

## Draft Conditions of Consent

Premises: 128 Bunnerong Road & 120 Banks Avenue, Eastgardens

DA No: 2019/387

### SCHEDULE OF CONSENT CONDITIONS

#### GENERAL CONDITIONS

1. The development is to be carried in accordance with the following plans and documentation listed below and endorsed with Council's stamp, except where amended by other conditions of this consent.

Drawing	Author	Dated
Cover Sheet / Locality Plan DAC 1201 Issue C	AT&L Civil Engineers & Project Managers	4 March 2020
Notes & Legends DAC1202 Issue C	AT&L Civil Engineers & Project Managers	4 March 2020
General Arrangement Plan DAC1203 Issue C	AT&L Civil Engineers & Project Managers	4 March 2020
Typical Sections DAC1205 Issue C	AT&L Civil Engineers & Project Managers	4 March 2020
Site Works & Stormwater Drainage Sheet 1 DAC 1210 Issue C	AT&L Civil Engineers & Project Managers	4 March 2020
Site Works & Stormwater Drainage Sheet 2 DAC1211 Issue C	AT&L Civil Engineers & Project Managers	4 March 2020
Site Works & Stormwater Drainage Sheet 3 DAC1212 Issue C	AT&L Civil Engineers & Project Managers	4 March 2020
Site Works & Stormwater Drainage Sheet 4 DA1213 Issue C	AT&L Civil Engineers & Project Managers	4 March 2020
Site Works Details DAC1215 Issue C	AT&L Civil Engineers & Project Managers	4 March 2020
Stormwater Drainage Longitudinal Sections Sheet 1 DAC1220 Issue C	AT&L Civil Engineers & Project Managers	4 March 2020
Stormwater Drainage Longitudinal Sections Sheet 2 DAC1221 Issue C	AT&L Civil Engineers & Project Managers	4 March 2020
Stormwater Drainage Longitudinal Sections Sheet 3 DAC1222 Issue C	AT&L Civil Engineers & Project Managers	4 March 2020

Stormwater Drainage Longitudinal Sections Sheet 4 DAC1223 Issue C	AT&L Civil Engineers & Project Managers	4 March 2020
Stormwater Drainage Longitudinal Sections Sheet 5 DAC1224 Issue C	AT&L Civil Engineers & Project Managers	4 March 2020
Stormwater Drainage Catchment Plan DAC1225 Issue C	AT&L Civil Engineers & Project Managers	4 March 2020
Stormwater Drainage Details DAC1227 Issue C	AT&L Civil Engineers & Project Managers	4 March 2020
Signage & Linemarking Plan DAC1230 Issue C	AT&L Civil Engineers & Project Managers	4 March 2020
Pavement Plan DAC1240 Issue C	AT&L Civil Engineers & Project Managers	4 March 2020
Road Longitudinal Sections Sheet 1 DAC1250 Issue C	AT&L Civil Engineers & Project Managers	4 March 2020
Road Longitudinal Sections Sheet 2 DAC1251 Issue C	AT&L Civil Engineers & Project Managers	4 March 2020
Road Cross Sections North Street 1 Sheet 1 DA1255 Issue C	AT&L Civil Engineers & Project Managers	4 March 2020
LPD-000 Issue E Cover Sheet, Drawing Register and Legend	Meriton Builders & Developers	7 April 2020
LPD-001 Issue D General Notes	Meriton Builders & Developers	6 March 2020
LPD -100 Issue E Overall Public Domain Plan	Meriton Builders & Developers	7 April 2020
LPD-101 Issue E Public Domain Plan	Meriton Builders & Developers	7 April 2020
LPD-102 Issue E Public Domain Plan	Meriton Builders & Developers	7 April 2020
LPD-103 Issue E Public Domain Plan	Meriton Builders & Developers	7 April 2020
LPD-104 Issue E Public Domain Plan	Meriton Builders & Developers	7 April 2020
LPD-105 Issue D Landscape Sections	Meriton Builders & Developers	6 March 2020
LPD-106 Issue B Landscape Sections	Meriton Builders & Developers	6 March 2020
LPD-110 Issue B Landscape Details	Meriton Builders & Developers	6 March 2020
LPD-111 Issue B Landscape Details	Meriton Builders & Developers	6 March 2020

2. All new building work must be carried out in accordance with the provisions of the Building Code of Australia (BCA).
3. **A Construction Certificate must be obtained from Council or an Accredited Certifier prior to any building work commencing.**

4. Temporary dewatering of the site prior to, during or following construction is not permitted.
5. Retaining walls over 600mm in height shall be designed and specified by a suitably qualified structural engineer.
6. This Consent relates to land in Lot 1 DP1187426 and Lot 24 DP1242288. Building works must not encroach onto adjoining lands or other public places apart from approvals granted for works beyond the site boundary.
7. During Construction and prior to the dedication of the road back to Council, 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 at 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.

#### **PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE**

8. The following fees shall be paid to Council prior to the issue of a Construction Certificate. If payment is made after the end of the financial year, the amount shall be adjusted in accordance with Council's adopted fees and charges.
  - a) An environmental enforcement fee of 0.25% of the cost of the works.
  - b) A Soil and Water Management Sign of \$19.00.
9. For work costing \$25,000 or more, a Long Service Leave Levy shall be paid. For further information please contact the Long Service Payments Corporation on their Helpline 13 1441.
10. Prior to the issue of any Construction Certificate, the applicant shall lodge a Builder's Damage Deposit and Performance Bond of **\$2,876,536.00** (GST Exempt) by way of cash deposit or unconditional bank guarantee to Council against possible damage to Council's assets during the course of the building works. The deposit will be refunded subject to inspection by Council 12 months after the completion of all works relating to the proposed development and Final Occupational Certificate has been issued.
11. **Contamination – Further Investigation and RAP**

Additional soil, groundwater and soil vapour investigations must be completed in accordance with the NSW EPA Guidelines, with reference to the intended site use, and to supplement the previous works undertaken from 2011-2013. The work must be completed by a suitably qualified and experienced environmental consultant in accordance with:

- NSW EPA (2020) 'Consultants reporting on contaminated land';
- NSW Environment Protection Authority (NSW EPA) approved guidelines under the Contaminated Land Management Act 1997; and
- State Environmental Planning Policy 55 (SEPP55) – Remediation of Land.

The additional investigation reports must be submitted to the Director - City Futures at Bayside Council, for Councils written concurrence prior to the commencement of any excavation or construction works onsite.

Following completion of the additional investigations, if required a Stage 3 Remediation Action Plan shall be prepared and remediation of the site shall be carried out. Approvals from appropriate government departments where required shall be obtained and full details of the investigation and site remediation are to be submitted to and approved by Bayside Council, in accordance with the Environmental Planning and Assessment Act 1979, prior to the issue of a construction certificate for, or the commencement of, any excavation or construction works.

12. Contaminated Land – Site Validation Report

If remediation of the road way and verge areas are required, a Stage 4 – Site Validation Report (SVR) must be prepared by a suitably qualified contaminated land consultant and must be in accordance with:

- NSW EPA (2020) 'Consultants reporting on contaminated land';
- NSW Environment Protection Authority (NSW EPA) approved guidelines under the Contaminated Land Management Act 1997; and
- State Environmental Planning Policy 55 (SEPP55) – Remediation of Land.

The site validation report must provide a notice of completion of remediation works, whether there are any ongoing site management requirements and a clear statement on the suitability of the likely proposed site use. The report must be submitted to the Principal Certifying Authority, and the Council if the Council is not the Principal Certifying Authority. The report is to be submitted after completion of remediation works and prior to the issue of any Occupation Certificate.

13. Site Audit Statement – Site Suitability – Section A

To ensure that the site is suitable for the proposed use, a Site Audit Statement (SAS) completed by an accredited site auditor under the Contaminated Land Management Act 1997 must be submitted to Council clearly demonstrating that the site is suitable for the proposed development. This must be provided prior to the issue of a Construction Certificate for, or the commencement of, any excavation or construction works. For any land dedication to council, such as parks or roadways the site audit statement must not be subject to any ongoing management measures (such as a long term environmental management plan) to manage residual contamination.

Any conditions imposed on the SAS must form part of this consent. The accredited site auditor must provide Council with a copy of the Site Audit Report (SAR) and Site Audit Statement (SAS) prior to the issuing of any Construction Certificate. In circumstances where the SAS conditions (if applicable) are not consistent with the consent an application pursuant to the Environmental Planning & Assessment Act 1979 must be submitted to ensure that they form part of the consent conditions.

14. Prior to the issue of the Construction Certificate, the developer is required to make a formal submission to Ausgrid by means of a duly completed Preliminary Enquiry and/or Connection Application form, to allow Ausgrid to assess any impacts on its infrastructure and determine the electrical supply requirements for the development

(eg. whether a substation is required on site). In general, works to be considered by Ausgrid include, but are not limited to, the following:

- a) Changes in electrical load requirements
- b) Changes to Ausgrids infrastructure (ie. asset relocations, decommissioning substations etc.)
- c) Works affecting Ausgrids easements, leases and/ or right of ways
- d) Changing the gradients of any roads or paths
- e) Changing the level of roads or foot paths
- f) Creating, widening or narrowing roads
- g) Closing roads or laneways to vehicles
- h) In all cases Ausgrid is to have 24 hour access to all its assets

15. Prior to the issue of the Construction Certificate, a Construction Management Program shall be submitted to, assessed and approved in writing by the Principal Accredited Certifier. The program shall detail:

- a) The proposed method of access to and egress from the site for construction vehicles, including access routes through the Council area and the location and type of temporary vehicular crossing for the purpose of minimising traffic congestion and noise in the area, with no access across public parks or public reserves being allowed,
- b) The proposed phases of construction works on the site and the expected duration of each construction phase,
- c) The proposed order in which works on the site will be undertaken, and the method statements on how various stages of construction will be undertaken,
- d) The proposed manner in which adjoining property owners will be kept advised of the timeframes for completion of each phase of development/construction process,
- e) The proposed method of loading and unloading excavation and construction machinery, excavation and building materials, formwork and the erection of any part of the structure within the site. Wherever possible mobile cranes should be located wholly within the site,
- f) The proposed areas within the site to be used for the storage of excavated materials, construction materials and waste containers during the construction period,
- g) The proposed method/device to remove loose material from all vehicles and/or machinery before entering the road reserve, any run-off from the washing down of vehicles shall be directed to the sediment control system within the site,

- h) The proposed method of support to any excavation adjacent to adjoining properties, or the road reserve. The proposed method of support is to be designed and certified by an Accredited Certifier (Structural Engineering), or equivalent,
  - i) Proposed protection for Council and adjoining properties,
  - j) The location and operation of any on site crane (if required). Please note that a crane may require prior approval from Sydney Airports Corporation,
  - k) Vehicular access into the site is not permitted via Bunnerong Road, and
  - l) The location of any Construction Zone (if required) approved by Council's Traffic Committee, including a copy of that approval.
16. Prior to the issue of the Construction Certificate, a detailed Traffic Management Plan for the pedestrian and traffic management of the site, Banks Avenue, Heffron Road, Tingwell Boulevard and Bunnerong Road during construction shall be prepared and submitted to the Principal Accredited Certifier for assessment and approval. The plan shall:
- a) be prepared by a RMS accredited consultant, and
  - b) address, but not be limited to, the following matters:
    - i) ingress and egress of vehicles to the site;
    - ii) loading and unloading, including construction zones;
    - iii) predicted traffic volumes, types and routes;
    - iv) pedestrian and traffic management methods; and
  - c) Nominate a contact person who is to have authority without reference to other persons to comply with instructions issued by Council's Traffic Engineer or the Police, and
  - d) If required, implement a public information campaign to inform any road changes well in advance of each change. The campaign may be required to be approved by the Traffic Committee.

Note: Any temporary road closure shall be confined to weekends and off-peak hour times and is subject to Council's Traffic Engineer's approval. Prior to implementation of any road closure during construction, Council shall be advised of these changes and Traffic Control Plans shall be submitted to Council for approval. This Plan shall include times and dates of changes, measures, signage, road markings and any temporary traffic control measures.

17. Prior to the issue of the Construction Certificate, to ensure that utility authorities and Council are advised of any effects to their infrastructure by the development, the applicant shall:
- a) Carry out a survey of all utility and Council services within the site including relevant information from utility authorities and excavation if necessary to determine the position and level of services.

- b) Negotiate with the utility authorities (eg AusGrid, Sydney Water, Telecommunications Carriers and Council) in connection with:
  - i) The additional load on the system; and
  - ii) The relocation and/or adjustment of the services affected by the construction.
- c) Ensure that all utilities are designed to be constructed underground and all street lights shall be underground supplied street columns provided at intervals and locations to the satisfaction of Bayside Council to Ausgrid standards.
- d) All underground and above ground infrastructure shall be constructed as specified by Ausgrid, RMS, Council and any other affected service provider. The location of the new electrical pillars, new lighting poles, any new pits and trenches for utilities shall be confirmed with Bayside Council prior to the issue of any Construction Certificate. No above ground infrastructure (lighting poles etc.) is to be located within the footpaths or the required tree planting locations as shown on the approved plans.

Any costs in the relocation, adjustment, and provision of land or support of services as requested by the service authorities and Council are to be the responsibility of the developer.

- 18. Prior to the issue of the Construction Certificate, the detailed construction civil design shall be in accordance with the Civil Works Road Package Stage 2 drawings referenced in Condition No. 1, project no. 13-155, by AT&L. A copy of the approved detailed construction plans is to be provided to Council prior to the issue of the Construction Certificate.
- 19. Prior to the issue of the Construction Certificate, the applicant shall contact “Dial Before You Dig” to obtain a utility service diagram for, and adjacent to the property. The sequence number obtained from “Dial Before You Dig” shall be forwarded to Principal Certifying Authority. All utilities within the work zone shall be protected during construction. Any adjustments or damage to public utilities/services as a consequence of the development and associated construction works shall be restored or repaired at the applicant’s expense.
- 20. Landscape
  - A. Prior the issue of the Construction Certificate the bio-filtration swale proposed along Finch Drive shall comprise construction detail design to be submitted to Council Public Domain Officer for approval prior the issue of Construction Certificate. Bio-filtration swale, shall indicate details of drainage connection, inlet and outlet structures, filter media, drainage media, collection pipe, geotextiles, levels in relation to carriageway, details of concrete edges, erosion protection measures. Include rock lined surface, rocks sizes and roughness in accordance with water flows to ensure rocks are not repositioned with high water flows.
  - B. Landscape works within the Public Domain shall comply with the following unless specified otherwise by Councils Landscape Officer:
    - i. All street trees have to be supplied in a pot size not less than 200litre. Height above container 3.5meters, calliper at 300mm greater than 60mm, with a

clear trunk height of 1.5 meters. Trees supplied shall be healthy and vigorous, free of pest and disease, free from injuries. Trees provided shall conform to NATSPEC guide. Street trees sizes may be required to be larger in specific building units frontage works.

- ii. Each new Street tree shall include a 50mm diameter slotted watering pipe with geotextile sleeve around rootball connected to watering grate (or kerb hole if WSUD option used) Root Rain Urban or equivalent.
  - iii. Root barriers shall be installed in all street trees along both kerb and footpaths or where is required to protect structures from roots systems. Root barriers shall be installed as far as possible of trees. Ensure 50mm of root barrier is left above finished ground height. Root barrier shall be minimum 2 meters long to each side of tree trunks. Root barriers shall be installed alongside the landscape element to be protected in accordance with manufacturer's recommendations.
  - iv. Install protective staking around the trees, to identify it as new planting and protect it from casual and accidental interference. This staking is not to support the tree, as the new trees should be self supporting upon supply from the nursery. More permanent guards may be warranted in very high use or vandal prone areas. Stakes and Ties. Three stakes (3) of 50 x 50 x 2500mm of durable hardwood, straight, free from knots or twists, pointed at one end. Provide ties fixed securely to the stakes, 50mm hessian webbing stapled to the stakes.
  - v. Mulching for planter beds shall conform to AS4454 and free of deleterious extraneous matter such as soil, weeds, wood slivers, and stones. Mulch shall be in all tree pits to a depth of 100mm, when plants are installed, clear of all plant stems, and rake to an even surface flush with the surrounding finished levels
- C. An experienced Landscape Contractor shall be engaged to undertake all landscaping public domain work and shall be provided with a copy of both the approved landscape drawing and the conditions of approval to satisfactorily construct the landscape to Council requirements. The contractor shall be engaged weekly for a minimum period of 52 weeks from final completion of landscaping for maintenance and defects liability, replacing plants in the event of death, damage, theft or poor performance. After that time regular and ongoing maintenance is required.
- D. New street trees shall be maintained by the Applicant/Owner/Strata Corporation for a period of 12 months after final inspection by Council. Maintenance includes twice weekly watering within the first 6 months then weekly thereafter to sustain adequate growth and health, biannual feeding, weed removal round the base, mulch replenishment at 3 monthly intervals (to 75mm depth) and adjusting of stakes and ties. Maintenance but does not include trimming or pruning of the trees under any circumstances.
- E. Bio-filtration swale construction and planting shall be finalised at least 12 months prior dedication of the roads to council.
- F. Landscape Completion/Certification: an inspection of final landscape works by Council landscape architect must be conducted.

## 21. Sydney Water

### (A) Tap In

Prior to the issue of the Construction Certificate, the approved plans must be submitted to Sydney Water Tap inTM online service to determine whether the



development will affect any Sydney Water sewer or water main, stormwater drains and/or easement, and if further requirements need to be met.

Sydney Water's Tap in™ online service is available at:

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

- (B) Any structure proposed to be erected over or near the existing Sydney Water pipeline is to be approved by Sydney Water. A copy of Sydney Water's approval and requirements are to be submitted to Council prior to issuing a Construction Certificate.

## 22. Ausgrid

### Proximity to Existing Network Assets

#### (A) Overhead Powerlines

There are existing overhead electricity network assets in Heffron Rd and Bunnerong Rd. Safework NSW Document – Work Near Overhead Powerlines: Code of Practice, outlines the minimum safety separation requirements between these mains/poles to structures within the development throughout the construction process. It is a statutory requirement that these distances be maintained throughout construction. Special consideration should be given to the positioning and operating of cranes and the location of any scaffolding.

The “as constructed” minimum clearances to the mains should also be considered. These distances are outlined in the Ausgrid Network Standard, NS220 Overhead Design Manual. This document can be sourced from Ausgrid's website, [www.ausgrid.com.au](http://www.ausgrid.com.au)

Should the existing overhead mains require relocating due to the minimum safety clearances being compromised in either of the above scenarios, this relocation work is generally at the developers cost. It is also the responsibility of the developer to ensure that the existing overhead mains have sufficient clearance from all types of vehicles that are expected be entering and leaving the site.

#### (B) Underground Cables

There are existing underground electricity network assets in Heffron Rd, Bunnerong Rd, Tingwell Bvd and Banks Ave. Special care should also be taken to ensure that driveways and any other construction activities within the footpath area do not interfere with the existing cables in the footpath. Ausgrid cannot guarantee the depth of cables due to possible changes in ground levels from previous activities after the cables were installed. Hence it is recommended that the developer locate and record the depth of all known underground services prior to any excavation in the area. Should ground anchors be required in the vicinity of the underground cables, the anchors must not be installed within 300mm of any cable, and the anchors must not pass over the top of any cable.

Safework Australia – Excavation Code of Practice, and Ausgrid's Network Standard NS156 outlines the minimum requirements for working around Ausgrid's underground cables

#### (C) Substation

The substation ventilation openings, including substation duct openings and louvered panels, must be separated from building air intake and exhaust openings, natural ventilation openings and boundaries of adjacent allotments, by separation distances which meet the requirements of all relevant authorities, building regulations, BCA and Australian Standards including AS 1668.2: The use of ventilation and air-conditioning in buildings - Mechanical ventilation in buildings. In addition to above, Ausgrid requires the substation ventilation openings, including duct openings and louvered panels, to be separated from building ventilation system air intake and exhaust openings, including those on buildings on adjacent allotments, by not less than 6 metres.

Any portion of a building other than a BCA class 10a structure constructed from non combustible materials, which is not sheltered by a non-ignitable blast-resisting barrier and is within 3 metres in any direction from the housing of a kiosk substation, is required to have a Fire Resistance Level (FRL) of not less than 120/120/120. Openable or fixed windows or glass blockwork or similar, irrespective of their fire rating, are not permitted within 3 metres in any direction from the housing of a kiosk substation, unless they are sheltered by a non- ignitable blast resisting barrier.

The development must comply with both the Reference Levels and the precautionary requirements of the ICNIRP Guidelines for Limiting Exposure to Time-varying Electric and Magnetic Fields (1 HZ – 100 kHz) (ICNIRP 2010). For further details on fire segregation requirements refer to Ausgrid's Network Standard 141. Existing Ausgrid easements, leases and/or right of ways must be maintained at all times to ensure 24 hour access. No temporary or permanent alterations to this property tenure can occur without written approval from Ausgrid. For further details refer to Ausgrid's Network Standard 143

## 23. Transport For NSW

- a. All buildings and structures, together with any improvements integral to the future use of the site are to be wholly within the freehold property (unlimited in height or depth), along the Bunnerong Road boundary.
- b. Detailed design plans and hydraulic calculations of any changes to the stormwater drainage system that impact upon Bunnerong Road are to be submitted to TfNSW for approval, prior to the commencement of any works. Please send all documentation to [development.sydney@rms.nsw.gov.au](mailto:development.sydney@rms.nsw.gov.au)

A plan checking fee will be payable and a performance bond may be required before TfNSW approval is issued.

- c. All construction and demolition vehicles are to access the site via local roads Heffron Road, Banks Avenue and Tingwell Boulevarde. A construction zone will not be permitted on Bunnerong Road.
- d. A Construction Traffic Management Plan detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control should be submitted to Council for approval prior to the issue of a Construction Certificate.

## **PRIOR TO COMMENCEMENT OF WORKS**

24. Building Plans must be stamped and approved by Sydney Water before any construction is commenced. Approval is needed because construction/building works may affect Sydney Water assets (eg. water, sewer and stormwater mains).

For further assistance please telephone 13 20 92 or refer to the Building over or next to assets page on the Sydney Water website (see Plumbing, Building and Developing then Building over or next to assets).

25. Toilet facilities are to be provided at or in the vicinity of the work site on which work involves:
- a) demolition and construction of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site;
  - b) Each toilet provided:
    - i) must be standard flushing toilet; and,
    - ii) must be connected:
      - 1 to a public sewer; or
      - 2 if connection to a public sewer is not practicable to an accredited sewerage management facility approved by the Council; or,
      - 3 if connection to a public sewer or an accredited sewerage management facility is not practicable to some other sewerage management facility approved by the Council.
    - iii) The provisions of toilet facilities in accordance with this condition must be in place before work commences.
26. The principal contractor or owner builder must install and maintain water pollution, erosion and sedimentation controls in accordance with:
- a) The Soil and Water Management Plan if required under this consent;
  - b) "Managing Urban Stormwater - Soils and Construction" (2004) ('The Blue Book'); and
  - c) Protection of the Environment Operations Act 1997.
27. A Soil and Water Management Plan (SWMP) shall be prepared in accordance with the Landcom *Managing Urban Stormwater – Soils and Construction* 4<sup>th</sup> Edition (2004). All management measures recommended and contained within the Soil and Water Management Plan (SWMP) shall be implemented in accordance with the *Landcom Managing Urban Stormwater – Soils and Construction* 4<sup>th</sup> Edition (2004). This plan shall be implemented prior to commencement of any site works or activities. All controls in the plan shall be maintained at all times. A copy of the SWMP shall be kept on-site at all times and made available to Council Officers on request.
28. The vehicular entry/exits to the site must be protected from erosion and laid with a surface material which will not wash into the street drainage system or watercourse.

29. Prior to commencement of any works, application(s) shall be made to Council's Customer Services Counter and obtained the following approvals and permits on Council's property/road reserve under Road Act 1993 and Local Government Act 1993: - (It should be noted that any works shown within Council's road reserve or other Council Lands on the development approval plans are indicative only and no approval for these works is given until this condition is satisfied.)
- a) Permit to erect hoarding on or over a public place, including Council's property/road reserve,
  - b) Permit to construction activities, place and/or storage building materials on footpaths, nature strips,
  - c) Permit for roads and footways occupancy (long term/ short term),
  - d) Permit to construct frontage works including vehicular crossings, footpaths, kerbs and gutters over road reserve,
  - e) Permit to open road reserve area, including roads, footpaths, nature strip, vehicular crossing or for any purpose whatsoever, such as relocation / re-adjustments of utility services,
  - f) Permit to place skip/waste bin on footpath and/or nature strip, and
  - g) Permit to use any part of Council's road reserve or other Council lands.
30. Erosion and sediment control devices shall be installed and in function prior to the commencement of any demolition, excavation or construction works upon the site in order to prevent sediment and silt from site works (including demolition and/or excavation) being conveyed by stormwater into public stormwater drainage system, natural watercourses, bushland, trees and neighbouring properties. In this regard, all stormwater discharge from the site shall meet the legislative requirements and guidelines. These devices shall be maintained in a serviceable condition AT ALL TIMES throughout the entire demolition, excavation and construction phases of the development and for a minimum one (1) month period after the completion of the development, where necessary.
31. Where any shoring is to be located on or is supporting Council's property, or any adjoining private property, engineering drawings certified as being adequate for their intended purpose by an appropriately qualified and practising engineer, showing all details, including the extent of encroachment and the method of removal (or any other method) and de-stressing of shoring elements, shall be submitted with the Construction Certificate to the Principle Certifying Authority along with Council's (or other) consent if the works intrude on Council's (or other) property.
32. Prior to the commencement of any works, the applicant shall ensure that all works and measures will be implemented in accordance with approved Traffic Management Plan and Construction Management Plan at all times
33. A Soil and Water Management Plan shall be prepared. The Plan must include details of the proposed erosion and sediment controls to be installed on the building site. A copy of the Soil and Water Management Plan must be kept on-site at all times and made available on request.

Soil and sedimentation controls are to be put in place prior to commencement of any

work on site. The controls are to be maintained in effective working order during construction.

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

34. A sign must be erected at the front boundary of the property clearly indicating the Development Approval Number, description of work, builder's name, licence number and house number before commencement of work. If owner/builder, the Owner/Builder Permit Number must be displayed.
35. A sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being carried out:
  - a. stating that unauthorised entry to the work site is prohibited, and
  - b. showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours.  
Any such sign is to be removed when the work has been completed.  
This condition does not apply to:
    - c. building work carried out inside an existing building or
    - d. building work carried out on premises that are to be occupied continuously (both during and outside working hours) while the work is being carried out.
  - e. The site shall be secured by a 1800 mm (minimum) high temporary fence for the duration of the work. Gates shall be provided at the opening points.
36. Where construction/building works require the use of a public place including a road or footpath, approval under Section 68 of the Local Government act 1993 for a Barricade Permit is to be obtained from Council prior to commencement of work. Details of the barricade construction, area of enclosure and period of work are required to be submitted to the satisfaction of Council.

#### **DURING DEMOLITION / EXCAVATION / CONSTRUCTION**

37. A copy of the Construction Certificate and the approved plans and specifications must be kept on the site at all times and be available to Council officers upon request.
38. Hours of construction shall be confined to between 7 am and 6.30 pm Mondays to Fridays, inclusive, and between 8 am and 3.30 pm Saturdays with no work being carried out on Sundays and all public holidays.
39. Waste Classification – Excavated Materials  
  
All materials excavated from the site (fill or natural) must be classified in accordance with the NSW Environment Protection Authority (EPA) Waste Classification Guidelines (2014) prior to being disposed of to a NSW approved landfill or to a recipient site. Appropriate records must be retained to support this.
40. Importation of Fill (General)

To prevent contaminated soil being used onsite and to ensure that it is suitable for the proposed land use, all imported fill must be appropriately certified material and must be validated in accordance with the:

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

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

41. Upon inspection of each stage of construction, the Principal Certifying Authority (or other suitably qualified person on behalf of the Principal Certifying Authority) is also required to ensure that adequate provisions are made for the following measures (as applicable), to ensure compliance with the terms of Council's approval:
  - Sediment control measures
  - Provision of perimeter fences or hoardings for public safety and restricted access to building sites.
  - Maintenance of the public place free from unauthorised materials, waste containers or other obstructions.
42. Demolition operations shall not be conducted on the roadway or public footway or any other locations, which could lead to the discharge of materials into the stormwater drainage system.
43. All waste generated on site shall be disposed of in accordance with the submitted Waste Management Plan.
44. Works shall not encroach onto or over adjoining properties, including retaining walls, fill material or other similar works. Soil shall not be lost from adjoining sites due to construction techniques employed on the subject site.

When soil conditions require it:

- retaining walls associated with the erection or demolition of a building or other approved methods of preventing movement of the soil shall be provided, and
  - adequate provision shall be made for drainage.
45. All contractors shall comply with the following during all stages of demolition and construction:
    - A Waste Container on Public Road Reserve Permit must be obtained prior to the placement of any waste container or skip bin in the road reserve (i.e. road or footpath or nature strip). Where a waste container or skip bin is placed in the road reserve without first obtaining a permit, the Council's fees and penalties will be deducted from the Footpath Reserve Restoration Deposit. Permits can be obtained from Council's Customer Service Centre.
    - A Road Opening Permit must be obtained prior to any excavation in the road reserve (i.e. road or footpath or nature strip). Where excavation is carried out on the road reserve without first obtaining a permit, the Council's fees and penalties will be deducted from the Footpath Reserve Restoration Deposit. Permits can be obtained from Council's Customer Service Centre.

- A Hoarding Permit must be obtained prior to the erection of any hoarding (Class A or Class B) in the road reserve (i.e. road or footpath or nature strip). Where a hoarding is erected in the road reserve without first obtaining a permit, the Council's fees and penalties will be deducted from the Footpath Reserve Restoration Deposit. Permits can be obtained from Council's Customer Service Centre.
- A Crane Permit must be obtained from Council prior to the operation of any activity involving the swinging or hoisting of goods across or over any part of a public road by means of a lift, hoist or tackle projecting over the footway. Permits can be obtained from Council's Customer Service Centre.
- A current Permit to Dewater or Pump Out a site must be obtained prior to the discharge of pumped water into the road reserve, which includes Council stormwater pits and the kerb and gutter. Permits can be obtained from Council's Customer Service Centre.

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

- Building, demolition and construction works not to cause stormwater pollution and being carried out in accordance with Section 2.8 of Council's Stormwater Pollution Control Code 1993. 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.
- All disturbed areas shall be stabilised against erosion within 14 days of completion, and prior to removal of sediment controls.
- Building and demolition operations such as brickcutting, washing tools or paint brushes, and mixing mortar shall not be performed on the roadway or public footway or any other locations which could lead to the discharge of materials into the stormwater drainage system.
- 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.
- Wind blown dust from stockpile and construction activities shall be minimised by one or more of the following methods:
  1. spraying water in dry windy weather
  2. cover stockpiles
  3. fabric fences
- 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 2 metres to remove mud from the tyres of construction vehicles.

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.

In addition builders / demolishers are required to erect a 1.5m high fence along the whole of the street alignment other than at the two openings. Such protection work, including fences, is to be constructed, positioned and maintained in a safe condition to the satisfaction of the Principal Certifying Authority, prior to the demolition of the existing structures and commencement of building operations.

- Any noise generated during construction of the development shall not exceed limits specified in any relevant noise management policy prepared pursuant to the Protection of the Environment Operations Act, 1997 or exceed approved noise limits for the site.
47. Council's warning sign for soil and water management must be displayed on the most prominent point on the building site, visible to both the street and site workers. The sign must be displayed throughout construction. A copy of the sign is available from Council.
48. Council's Public Domain Team is to be provided with a minimum of 24 hours' notice of the following construction stages, and may elect to undertake an inspection at such stages:
- a) Pavement Construction
    - i. Completion of excavation and preparation of sub-grade material for road construction;
    - ii. Completion of construction of base-course material for road construction;
    - iii. Completion of construction of asphalt wearing course material for road construction;
  - b) Stormwater Drainage
    - i. Completion of excavation and preparation of stormwater trench bedding material for stormwater drainage construction;
    - ii. Completion of installation of stormwater drainage pipe, prior to trench backfilling;

A final inspection will be undertaken by Council's Public Domain Team not less than 28 days after the civil work has been fully constructed. This period permits sufficient time for backfilling, compaction, turfing and general clean-up of the work site so that the Road Reserve is free from unauthorised obstructions and hazards.

**Note 1.** A Bayside Council inspection listed above is **not** an inspection carried out under Part 4A of the *Environmental Planning and Assessment Act 1979*, and Bayside Council will **not** issue any *compliance certificate* with respect to such inspections.

49. The supervising engineer shall undertake the following activities throughout the implementation of the proposal to ensure appropriate supervision of the work and management of work quality:



- a) Monitor the construction of the works for conformance with the approved design and specification;
  - b) Monitor the implementation of approved management plans to manage site safety and environmental risks;
  - c) Immediately notify the Council, and the *Principal Certifying Authority* (where applicable) in relation to any non-conformances in relation to the works or consent conditions;
  - d) Undertake all duties as required by the specification in relation to release of Witness Points and Hold Points; and
  - e) Ensure that the Contractor complies with NSW Work Health and Safety legislation, and the requirements of SafeWork NSW.
50. 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 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 Council.
51. All demolition and construction vehicles are to be contained wholly within the site and vehicles must enter the site before stopping. A construction zone will not be permitted on Bunnerong Road.
52. During construction, the applicant shall ensure that all works and measures have been implemented in accordance with approved Traffic Management Plan and Construction Management Plan at all times.
53. The principal contractor or owner builder must install and maintain water pollution, erosion and sedimentation controls in accordance with:
- a) The Soil and Water Management Plan;
  - b) "Managing Urban Stormwater - Soils and Construction" (2004) Landcom ('The Blue Book'); and
  - c) Protection of the Environment Operations Act 1997.
54. During demolition, excavation, construction and any associated delivery activities, access to the site shall be available in all weather conditions. The area shall be stabilised and protected from erosion to prevent any construction-related vehicles (including deliveries) tracking soil materials onto street drainage system/watercourse, Council's lands, public roads and road-related areas. Hosing down of vehicle tyres shall only be conducted in a suitable off-street area where wash waters do not enter the stormwater system or Council's lands.

## **PRIOR TO ISSUE OF OCCUPATION CERTIFICATE / COMMENCEMENT OF USE**

55. An Occupation Certificate shall be obtained in relation to the approved works prior to any use.
56. Where Council's park/reserve is damaged as a result of building work or vehicular building traffic, this area shall be restored by Council at the applicant's expense. Repairs shall be completed prior to the issue of the Occupation Certificate.
57. All excess excavated material, demolition material, vegetative matter and builder's rubbish shall be removed to the Waste Disposal Depot or the Regional Tip prior to final inspection.  
Note: Burning on site is prohibited.
58. All landscape works on site are to be carried out in accordance with the approved landscape plans and relevant conditions of this consent prior to the issue of an Occupation Certificate. Landscaping is to be maintained to the approved standard at all times.

A Landscape Architect shall provide a report to the certifying authority (with a copy provided to Council, if Council is not the principal certifying authority) stating that the landscape works have been carried out in accordance with the approved plans and documentation.

59. All works within the road reserve, which are subject to approval pursuant to Section 138 of the Roads Act 1993, shall be completed and accepted by council.
60. Prior to the issue of the Occupation Certificate, on completion of the development construction and prior to the issue of the Occupation Certificate, CCTV survey and report shall be submitted to Bayside Council to ascertain if any damage has occurred to the newly laid stormwater infrastructure. Any damage shall be repaired by the applicant to Council's requirements and satisfaction. Once any damage has been repaired to Council requirements, a further CCTV survey and report shall be submitted to Council for further consideration. The CCTV survey and report shall also be used to view any rubbish and sediment in the conduits for cleaning by the applicant. Work-As-Executed (WAE) plans and design certification shall be submitted to Council for consideration. These plans shall be prepared by a registered surveyor and shall indicate the as-constructed pit and conduit sizes and conduit invert RL's at each pit. Furthermore, the following details resulting from the construction of new Council infrastructure assets within the road reserve shall be submitted to Bayside Council, in GIS/Shape file format to at least the following standards (or as otherwise required by Bayside Council):

e.g. For each pit

- Pit code as per the work-as-executed plan.
- Pit type and lintel size.
- Total value to the nearest \$1,000. -
- Construction date — month and year.
- Built by (contractor's name).
- Street name where applicable.
- Grate RL/Top of Pit RL (AHD).

- Invert RL (AHD).
- Street name where applicable.

e.g. For each conduit/pipe

- Line code as per the work-as-executed plan.
- Description — type, eg RCP, FRC, RRJ, box culvert, open channel, etc.
- Size (mm).
- Length (m).
- Total value to the nearest \$1,000.
- Construction date — month and year.
- Built by (contractor's name).
- Street name where applicable.

61. Prior to the issue of the Occupation Certificate, the following Certificates are to be submitted to the Principal Certifying Authority and Council:
  - a) Compaction certificates for fill within road reserves.
  - b) Compaction certificates for road sub-grade.
  - c) Compaction certificates for road pavement materials (sub base and base courses).
  - d) Two (2) contour lot fill diagrams and lot fill compaction certificates.
  - e) Compliance Certificates from road material suppliers.
62. Prior to the issue of any Occupation Certificate, documentation from a practising Chartered Professional Civil Engineer (registered with the NER) shall be submitted to the Principal Certifying Authority certifying that the stormwater drainage system has been constructed in accordance with the approved stormwater management construction plan(s), Botany Bay DCP Part 10 and all relevant Australian Standards. A works-as-executed drainage plan shall be prepared by a registered surveyor based on a survey of the completed works. A copy of the certificate and works-as-executed plan(s) shall be supplied to the Principal Certifying Authority and Bayside Council.
63. Prior to the issue of any Occupation Certificate, documentation from a practising Chartered Professional Civil Engineer (registered with the NER) shall be submitted to the Principal Certifying Authority certifying that all civil infrastructure works (including all new roads, sewer, water and other utilities) have been constructed to the requirements of the approved construction plans, Bayside Council, relevant utility authority standards and relevant Australian Standards.
64. Prior to the issue of an Occupation Certificate, the underground placement of all low and/or high voltage street electrical mains in the streets and associated services and the installation of underground supplied street lighting columns, shall be carried out at the applicant's expense, to the satisfaction of the asset owner. The works shall be completed in accordance with Ausgrid's requirements and approved electrical design to the satisfaction of Bayside Council.
65. Prior to the issue of the Occupation Certificate, inspection reports for the works on the road reserve and works associated with future roads intended to be dedicated to Council (the civil and landscaping works under this consent) shall be obtained from Council's

engineer and submitted to the Principal Certifying Authority attesting that this condition has been appropriately satisfied.

66. The Consent holder is responsible for ensuring that the Works are undertaken in accordance with the Specifications attached to this Consent, and that the Works and surrounding public infrastructure are not damaged.

Where the Work is deemed defective, the Consent holder is to remove or repair the Work as directed by Council's Public Domain Engineer.

Where the surrounding public infrastructure has been damaged as a result of the works, the Consent holder is required to rectify the damage as directed by Council's Public Domain Engineer. If the damage is not rectified Council may rectify the damage and deduct such costs from any Bond.

### **Roads Act**

67. Construction related activities must not take place on the roadway without Council approval.

Short-term activities (including operating plant, materials delivery) that reduce parking spaces, affect access to a particular route or prevent or restrict the passage of vehicles along the road must not occur without a valid Temporary Roadside Closure Permit.

Activities involving occupation of the parking lane for durations longer than allowed under a Temporary Roadside Closure Permit require a Construction Zone Permit and must not occur prior to the erection of Works Zone signs by Council's Traffic and Road Safety Section.

Permit application forms should be lodged at Council's Customer Service Centre allowing sufficient time for evaluation. An information package is available on request.

46. This Roads Act approval does not eradicate the need for the Contractor to obtain a Road Opening Permit prior to undertaking excavation in the road or footpath.
47. Any driveway works to be undertaken in the footpath reserve by a private contractor requires an "Application for Consideration by a Private Contractor" to be submitted to Council together with payment of the application fee. Works within the footpath reserve must not start until the application has been approved by Council.

### **DEVELOPMENT CONSENT ADVICE**

- a) You are advised to consult with your utility providers (i.e. Energy Aust, Telstra etc) in order to fully understand their requirements before commencement of any work.
- b) *Dial Before You Dig*  
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 Dial before You Dig at [www.1100.com.au](http://www.1100.com.au) or telephone on 1100 before excavating or erecting structures (This is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon

contacting the Dial before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial before You Dig service in advance of any construction or planning activities.

- c) *Telstra Advice - Telecommunications Act 1997 (Commonwealth)*  
Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra's network and assets. Any person interfering with a facility or installation owned by Telstra is committing an offence under the Criminal Code Act 1995 (Commonwealth) and is liable for prosecution. Furthermore, damage to Telstra's infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect or impact on Telstra's assets in any way, you are required to contact: Telstra's Network Integrity Team on phone number 1800810443.
- d) All asbestos fibre demolition material and asbestos dust shall be handled, stored and removed in accordance with the relevant legislation and guidelines including:
  - a. Work Health and Safety Act 2011
  - b. Work Health and Safety Regulation 2011
  - c. Code of Practice for the Safe Removal of Asbestos [NOHSC: 2002 (2005)]
  - d. Code of Practice for the Management and Control of Asbestos in Workplaces [NOHSC: 2018 (2005)]
  - e. Protection of the Environment Operations (Waste) Regulation 2005
- e) All work procedures shall be devised to minimise the release of dust and fibres. A checklist of safety precautions when working with asbestos is available in Health & Safety Guidelines prepared by the WorkCover Authority of NSW. Collection, storage and transportation is subject to the Protection of the Environment Operations (Waste) Regulation 2005.
- f) Demolition and construction shall minimise the emission of excessive noise and prevent "offensive noise" as defined in the Protection of the Environment Operations Act 1997. Noise reduction measures shall include, but are not limited to the following strategies:
  - a. choosing quiet equipment
  - b. choosing alternatives to noisy activities
  - c. relocating noise sources away from affected neighbours
  - d. educating staff and contractors about quiet work practices
  - e. informing neighbours of potentially noise activities in advance
  - f. equipment, such as de-watering pumps, that are needed to operate on any evening or night between the hours of 8 p.m. and 7 a.m. or on any Sunday or Public Holiday, shall not cause a noise nuisance to neighbours of adjoining or nearby residences. Where the emitted noise exceeds 5 dB(A) [LAeq(15m)] above the background sound level [LA90] at the most affected point on the nearest residential boundary at any time previously stated, the equipment

shall be acoustically insulated, isolated or otherwise enclosed so as to achieve the sound level objective.

- g) All site works shall comply with the occupational health and safety requirements of the NSW WorkCover Authority.
- h) In the event of any inconsistency between conditions of this approval and the drawings/documents referred to in condition 2, the conditions of this approval prevail.