifier. 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 approved under Condition 1.

Landscape Maintenance Manual and Specifications

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

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

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|  | <ul style="list-style-type: none"> <li>i) Frequency and methodology of different maintenance requirements including the removal of green waste; irrigation system tests, waterproofing inspections.</li> <li>ii) Details of maintenance safety procedures;</li> <li>iii) Laminated copies of Landscape drawings;</li> <li>iv) Manufacturer's contact details and copies of manufacturers' typical details and specification;</li> <li>v) Copies of warranties and guarantees relating to all materials and plant used in construction;</li> </ul> <p>Inspection programs based on AS/NZS 1891.4, including annual load testing of chemical and friction anchors, for all installed anchors</p> <p><b>Condition reason:</b> To ensure compliance with landscape requirements from relevant policies.</p> |
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### Before building work commences

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| 54. | <p><b>Erosion and sediment controls in place</b></p> <p>Before any site work commences, the Certifier must be satisfied the erosion and sediment controls in the erosion and sediment control plan which was provided to the principal certifier are in place. These controls must remain in place until any bare earth has been restabilised in accordance with the erosion and sediment control plan.</p> <p><b>Condition reason:</b> To ensure sediment laden runoff and site debris do not impact local stormwater systems and waterways.</p>                                                                                                                                                                                                                                                               |
| 55. | <p><b>Aquifer Interference</b></p> <p>The applicant must determine whether excavation will require the penetration of groundwater, having regard to the groundwater observations given within the Geotechnical Investigation listed within condition 1 (or a subsequent equivalent groundwater observation).</p> <p>If any penetration of groundwater requires an aquifer interference activity approval, pursuant to section 91(3) of the Water Management Act 2000, then such an approval must be received prior to the commencement of works.</p> <p>Water extracted by any proposed dewatering activity must not be disposed of via the stormwater system and must be transferred to an appropriate treatment facility.</p> <p><b>Condition reason:</b> To ensure compliance with relevant legislation.</p> |

## During building work

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| 56. | <p><b>Soil management</b></p> <p>While site work is being carried out, the Principal Certifier must be satisfied all soil removed from or imported to the site is managed in accordance with the following requirements:</p> <ul style="list-style-type: none"> <li>a. All excavated material removed from the site must be classified in accordance with the Environment Protection Authority's Waste Classification Guidelines before it is disposed of at an approved waste management facility or otherwise lawfully managed, and the classification, and the volume of material removed, and the receival facility's details must be reported to the principal certifier.</li> <li>b. All fill material imported to the site must comply with the following: <ul style="list-style-type: none"> <li>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: <ul style="list-style-type: none"> <li>a. NSW EPA approved guidelines;</li> <li>b. Protection of the Environment Operations Act 1997; and</li> <li>c. Protection of the Environment Operations (Waste) Regulation 2014.</li> <li>d. 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.</li> </ul> </li> </ul> </li> </ul> <p><b>Condition reason:</b> To ensure soil removed from the site is appropriately disposed of and soil imported to the site is not contaminated and is safe for future occupants.</p> |
| 57. | <p><b>Construction Activities – Minimise Pollution</b></p> <p>The following conditions are necessary to ensure minimal impacts during construction:</p> <ul style="list-style-type: none"> <li>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</li> <li>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</li> <li>c) All disturbed areas shall be stabilised against erosion within 14 days of completion, and prior to removal of sediment controls, and</li> <li>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</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                   |

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|     | <p>footway or any other locations which could lead to the discharge of materials into the stormwater drainage system, and</p> <ul style="list-style-type: none"> <li>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</li> <li>f) Wind blown dust from stockpile and construction activities shall be minimised by one or more of the following methods: <ul style="list-style-type: none"> <li>(i) spraying water in dry windy weather, and</li> <li>(ii) cover stockpiles, and</li> <li>(iii) fabric fences</li> </ul> </li> <li>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</li> <li>h) The applicant shall conduct all construction works and any related deliveries/activities wholly within the site, and</li> <li>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</li> <li>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</li> </ul> <p>An All-Weather Drive System or a vehicle wheel wash, cattle grid, wheel shaker or other appropriate device, shall be installed prior to commencement of any site works or activities, to prevent mud and dirt leaving the site and being deposited on the street. Vehicular access is to be controlled so as to prevent tracking of sediment onto adjoining roadways, particularly during wet weather or when the site is muddy. Where any sediment is deposited on roadways it is to be removed by means other than washing and disposed of appropriately.</p> <p><b>Condition reason:</b> <i>To protect neighbourhood amenity and the quality of the waterways.</i></p> |
| 58. | <p><b>Implementation of the site management plans</b></p> <p>While site work is being carried out:</p> <ul style="list-style-type: none"> <li>1. the measures required by the construction site management plan and the erosion and sediment control plan (plans) must be implemented at all times; and</li> <li>2. a copy of these plans must be kept on site at all times and made available to Council officers upon request.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |

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|     | <b>Condition reason:</b> To ensure site management measures are implemented during the carrying out of site work.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| 59. | <b>Noise and Vibration requirements</b><br>While site work is being carried out, noise generated from the site must not exceed the requirements contained in the Demolition and Construction Noise Management Plan approved prior to commencement of demolition works.<br><b>Condition reason:</b> To protect the amenity of the neighbourhood during construction.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| 60. | <b>Tree protection during work</b><br>While site work is being carried out, all required tree protection measures must be maintained in good condition in accordance with: <ol style="list-style-type: none"> <li>1. the relevant requirements of AS 4970 Protection of trees on development sites;</li> <li>2. the arborist's report approved under this consent.</li> </ol> This includes maintaining adequate soil grades and ensuring all machinery, builders refuse, spoil and materials remain outside tree protection zones.<br><b>Condition reason:</b> To protect trees during the carrying out of site work.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| 61. | <b>Waste management</b><br>While site work is being carried out: <ol style="list-style-type: none"> <li>1. all waste management must be undertaken in accordance with the approved waste management plan; and</li> <li>2. upon disposal or removal of the waste, records of the disposal or other fate (such as re-use on site) must be compiled and provided to the principal certifier or Council (where a principal certifier is not required), detailing the following: <ol style="list-style-type: none"> <li>a. The name and contact details of the person(s) who removed the waste,</li> <li>b. The waste carrier vehicle registration,</li> <li>c. The date and time of waste collection,</li> <li>d. A description of the waste (type of waste, classification and estimated quantity) and whether the waste is to be reused, recycled, go to landfill or other fate.</li> <li>e. The contact details and address of the disposal location or other offsite location(s) where the waste was taken,</li> <li>f. The corresponding tip docket/receipt from the site(s) to which the waste is transferred, noting date and time of delivery, description (type and quantity) of waste.</li> </ol> </li> <li>3. The waste generated on site during construction must be classified in accordance with the Environment Protection Authority's Waste Classification Guidelines, 2014 (as amended from time to time) and disposed of to an approved waste management facility or otherwise lawfully managed.</li> </ol> If waste has been removed from the site where the waste is under an Environment Protection Authority Resource Recovery Order or Exemption, records in relation to and |

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|     | <p>required by that Order or Exemption must be maintained and provided to the principal certifier and council.</p> <p><b>Condition reason:</b> To require records to be provided, during site work, documenting the lawful disposal of waste.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| 62. | <p><b>Responsibility for changes to public infrastructure</b></p> <p>While site work is being carried out, any costs incurred as a result of the approved removal, relocation or reconstruction of infrastructure (including ramps, footpaths, kerb and gutter, light poles, kerb inlet pits, service providers pits, street trees or any other infrastructure in the street footpath area) must be paid as directed by the consent authority.</p> <p><b>Condition reason:</b> <i>To ensure payment of approved changes to public infrastructure.</i></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| 63. | <p><b>Protection of Council's Property</b></p> <p>During Demolition, Excavation and Construction, care must be taken to protect Council's infrastructure, including street signs, footpath, kerb, gutter, and drainage pits etc. Protecting measures shall be maintained in a state of good and safe condition throughout the course of demolition, excavation, and construction. The area fronting the site and in the vicinity of the development shall also be made safe for pedestrian and vehicular traffic at all times. Any damage to Council's infrastructure (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub-contractors, concrete delivery vehicles) shall be fully repaired in accordance with Council's specification and AUS-SPEC at no cost to Bayside Council.</p> <p><b>Condition reason:</b> <i>To ensure public safety at all times and to protect the function and integrity of public infrastructure.</i></p>                                                                                                                                                                                                                                                        |
| 64. | <p><b>Approval and Permits under Roads Act and Local Government Act for Work Activities on Public Land</b></p> <p>During all stages of demolition and construction, application(s) shall be made to Bayside Council (upon payment of a fee in accordance with Bayside Council's adopted fees and charges) to obtain the necessary approvals and permits for any and all works/activities on Bayside Council land or road reserve pursuant to the Roads Act 1993 and Local Government Act 1993. All applications associated with works and activities on Bayside Council's land must be made at least 7-10 days prior to the programmed completion of works and all construction must be completed and approved by Bayside Council. Refer to Bayside Council "Work Activities on Council Sites Application Form" and "Road Opening Application" to obtain permits/approvals for the following:</p> <ul style="list-style-type: none"> <li>• <u>Road, Footpath and Road Related Area Closure</u> – 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.</li> </ul> |

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|  | <ul style="list-style-type: none"> <li>• <u>Stand and Operate Registered Vehicle or Plant</u> – 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.</li> <li>• <u>Occupy Road with Unregistered Item</u> – 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.</li> <li>• <u>Erection of a Works Zone</u> – 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.</li> <li>• <u>Placement of Scaffolding, Hoarding and Fencing</u> – 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 &amp; B hoarding, type A &amp; B hoarding with scaffolding and type B hoarding plus site sheds.</li> <li>• <u>Temporary Shoring/Support using Ground Anchors in Council Land</u> – 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.</li> <li>• <u>Tower Crane</u> – 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.</li> <li>• <u>Public Land Access</u> – To access through or occupy Council land. This permit is required by applicants in order to access over or occupy Council land.</li> <li>• <u>Temporary Dewatering</u> – To pump out groundwater from the site and discharge into council's drainage system including road gutter. This permit is required when temporary dewatering is required to pump out water from the construction site into Council stormwater drainage system including gutter, pits and pipes. Dewatering management plan and water quality plan are required for this application.</li> <li>• <u>Road Opening Application</u> - 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.</li> </ul> |
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|  | 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. |
|  | <b>Condition reason:</b> <i>To ensure appropriate permits are applied for and comply with the Roads Act 1993.</i>                                                                                                                                                                                                                                                                                                                                                                                                             |

### Before issue of an occupation certificate

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| 65. | <b>Certification of acoustic measures</b>                                                                                                                                                                                                                                                                            |
|     | Before the issue of an occupation certificate, a suitably qualified person must provide details demonstrating compliance to the principal certifier that the acoustic measures have been installed in accordance with the acoustic report approved under this consent.                                               |
|     | <b>Condition reason:</b> To protect the amenity of the local area                                                                                                                                                                                                                                                    |
| 66. | <b>Construction and installation of ventilation system</b>                                                                                                                                                                                                                                                           |
|     | Before the issue of an occupation certificate, a suitably qualified person must provide details demonstrating compliance to the principal certifier which demonstrates that the mechanical exhaust ventilation system has been constructed and installed in accordance with the approved plans.                      |
|     | <b>Condition reason:</b> To ensure the mechanical ventilation system has been constructed and installed as approved                                                                                                                                                                                                  |
| 67. | <b>Food Premises Final Inspection</b>                                                                                                                                                                                                                                                                                |
|     | Before the issue of an occupation certificate, the food premises shall be inspected by an Authorised Officer of Bayside Council under the Food Act 2003, to determine compliance with the Food Act 2003, Food Safety Standards and Australian Standard 4674:2004: Design, Construction and Fit-out of Food Premises. |
|     | <b>Condition reason:</b> To enable council to ensure compliance with the Food Act 2003 before the business commences                                                                                                                                                                                                 |
| 68. | <b>Notice of food business</b>                                                                                                                                                                                                                                                                                       |
|     | Before the issue of an occupation certificate, council and any other appropriate enforcement agency must be notified of the food business in accordance with the NSW                                                                                                                                                 |

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|     | <p><i>Food Act 2003</i> and the Australia New Zealand Food Standards Code – 3.2.2 – Food Safety Practices and General Requirements.</p> <p><b>Condition reason:</b> To enable council to ensure compliance with the consent when the business is operating</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| 69. | <p><b>Removal of waste upon completion</b></p> <p>Before the issue of an Occupation Certificate:</p> <ul style="list-style-type: none"> <li>a. all refuse, spoil and material unsuitable for use on-site must be removed from the site and disposed of in accordance with the approved waste management plan; and</li> <li>b. written evidence of the waste removal must be provided to the satisfaction of the Principal Certifier.</li> <li>c. Any chemical waste generated throughout construction must be disposed of to an approved waste management facility or otherwise lawfully managed.</li> </ul> <p><b>Condition reason:</b> To ensure waste material is appropriately disposed or satisfactorily stored.</p>                                                                                                                                                                                |
| 70. | <p><b>Repair of Infrastructure</b></p> <p>Before the issue of an Occupation Certificate:</p> <ul style="list-style-type: none"> <li>(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</li> <li>(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.</li> </ul> <p><b>Condition reason:</b> <i>To ensure any damage to public infrastructure is rectified.</i></p> |
| 71. | <p><b>Release of Securities</b></p> <p>When Council receives an Occupation Certificate, an application may be lodged to release the securities held in accordance with councils' fees and charges for development.</p> <p><b>Condition reason:</b> <i>To allow release of securities and authorise Council to use the security deposit to complete works to its satisfaction.</i></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| 72. | <p><b>Certification of New Stormwater System</b></p> <p>Prior to the issue of any Occupation Certificate, a Civil Engineer registered with the National Engineering Register (NER) must certify that the stormwater system has been</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |

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|     | <p>constructed in accordance with the approved plans and as required by Bayside Technical Specification Stormwater Management. The constructed stormwater drainage system shall be inspected, evaluated, and certified. The certification shall demonstrate compliance with the approved plans, relevant Australian Standards, Codes and Council Specifications. A works-as-executed (WAE) drainage plan shall be prepared by a registered surveyor based on a survey of the completed works. The WAE plan must clearly illustrate the surveyed dimensions and details of all drainage aspects. The certification and WAE plan(s) shall be supplied to the Principal Certifier and Bayside Council.</p> <p><b>Condition reason:</b> <i>To ensure that the stormwater system is constructed as approved and in accordance with relevant standards.</i></p> |
| 73. | <p><b>Surveyor's Certificate for Finished Floor Level (Flooding)</b></p> <p>Prior to the issue of any Occupation Certificate, a certificate from a registered surveyor shall be provided to the Principal Certifier, certifying that the commercial floor levels are constructed a minimum of 500 mm above the 1% Annual Exceedance Probability (AEP) Flood Level.</p> <p><b>Condition reason:</b> <i>To ensure that floor levels are built in accordance with required flood planning levels.</i></p>                                                                                                                                                                                                                                                                                                                                                    |
| 74. | <p><b>Flood Risk Management Plan - Major</b></p> <p>The approved Flood Risk Management Plan and all recommendations from the Flood Awareness &amp; 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.</p> <p><b>Condition reason:</b> <i>To minimise risk to life and property.</i></p>                                                                                                                                                                                                                                                                                          |
| 75. | <p><b>Absorption/Infiltration Systems Inspection</b></p> <p>All absorption systems must be inspected prior to back filling and proceeding to subsequent stages of construction to the satisfaction of Principal Certifier. Supporting evidence shall be issued by a professional Civil Engineer experienced in stormwater system design and construction. The maximesh screens and removable geotextile are to be installed in the absorption system prior to connection of the downpipes, to ensure the effective performance of the system during construction, and the long-term viability of the system.</p> <p><b>Condition reason:</b> <i>To ensure that the stormwater system is constructed as approved and in accordance with relevant standards.</i></p>                                                                                        |

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| 76. | <b>Grease Trap and Bunding – Certification</b>                                                                                                                                                                                                                                                                                                                                         |
|     | <ul style="list-style-type: none"> <li>i. After completion of the development, and prior to issue of the Occupation Certificate, the grease trap and associated bunding is to be certified by a suitably qualified person.</li> <li>ii. Certification required by (i) above must be submitted to the Principal Certifier prior to the issue of any Occupation Certificate.</li> </ul>  |
|     | <b>Condition reason:</b> To protect the environment.                                                                                                                                                                                                                                                                                                                                   |
| 77. | <b>Registration – Environmental Health</b>                                                                                                                                                                                                                                                                                                                                             |
|     | <p>Prior to issue of any Occupation Certificate, the food and drink premises must be registered with Council's Environmental Health Section in accordance with the following relevant legislation:</p> <ul style="list-style-type: none"> <li>a) Food Shop - <i>Food Act 2003</i>.</li> </ul>                                                                                          |
|     | <b>Condition reason:</b> <i>To ensure registration of the use in accordance with relevant legislation.</i>                                                                                                                                                                                                                                                                             |
| 78. | <b>Food Safety Supervisor</b>                                                                                                                                                                                                                                                                                                                                                          |
|     | <p>Prior to issue of any Occupation Certificate, the occupier of the food premises shall provide a Food Safety Supervisor (FSS) for the business. The original FSS Certificate must be kept on the premises.</p> <p>For further information regarding FSS, visit the NSW Food Authority website at <a href="http://www.foodauthority.nsw.gov.au">www.foodauthority.nsw.gov.au</a>.</p> |
|     | <b>Condition reason:</b> <i>To ensure that food premises are operated in accordance with relevant policy requirements.</i>                                                                                                                                                                                                                                                             |
| 79. | <b>Sustainability</b>                                                                                                                                                                                                                                                                                                                                                                  |
|     | <p>Evidence of compliance with the required sustainability measures listed within condition <b>Error! Reference source not found.55</b> is to be provided to the certifier.</p>                                                                                                                                                                                                        |
|     | <b>Condition reason:</b> <i>To ensure sustainability measures are provided as required by State Environmental Planning Policy (Sustainable Buildings) 2022.</i>                                                                                                                                                                                                                        |
| 80. | <b>Landscape Compliance</b>                                                                                                                                                                                                                                                                                                                                                            |
|     | <p>Prior to issue of the whole of building Occupation Certificate, landscaping shall be completed in accordance with the approved landscape plans listed under Condition 1.</p>                                                                                                                                                                                                        |
|     | <b>Condition reason:</b> to ensure compliance with the approved landscape plans.                                                                                                                                                                                                                                                                                                       |

## OCCUPATION AND ONGOING USE

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| 81. | <p><b>Operating hours &amp; Operational Requirements</b></p> <p>The hours of operation of the approved use are limited to:</p> <ul style="list-style-type: none"> <li>a) Monday to Sundays (inclusive of public holidays): 6:00am to 10:00pm</li> <li>b) The approved hours of operation exclude preparation, waste collection and deliveries to and from the premises, shut down and pack away at the end of serviceand</li> <li>c) Waste Collection and deliveries to and from the premises shall only occur between 7:00am to 5:00pm Monday to Saturdays and 8:00am to 5:00pm on Sundays and public holidays, and</li> <li>d) The maximum number of patrons and staff on the site shall not exceed 300 people at any one time, and</li> <li>e) Materials, goods or machinery shall not be stored, placed or otherwise permitted to stand between the building line and the street alignment, or any other part of the public road at any time without Council's consent, and</li> <li>f) All loading, unloading and transfer of goods / waste to and from the loading bay; and,</li> <li>g) Any proposed signs must, unless separately approved, comply with the requirements of the State Environmental Planning Policy (Exempt and Complying Development Code) 2008.</li> </ul> <p>In addition, any signage cannot have / use:</p> <ul style="list-style-type: none"> <li>i. flashing lights, and</li> <li>ii. electronically changeable messages, and</li> <li>iii. animated display, moving parts or simulated movement, or</li> <li>iv.a method and level of illumination that distracts or dazzles.</li> </ul> <ul style="list-style-type: none"> <li>h) All other relevant conditions of this consent.</li> </ul> <p><b>Condition reason:</b> To protect the amenity of the local area.</p> |
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| 82. | <b>Plan of Management</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
|     | <p>The approved Plan of Management (as referred to in condition 1) shall be complied with at all times, and is subject to the following additional requirements:</p> <ul style="list-style-type: none"> <li>a) Section 3.2 is amended to indicate that the service of alcohol is permitted in external areas, but only in accordance with the liquor license.</li> <li>b) Section 5.2 is amended to require that: <ul style="list-style-type: none"> <li>i. Courtyard bookings will not be taken for seatings beginning later than 4pm, unless it can be demonstrated that total capacity of the courtyard will not exceed 12 patrons after 6pm.</li> <li>ii. At 4pm each day, if more than 12 patrons occupy the courtyard, staff will take steps to ensure fewer than 12 patrons will occupy the courtyard after 6pm. These steps may include relocating patrons to other areas of the restaurant, or requiring patrons to end their visit.</li> </ul> </li> <li>c) Section 6.4 is updated to require that outdoor furniture is to be stored inside the building outside of operating hours, and that all entries to the building are to be locked when the premises is closed for operation.</li> <li>d) Section 6.5 is amended to require that a hand held bin tug be stored internally on the premises at all times, and that all bins over 660L are to be taken from the bin room to the collection point, either by two staff members, or by one staff member with the aid of the bin tug.</li> </ul> <p>Any further amendments to the Plan of Management shall require a separate approval from Council. In the event of any inconsistency, other operational conditions of this development consent will prevail over the approved Plan of Management.</p> <p>(a)</p> |
|     | <p><b>Condition reason:</b> To ensure procedures and measures for managing the premises or accommodation are maintained and notified to visitors and guests.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| 83. | <b>External lighting during ongoing use</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
|     | <p>During ongoing use of the premises, all lighting must be operated and maintained in accordance with the approved plans and the requirements of this consent.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
|     | <p><b>Condition reason:</b> To ensure the safe operation of the premises and protect the amenity of the local area</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| 84. | <b>Managing noise – Compliance with Acoustic Report</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
|     | <p>During ongoing use of the premises, the premises must be operated in accordance with the acoustic report approved under this consent.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
|     | <p><b>Condition reason:</b> To protect the amenity of the local area</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |

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| 85. | <b>Display of Signs on the Footpath</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
|     | Signs, advertising structures or goods shall not be displayed or placed on the public footpath, or any other part of the public road at any time, without Council's consent.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
|     | <b>Condition Reason:</b> <i>To ensure that footways are not obstructed, to avoid visual clutter and protect the amenity of the surrounding area.</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| 86. | <b>Graffiti Removal and Rectification of Vandalism</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
|     | Where the external walls of the building, landscaped structures and / or other facilities within the property / site are vandalised by graffiti, or minor damage, the matter shall be rectified with the affected areas returned to its former state within seven (7) days of the occurrence.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
|     | <b>Condition Reason:</b> <i>To protect the amenity of the surrounding area.</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| 87. | <b>Storage and disposal of waste materials during ongoing use</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
|     | <p>During ongoing use of the premises:</p> <ol style="list-style-type: none"> <li>1. Bins must be put on the premises for the storage of any waste that is generated (including for recycling and food organics), with the capacity and volume provided in accordance with the approved Waste Management Plan (as amended by condition <a href="#">3640</a>.</li> <li>2. all garbage and recyclable materials generated from the premises must be stored wholly within any approved storage area and must not be stored outside the premises (including any public place) at any time, other than on the evening prior to collection.</li> <li>3. arrangements must be implemented for the separation of recyclable materials and food organics from garbage</li> <li>4. any approved waste storage area must be appropriately maintained to prevent litter and the entry of pests</li> <li>5. where council does not provide commercial garbage and recyclable materials collection services: <ol style="list-style-type: none"> <li>a. a contract must be entered into with a licensed contractor to provide these services for the premises; and</li> <li>b. a copy of the contract must be kept on premises and provided to relevant authorities including council officers on request.</li> </ol> </li> <li>6. where the collection of garbage and recyclable materials from the premises is undertaken by a licensed contractor, it must only occur between <b>7:00am</b> and 6:00pm on Monday to Saturday and 8:00am to 5:00pm on Sundays and public holidays.</li> <li>7. all liquid trade waste discharged to sewerage system must comply with the trade waste approval issued by the relevant water authority</li> <li>8. all liquid trade waste pre-treatment devices must be regularly maintained to remain effective in accordance with the conditions of the liquid trade waste approval issued by the relevant water authority.</li> </ol> |

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|     | <b>Condition reason:</b> To ensure proper handling of waste, garbage and recyclable materials generated during operation of the premises                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| 88. | <p><b>Waste management for ongoing use</b></p> <p>During ongoing use of the premises, all waste must be separated, stored and disposed of in accordance with the approved waste management plan.</p> <p>In addition:</p> <p>a) Organic waste must be disposed of by compost or through food organics collection as detailed in the amended Waste Management Plan.</p> <p>During ongoing use, the on-site disposal of organic waste must not have an adverse impact on the use of adjoining land.</p> <p><b>Condition reason:</b> To ensure the lawful and sustainable disposal of waste.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| 89. | <p><b>Maintenance of Stormwater Drainage System</b></p> <p>The stormwater drainage system (including all pits, pipes, absorption, detention structures, treatment devices, infiltration systems and rainwater tanks) shall be regularly cleaned, maintained and repaired to ensure the efficient operation of the system from time to time and all times. The system shall be inspected after every rainfall event to remove any blockage, silt, debris, sludge and the like in the system. All solid and liquid waste that is collected during maintenance shall be disposed of in a manner that complies with the appropriate Environmental Guidelines. The water from the rainwater tank should not be used for drinking. Rainwater tanks shall be routinely de-sludged and all contents from the de-sludging process disposed: Solids shall be disposed to the waste disposal and de-sludged liquid shall be disposed to the sewer.</p> <p><b>Condition reason:</b> <i>To protect waterways and minimise adverse impacts to the environment.</i></p> |
| 90. | <p><b>Health Impacts (non-residential uses)</b></p> <p>The use of the premises shall not give rise to an environmental health nuisance to the adjoining or nearby premises and environment. There are to be no emissions or discharges from the premises, which will give rise to a public nuisance or result in an offence under the <i>Protection of the Environment Operations Act 1997</i> and Regulations. The use of the premises and the operation of plant and equipment shall not give rise to the transmission of a vibration nuisance or damage other premises.</p> <p><b>Condition reason:</b> <i>To manage site operations so that adverse impacts to the locality are minimised.</i></p>                                                                                                                                                                                                                                                                                                                                                   |

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| 91. | <p><b>Noise from Mechanical Plant / Ventilation and Air Conditioning</b></p> <p>a) The use of the premises, building services, equipment, machinery and, ancillary fittings shall not give rise to an “offensive noise” as defined under the provisions of the <i>Protection of the Environment Operations Act 1997</i>, and</p> <p>b) The use of mechanical plant including air conditioners, fans, compressors, condensers, freezers, swimming pool or spa pumps (whether commercial or domestic) shall not cause sound pressure levels in excess of the criteria given in the <i>NSW Industrial Noise Policy – 2000</i>.</p> <p><b>Condition reason:</b> <i>To manage site operations so that adverse impacts to the locality are minimised.</i></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| 92. | <p><b>Acoustic Impacts</b></p> <p>The proposed use of the premises and the operation of all plant and equipment shall not give rise to ‘offensive noise’ as defined in the <i>Protection of the Environment Operations Act 1997</i> and Regulations:</p> <p>a) The operation of all plant and equipment shall not give rise to an equivalent continuous (L<sub>aeq</sub>) sound pressure level at any point on any residential property / affected premises greater than 5dB(A) above the existing background LA<sub>90</sub> level (in the absence of the noise under consideration), and</p> <p>b) The operation of all plant and equipment when assessed on any residential property shall not give rise to a sound pressure level that exceeds L<sub>aeq</sub> 50dB(A) day time and L<sub>aeq</sub> 40 dB(A) night time, and</p> <p>c) The operation of all plant and equipment when assessed on any neighbouring commercial / industrial premises shall not give rise to a sound pressure level that exceeds L<sub>aeq</sub> 65dB(A) day time / night time.</p> <p>For assessment purposes, the above L<sub>aeq</sub> sound levels shall be assessed over a period of 10-15 minutes and adjusted in accordance with EPA guidelines for tonality, frequency weighting, impulsive characteristics, fluctuations and temporal content where necessary.</p> <p><b>Condition reason:</b> <i>To manage site operations so that adverse impacts to the locality are minimised.</i></p> |
| 93. | <p><b>Spruikers and Speakers</b></p> <p>Spruikers (with or without sound amplification) shall not operate without the prior written consent of Council. No signs, amplification equipment, goods or the like shall be placed on public areas or the footpath. Speakers and/or noise amplification equipment must not be installed and music must not be played in any of the outdoor areas associated with the premises including the public domain. Speakers located within the premises must not be</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |

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|     | placed so as to direct the playing of music towards the outdoor areas associated with the premises.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
|     | <b>Condition reason:</b> <i>To manage site operations so that adverse impacts to the locality are minimised.</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| 94. | <b>Impacts on the Amenity</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
|     | 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.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
|     | <b>Condition reason:</b> <i>To manage site operations so that adverse impacts to the locality are minimised.</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| 95. | <b>Smoking</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
|     | <p>The proposed use of the premises must comply with the <i>Smoke-Free Environment Act 2000</i>, <i>Smoke-free Environment Regulation 2016</i> and <i>Public Health (Tobacco) Act 2008</i>, <i>smoking in enclosed areas and outdoor areas for food premises is prohibited:</i></p> <ul style="list-style-type: none"> <li>- <i>commercial outdoor dining areas in licensed venues (including clubs and hotels), restaurants and cafes must be smoke free;</i></li> <li>- <i>areas within four metres of a pedestrian entrance to or exist from a licensed venue, restaurant or café must be smoke free; and</i></li> <li>- <i>mandatory prescribed signage 'NO SMOKING' must be displayed within a commercial outdoor dining area.</i></li> </ul> <p><b>smoke</b> means use, consume, hold or otherwise have control over a tobacco product, non-tobacco smoking product or e-cigarette that is generating (whether or not by burning) smoke or an aerosol or vapour.</p> <p><b>smoking accessory</b> includes cigarette papers, pipes, cigarette holders, hookahs, water pipes or any other smoking implement.</p> <p><b>Condition reason:</b> <i>To ensure compliance with the relevant legislation.</i></p> |
| 96. | <b>Maintenance of Food Premises</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
|     | <p>The food premises must be maintained in accordance with the following:</p> <ul style="list-style-type: none"> <li>a) <i>Food Act 2003</i>, and</li> <li>b) <i>Food Regulation 2015</i>, and</li> <li>c) <i>NSW Standards for Construction and Hygienic Operation of Retail Meat Premises (as amended)</i>, and</li> <li>d) <i>Australia and New Zealand Food Standards Code</i>, and</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |

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|     | <p>e) The Australian Standard AS 4674-2004: Construction and fit out of food premises, and</p> <p>f) Standard 3.2.3 – Food Premises and Equipment</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
|     | <p><b>Condition reason:</b> <i>To ensure compliance with the relevant standards and legislation.</i></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| 97. | <p><b>Noise from Air-Conditioning Units</b></p> <p>Residential air conditioners shall not cause 'offensive noise' as defined by the Protection of the <i>Environment Operations Act 1997</i> or contravene provisions of the Protection of the <i>Environment (Noise Control) Regulation 2008</i> where emitted noise from a residential air conditioner can be heard within a habitable room in any other residential premises at night.</p> <p><b>Condition reason:</b> <i>To manage noise from air-conditioning units so that adverse impacts to the locality are minimised.</i></p>                                                                                                                                                                                                                                                                                                                                                                                                                 |
| 98. | <p><b>Noise Controls – Validation</b></p> <p>Within three (3) months of the issue of Final Occupation Certificate, the applicant is to engage a suitably qualified practicing acoustic engineer to carry out post construction validation noise testing. During the testing the acoustic engineer should remain in the physical locality of the noise receiving and testing equipment at all times. If the post construction validation testing demonstrates that noise from the licensed premises plant and equipment and/or activities do not comply with the noise criteria stipulated in the approved acoustic report, additional measures will be required by Council to ensure the noise emissions from the site do not impact on the nearby residential properties. A copy of the acoustic report(s) must be provided to Council.</p> <p><b>Condition reason:</b> <i>To ensure compliance with the approved acoustic requirements so that adverse impacts to the locality are minimised.</i></p> |

### General advisory notes

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

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

accordance with this consent.

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

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

## DICTIONARY

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

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

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

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

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

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

**Council** means BAYSIDE COUNCIL.

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

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

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

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

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

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

**Occupation certificate** means a certificate that authorises the occupation and use of a new

building or a change of building use for an existing building in accordance with this consent.

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

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

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

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

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

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