

# Development Consent

## *Section 4.38 of the Environmental Planning and Assessment Act 1979*

As the Minister for Planning, I approve the development application referred to in Schedule 1, subject to the conditions in Schedule 2.

These conditions are required to:

- prevent, minimise, or offset adverse environmental impacts;
- set standards and performance measures for acceptable environmental performance;
- require regular monitoring and reporting; and
- provide for the ongoing environmental management of the development

The Hon. Anthony Roberts MP  
**Minister for Planning**

Sydney

August 2022

**The Department has prepared a consolidated version of the consent which is intended to include all modifications to the original determination instrument.**

**The consolidated version of the consent has been prepared by the Department with all due care. This consolidated version is intended to aid the consent holder by combining all consents relating to the original determination instrument but it does not relieve a consent holder of its obligation to be aware of and fully comply with all consent obligations as they are set out in the legal instruments, including the original determination instrument and all subsequent modification instruments.**

# CONSOLIDATED CONSENT

## SCHEDULE 1

<b>Application Number:</b>	SSD 11429726
<b>Applicant:</b>	Arncliffe Eden Property Pty Ltd on behalf of NSW Land and Housing Corporation
<b>Consent Authority:</b>	Minister for Planning
<b>Site:</b>	26-42 Eden Street, Arncliffe (Lots 1-3 and 7-12 DP23710, Lot 1 DP447649, Lot 3 DP 1094906, and Lots 25 and 26 DP1228031)
<b>Development:</b>	<p>A new mixed use residential and retail development at 26-42 Eden Street, Arncliffe, including:</p> <ul style="list-style-type: none"><li>• site preparation works including removal of trees, demolition, excavation, flooding/stormwater infrastructure and remediation</li><li>• construction of a mixed-use development comprising:<ul style="list-style-type: none"><li>- 744 apartments across four buildings between 19-23 storeys in height, comprising 180 social housing units and 564 market units</li><li>- 3,113 m<sup>2</sup> of retail floorspace</li><li>- 240 m<sup>2</sup> childcare centre</li><li>- basement parking for 749 cars, 67 motorcycles and 543 bicycles</li></ul></li><li>• landscaping and public domain works</li><li>• civil works including:<ul style="list-style-type: none"><li>- a raised pedestrian crossing on Eden Street</li><li>- reconfigure the traffic island at the intersection of Forest Road and Eden Street</li></ul></li></ul>

# CONSOLIDATED CONSENT

## SUMMARY OF MODIFICATIONS

Application Number	Determination Date	Decider	Modification Description
SSD-11429726-MOD-1	2 March 2023	Team Leader	Corrections to Conditions B20, B21 and B32
SSD-11429726-MOD-2	3 November 2023	Team Leader	Amend ground floor retail layout, amend administrative fees, defer Special Infrastructure Contributions, defer and stage 7.11 development contributions and amend timing for disabled access design.
SSD-11429726-MOD-3	1 May 2024	Executive Director	Amendments to the retail layout, basement design, vehicle access and parking, pedestrian routes, and the design and layout of Eden Street Park.

# CONSOLIDATED CONSENT

## DEFINITIONS

<b>Advisory Notes</b>	Advisory information relating to the consent but do not form a part of this consent
<b>Applicant</b>	Arncliffe Eden Property Pty Ltd, the person having the benefit of this consent from time to time, or any person carrying out any of the development to which this consent applies
<b>AS</b>	Australian Standard published by Standards Australia International Limited and means the current standard which applies at the time the relevant work is undertaken
<b>AHD</b>	Australian Height Datum
<b>BC Act</b>	<i>Biodiversity Conservation Act 2016</i>
<b>Certifier</b>	A council or person registered as a registered certifier under the <i>Building and Development Certifiers Act 2018</i>
<b>CEMP</b>	Construction Environmental Management Plan
<b>Conditions of this consent</b>	Conditions contained in Schedule 2 of this document
<b>Construction</b>	The demolition and removal of buildings or works, the carrying out of works for the purpose of the development, including site establishment works, relocation of utilities, earthworks, and erection of buildings and other infrastructure permitted by this consent
<b>Construction Certificate</b>	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
<b>Council</b>	Bayside Council
<b>CPTED</b>	Crime Prevention Through Environmental Design Assessment
<b>CWMP</b>	Construction Waste Management Sub-Plan
<b>Day</b>	The period from 7 am to 6 pm on Monday to Saturday, and 8 am to 6 pm on Sundays and Public Holidays
<b>Demolition</b>	The destruction and removal of buildings, sheds and other structures on the site.
<b>Department</b>	NSW Department of Planning and Environment
<b>Development</b>	The development approved pursuant to this consent, as defined in Condition A2 and as modified by the conditions of this consent
<b>DIP</b>	Design Integrity Panel
<b>EIS</b>	The Environmental Impact Statement titled Environmental Impact Statement SSD-11429726, prepared by Ethos Urban, dated 19 July 2021, submitted with the application for consent for the development, including any additional information provided by the Applicant in support of the application
<b>Environment</b>	Includes all aspects of the surroundings of humans, whether affecting any human as an individual or in his or her social groupings
<b>EPA</b>	NSW Environment Protection Authority
<b>EP&amp;A Act</b>	<i>Environmental Planning and Assessment Act 1979</i>
<b>EP&amp;A Regulation</b>	<i>Environmental Planning and Assessment Regulation 2000</i>
<b>EPL</b>	Environment Protection Licence under the <i>Protection of the Environment Operations Act 1997</i>
<b>Feasible</b>	Means what is possible and practical in the circumstances
<b>Incident</b>	An occurrence or set of circumstances that causes or threatens to cause material harm and which may or may not be or cause a non-compliance <i>Note: "material harm" is defined in this consent</i>
<b>Land</b>	Has the same meaning as the definition of the term in section 1.4 of the EP&A Act
<b>Material harm</b>	Is harm that: <ul style="list-style-type: none"> <li>involves actual or potential harm to the health or safety of people or to the environment that is not trivial, or</li> </ul>

## CONSOLIDATED CONSENT

- results in actual or potential loss or property damage of an amount, or amounts in aggregate, exceeding \$10,000, (such loss includes the reasonable costs and expenses that would be incurred in taking all reasonable and practicable measures to prevent, mitigate or make good harm to the environment)

<b>Minister</b>	NSW Minister for Planning (or delegate).
<b>Mitigation</b>	Activities associated with reducing the impacts of the development prior to or during those impacts occurring
<b>NCC</b>	National Construction Code means the current standard which applies at the time the relevant work is undertaken, published by the Australian Building Codes Board.
<b>Non-compliance</b>	An occurrence, set of circumstances or development that is a breach of this consent
<b>Operation</b>	The carrying out of approved land uses upon completion of construction
<b>Owner</b>	Means the registered proprietor of the Property from time to time.
<b>PA</b>	Means a planning agreement within the meaning of the term in section 7.4 of the EP&A Act.
<b>Planning Secretary</b>	The Planning Secretary under the EP&A Act (or delegate).
<b>Reasonable</b>	Means applying judgement in arriving at a decision, taking into account: mitigation benefits, costs of mitigation versus benefits provided, community views, and the nature and extent of potential improvements.
<b>Registered Surveyor</b>	A person who is registered with the Board of Surveying and Spatial Information
<b>RtS</b>	The Applicant's response to issues raised in submissions received in relation to the application for this development consent under the EP&A Act.
<b>RRFI</b>	The Applicant's response to requests for information from the Department in relation to the application for this development consent under the EP&A Act.
<b>SDRP</b>	State Design Review Panel
<b>Sensitive Receiver</b>	Residence, education institution (e.g. school, university, TAFE college), health care facility (e.g. nursing home, hospital), religious facility (e.g. church) and children's day care facility.
<b>Site</b>	The land identified in Schedule 1
<b>SSD</b>	State Significant Development
<b>TfNSW</b>	Transport for NSW
<b>Tenanted Component</b>	Has the same meaning as the definition of the term in clause 41A of the <i>State Environmental Planning Policy (Affordable Rental Housing) 2009</i>
<b>WAD</b>	Works Authorisation Deed
<b>Work(s)</b>	Any physical work to construct or facilitate the construction of the development, including low impact work and environmental management measures.

**SCHEDULE 2**  
**PART A ADMINISTRATIVE CONDITIONS**

**OBLIGATION TO MINIMISE HARM TO THE ENVIRONMENT**

- A1. In addition to meeting the specific performance measures and criteria in this consent, all reasonable and feasible measures must be implemented to prevent, and if prevention is not reasonable and feasible, minimise, any material harm to the environment that may result from the construction and operation of the development, and any rehabilitation required under this consent.

**TERMS OF CONSENT**

- A2. The development must only be carried out:
- (a) in compliance with the conditions of this consent;
  - (b) in accordance with all written directions of the Planning Secretary;
  - (c) in accordance with the EIS, RtS and any RRFI;
  - (d) **in accordance with the Modification Report entitled 'Section 4.55(1) Modification Application - SSD 11429726 26-42 Eden Street & 161-179 Princes Highway, Arncliffe'**
  - (e) **in accordance with the Modification Report entitled 'Section 4.55(1A) Modification Application – SSD 11429726 26-42 Eden Street & 161-179 Princes Highway, Arncliffe', dated 24 July 2023, as amended by the Modification Report dated 14 September 2023; Response to Request for Additional Information prepared by Ethos Urban and dated 28 February 2024 and Response to Request for Additional Information prepared by Ethos Urban and dated 6 March 2024.**
  - (f) in accordance with the approved plans in the table below:

Architectural drawings prepared by Group GSA			
Drawing Number	Rev	Name of Plan	Date
DA0000	<b>M</b>	Drawings List and Location Plan	<b>21/03/2024</b>
DA0001	A	Demolition Plan	28/05/2021
DA0002	B	BASIX Commitments	22/12/2021
DA1100	A	Site Plan	28/05/2021
DA1101	A	Site Analysis	28/05/2021
DA2001	<b>J</b>	<b>Basement Level 2 GA Floor Plan</b>	<b>21/03/2024</b>
DA2002	<b>J</b>	<b>Basement Level 1 GA Floor Plan</b>	<b>21/03/2024</b>
DA2003	<b>E</b>	<b>Basement Level 1 Mezzanine GA Floor Plan</b>	<b>21/03/2024</b>
DA2004	<b>K</b>	<b>Lower Ground Floor GA Plan</b>	<b>21/03/2024</b>
DA2005	<b>N</b>	<b>Upper Ground Floor GA Plan</b>	<b>21/03/2024</b>
DA2006	G	Level 1	04/04/2022
DA2007	G	Level 2	04/04/2022
DA2008	C	Level 3	22/12/2021
DA2009	C	Level 4	22/12/2021
DA2010	C	Level 5	22/12/2021
DA2011	C	Level 6	22/12/2021

DA2012	D	Level 7	25/03/2022
DA2013	C	Level 8-12	22/12/2021
DA2018	C	Level 13-15	22/12/2021
DA2021	C	Level 16-17	22/12/2021
DA2023	C	Level 18	22/12/2021
DA2024	C	Level 19	22/12/2021
DA2025	C	Level 20	22/12/2021
DA2026	C	Level 21	22/12/2021
DA2027	C	Level 22 / Roof	22/12/2021
DA2028	C	Roof Plan / Site Plan	22/12/2021
DA2101	<b>F</b>	Tower A – Ground	<b>27/02/2024</b>
DA2102	D	Tower A – Level 1	25/03/2022
DA2103	D	Tower A – Level 2	25/03/2022
DA2104	D	Tower A – Level 3	25/03/2022
DA2105	D	Tower A – Level 4	25/03/2022
DA2106	D	Tower A – Level 5	25/03/2022
DA2107	D	Tower A – Level 6	25/03/2022
DA2108	D	Tower A – Level 7	25/03/2022
DA2109	D	Tower A – Level 8	25/03/2022
DA2110	D	Tower A – Level 9	25/03/2022
DA2111	D	Tower A – Level 10	25/03/2022
DA2112	D	Tower A – Level 11	25/03/2022
DA2113	D	Tower A – Level 12	25/03/2022
DA2114	D	Tower A – Level 13	25/03/2022
DA2115	D	Tower A – Level 14	25/03/2022
DA2116	D	Tower A – Level 15	25/03/2022
DA2117	D	Tower A – Level 16	25/03/2022
DA2118	D	Tower A – Level 17	25/03/2022
DA2119	D	Tower A – Level 18	25/03/2022
DA2120	D	Tower A – Level 19	25/03/2022

DA2121	D	Tower A – Level 20	25/03/2022
DA2122	C	Tower A – Roof	22/12/2021
DA2201	<b>F</b>	Tower B – Ground	<b>27/02/2024</b>
DA2202	D	Tower B – Level 1	25/03/2022
DA2203	D	Tower B – Level 2	25/03/2022
DA2204	D	Tower B – Level 3	25/03/2022
DA2205	D	Tower B – Level 4	25/03/2022
DA2206	D	Tower B – Level 5	25/03/2022
DA2207	D	Tower B – Level 6	25/03/2022
DA2208	D	Tower B – Level 7	25/03/2022
DA2209	D	Tower B – Level 8	25/03/2022
DA2210	D	Tower B – Level 9	25/03/2022
DA2211	D	Tower B – Level 10	25/03/2022
DA2212	D	Tower B – Level 11	25/03/2022
DA2213	D	Tower B – Level 12	25/03/2022
DA2214	D	Tower B – Level 13	25/03/2022
DA2215	D	Tower B – Level 14	25/03/2022
DA2216	D	Tower B – Level 15	25/03/2022
DA2217	D	Tower B – Level 16	25/03/2022
DA2218	D	Tower B – Level 17	25/03/2022
DA2219	D	Tower B – Level 18	25/03/2022
DA2220	D	Tower B – Level 19	25/03/2022
DA2221	D	Tower B – Level 20	25/03/2022
DA2222	D	Tower B – Level 21	25/03/2022
DA2223	C	Tower B – Roof	22/12/2021
DA2300	D	Tower C - Ground	25/03/2022
DA2301	E	Tower C – Level 1	25/03/2022
DA2302	D	Tower C – Level 2	25/03/2022
DA2303	D	Tower C – Level 3	25/03/2022
DA2304	D	Tower C – Level 4	25/03/2022

DA2305	D	Tower C – Level 5	25/03/2022
DA2306	D	Tower C – Level 6	25/03/2022
DA2307	E	Tower C – Level 7	25/03/2022
DA2308	E	Tower C – Level 8	25/03/2022
DA2309	E	Tower C – Level 9	25/03/2022
DA2310	E	Tower C – Level 10	25/03/2022
DA2311	E	Tower C – Level 11	25/03/2022
DA2312	E	Tower C – Level 12	25/03/2022
DA2313	E	Tower C – Level 13	25/03/2022
DA2314	E	Tower C – Level 14	25/03/2022
DA2315	E	Tower C – Level 15	25/03/2022
DA2316	E	Tower C – Level 16	25/03/2022
DA2317	D	Tower C – Level 17	25/03/2022
DA2318	D	Tower C – Level 18	25/03/2022
DA2319	C	Tower C – Roof Garden	22/12/2021
DA2320	B	Tower C - Roof	22/12/2021
DA2400	E	Tower D - Ground	25/03/2022
DA2401	D	Tower D – Level 1	25/03/2022
DA2402	D	Tower D – Level 2	25/03/2022
DA2403	D	Tower D – Level 3	25/03/2022
DA2404	D	Tower D – Level 4	25/03/2022
DA2405	D	Tower D – Level 5	25/03/2022
DA2406	D	Tower D – Level 6	25/03/2022
DA2407	D	Tower D – Level 7	25/03/2022
DA2408	D	Tower D – Level 8	25/03/2022
DA2409	D	Tower D – Level 9	25/03/2022
DA2410	D	Tower D – Level 10	25/03/2022
DA2411	D	Tower D – Level 11	25/03/2022
DA2412	D	Tower D – Level 12	25/03/2022
DA2413	D	Tower D – Level 13	25/03/2022

DA2414	D	Tower D – Level 14	25/03/2022
DA2415	D	Tower D – Level 15	25/03/2022
DA2416	D	Tower D – Level 16	25/03/2022
DA2417	E	Tower D – Level 17	25/03/2022
DA2418	D	Tower D – Level 18	25/03/2022
DA2419	D	Tower D – Level 19	25/03/2022
DA2420	D	Tower D – Level 20	25/03/2022
DA2421	C	Tower D - Roof	22/12/2021
DA3001	D	Overall – North East Elevation	22/12/2021
<b>DA3001</b>	<b>F</b>	<b>North East Elevation</b>	<b>27/02/2024</b>
DA3002	D	Overall – North West Elevation	22/12/2021
<b>DA3002</b>	<b>F</b>	<b>North West Elevation</b>	<b>27/02/2024</b>
DA3003	D	Overall – South East Elevation	22/12/2021
<b>DA3003</b>	<b>F</b>	<b>South East Elevation</b>	<b>27/02/2024</b>
DA3004	F	Overall – South West Elevation	29/04/2022
DA3005	B	Towner A AND B - Park Elevation	25/05/2022
<b>DA3005</b>	<b>D</b>	<b>Park Elevation North</b>	<b>27/02/2024</b>
DA3006	C	Tower C AND D - Park Elevation	31/05/2022
DA3010	E	Tower A – North East Elevation	25/05/2022
<b>DA3010</b>	<b>G</b>	<b>Tower A – North East Elevation</b>	<b>27/02/2024</b>
DA3011	E	Tower A – North West Elevation	25/05/2022
<b>DA3011</b>	<b>G</b>	<b>Tower A – North West Elevation</b>	<b>27/02/2024</b>
DA3012	F	Tower A – South East Elevation	31/05/2022
<b>DA3012</b>	<b>H</b>	<b>Tower A – South East Elevation</b>	<b>27/02/2024</b>
DA3013	E	Tower A – South West Elevation	25/05/2022
<b>DA3013</b>	<b>G</b>	<b>Tower A – South West Elevation</b>	<b>27/02/2024</b>
DA3020	D	Tower B – North East Elevation	25/05/2022
<b>DA3020</b>	<b>F</b>	<b>Tower B – North East Elevation</b>	<b>27/02/2024</b>
DA3021	D	Tower B – North West Elevation	25/05/2022
<b>DA3021</b>	<b>F</b>	<b>Tower B – North West Elevation</b>	<b>27/02/2024</b>

DA3022	D	Tower B – South East Elevation	25/05/2022
<b>DA3022</b>	<b>F</b>	<b>Tower B – South East Elevation</b>	<b>27/02/2024</b>
DA3023	D	Tower B – West Elevation	25/05/2022
<b>DA3023</b>	<b>F</b>	<b>Tower B – West Elevation</b>	<b>27/02/2024</b>
DA3030	F	Tower C – North East Elevation	31/05/2022
DA3031	G	Tower C – North West Elevation	25/05/2022
DA3032	E	Tower C – South East Elevation	25/05/2022
DA3033	G	Tower C – South West Elevation	25/05/2022
DA3040	E	Tower D – North East Elevation	25/05/2022
DA3041	D	Tower D – North West Elevation	25/05/2022
DA3042	E	Tower D – South East Elevation	25/05/2022
DA3043	D	Tower D – South West Elevation	25/05/2022
DA3050	B	Overall Section – 1	22/12/2021
<b>DA3050</b>	<b>D</b>	<b>Overall Section – 1</b>	<b>27/02/2024</b>
DA3051	B	Overall Section – 2	22/12/2021
<b>DA3051</b>	<b>D</b>	<b>Overall Section 2</b>	<b>27/02/2024</b>
DA3100	B	Tower A – Section	22/12/2021
<b>DA3100</b>	<b>D</b>	<b>Tower A – Section</b>	<b>27/02/2024</b>
DA3101	B	Tower B – Section	22/12/2021
<b>DA3101</b>	<b>D</b>	<b>Tower B – Section</b>	<b>27/02/2024</b>
DA3102	B	Tower C – Section	22/12/2021
<b>DA3102</b>	<b>D</b>	<b>Tower C – Section</b>	<b>27/02/2024</b>
DA3103	B	Tower D – Section	22/12/2021
<b>DA3103</b>	<b>D</b>	<b>Tower D – Section</b>	<b>27/02/2024</b>
DA3150	<b>C</b>	Eden Street Ramp	<b>11/07/2023</b>
DA4000	B	Unit Mix & Area – Tower A – 1	22/12/2021
DA4001	B	Unit Mix & Area – Tower A – 2	22/12/2021
DA4002	B	Unit Mix & Area – Tower B – 1	22/12/2021
DA4003	B	Unit Mix & Area – Tower B – 2	22/12/2021
DA4004	B	Unit Mix & Area – Tower C – 1	22/12/2021

DA4005	B	Unit Mix & Area – Tower C – 2	22/12/2021
DA4006	B	Unit Mix & Area – Tower D – 1	22/12/2021
DA4007	B	Unit Mix & Area – Tower D – 2	22/12/2021
DA4049	E	Storage Diagram – Lower Ground	27/02/2024
DA4050	E	Storage Diagram – Basement	27/02/2024
DA4051	C	Storage Diagram – Tower A	25/03/2022
DA4052	C	Storage Diagram – Tower B	25/03/2022
DA4053	C	Storage Diagram – Tower C	25/03/2022
DA4054	C	Storage Diagram – Tower D	25/03/2022
DA4100	B	Private Open Space – Tower A	22/12/2021
DA4101	C	Private Open Space – Tower B	25/05/2022
DA4102	B	Private Open Space – Tower C	22/12/2021
DA4103	C	Private Open Space – Tower D	25/05/2022
DA4120	C	Building Separation – Level 1	16/05/2022
DA4121	C	Building Separation – Typical Lower	16/05/2022
DA4122	C	Building Separation – Level 6	16/05/2022
DA4123	C	Building Separation – Typical Upper	16/05/2022
DA4150	B	Adaptable Unit – 1	31/01/2022
DA4151	B	Adaptable Unit – 2	31/01/2022
DA4152	B	Adaptable Unit – 3	31/01/2022
DA4153	B	Adaptable Unit – 4	31/01/2022
DA4154	B	Adaptable Unit – 5	31/01/2022
DA4155	B	Adaptable Unit – 6	31/01/2022
DA4156	B	Adaptable Unit – 7	31/01/2022
DA4157	B	Adaptable Unit – 8	31/01/2022
DA4200	B	Communal Open Space	22/12/2021
DA4201	B	Communal Open Space – Solar	22/12/2021
DA4202	A	Communal Open Space – Solar DCP	28/05/2021
DA4203	B	4000 sqm Park Area	22/12/2021
DA4204	B	4000 sqm Park Area – Solar	22/12/2021

DA4300	B	Deep Soil Diagram	22/12/2021
DA4350	E	GFA Diagrams	27/02/2024
DA4351	E	GFA Diagrams	27/02/2024
DA4352	C	GFA Diagrams	25/03/2022
DA4353	C	GFA Diagrams	25/03/2022
<b>Landscape drawings prepared by Group GSA</b>			
<b>Drawing Number</b>	<b>Rev</b>	<b>Name of Plan</b>	<b>Date</b>
DA9100	6	Landscape Plan Tree Removal Plan	25/03/2022
DA9101	3	Landscape Plan Tree Removal Schedule	25/03/2022
DA9200	9	Landscape General Arrangement Plan Lower Ground Level	21/07/2023
DA9201	15	Landscape General Arrangement Plan Upper Ground Level	21/02/2024
DA9202	4	Landscape General Arrangement Plan Level 1 – Tower B	08/12/2021
DA9203	8	Landscape General Arrangement Plan Level 7	25/03/2022
DA9204	7	Landscape General Arrangement Plan Level 19 – Tower C	08/12/2021
DA9205	6	Landscape General Arrangement Plan Level 19 – Tower D	08/12/2021
DA9206	6	Landscape General Arrangement Plan Level 21 – Tower A	08/12/2021
DA9207	9	Landscape General Arrangement Plan Level 22 Rooftop Plan – Tower B	08/12/2021
DA9208	11	Landscape General Arrangement Plan Level 2 – Tower C Podium	04/05/2022
DA9209	6	Landscape General Arrangement Plan Level 1 Podium – Tower D	04/05/2022
DA9210	8	Landscape General Arrangement Plan Meeting Place Detail Sheet 1	21/07/2023
DA9211	6	Landscape General Arrangement Plan Waiting Place Detail	08/12/2021
DA9212	4	Landscape General Arrangement Plan Connecting Place	08/12/2021
DA9231	11	Landscape General Combined Rooftop Plan	04/05/2022
DA9232	5	Landscape General Arrangement Plan Level 1	04/05/2022
DA9233	6	Landscape General Arrangement Plan Level 2 – Tower C Podium	04/05/2022
DA9234	4	Landscape General Arrangement Plan Level 6-7	25/03/2022
DA9235	3	Landscape General Arrangement Plan Level 18	08/12/2021

DA9236	3	Landscape General Arrangement Plan Level 19	08/12/2021
DA9237	4	Landscape General Arrangement Plan Level 21	08/12/2021
DA9238	4	Landscape General Arrangement Plan Level 22 Rooftop Plan	08/12/2021
DA9300	5	Landscape Planting & Softworks Schedules	25/05/2022
DA9301	6	Landscape Planting Plan Ground Level	13/02/2024
DA9302	4	Landscape Planting Plan Level 1 Podium	04/05/2022
DA9303	2	Landscape Planting Plan Upper Ground Level - COS	08/12/2021
DA9304	3	Landscape Planting Plan Level 7 – Tower B	25/03/2022
DA9307	2	Landscape Planting Plan Level 21 – Tower A	08/12/2021
DA9308	2	Landscape Planting Plan Level 22 Rooftop Plan – Tower B	08/12/2021
DA9309	5	Landscape Planting Plan Level 2 – Tower B Podium	04/05/2022
DA9500	6	Landscape Sections Retail Thoroughfare	08/12/2021
DA9502	5	Landscape Sections Eden Street	08/12/2021
DA9504	4	Landscape Sections Meeting Place	08/12/2021
DA9505	6	Landscape Sections Princes Highway Interface	23/06/2023
DA9505A	1	Landscape Sections – Princes Highway Interface	21/02/2024
DA9507	4	Landscape Sections Play Area – Sheet 01	08/12/2021
DA9508	2	Landscape Sections Play Area – Sheet 02	08/12/2021
DA9509	6	Landscape Sections Through Site Link	08/12/2021
DA9510	6	Landscape Sections Tower A (Level 22)	08/12/2021
DA9512	4	Tree Planting Palette	08/12/2021
DA9513	1	Landscape Sections – Level 2	17/05/2022
DA9514	1	Landscape Detail Section – Princes Highway Interface	21/02/2024
DA9600	3	Materials Palette	08/12/2021
DA9600-B	2	Materials Palette	10/12/2021
DA9601	3	Planting Palette	08/12/2021
DA9602	3	Planting Palette	08/12/2021
DA9603	3	Planting Palette	08/12/2021
DA 9700	5	Proposed & Existing Trees	23/06/2023
DA9701	2	Landscape Details Softworks	08/12/2021

DA9702	2	Landscape Details Softworks	08/12/2021
DA9703	2	Landscape Details Hard Surfaces	08/12/2021
DA9704	2	Landscape Details Hard Surfaces and Edges	08/12/2021
DA9705	2	Landscape Details Steps and Handrails	28/05/2021
DA9706	5	Landscape Soil Plan	05/03/2024

- A3. Consistent with the requirements in this consent, the Planning Secretary may make written directions to the Applicant in relation to
- (a) the content of any strategy, study, system, plan, program, review, audit, notification, report or correspondence submitted under or otherwise made in relation to this consent, including those that are required to be, and have been, approved by the Planning Secretary; and
  - (b) the implementation of any actions or measures contained in any such document referred to in **Condition A3(a)**.
- A4. The conditions of this consent and directions of the Planning Secretary prevail to the extent of any inconsistency, ambiguity or conflict between them and a document listed in **Condition A2**. In the event of an inconsistency, ambiguity or conflict between any of the documents listed in **Condition A2(c)**, the most recent document prevails to the extent of the inconsistency, ambiguity or conflict.

#### LIMITS ON CONSENT

- A5. This consent will lapse five years from the date the consent is published on the NSW planning portal unless the works associated with the development have physically commenced.
- A6. This consent does not approve the following:
- (a) the detailed fit out and operation of the retail or childcare premises
  - (b) the installation of signage
- Where required, separate approvals must be obtained from the relevant consent authority (except where exempt and/or complying development applies).
- A7. This consent only approves the location of a childcare centre within Building C. Separate development consent from Council is required in relation to the fit-out, operation and management of the childcare centre and any associated signage.

#### DESIGN EXCELLENCE AND INTEGRITY

- A8. The NSW State Design Review Panel (SDRP) shall be retained throughout the detailed design and construction phases of the development as the Design Integrity Panel (DIP) in accordance with a process agreed to by the NSW Government Architect NSW (GA NSW) in writing.
- A9. The SDRP shall:
- (a) review the design at the following stages (as a minimum):
    - (i) during the detailed design stage
    - (ii) prior to issue of construction certificates for above ground works and public domain (as relevant at the discretion of GA NSW)
    - (iii) prior to the lodgement of any planning modification, which modifies the design.
  - (b) review and endorse the following details to ensure high quality design resolution of the development
    - (i) sections and elevations at a scale of 1:50 (or if necessary 1:20) of typical windows and external doors, balconies, balustrades, communal entrances, screens, gates and pergolas;
    - (ii) manufacturer's specification details of all facing materials and samples of those materials as requested by the DIP demonstrating the proposed colour, texture, jointing and method of fixing
    - (iii) boundary wall design and treatment adjacent to the northern through site link, including evidence of consultation with adjoining property owners
    - (iv) boundary wall treatment and acoustic screen along the southwest boundary, including evidence of consultation with adjoining property owners
    - (v) amended balustrade materials, including solid balustrades to replace clear glass balustrades in the lower levels of all buildings for improved privacy and amenity to apartments
    - (vi) improved resolution of the ventilation grille to Tower A to emphasise verticality and reinforce the formal intent of the proposed massing

- (vii) wind mitigation measures in accordance with Condition B33
- (viii) proposed outdoor lighting design and treatment in accordance with Condition B34
- (ix) landscape details including all play areas including equipment and associated structures and surfaces in accordance with Conditions B45 and B46, including evidence of consultation with Council and local indigenous groups

- A10. The architectural design team comprising Group GSA (the Design Team) is to have direct ongoing involvement in the design documentation, contract documentation and construction stages of the project. In addition:
- (a) evidence of the Design Team's engagement is to be provided to the Planning Secretary prior to construction commencing; and
  - (b) the Design Team is not to be changed without prior written notice and approval of the Planning Secretary.

#### **PRESCRIBED CONDITIONS**

- A11. The Applicant must comply with all relevant prescribed conditions of development consent under Part 4, Division 1 of the EP&A Regulation 2021.

#### **PLANNING SECRETARY AS MODERATOR**

- A12. In the event of a dispute between the Applicant and a public authority, in relation to a requirement in this approval or relevant matter relating to the Development, either party may refer the matter to the Planning Secretary for resolution. The Planning Secretary's resolution of the matter will be binding on the parties.

#### **LEGAL NOTICES**

- A13. Any advice or notice to the consent authority must be served on the Planning Secretary at the Planning Secretary Address for Service.

#### **EVIDENCE OF CONSULTATION**

- A14. Where conditions of this consent require consultation with an identified party, the Applicant must:
- (a) consult with the relevant party prior to submitting the subject document to the Planning Secretary for information or approval; and
  - (b) provide details of the consultation undertaken including:
    - (i) the outcome of that consultation, matters resolved and unresolved; and
    - (ii) details of any disagreement remaining between the party consulted and the Applicant and how the Applicant has addressed the matters not resolved.

#### **STRUCTURAL ADEQUACY**

- A15. All new buildings and structures, and any alterations or additions to existing buildings and structures, that are part of the development, must be constructed in accordance with the relevant requirements of the NCC and the BCA.

##### **Notes:**

- Under Part 6 of the EP&A Act, the Applicant is required to obtain construction and occupation certificates for the proposed building works.
- Part 8 of the EP&A Regulation sets out the requirements for the certification of the development.

- A16. The identified performance solutions within the BCA Report, prepared by Blackett Maguire+Goldsmith and dated 7 February 2022 are required to be addressed.

#### **OPERATION OF PLANT AND EQUIPMENT**

- A17. All plant and equipment used on site, or to monitor the performance of the development must be:
- (a) maintained in a proper and efficient condition; and
  - (b) operated in a proper and efficient manner.

#### **APPLICABILITY OF GUIDELINES**

- A18. References in the conditions of this consent to any guideline, protocol, Australian Standard or policy are to such guidelines, protocols, Standards or policies in the form they are in as at the date of this consent.
- A19. Consistent with the conditions of this consent and without altering any limits or criteria in this consent, the Planning Secretary may, when issuing directions under this consent in respect of ongoing monitoring and management obligations, require compliance with an updated or revised version of such a guideline, protocol, Standard or policy, or a replacement of them.

#### **MONITORING AND ENVIRONMENTAL AUDITS**

- A20. Any condition of this consent that requires the carrying out of monitoring or an environmental audit, whether directly or by way of a plan, strategy or program, is taken to be a condition requiring monitoring or an environmental audit

under Division 9.4 of Part 9 of the EP&A Act. This includes conditions in respect of incident notification, reporting and response, non-compliance notification and independent environmental auditing.

**Note:** *For the purposes of this condition, as set out in the EP&A Act, "monitoring" is monitoring of the development to provide data on compliance with the consent or on the environmental impact of the development, and an "environmental audit" is a periodic or particular documented evaluation of the development to provide information on compliance with the consent or the environmental management or impact of the development.*

## **COMPLIANCE**

- A21. The Applicant must ensure that all of its employees, contractors (and their sub-contractors) are made aware of, and are instructed to comply with, the conditions of this consent relevant to activities they carry out in respect of the development.

## **REVISION OF STRATEGIES, PLANS AND PROGRAMS**

- A22. Within three months of:
- (a) the submission of a compliance report under this consent;
  - (b) the submission of an incident report under this consent;
  - (c) the submission of an Independent Audit under this consent;
  - (d) the approval of any modification of the conditions of this consent (excluding modifications made under section 4.55(1) of the EP&A Act); or
  - (e) the issue of a direction of the Planning Secretary under this consent which requires a review,
- the strategies, plans and programs required under this consent must be reviewed, and the Department must be notified in writing that a review is being carried out.
- A23. If necessary, to either improve the environmental performance of the development, cater for a modification or comply with a direction, the strategies, plans and programs required under this consent must be revised, to the satisfaction of the Planning Secretary. Where revisions are required, the revised document must be submitted to the Planning Secretary for approval within six weeks of the review.

**Note:** *This is to ensure strategies, plans and programs are updated on a regular basis and to incorporate any recommended measures to improve the environmental performance of the development.*

## **COMPLIANCE REPORTING**

- A24. Compliance Reports of the project must be carried out in accordance with the Compliance Reporting Requirements outlined in the Compliance Reporting Post Approval Requirements.
- A25. Compliance Reports must be submitted to the Department in accordance with the timeframes set out in the Compliance Reporting Post Approval Requirements, unless otherwise agreed to by the Planning Secretary.
- A26. The Applicant must make each Compliance Report publicly available 60 days after submitting it to the Planning Secretary, unless otherwise agreed by the Planning Secretary.
- A27. Notwithstanding the requirements of the Compliance Reporting Post Approval Requirements, the Planning Secretary may approve a request for ongoing annual operational compliance reports to be ceased, where it has been demonstrated to the Planning Secretary's satisfaction that an operational compliance report has demonstrated operational compliance.

## **INDEPENDENT ENVIRONMENTAL AUDIT**

- A28. Independent Audits of the development must be conducted and carried out in accordance with the Independent Audit Post Approval Requirements.
- A29. Proposed independent auditors must be agreed to in writing by the Planning Secretary prior to the commencement of an Independent Audit.
- A30. The Planning Secretary may require the initial and subsequent Independent Audits to be undertaken at different times to those specified above, upon giving at least 4 weeks' notice (or timing) to the Applicant of the date upon which the audit must be commenced.
- A31. In accordance with the specific requirements in the Independent Audit Post Approval Requirements, the Applicant must:
- (a) review and respond to each Independent Audit Report prepared under this consent;
  - (b) submit the response to the Planning Secretary; and
  - (c) make each Independent Audit Report, and response to it, publicly available 60 days after submission to the Planning Secretary.

- A32. Independent Audit Reports and the Applicant's response to audit findings must be submitted to the Planning Secretary within 2 months of undertaking the independent audit site inspection as outlined in the Independent Audit Post Approvals Requirements unless otherwise agreed by the Planning Secretary.
- A33. Notwithstanding the requirements of the Independent Audit Post Approvals Requirements, the Planning Secretary may approve a request for ongoing independent operational audits to be ceased, where it has been demonstrated to the Planning Secretary's satisfaction that independent operational audits have demonstrated operational compliance.

FOR INFORMATION

## PART B PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

### MATERIALS AND FINISHES

- B1. Prior to the issue of a Construction Certificate for above ground works, details of final materials and finishes must be submitted to and approved by the Planning Secretary. The details must include:
- (a) evidence of consultation with the SDRP and how their advice has been addressed
  - (b) specifications and sample boards for all external finishes, colours and glazing including annotated drawings and computer-generated imagery of their application
  - (c) confirmation of the process and methods in arriving at the final choice for all materials and finishes
  - (d) detailed architectural drawings of the façade details, including glazing specification and sun shading devices. This must include snapshots at different points in the facade in plan, elevation and section to a scale of 1:20 or 1:50 as necessary.

The plans lodged to satisfy this consent must include final specifications of colour, material and, where relevant, manufacturer.

### MAXIMUM BUILDING HEIGHT

- B2. Prior to the issue of the Construction Certificate for above ground works, the Applicant must submit to the satisfaction of the Certifier details confirming the maximum height of the building does not exceed:
- (a) Building A: RL 91.65 m AHD
  - (b) Building B: RL 94.9 m AHD
  - (c) Building C: RL 92.65 m AHD
  - (d) Building D: RL 91.2 m AHD
- including plant and lift overruns, but excluding communication devices, antennas, satellite dishes, masts, flagpoles, chimneys, flues and the like.

### GROSS FLOOR AREA CERTIFICATION

- B3. Prior to the issue of the Construction Certificate for above ground works, the Applicant must submit to the satisfaction of the Certifier details confirming the gross floor area of the development does not exceed 66,250 m<sup>2</sup>.

### LONG SERVICE LEVY

- B4. Prior to the issue of the first Construction Certificate, the Applicant must submit to the satisfaction of the Certifier details confirming payment of a Long Service Levy. For further information on the current levy rate and methods of payment, please contact the Long Service Payments Corporation Helpline on 131 441 or visit <https://www.longservice.nsw.gov.au/bci/levy/about-the-levy>.

### FEES, SECURITIES, DEPOSITS AND BONDS TO BE PAID

- B5. The following fees and bonds shall be paid to Bayside Council prior to the issue of the first Construction Certificate or the commencement of any works on site, whichever occurs first. If payment is made after the end of the financial year, the amount shall be adjusted in accordance with Bayside Council's adopted fees and charges.
- (a) Section 7.11 Contributions - \$12,183,162.07 (**Condition B6**)
  - (b) Builders Damage Deposit Bond - \$325,250.00 (**Condition 0**)

### SECTION 7.11 CONTRIBUTIONS

- B6. A Section 7.11 contribution of \$12,183,162.07 shall be paid to Council. The contribution is calculated according to the provisions contained within the Council's adopted Arncliffe and Banksia Local Infrastructure Contributions Plan 2020. The amount to be paid is to be adjusted at the time of payment, in accordance with the review process contained in the Contributions Plan. The contribution is to be paid **periodically as follows**:
- (a) **A contribution of \$2 436 632.41 is to be paid prior to the Construction Certificate for Basement Structure (to Upper Ground)**
  - (b) **A contribution of \$2,436,632.41 is to be paid prior to the First Construction Certificate for all towers above ground**
  - (c) **A contribution of \$2,436,632.41 is to be paid prior to the Second Construction Certificate for all towers above ground**
  - (d) **A contribution of \$2,436,632.41 is to be paid prior to the Third Construction Certificate for all towers above ground**
  - (e) **A contribution of \$2,436,632.41 is to be paid prior to the Construction Certificate for External works, Public and Publicly Accessible Domain works**

The contributions will be used towards the provision or improvement of the amenities and services identified below:

(a)	Transport	\$3,824,798.57
(b)	Stormwater Management	\$558,565.51
(c)	Open Space	\$2,407,660.09
(d)	Community Facilities	\$5,260,526.26
(e)	Administration	\$131,611.66
	<b>Total in 2021/22</b>	<b>\$12,183,162.07</b>

- B7. Prior to the issue of the first construction certificate or the commencement of any works, whichever occurs first, a builder's damage deposit of \$325,250.00 (GST Exempt) shall be lodged with Bayside Council by the applicant by way of cash deposit or unconditional bank guarantee (any proposed bank guarantee must not have an expiry date) in favour of Bayside Council.

This security deposit will be refunded in full, upon completion of all works relating to the development consent and following the issue of the Final Occupation Certificate, where no damage occurs and where Bayside Council is satisfied with the completion of works (subject to inspection by Bayside Council). Alternatively, the security deposit will be forfeited or partly refunded based on the damage incurred.

#### **SPECIAL INFRASTRUCTURE CONTRIBUTION**

- B8. Prior to the issue of the first Construction Certificate, a Special Infrastructure Contribution is to be made in accordance with the Environmental Planning and Assessment (Special Infrastructure Contribution – Bayside West) Determination 2020 (as in force when this consent takes effect).
- B9. The Applicant is to provide written evidence from the Department that payment of the Special Infrastructure Contribution has been made in accordance with the EP&A Act, to the Certifier.

#### **STRUCTURAL DETAILS**

- B10. Prior to the issue of each relevant Construction Certificate, the Applicant must submit to the satisfaction of the Certifier structural drawings prepared and signed by a suitably qualified practising Structural Engineer that demonstrates compliance with:
- (a) the relevant clauses of the NCC; and
  - (b) this development consent

The structural drawings must also demonstrate that the subsurface structural components located on the boundary of the public road, including but not limited to the slabs, walls, and columns, have been designed in accordance with all SAA Codes for the design loading from truck and vehicle loads.

#### **EXTERNAL WALLS AND CLADDING**

- B11. Prior to the issue of the Construction Certificate for above ground works, the Applicant must submit to the satisfaction of the Certifier documented evidence that the products and systems proposed for use or used in the construction of external walls including finishes and claddings such as synthetic or aluminium composite panels comply with the requirements of the NCC. The Applicant must provide a copy of the documentation to the Planning Secretary for information.

#### **ACCESS AND FACILITIES FOR PEOPLE WITH DISABILITIES**

- B12. **Removed in MOD 2**

#### **MECHANICAL VENTILATION**

- B13. Prior to the issue of the first Construction Certificate for above ground works, the Applicant must submit to the satisfaction of the Certifier details that any mechanical ventilation and/or air conditioning system for the development complies with the NCC and applicable Australian Standards, prepared by a suitably qualified person certified in accordance with Clause A2.2(a)(iii) of the NCC, to ensure adequate levels of health and amenity to the occupants of the building and to ensure environment protection.

#### **REFLECTIVITY**

- B14. Prior to the issue of the Construction Certificate for above ground works, the Applicant must submit to the satisfaction of the Certifier a report/documentation demonstrating that external treatments, materials and finishes of the development do not cause adverse or excessive glare.

#### **SITE STABILITY AND CONSTRUCTION WORK**

- B15. Prior to the issue of the first Construction Certificate, the Applicant must submit to the satisfaction of the Certifier a report obtained from a suitably qualified and experienced professional engineer/s, which includes the following:

- (a) geotechnical details which confirm the suitability and stability of the site for the development and relevant design and construction requirements to be implemented to ensure the stability and adequacy of the development and adjacent land
- (b) details of the proposed methods of excavation and support for the adjoining land (including any public place) and buildings
- (c) details to demonstrate that the proposed methods of support and construction are suitable for the site and will not result in any damage to the adjoining premises, buildings or any public place, as a result of the works and any associated vibration
- (d) details on how the adjoining land and buildings located upon the adjoining land will be adequately supported at all times throughout building work
- (e) details of written approvals that have been obtained from the owners of the adjoining land to install any ground or rock anchors underneath the adjoining premises (including any public roadway or public place),

#### **IMPACTS TO THE MOTORWAY**

- B16. Prior to issue of the first Construction Certificate, the Applicant must submit design drawings and document relating to the excavation of the site and support structures to TfNSW for assessment, in accordance with Technical Direction GTD2020/001. The Applicant is to submit all documentation at least six (6) weeks prior to the commencement of construction and is to meet the full cost of the assessment by TfNSW.

If it is necessary to excavate below the level of the base of the footings of the adjoining roadways, the person acting on the consent shall ensure that the owner/s of the roadway is/are given at least seven (7) day notice of the intention to excavate below the base of the footings. The note is to include complete details of the work.

- B17. Prior to issue of the first Construction Certificate, the Applicant must submit evidence ensure that all buildings and structures, together with any improvements integral to the future use of the site, are wholly within the freehold property (unlimited in height or depth), along the Princes Highway and M8 Motorway boundary.
- B18. Prior to issue of the first Construction Certificate, the Applicant shall submit a statement from a suitably qualified geotechnical engineer for approval of TfNSW confirming that the proposed development will not impact the stability of the M8 Motorway and that monitoring of the embankment for vibration and movement will not be required or otherwise.

#### **REGULATORY APPROVALS**

- B19. Prior the issue of the first Construction Certificate for above ground works, the Applicant shall obtain the required regulatory approvals from the applicable authority (Bayside Council Local Traffic Committee & Council meeting endorsement and/or TfNSW) as detailed below:
- (a) modifications to the intersection of Forest Road and Eden Street to reinforce the left in left out arrangement and prevent right turns from Forest Road.
  - (b) construction of a raised pedestrian crossing aligned with "The Arcade" and designed as per the Arncliffe and Banksia Public Domain Plan.
  - (c) construction of a full width 2.5m paved footpath along the Eden Street frontage of the site.
  - (d) construction of a new 2.5m wide shared path along Princes Highway extending from Forest Road to Burrows Street.
  - (e) construction of new kerb and gutter along the frontage of the development site along with street tree pits within the parking lane and indented kerb alignments. The street tree pits are to be provided at an interval of approx. every three on-street parking spaces.
  - (f) construct new kerb inlet pits and associated stormwater pipe (min 450mm diameter) in Eden Street, connecting to existing stormwater infrastructure at the intersection of Eden Street and Burrows Street (which may need to be upgraded to suit the design) to Bayside Council infrastructure specifications.
  - (g) removal of the existing concrete vehicular entrance/s, and/or kerb laybacks and other damaged public domain improvements which will no longer be required and reconstruction of selected areas of the existing concrete footpath/vehicular entrances and/or kerb and gutter where required.
  - (h) upgrade the entire frontage of the development on Eden Street to reflect the measures detailed in accordance with the Arncliffe and Banksia Public Domain Plan.
  - (i) vehicular access to Eden Street to be provided as an intersection with a "stop" priority control.
  - (j) no stopping restrictions and kerb indents adjacent to the vehicular entrance on Eden Street as necessary to facilitate swept paths of the largest vehicle and improve vehicular sight distances around the bend in Eden Street.
  - (k) any other associated regulatory parking changes on Eden Street to facilitate the proposal or mitigate impacts as a result of the proposal (eg timed on-street parking along the frontage).

- B20. Prior to the issue of the first Construction Certificate **for above ground works**, the Applicant shall obtain concurrence under section 138 of the *Roads Act 1993* and enter a Works Authorisation Deed (WAD) for the civil works on Princes Highway.
- B21. Prior to the issue of the first Construction Certificate **for above ground works**, the Applicant shall obtain concurrence under section 138 of the *Roads Act 1993* and enter a WAD for any civil works on Forest Road.

#### **EDEN STREET SPEED LIMIT REDUCTION**

- B22. Prior to issue of the first Construction Certificate for above ground works, a detailed Traffic and Pedestrian study assessing the proposed 40 kmph speed limit reduction to Eden Street shall be prepared by the Applicant and submitted to and approved by TfNSW. If approved, the speed limit change shall be implemented prior to occupation.

#### **ROAD SAFETY ASSESSMENT**

- B23. Prior to issue of the first Construction Certificate for above ground works, a Road Safety Assessment (RSA), which considers whether any pedestrian protection measures are necessary to ensure the safety of pedestrian movements across Forest Road (from Eden Street to Wardell Street) shall be prepared by the Applicant and submitted to and approved by TfNSW and Council.

#### **CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN**

- B24. Crime Prevention Through Environmental Design (CPTED) measures shall be incorporated into the development to maximise security in and around the development. The final CTPED measures must be prepared in consultation with NSW Police and shown on all relevant architectural and landscape plans approved by the Principal Certifier prior to the issue of the Construction Certificate. CPTED measures shall include, but not limited to:
- (a) Monitored CCTV facilities throughout the development. Areas of focus include the Eden Street Park, Northern pedestrian through site link, along the Princes Highway and Eden Street frontages, basement car park (including entry and exits), main entry areas to the development and garbage/storage areas
  - (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
  - (c) Security mirrors shall be installed within corridors and on blind corners to enable users to see around blind corners
  - (d) Graffiti resistant materials shall be used to ground level external surfaces
  - (e) Intercom facilities shall be installed at all vehicular and pedestrian entry/exit points to enable residents to communicate and identify with people prior to admitting them to the development
  - (f) The ceiling of the basement car park shall be finished in light colour in order to maximise visibility
  - (g) All recommendations within the CPTED report prepared by Ethos Urban dated 25 June 2021.

#### **ECOLOGICALLY SUSTAINABLE DEVELOPMENT**

- B25. Prior to the issue of the first Construction Certificate, the Applicant must submit to the satisfaction of the Certifier evidence demonstrating the development incorporates all design, construction and operation measures as identified in the Ecologically Sustainable Development Report prepared by Mott Macdonald, dated March 2022 and the following additional measures:
- (a) zoned and sensor-controlled lighting and air conditioning
  - (b) LEDs and other low energy flicker free lighting resources
  - (c) water saving appliances above and beyond BASIX requirements
  - (d) recycling storage room(s)
  - (e) use of admixtures in concrete to minimise cement and reduce embodied carbon
  - (f) separate circuiting for temporary power to minimal stair and corridor lighting
- B26. Prior to the issue of the first Construction Certificate for above ground works, the Applicant must submit to the satisfaction of the Certifier evidence demonstrating that the development will achieve a minimum average 7-Star NatHERs rating and each apartment will achieve a minimum 5-Star NatHERs rating.
- B27. Prior to the issue of the first Construction Certificate for above ground works, the applicant is to demonstrate the use of the following sustainability measures within the development to the satisfaction of the Certifier:
- (a) Provision of photovoltaic cell systems on the rooftops. Detailed design for the photovoltaic cells systems is to be provided, the provision of photovoltaic cells is to be at a rate that maximises the coverage of available non-trafficable space on all rooftops of the development.

- (b) Rainwater tank for re-use. A minimum volume of 150m<sup>3</sup> of rainwater tanks are to be provided for the development as a sustainability measure, connected to all lower ground level and upper ground level toilets & clothes washers, all car wash bays, and the entire landscape irrigation system for non-potable stormwater re-use.

## **BASIX CERTIFICATION**

- B28. The development must be implemented and all BASIX commitments thereafter maintained in accordance with BASIX Certificate Nos. 1157001M\_03 and 1187742M\_04 and any updated certificate issued if amendments are made. The BASIX Certificate must be submitted to the Certifier prior to the issue of the first Construction certificate for above ground works with all commitments clearly shown on the Construction Certificate plans.

## **INSTALLATION OF WATER EFFICIENT FIXTURES AND FITTINGS**

- B29. Prior to the issue of the first Construction Certificate, the Applicant must submit to the satisfaction of the Certifier evidence demonstrating:
- (a) all toilets installed within the development will be of water efficient dual-flush capacity with at least 4-star rating under the Water Efficiency and Labelling Scheme (WELS)
  - (b) all taps and shower heads installed within the development will be water efficient with at least a 3-star rating under the WELS, where available
  - (c) new urinal suites, urinals and urinal flushing control mechanisms installed within the development will utilise products with at least a 4-star rating under the WELS.
  - (d) systems will reduce unnecessary flushing and will not involve the use of continuous flushing systems.

## **MECHANICAL PLANT NOISE MITIGATION**

- B30. Prior to the issue of the first Construction Certificate, the Applicant must submit to the satisfaction of the Certifier details of noise mitigation measures for all mechanical plant (as detailed on relevant Construction Certificate drawings) and certification from an appropriately qualified acoustic engineer that the proposed measures will achieve compliance with the Noise Policy for Industry and other guidelines applicable to the development.

## **COMPLIANCE WITH NOISE AND VIBRATION IMPACT ASSESSMENT**

- B31. Prior to the issue of the Construction Certificate for above ground works, the Applicant must submit evidence to the satisfaction of the Certifier demonstrating that the design of the development has incorporated all performance parameters, requirements, engineering assumptions and recommendations contained in the Noise and Vibration Impact Assessment report, prepared by Stantec Australia, dated 23 June 2021.

## **COMPLIANCE WITH DETAILED SITE INVESTIGATION**

- B32. Prior to the issue of the Construction Certificate, the Applicant must submit evidence to the satisfaction of the Certifier demonstrating compliance with the recommendations of the Stage 2 Detailed Site Investigation, prepared by **ADE Consulting**, dated 23 June 2021, including the requirements for an intrusive hazardous materials survey of structures to be demolished and further site sampling following demolition. Further site sampling must occur, in accordance with the methodology outlined in the Stage 2 Detailed Site Investigation, upon the discovery of unexpected finds.

## **COMPLIANCE WITH WIND IMPACT ASSESSMENT**

- B33. Prior to the issue of the first Construction Certificate for above ground works, the wind mitigation measures contained within the Environmental Wind Study, prepared by SLR Consulting Australia, dated March 2022 must be reviewed and endorsed by the DIP to ensure they are well designed and integrated into the buildings to maintain and/or enhance the design excellence qualities of the development. The Applicant must submit evidence to the Certifier demonstrating that the design of the development has incorporated the wind mitigation measures as endorsed by the DIP.

## **OUTDOOR LIGHTING**

- B34. The outdoor Lighting design is to be designed by a suitably qualified lighting designer, endorsed by the DIP and submitted to the Certifier for approval prior to issue of a Construction Certificate for the public domain. The lighting design shall provide full details of proposed light columns and luminaries and demonstrate:
- (a) compliance to relevant Australian Standards
  - (b) how it has been designed so as not to cause nuisance to the owners or occupiers of adjacent/adjoining premises or to motorists on adjoining or nearby roads.
  - (b) all areas accessible to the public including Eden Street Park, pedestrian linkway along the Northern boundary side setback and Princes Highway frontage have lighting equivalent to P7 Category.
  - (c) Adequate ambient lighting is provided at the following areas:
    - (i) Along the north eastern side of the proposed development (through site link).

- (ii) Along the Princes Highway and Eden Street frontages.
- (iii) Throughout the publicly accessible park.

## SYDNEY WATER ASSETS

- B35. Prior to the issue of the first Construction Certificate, the approved plans must be submitted to the Sydney Water Tap in™ online service, to determine whether the development will affect Sydney Water's wastewater and water mains, stormwater drains and/or easements, and if any further requirements need to be met. All building, plumbing and drainage work must be carried out in accordance with the requirements of the Sydney Water Corporation.

**Note:** 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>

- B36. Prior to the issue of the first Construction Certificate, the Applicant must undertake a servicing options assessment in consultation with Sydney Water to understand the implications of their development and identify any solutions or required augmentations.
- B37. Prior to the issue of the first Construction Certificate, the Applicant must provide a design for sewer diversion and adjustment works or any changes to the existing main and its long section to Sydney Water for its review and approval. All works must comply with the Water Services Association of Australia (WSAA) code – Sydney Water edition.
- B38. 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 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.

## CAR PARKING

- B39. Prior to the issue of the first Construction Certificate, the Applicant must submit to the satisfaction of the Certifier plans demonstrating compliance with the following traffic and parking requirements:
- (a) all vehicles must enter and leave the subject site in a forward direction;
  - (b) all vehicles are to be wholly contained on site before being required to stop;
  - (c) parking associated with the development (including driveways, grades, turn paths, sight distance requirements, aisle widths, aisle lengths and parking bay dimensions) must be in accordance with the applicable Australian Standards;
  - (d) appropriate pedestrian advisory signs must be provided at the egress from parking areas;
  - (e) all works/regulatory signposting associated with the development must be at no cost to the relevant roads authority
  - (f) the swept path of the longest vehicle (including garbage trucks) entering and exiting the Site, as well as manoeuvrability through the subject Site, must be in accordance with AUSTROADS.
  - (g) AS2890 Car, Bicycle and Motorcycle Parking; and
  - (h) AS2890.2 Commercial (Service) Vehicle Parking:

## CAR AND MOTORCYCLE PARKING ALLOCATION

- B40. Prior to the issue of the first Construction Certificate, the Applicant must submit to the satisfaction of the Certifier plans demonstrating compliance with the following:
- (a) **513** car parking spaces and 50 motorcycle parking spaces allocated to market units
  - (b) **84** car parking spaces and 12 motorcycle parking spaces allocated to social housing units
  - (c) **59** car parking spaces, including 13 car wash spaces allocated to residential visitors
  - (d) 78 car parking spaces and 5 motorcycle spaces allocated to retail staff and customers
  - (e) six car parking spaces allocated to childcare staff
  - (f) six car parking spaces allocated for car share
  - (g) **three** car parking spaces allocated for service vehicles

All accessible residential car parking spaces shall be allocated to adaptable dwelling units.

## SERVICE VEHICLE PARKING

- B41. Prior to the issue of the first Construction Certificate, the Applicant must submit to the satisfaction of the Certifier plans demonstrating compliance with the following:
- (a) two 14.5 AV bays
  - (b) one 12.5m HRV bay

- (c) three 8.8m MRV bays
- (d) four van loading bays

#### **ELECTRIC VEHICLE MASTERPLAN**

- B42. Prior to the issue of the first Construction Certificate, an Electric Vehicle (EV) masterplan is to be prepared to account for future EV charging requirements across the site, including consideration of an EV Load Management System, to the satisfaction of the Certifier. The EV Masterplan must describe how the project will deliver:
- (a) 10 residential visitor parking spaces fitted with a facility to charge electric vehicles (EV charger) and associated electrical infrastructure for each circuit to support each electric vehicle charger to deliver a minimum of 12 kWh from 11:00pm to 7:00am daily
  - (b) all residential parking spaces with the capability to accommodate charging facilities (EV ready) including EV ready infrastructure that includes space for:
    - i. cable trays to within 5 metres of each car park
    - ii. electrical distribution boards dedicated to serving electric vehicle charging which must have capacity for each circuit to support an electric vehicle charger to be able to deliver a minimum of 12 kWh from 11:00pm to 7:00am daily, and be sized to support the future installation of a 7 kW (32 A) type 2 electric vehicle charger in 100% of the car parking spaces in a Class 2 building.
  - (c) six retail parking spaces fitted with a facility to charge electric vehicles (EV charger) with the associated electrical infrastructure having capacity for each circuit to support each electric vehicle charger to be able to deliver a minimum of 12 kWh from 9:00am to 5:00pm daily
  - (d) a minimum of 10% of retail parking spaces with the capability of accommodating charging facilities (EV ready) including:
    - i. electrical distribution boards dedicated to serving electric vehicle charging in a carpark with capacity for each circuit to support an electric vehicle charger able to deliver a minimum of 12 kWh from 9:00am to 5:00pm daily
    - ii. be sized to support the future installation of a 7 kW (32 A) type 2 electric vehicle charger.

#### **BICYCLE PARKING AND FACILITIES**

- B43. Prior to the issue of the first Construction Certificate, the Applicant must submit to the satisfaction of the Certifier plans demonstrating compliance with the following:
- (a) a minimum of 509 on-site bicycle parking spaces for use of residents of all buildings comprising
    - (i) 204 spaces within secure communal storage cages
    - (ii) 305 spaces within individual enlarged residential storage cages
  - (b) a minimum of 26 spaces for retail staff and 4 spaces for retail customers
  - (c) a minimum of four spaces for Childcare staff
  - (d) a minimum of 30 personal lockers and four showers for use of retail and childcare staff

The layout, design and security of bicycle facilities must comply with the applicable Australian Standards.

#### **PROVISION OF CAR WASH BAYS**

- B44. The Construction Certificate plans must show the provision of at least 14 car wash bays. Each car wash bay shall have a minimum width of 3.5m and length of 5.4m. A visitor car space can be utilised for the purpose of a car wash bay. A cold-water tap (typically connected to the rainwater tank) and waterproof power outlet shall be provided along with a sign fixed to the wall saying, 'Car Wash Bay'. The car wash bay must be banded in accordance with AS1940 and AS/NZS 4452 with direct connection to the sewer in accordance with a Sydney Water trade waste agreement or, be designed to treat and re-circulate the car wash water with a proprietary treatment system maintained by the owners corporation.

## LANDSCAPING

- B45. Prior to the issue of a construction certificate for above ground works, detailed Landscaping plans and documentation is to be **prepared in consultation with** Council and the DIP and submitted to and approved by the **Planning Secretary**. Details shall include:
- (a) details of tree planting, including pot sizes;
  - (b) the location, species, maturity and height at maturity of all plants to be planted on-site;
  - (c) **details of the strata vault system to support planting of *Eucalyptus robusta* along the Princes Highway frontage**
  - (d) demonstrate adequate drainage and watering systems for the planters,
  - (e) details of plant maintenance and watering for the first 12 months
  - (f) a commitment to replace plants with the same species if any plant loss occurs within the maintenance period
  - (g) soil and mulch finishes, root barriers, irrigation, edging and other landscape handworks such as retaining walls, steps, planter walls, feature walls, skateboard restrictions, tree pits, tree grates, tree guards, tree pit treat, areas of paving, schedule of materials, edge treatments, tactile and sectional construction details
  - (h) fencing, privacy screening, arbors and hardscape with elevations and material impacting or visible to public domain areas.
  - (i) areas of public access including furniture, pedestrian amenity lighting, bins, bollards, skateboard prevention/deterrent devices where required. Provide sectional construction details and elevations as required.
- B46. The detailed landscaping plans submitted to satisfy **Condition B45** must:
- (a) demonstrate how the final detailed design has been informed by further consultation with local indigenous groups
  - (b) demonstrate how the final detailed design has considered and implemented the recommendations within Section 8 of the Aboriginal Cultural Heritage Assessment prepared by WSP submitted on 9 February 2022.
  - (c) include trees and mass planting along the top of the southern boundary wall to assist in screening the development
  - (d) incorporate a set back of the suspended slab adjacent to the northern boundary wall to provide canopy trees in natural ground along the northern through site link
  - (e) ensure the pedestrian walkway around the tree protection zone of tree 109 is designed with a permeable surface and kept to the minimum compliant width.
  - (f) remove all other structures within the structural root zone of Tree 109
  - (g) maximise the inclusion of large canopy trees capable of reaching 15 metres or more where space allows within all setbacks. Medium trees capable to reach 10 metres shall be planted along the setbacks where structures are present below planter beds.
  - (h) where possible, includes cascading plants along the exterior of over slab planters to soften the visual impact of building structures seen from the public domain, internal park and neighbouring sites. For example, planters proposed along the northern façade of Building A and B.
  - (i) replace areas proposed with artificial turf (nominated as AT in approved landscape plans) with no shade, with natural turf, decks, or other treatment.
- B47. Retaining walls over 600mm in height shall be designed and specified by a structural engineer registered with the National Engineering Register (NER).
- B48. Prior to the issue of the first Construction Certificate for above ground works, details of the Green roof and solar PV on the rooftop of Building B shall be endorsed by Council and provided to the Secretary for information. The Green roof shall be designed in accordance with the following requirements:
- (a) include a waterproof membrane, a root protection layer, a drainage layer, growing medium of approx. 150mm depth, and vegetation.
  - (b) Include a maintenance schedule comprising regular maintenance tasks for the first two years to ensure establishment of new vegetation, and twice a year maintenance tasks for the ongoing maintenance beyond the first 2 years of establishment.

## TREE MANAGEMENT PLAN

- B49. Prior to the issue of the first Construction Certificate, the Applicant must provide a Tree Management Plan prepared by an Arborist with minimum AQF (Australian Qualification Framework) Level 5 qualifications and experienced in the protection of trees on development sites endorsed by Council to be approved by the Secretary.

The Tree Management Plan shall also identify necessary protective measures (including fencing and delivery/access points), the location and installation methods for any services or works and ongoing maintenance to the tree/s during construction. Report shall include root mapping of all existing trees to be retained with TPZs encroaching any proposed structures or required excavations. All recommendations of the Tree Management Plan shall be adhered to at all times.

#### **TREE TRANSPLANATION**

- B50. Prior to the issue of the first Construction Certificate, a Tree Transplantation report prepared by a fully qualified Arboricultural or horticultural contractor specialising in tree transplanting shall be prepared. The Report shall include all tasks and methodology to be undertaken in all stages of the construction and transplanting process for a successful transplant trees 90, 128 and 134 within the site. The report shall be submitted to and approved by Certifier prior to the issue of any Construction Certificate and prior to any excavation works. Transplanted trees shall be located as indicated on approved plans, unless recommended for a more suitable location within the site.

#### **BOUNDARY WALL TREATMENT**

- B51. Prior to issue of the Construction Certificate for above ground works, details of the treatment of the party wall and acoustic screen along the southwestern boundary of the site and the wall on the northern boundary adjacent to the through site link shall be submitted to and approved by the Planning Secretary. The walls/screens must be:
- (a) developed in consultation with, and address comments provided by, adjoining owners
  - (b) reviewed by the SDRP and respond to any advice provided
  - (c) provide an appropriate visual quality when viewed from private property and the public domain
  - (d) consider and address how maintenance would be undertaken.

**Note:** In the event that an adjoining owner is not able to be consulted, the Applicant must demonstrate, in writing, to the satisfaction of the Certifier that all reasonable steps have been taken to consult with the affected property owner and that these steps have failed.

#### **STORMWATER MANAGEMENT SYSTEM**

- B52. Prior to the issue of the first Construction Certificate, the Applicant must submit to the satisfaction of the Certifier an operational stormwater management system for the development. The system must:
- (a) be designed by a suitably qualified and experienced person(s);
  - (b) be generally in accordance with the conceptual design in the EIS;
  - (c) be in accordance with Council's stormwater requirements and specifications (Condition B56 and B57);
  - (d) be in accordance with applicable Australian Standards; and
  - (e) ensure that the system capacity has been designed in accordance with *Australian Rainfall and Runoff* (Engineers Australia, 2016) and *Managing Urban Stormwater: Council Handbook* (EPA, 1997) guidelines

#### **DETAILED DESIGN STORMWATER MANAGEMENT PLAN**

- B53. Prior to the issue of the first Construction Certificate, detailed drainage design plans for the management of stormwater are to be submitted to the Principal Certifier for assessment and approval. Design certification and drainage design calculations are to be submitted with the plans. Rockdale 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 Rockdale Technical Specification Stormwater Management.
- B54. The detailed drainage plans shall incorporate the provisions generally made in the stormwater concept plans prepared by TTW, job number 201609, dated 31.01.22 along with the revisions/documentation/measures detailed below:
- (a) The on-site detention (OSD) system shall be designed in accordance with Rockdale Technical Specification Stormwater Management section 6.
  - (b) The stormwater discharge from the site shall connect underground (via gravity discharge) to a new pit and pipe system on Eden Street to Bayside Council infrastructure specifications as part of the development.
  - (c) A minimum volume of 150m<sup>3</sup> of rainwater tanks are to be provided for the development as a sustainability measure, connected to all lower ground level and upper ground level toilets & clothes washers, all car wash bays, and the entire landscape irrigation system for non-potable stormwater re-use.
  - (d) The development shall incorporate a Stormwater Quality Improvement system to ensure compliance with Section 7.5 of Rockdale Technical Specification Stormwater Management. The water quality improvement system shall be designed to capture and treat at least 85% flows generated from the site. A MUSIC model must be prepared and submitted for the development. The MUSIC model must be prepared in line with the

NSW MUSIC Modelling Guidelines demonstrate that the stormwater pollution reduction targets in section 7.5.2 of Rockdale Technical Specification Stormwater Management are met or exceeded.

- (e) The development shall incorporate a device capable of removing oil from the driveway and car parking stormwater run-off in accordance with section 7.5.4 of Rockdale Technical Specification Stormwater Management.
- (f) Paving located within the deep soil landscape areas shall be permeable paving.

#### **LOW LEVEL DRIVEWAY PREVENT INFLOW OF WATER INTO BASEMENT**

- B55. Both driveways proposed must be designed to prevent inflow of stormwater from the road reserve of Eden Street and Princes Highway. The assessment of flows and design of prevention measures shall be in accordance with the requirements of section 8.2 of Rockdale Technical Specification Stormwater Management. The required mitigation measures are to be implemented within the design of the development and certified accordingly by a suitably qualified civil engineer. Details shall be included in the documentation presented with the Construction Certificate application.

#### **FINISHED FLOOR LEVELS**

- B56. All habitable floor levels are to be designed and constructed 300mm above existing ground level.
- B57. Prior to the issue of the Construction Certificate for above ground works, the Applicant must submit to the satisfaction of the Certifier a report from a suitably qualified consultant that any adaptable dwellings specified in the approved plans or supporting documentation comply with the applicable Australian Standards.

#### **ACCESS FOR PEOPLE WITH DISABILITIES**

- B58. Prior to issue of the first Construction Certificates for:

- (a) **basement structure to upper ground**
- (b) **towers above ground; and**
- (c) **External works and public and publicly accessible domain works.**

a certificate certifying that access and facilities for people with disabilities is designed in accordance with the NCC from an appropriately qualified person must be provided to the Certifier.

#### **SIGNAGE AND WAYFINDING**

- B59. Prior to issue of the Construction Certificate for the public domain, a signage and wayfinding strategy shall be endorsed by Council and a copy submitted to the Planning Secretary. The strategy must demonstrate a connection of the development to its surrounding streets and facilities (e.g., parks, train stations, bus stops etc.).

#### **PUBLIC DOMAIN**

- B60. Prior to the issue of the Construction Certificate for the public domain, a Frontage Works Application for all works required to be constructed within the public domain shall be submitted to and approved by Council. The application shall include a Public Domain Frontage Design package prepared by suitably qualified and experienced professionals and shall include but not be limited to civil works, drainage, new street tree planting, footpath paving (segmental/other), street tree pit treatments and tree guards, street furniture, in ground landscaping, irrigation, undergrounding of services, lighting, traffic signage, line marking, parking, and traffic devices, to address and satisfy relevant development consent conditions. Civil drawings shall be included detailing levels and detailed footpath construction sections in accordance with Council's Engineering Services requirements. Landscape specifications shall be as follows unless otherwise is specified by Council Landscape Officer in the Frontage Works Brief:
- (a) All street trees supplied shall be healthy and vigorous, free of pest and disease, free from injuries and conform to NATSPEC guide.
  - (b) Active frontages will include Stratavault (or equivalent) 35m<sup>2</sup> for each street tree, or as required for each specific new street tree considering in situ constraints.
  - (c) Street tree pit irrigation: each new street tree shall include a 50mm diameter slotted watering pipe (200-300mm below ground level) with vertical piece of pipe with enough length to ensure that the inlet is flush or slightly (25mm) proud of the finish pit level (RootRain Urban or approved equivalent)
  - (d) All frontage works shall be in accordance with Bayside Council technical manuals, specifications, master plans, town centre plans, Australian Standards, and standard design drawings, unless otherwise amended by this development consent.
- B61. Prior to the issue of a Construction Certificate for the above ground works the location of the new electrical pillars, new lighting poles, any new pits and trenches for utilities shall be confirmed with Bayside Council.
- B62. A public domain performance bond is to be provided to Bayside Council prior to the release of the approved public domain plans and commencement of the public domain frontage works. The performance bond is based upon the

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

B63. Bollards/fencing are to be provided (where necessary) to prevent vehicles entering the through site links.

#### **ADDRESSING APPLICATION**

B64. Prior to the issue of a Construction Certificate for the above ground works an application for street addresses "Property Address Allocation Application" and associated fee shall be submitted to Bayside Council for each individual building within the development in accordance with Section 5.2 of the NSW Address Policy and AS/NZS 4819:2011 Rural and Urban Addressing Standard.

#### **UTILITY SERVICES ADJUSTMENTS**

B65. The approved elements including driveways, stormwater connections, (etc.) prevail over the location of existing utility services and power poles. All services shall be adjusted at the applicants cost to suit the construction of approved design elements. Applicants must seek approval from the relevant public utility, state authority or service provider prior to issue of the first Construction Certificate.

#### **BASEMENT DESIGN INTERCEPTING THE GROUNDWATER TABLE**

B66. Prior to issue of the Construction Certificate **for the basement structure (to the upper ground)** the Applicant must comply with the following requirements in relation to the basement design:

- (a) a Dewatering Management Plan must be prepared and endorsed by Council, with a copy provided to the Planning Secretary
- (b) Obtain approval from Water NSW pursuant to S90(2) of the water management act for the basement to permanently collect and pump-out groundwater from the aquifer via subsoil drainage and a pump-out tank.
- (c) Demonstrate that the proposed permanent dewatering of the site will not negatively impact neighbouring properties and infrastructure (i.e., induce settlement etc.). Hydrogeological modelling shall be provided to the satisfaction of Water NSW.
- (d) Obtain approval from Bayside Council to discharge groundwater to the stormwater system. All groundwater seepage that enters the basement shall be permanently monitored and treated onsite to meet the water quality criteria outlined in the most recent version of ANZG 2018 and ANZECC 2000 Water Quality Guidelines for Fresh & Marine Water for the 95% protection trigger values for Marine Water and protection of marine aquatic ecosystems. An automatic groundwater monitoring and treatment system shall be designed to permanently treat the groundwater to the required water quality criteria, prior to the groundwater being discharged into the council stormwater system. The permanent dewatering treatment system shall include all measures necessary to ensure all required water quality criteria are met (e.g., automatic pH analyser, 800-micron screen, calcite media bag filters – by SAS water solutions) and certified accordingly by a geotechnical engineer. The detailed design of the automatic electronic monitoring systems for the groundwater treatment devices shall be certified by a geotechnical engineer.
- (e) The permanent groundwater dewatering treatment system shall include all measures necessary to ensure all required ANZG/ANZECC water quality discharge criteria are met and certified accordingly by a geotechnical engineer.
- (f) An operational groundwater monitoring regime is to be prepared that address the following at minimum:
  - (i) Annual discharge volumes pumped to the stormwater network.
  - (ii) Groundwater levels to assess groundwater drawdown.
  - (iii) Groundwater quality monitoring on a minimum 6 monthly basis including collection of groundwater samples for laboratory analysis (NATA accredited laboratory). The laboratory analysis is to confirm that the groundwater is acceptable to be released into Council's stormwater system.
  - (iv) A maintenance schedule shall be prepared for the automatic groundwater treatment system.
  - (v) Emergency management plan for system failure.

#### **DEWATERING**

B67. Prior to the issue of any Construction Certificate, approval must be obtained pursuant to S90(2) of the Water Management Act 2000 for the proposed structure intercepting the groundwater table which requires the extraction of groundwater from the aquifer (Water Supply Work approval). An authorisation under the relevant water legislation, such as a Water Access Licence (WAL), shall be obtained for the take of groundwater as part of the activity.

## AIRSPACE PROTECTION

- B68. Prior to the issue of the first construction certificate for above ground works, separate approval must be obtained from the Federal Department of Infrastructure, Transport, Regional Development and Communications (DITRC) under the Airports (Protection of Airspace) Regulations 1996 for any part of the building or any construction cranes that penetrate the Obstacle Limitation Surface.
- B69. The Secretary shall be notified of any amendments to the approved development required by the determination of the DITRC, and any relevant approvals / modifications to existing approvals will need to be sought by the Applicant.

## RESIDENTIAL BALCONIES

- B70. **The balconies attached to apartments A001, B002 and B003 shown in the Upper Ground Floor GA Plan (DA 2005, rev. L, dated 27/02/2024) are not approved. Prior to the issue of the first construction certificate for above ground works, amended plans must be submitted to and approved by the Planning Secretary which revert the balcony arrangement for those apartments to that originally approved and shown on Upper Ground Floor GA Plan (DA 2005, rev. H, dated 30/05/2022).**

## NORTHERN THROUGH-SITE LINK

- B71. **Prior to the issue of the first construction certificate for above ground works, an amended design for the northern through site link must be submitted to and approved by the Planning Secretary. The link design must:**
- (a) be presented to and endorsed by the DIP**
  - (b) include active frontages and be designed to maximise the usable width of the link for pedestrians**
  - (c) provide for increased pedestrian permeability to and from the link from within the podium.**

## PART C PRIOR TO COMMENCEMENT OF WORKS

### NOTIFICATION OF COMMENCEMENT

- C1. The Department must be notified in writing of the dates of commencement of physical work and operation at least 48 hours before those dates.
- C2. If the construction or operation of the development is to be staged, the Department must be notified in writing at least 48 hours before the commencement of each stage, of the date of commencement and the development to be carried out in that stage.

### COMPLIANCE

- C3. Prior to the commencement of any works, the Applicant must ensure that all of its employees, contractors (and their sub-contractors) are made aware of, and are instructed to comply with, the conditions of this consent relevant to activities they carry out in respect of the development.

### ACCESS TO INFORMATION

- C4. At least 48 hours before the commencement of construction until the completion of all works under this consent, or such other time as agreed by the Planning Secretary, the Applicant must:
  - (a) make the following information and documents (as they are obtained or approved) publicly available on its website:
    - (i) the documents referred to in **Condition A2** of this consent;
    - (ii) all current statutory approvals for the development;
    - (iii) all approved strategies, plans and programs required under the conditions of this consent;
    - (iv) regular reporting on the environmental performance of the development in accordance with the reporting arrangements in any plans or programs approved under the conditions of this consent;
    - (v) a comprehensive summary of the monitoring results of the development, reported in accordance with the specifications in any conditions of this consent, or any approved plans and programs;
    - (vi) a summary of the current stage and progress of the development;
    - (vii) contact details to enquire about the development or to make a complaint;
    - (viii) a complaints register, updated monthly;
    - (ix) audit reports prepared as part of any independent environmental audit of the development and the Applicant's response to the recommendations in any audit report;
    - (x) any other matter required by the Planning Secretary; and
  - (b) keep such information up to date, to the satisfaction of the Planning Secretary.

### DEMOLITION

- C5. Demolition work must comply with *Australian Standard AS 2601-2001 The demolition of structures* (Standards Australia, 2001) and with the requirements of the WorkCover Authority of NSW. The work plans required by AS 2601-2001 must be accompanied by a written statement from a suitably qualified person that the proposals contained in the work plan comply with the safety requirements of the Standard. The work plans and the statement of compliance must be submitted to the Certifier before the commencement of works.
- C6. Demolition is to be carried out in the accordance with the following:
  - (a) The hours of demolition work are limited to between 7:00am and 6.00pm on weekdays. No demolition work is to be carried out on Saturdays, Sundays and public holidays
  - (b) Vibration monitors must be placed at the footings of the nearest residential and/or commercial property(s) boundaries prior to any demolition commencing, and
  - (c) Hazardous or intractable wastes arising from the demolition process must be removed and disposed of in accordance with the requirements of WorkCover New South Wales and the Environmental Protection Authority, and
  - (d) 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
  - (e) Demolition procedures must maximise the reuse and recycling of demolished materials in order to reduce the environmental impacts of waste disposal, and
  - (f) 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

- (g) All vehicles leaving the site with demolition materials must have their loads covered and vehicles must not track soil and other materials onto public property (footpaths, roads, reserves etc) and the footpaths must be suitably protected against damage when plant and vehicles access the site, and
  - (h) The burning of any demolished material on site is not permitted and offenders will be prosecuted. The demolition by induced collapse and the use of explosives is not permitted, and
  - (i) Care must be taken during demolition to ensure that existing services on the site (ie, sewer, electricity, gas, phone) are not damaged. Any damage caused to existing services must be repaired by the relevant authority at the applicant's expense. *Dial Before You Dig* website: [www.1100.com.au](http://www.1100.com.au) should be contacted prior to works commencing, and
  - (j) Suitable erosion and sediment control measures in accordance with the Soil and Water Management Plan must be erected prior to the commencement of demolition works and must be maintained at all times, and
- C7. Any material containing asbestos found on site during the demolition process shall be removed and disposed of in accordance with WorkCover NSW requirements. *Protection of the Environment Operations Act 1997, Protection of the Environment Operation (Waste) Regulation* and 'Waste Classification Guidelines 2014' prepared by the NSW Office of Environment and Heritage. Following completion, an Asbestos Clearance Certificate is to be provided to Council following the final asbestos clearance inspection.

#### **SURVEY CERTIFICATE**

- C8. While building work is being carried out, a registered surveyor is to measure and mark the positions of the following and provide them to the principal certifier —
- (a) All footings/ foundations
  - (b) At other stages of construction – any marks that are required by the principal certifier.
- C9. Prior to the commencement of works, the Applicant must submit to the satisfaction of the Certifier a Registered Surveyor's certificate detailing the setting out of the proposed building on the site, including the relationship of the set out building to property boundaries.

#### **PROTECTION OF PUBLIC INFRASTRUCTURE AND TREES**

- C10. Prior to the commencement of works, the Applicant must:
- (a) consult with the relevant owner and provider of services that are likely to be affected by the development to make suitable arrangements for access to, diversion, protection and support of the affected infrastructure
  - (b) prepare a dilapidation report identifying the condition of all public infrastructure in the vicinity of the site (including roads, gutters and footpaths) and submit a copy of the dilapidation report to the Certifier, Planning Secretary and Council
  - (c) ensure all street trees directly outside the site not approved for removal are retained and protected in accordance with the applicable Australian Standards.
- C11. Prior to the commencement of work, Tree Protection Zones for each individual tree shall be established in accordance with AS4970-2009 (Protection of trees on Development Sites) with protective fences at least 1.8 metres high erected outside of the SRZ (Structural Root Zone) as specified measurement in Arborist Assessment. The protective fences shall consist of chain wire mesh temporary fence panels securely mounted and braced to prevent movement, 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. Excavations for services, waste bins, storage of materials and equipment, site residue, site sheds, vehicle access or cleaning of tools and equipment are not permitted within the Tree Protection Zones at any time.
- C12. Prior to commencement of any works affecting trees 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 to supervise the installation and maintenance of tree protection measures and Arboricultural monitoring program required by this consent and the approved Arboricultural impact assessment. Evidence of engagement of a project arborist is to be submitted to, and approved, by Bayside Council and submitted to the secretary for information.

#### **UTILITIES AND SERVICES**

- C13. Prior to the construction of any utility works associated with the development, the Applicant must obtain relevant approvals from service providers. Any costs in the relocation, adjustment or support of services are the responsibility of the Applicant.
- C14. Prior to the commencement of works written advice must be obtained from the electricity supply authority, an approved telecommunications carrier and an approved gas carrier (where relevant) stating that satisfactory arrangements have been made to ensure provisions of adequate services.

## DIAL BEFORE YOU DIG SERVICE

- C15. Prior to the commencement of any excavation on or near the site, the Applicant must submit to the satisfaction of the Certifier written confirmation from NSW Dial Before You Dig Service that the proposed excavation will not conflict with any underground utility services.

## PRE-CONSTRUCTION DILAPIDATION REPORTS

- C16. Prior to the commencement of any works (including demolition), the Applicant must submit to the satisfaction of the Certifier a Pre-Construction Dilapidation Report, prepared by a suitably qualified person. A copy of the Pre-Construction Dilapidation Report is to be forwarded to the Planning Secretary, Bayside Council and each of the affected property owners, **a minimum of five (5) working days prior to the commencement of work**. Evidence confirming that a copy of the Dilapidation Report was delivered to the adjoining properties must be provided to the Certifier.
- C17. The Pre-Construction Dilapidation Report is to detail the current structural condition of all adjoining buildings, infrastructure and roads (including the public domain site frontages, the footpath, kerb and gutter, driveway crossovers and laybacks, kerb ramps, road carriageway, street trees and plantings, parking restrictions and traffic signs, and all other existing infrastructure along the street) within the 'zone of influence'. Any entry into private land is subject to the consent of the owner of the land and any inspection of buildings on privately affected land must include details of the whole building where only part of the building may fall within the 'zone of influence'.
- C18. The Pre-Construction Dilapidation Report shall include, but not be limited to, the following properties:
- (a) 52 Eden Street ARNCLIFFE NSW 2205
  - (b) 54 Eden Street ARNCLIFFE NSW 2205
  - (c) 181 Princes Highway ARNCLIFFE NSW 2205
  - (d) 7 Forest Road ARNCLIFFE NSW 2205
  - (e) 9 Forest Road ARNCLIFFE NSW 2205
  - (f) 11 Forest Road ARNCLIFFE NSW 2205
  - (g) 20-24 Eden Street ARNCLIFFE NSW 2205
- C19. The report must include, but not be limited to, the following:
- (a) Photographs showing the condition of the road pavement fronting the site and within 50m of the site, and
  - (b) Photographs showing the condition of the kerb and gutter fronting the site and within 50m of the site, and
  - (c) Photographs showing the condition of the footpath pavement and landscaping fronting the site and within 50m of the site, and
  - (d) Photographs showing the condition of retaining walls within the footway or road fronting the site and within 50m of the site, and
  - (e) The full name, accreditation, professional registration, and signature of the professional engineer.
- C20. In the event that access for undertaking a Pre-Construction Dilapidation Report is denied by an adjoining owner, the Applicant must demonstrate, in writing, to the satisfaction of the Certifier that all reasonable steps have been taken to obtain access and advise the affected property owner of the reason for the report and that these steps have failed.
- C21. Any damage to the public way including trees, footpaths, kerbs, gutters, road carriageway and the like must be made safe and functional by the Applicant to the satisfaction of the public authority responsible for the public way.
- C22. The damage must be fully rectified by the Applicant in accordance with the Council's standards prior to a Certificate of Completion being issued for Public Domain Works or before the final Occupation Certificate is issued for the development, whichever is the sooner.

## CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN

- C23. Prior to the commencement of any works (including demolition), a Construction Environmental Management Plan (CEMP) must be submitted to the Certifier and the Planning Secretary. The CEMP must address, but not be limited to, the following matters where relevant:
- (a) Details of:
    - (i) hours of work
    - (ii) 24 hour contact details of the site manager
    - (iii) community consultation and complaint handling procedure
    - (iv) traffic management
    - (v) noise and vibration management, prepared by a suitably qualified person
    - (vi) management of dust and odour to protect the amenity of the neighbourhood

- (vii) stormwater control and discharge, including measures to ensure that sediment and other materials are not tracked onto the roadway by vehicles leaving the site
- (viii) contamination management, including any unexpected contamination finds protocol
- (ix) waste management
- (x) external lighting in compliance with applicable Australian Standards
- (xi) flora and fauna management.
- (b) Construction Traffic and Pedestrian Management Sub-Plan
- (c) Construction Noise and Vibration Management Sub-Plan
- (d) Air Quality Management Sub-Plan
- (e) Construction Waste Management Sub-Plan
- (f) Construction Soil and Water Management Sub-Plan
- (g) an unexpected finds protocol for contamination and associated communications procedure
- (h) an unexpected finds protocol for Aboriginal and non-Aboriginal heritage and associated communications procedure
- (i) waste classification (for materials to be removed) and validation (for materials to remain) to be undertaken to confirm the contamination status in these areas of the site.

The Applicant must not commence any works (including demolition) until the CEMP is approved by the Certifier and a copy submitted to the Planning Secretary.

#### **CONSTRUCTION PEDESTRIAN AND TRAFFIC MANAGEMENT PLAN SUB-PLAN**

C24. Prior to the commencement of any works (including demolition), the Applicant must submit to the satisfaction of the Certifier a final Construction Pedestrian and Traffic Management Plan Sub-Plan (CPTMP), which has been prepared in consultation with and approved by TfNSW. The CPTMP needs to specify matters including, but not limited to, the following:

- (a) a description of the development;
- (b) location of any proposed work zone(s);
- (c) details of crane arrangements including location of any crane(s) and crane movement plan;
- (d) haulage routes;
- (e) proposed construction hours;
- (f) predicted number of construction vehicle movements, detail of vehicle types and demonstrate that proposed construction vehicle movements can work within the context of road changes in the surrounding area, noting that construction vehicle movements are to be minimised during peak periods;
- (g) construction vehicle access arrangements;
- (h) details of the monitoring regime for maintaining the simultaneous operation of buses, light rail and construction vehicles on roads surrounding the site
- (i) construction program and construction methodology, including any construction staging;
- (j) a detailed plan of any proposed hoarding and/or scaffolding;
- (k) measures to avoid construction worker vehicle movements within the precinct;
- (l) consultation strategy for liaison with surrounding stakeholders, including other developments under construction;
- (m) identify any potential impacts to general traffic, cyclists, pedestrians, bus services within the vicinity of the site from construction vehicles during the construction of the proposed works. Proposed mitigation measures must be clearly identified and included in the CPTMP; and
- (n) identify the cumulative construction activities of the development and other projects within or around the development site. Proposed measures to minimise the cumulative impacts on the surrounding road network must be clearly identified and included in the CPTMP.

#### **CONSTRUCTION NOISE AND VIBRATION MANAGEMENT SUB-PLAN**

C25. Prior to the commencement of any works (including demolition), the Applicant must submit to the satisfaction of the Certifier a Construction Noise and Vibration Management Sub-Plan (CNVMP) for the development. The CNVMP must include:

- (a) identification of the specific activities that will be carried out and associated noise sources at the site.
- (b) identification of all potentially affected sensitive residential receiver locations;
- (c) quantification of the rating background noise level (RBL) for sensitive receivers, as part of the CNVMP, or as undertaken in the EIS;

- (d) the construction noise, ground-borne noise and vibration objectives derived from an application of the EPA Interim Construction Noise Guideline (ICNG), as reflected in conditions of approval;
- (e) prediction and assessment of potential noise, ground-borne noise (as relevant) and vibration levels from the proposed construction methods expected at sensitive receiver premises against the objectives identified in the ICNG and conditions of approval;
- (f) where objectives are predicted to be exceeded, an analysis of feasible and reasonable noise mitigation measures that can be implemented to reduce construction noise and vibration impacts;
- (g) description of management methods and procedures, and specific noise mitigation treatments/measures that can be implemented to control noise and vibration during construction;
- (h) where objectives cannot be met, additional measures including, but not necessarily limited to, the following must be considered and implemented where practicable; reduce hours of construction, the provision of respite from noise/vibration intensive activities, acoustic barriers/enclosures, alternative excavation methods or other negotiated outcomes with the affected community;
- (i) where night-time noise management levels cannot be satisfied, a report must be submitted to the Planning Secretary outlining the mitigation measures applied, the noise levels achieved and justification that the outcome is consistent with best practice;
- (j) measures to identify non-conformances with the requirements of the CNVMP, and procedures to implement corrective and preventative action;
- (k) suitable contractual arrangements to ensure that all site personnel, including sub-contractors, are required to adhere to the noise management provisions in the CNVMP;
- (l) procedures for notifying residents of construction activities that are likely to affect their noise and vibration amenity;
- (m) measures to monitor noise performance and respond to complaints;
- (n) measures to reduce noise related impacts associated with offsite vehicle movements on nearby access and egress routes from the site;
- (o) procedures to allow for regular professional acoustic input to construction activities and planning; and
- (p) effective site induction, and ongoing training and awareness measures for personnel (e.g. toolbox talks, meetings etc).

#### **AIR QUALITY MANAGEMENT SUB-PLAN**

- C26. Prior to the commencement of any works (including demolition), the Applicant must submit to the satisfaction of the Certifier an Air Quality Management Sub-Plan (AQMP) for the development. The Sub-Plan must include, as a minimum, the following elements:
- (a) be prepared by a suitably qualified and experienced expert in accordance with the EPA's Approved Methods for the Modelling and Assessment of Air Pollutants in NSW (the Approved Methods);
  - (b) relevant environmental criteria to be used in the day-to-day management of dust and volatile organic compounds (VOC/odour);
  - (c) mission statement;
  - (d) dust and VOCs/odour management strategies consisting of:
    - (i) objectives and targets;
    - (ii) risk assessment;
    - (iii) suppression improvement plan;
    - (iv) monitoring requirements including assigning responsibility (for all employees and contractors);
    - (v) communication strategy; and
    - (vi) system and performance review for continuous improvements.
- C27. The AQMP must detail management practices to be implemented for all dust and VOC/odour sources at the site. The AQMP must also detail the dust, odour, VOC and semi-volatile organic compounds (SVOC) monitoring program (eg. frequency, duration and method of monitoring) to be undertaken for the project.
- C28. The Applicant must also develop and implement an appropriate comprehensive Reactive Air Quality and Odour Management Plan which will incorporate an Ambient Air Monitoring Program and Reactive Management Strategy to ensure that the assessment criteria are met during the works.

#### **CONSTRUCTION WASTE MANAGEMENT SUB-PLAN**

- C29. Prior to the commencement of works (including demolition), the Applicant must submit to the satisfaction of the Certifier a Construction Waste Management Sub-Plan (CWMP) for the development. The Sub-Plan must include, as a minimum, the following elements:

- (a) require that all waste generated during the project is assessed, classified and managed in accordance with the EPA's "Waste Classification Guidelines Part 1: Classifying Waste";
- (b) demonstrate that an appropriate area will be provided for the storage of bins and recycling containers and all waste and recyclable material generated by the works;
- (c) procedures for minimising the movement of waste material around the site and double handling;
- (d) waste (including litter, debris or other matter) is not caused or permitted to enter any waterways;
- (e) any vehicle used to transport waste or excavation spoil from the site is covered before leaving the premises;
- (f) the wheels of any vehicle, trailer or mobilised plant leaving the site and cleaned of debris prior to leaving the premises;
- (g) details in relation to the transport of waste material around the site (on-site) and from the site, including (at a minimum):
  - a traffic plan showing transport routes within the site;
  - a commitment to retain waste transport details for the life of the project to demonstrate compliance with the *Protection of the Environment Operations Act 1997*; and
  - the name and address of each licensed facility that will receive waste from the site (if appropriate).

#### **CONSTRUCTION SOIL AND WATER MANAGEMENT PLAN SUB-PLAN**

- C30. Prior to the commencement of any works (including demolition), the Applicant must submit to the satisfaction of the Certifier a Construction Soil and Water Management Sub-Plan (CSWMSP) which must be prepared by a suitably qualified expert, in consultation with Council and address, but not be limited to the following:
- (a) describe all erosion and sediment controls to be implemented during construction
  - (b) provide a plan of how all construction works will be managed in a wet-weather event (i.e. storage of equipment, stabilisation of the Site)
  - (c) detail all off-Site flows from the Site
  - (d) describe the measures that must be implemented to manage stormwater and flood flows for small and large sized events, including, but not limited to 1 in 1-year ARI, 1 in 5-year ARI and 1 in 100-year ARI.
- C31. A copy of the CSWMSP must be kept on-site at all times and made available on request. Council's warning sign for soil and water management must be displayed on the most prominent point on the building site, visible to both the street and site workers. The sign shall be erected prior to commencement of works and shall be displayed throughout construction.
- C32. All management measures recommended and contained within the CSWMSP shall be implemented prior to commencement of any site works or activities. All controls in the plan shall be maintained at all times throughout the entire demolition, excavation and construction phases of the development and for a minimum three (3) month period after the completion of the project, where necessary. The plan is to be available to Council officers, on request.

#### **CONSTRUCTION PARKING**

- C33. Prior to the commencement of any works (including demolition), the Applicant must submit to the satisfaction of the Certifier evidence that sufficient off-street parking has been provided for heavy vehicles and for site personnel (where required), to ensure that construction traffic associated with the development does not utilise on-street parking or public parking facilities.

#### **BARRICADE PERMIT**

- C34. Where construction/building works require the use of a public place including a road or footpath, approval under section 138 of the *Roads Act 1993* for a Barricade Permit is to be obtained from the relevant authority prior to the commencement of work. Details of the barricade construction, area of enclosure and period of work are required to be submitted to the satisfaction of the relevant authority.

#### **HOARDING**

- C35. An application under section 138 of the *Roads Act 1993* is to be made to the relevant road authority to erect a hoarding and/or scaffolding in a public road (if required) and such application is to include:
- (a) architectural, construction and structural details of the design as well as any proposed artwork
  - (b) structural certification prepared and signed by an appropriately qualified practising structural engineer.

#### **SITE FENCING AND HOARDING**

- C36. A hoarding or fence shall be erected between the work site and the public place when the work involved in the erection or demolition of a building:
- (a) is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or

(b) building involves the enclosure of a public place.

C37. Where the development site adjoins a public thoroughfare, the common boundary between them must be fenced for its full length with a hoarding, unless, the least horizontal distance between the common boundary and the nearest part of the structure is greater than twice the height of the structure. The hoarding must be constructed of solid materials (chain wire or the like is not acceptable) to a height of not less than 1.8m adjacent to the thoroughfare.

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

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

C38. The overhead structure must consist of a horizontal platform of solid construction and vertical supports, and the platform must:

- (a) extend from the common boundary to 200mm from the edge of the carriageway for the full length of the boundary, and
- (b) have a clear height above the footpath of not less than 2.1m, and
- (c) terminate not less than 200mm from the edge of the carriageway (clearance to be left to prevent impact from passing vehicles) with a continuous solid upstand projecting not less than 0.5m above the platform surface, and
- (d) together with its supports, be designed for a uniformly distributed live load of not less than 7 kPa.

C39. The 'B' Class hoarding is to be lit by fluorescent lamps with anti-vandalism protection grids.

- (a) Any such hoarding, fence or awning is to be removed when the work has been completed. The Principal Contractor or owner builder must obtain a permit from Bayside Council and pay all fees and rent associated with the application and occupation and use of the road (footway) for required hoarding or overhead protection.

#### **OUTDOOR LIGHTING**

C40. Prior to commencement of any lighting installation, evidence must be submitted to the satisfaction of the Certifier that all outdoor lighting within the site has been designed to comply with AS 1158.3.1:2005 Lighting for roads and public spaces – Pedestrian area (Category P) lighting – Performance and design requirements and AS 4282-2019 Control of the obtrusive effects of outdoor lighting.

#### **PUBLIC LIABILITY INSURANCE**

C41. Prior to the commencement of any works on or below Council land, the Applicant must submit to the satisfaction of the Certifier evidence of Public Liability Insurance, with a minimum liability of \$10 million. A copy of the Insurance cover is to be provided to Council.

#### **REMEDIATION – UNEXPECTED FINDS PROTOCOL**

C42. Prior to the commencement of any works, the Applicant must submit to the satisfaction of the Certifier an Unexpected Finds Protocol which has been reviewed and endorsed by an EPA accredited site auditor. The protocol must outline contingency measures and the procedures to be followed in the event unexpected finds of contaminated material are encountered during works.

## PART D DURING CONSTRUCTION

### APPROVED PLANS TO BE ON-SITE

- D1. A copy of the approved and certified plans, specifications and documents incorporating conditions of approval and certification must be kept on the Site at all times and must be readily available for perusal by any officer of the Department, Council or the Certifier.

### SITE NOTICE

- D2. A site notice(s) must be erected in a prominent position on the site for the purposes of informing the public of project details including, but not limited to the details of the Builder, Certifier and Structural Engineer. The notice(s) is to satisfy all, but not be limited to, the following requirements:
- (a) state the name, address and telephone number of the principal certifier for the work
  - (b) state the name of the principal contractor (if any), its address and 24-hour contact phone number for any inquiries, including construction/noise complaints
  - (c) state the approved hours of work
  - (d) state that unauthorised entry to the work site is prohibited
  - (e) the minimum dimensions of the notice are to measure 841 mm x 594 mm (A1) with any text on the notice to be a minimum of 30-point type size
  - (f) the notice is to be durable and weatherproof and is to be displayed throughout the works period
  - (g) the notice(s) is to be mounted at eye level on the perimeter hoardings/fencing.

### HOURS OF CONSTRUCTION

- D3. Construction, including the delivery of materials or machinery to and from the site, may only be carried out between the following hours:
- (a) between 7am and 6pm, Mondays to Fridays inclusive; and
  - (b) between 7am and 3:30pm, Saturdays.
- D4. No work may be carried out on Sundays or public holidays.
- D5. Activities may be undertaken outside of these hours if required:
- (a) by the Police or a public authority for the delivery of vehicles, plant or materials; or
  - (b) in an emergency to avoid the loss of life, damage to property or to prevent environmental harm.
- D6. Notification of activities undertaken in the circumstances in **Condition D5** must be given to affected residents before undertaking the activities or as soon as is practical afterwards.
- D7. Rock breaking, rock hammering, sheet piling, pile driving and other excavation or construction work which exceeds the noise management level of 58 dBA may only be carried out between the following hours:
- (a) 9am to 12pm, Monday to Friday;
  - (b) 2pm to 5pm Monday to Friday; and
  - (c) 9am to 12pm, Saturday.

### INCIDENT NOTIFICATION, REPORTING AND RESPONSE

- D8. The Department must be notified in writing to [compliance@planning.nsw.gov.au](mailto:compliance@planning.nsw.gov.au) immediately after the Applicant becomes aware of an incident. The notification must identify the development (including the development application number and the name of the development if it has one), and set out the location and nature of the incident.
- D9. Subsequent notification must be given and reports submitted in accordance with the requirements set out in Appendix 1.

### NON-COMPLIANCE NOTIFICATION

- D10. The Department must be notified in writing to [compliance@planning.nsw.gov.au](mailto:compliance@planning.nsw.gov.au) within seven days after the Applicant becomes aware of any non-compliance. The Certifier must also notify the Department in writing to [compliance@planning.nsw.gov.au](mailto:compliance@planning.nsw.gov.au) within seven days after they identify any non-compliance.
- D11. The notification must identify the development and the application number for it, set out the condition of consent that the development is non-compliant with, the way in which it does not comply and the reasons for the non-compliance (if known) and what actions have been, or will be, undertaken to address the non-compliance.
- D12. A non-compliance which has been notified as an incident does not need to also be notified as a non-compliance.

## **SAFETY REQUIREMENTS**

- D13. To protect the safety of work personnel and the public, the work site must be adequately secured to prevent access by unauthorised personnel, and work must be conducted at all times in accordance with relevant SafeWork requirements.

## **IMPLEMENTATION OF MANAGEMENT PLANS**

- D14. The Applicant must ensure the requirements of the Construction Environmental Management Plan, Construction Pedestrian and Traffic Management Sub-Plan, Air Quality Management Sub-Plan, Construction Soil and Water Management Sub-Plan, Operational Waste Management Plan, Car Parking Loading and Servicing Management Plan, Stormwater Management Plan, Dewatering Management Plan required by Part C of this consent are implemented during construction.

## **CONSTRUCTION NOISE LIMITS**

- D15. The development must be constructed to achieve the construction noise management levels detailed in the Interim Construction Noise Guideline (DECC, 2009). All feasible and reasonable noise mitigation measures must be implemented and any activities that could exceed the construction noise management levels must be identified and managed in accordance with the management and mitigation measures identified in the approved CNVMP.
- D16. The Applicant must ensure construction vehicles (including concrete agitator trucks) do not arrive at the subject site or surrounding residential precincts outside of the construction hours of work outlined under this consent.
- D17. The Applicant must implement, where practicable and without compromising the safety of construction staff or members of the public, audible movement alarms of a type that would minimise noise impacts on surrounding noise sensitive receivers.
- D18. The Applicant must ensure that any work generating high noise impact (i.e. work exceeding a NML of LAeq 75dBA) as measured at any sensitive receiver is only undertaken in continuous blocks of no more than 3 hours, with at least a 1 hour respite between each block of work generating high noise impact, where the location of the work is likely to impact the same receivers. For the purposes of this condition 'continuous' includes any period during which there is less than 1 hour respite between ceasing and recommencing any of the work the subject of this condition.
- D19. Any noise generated during construction of the development must not be offensive noise within the meaning of the Protection of the Environment Operations Act 1997 or exceed approved noise limits for the site.

## **VIBRATION CRITERIA**

- D20. Vibration caused by demolition and construction at any residence or structure outside the Site must be limited to:
- (a) for structural damage, the latest version of DIN 4150-3 (1992-02) Structural vibration - Effects of vibration on structures (German Institute for Standardisation, 1999);
  - (b) for human exposure to vibration, the evaluation criteria set out in the *Environmental Noise Management Assessing Vibration: a Technical Guideline* (Department of Environment and Conservation, 2006) (as may be updated or replaced from time to time)
- D21. Vibratory compactors must not be used within 30 metres of residential or heritage buildings unless vibration monitoring confirms compliance with the vibration criteria specified above. These limits apply unless otherwise outlined in the project specific CNVMP required by this consent.

## **VIBRATION MONITORING**

- D22. Vibration monitoring equipment must be installed and maintained, under the supervision of a professional engineer registered with the National Engineering Register (NER) with expertise and experience in geotechnical engineering, between any potential source of vibration and any building identified by the professional engineer as being potentially at risk of movement or damage from settlement and/or vibration during the excavation and during the removal of any excavated material from the land being developed.
- D23. If vibration monitoring equipment detects any vibration at the level of the footings of any adjacent building exceeding the peak particle velocity adopted by the professional engineer as the maximum acceptable peak particle velocity an audible alarm must activate such that the principal contractor and any sub-contractor are easily alerted to the event. Where any such alarm triggers all excavation works must cease immediately.
- D24. Prior to the vibration monitoring equipment being reset by the professional engineer and any further work recommencing the event must be recorded and the cause of the event identified and documented by the professional Engineer.
- D25. Where the event requires, in the opinion of the professional engineer, any change in work practices to ensure that vibration at the level of the footings of any adjacent building does not exceed the peak particle velocity adopted by the professional engineer as the maximum acceptable peak particle velocity these changes in work practices must be documented and a written direction given by the professional engineer to the principal contractor and any sub-contractor clearly setting out required work practice.

- D26. A copy of any written direction required by this condition must be provided to the Principal Certifier within 24 hours of any event.
- D27. Where there is any movement in foundations such that damaged is occasioned to any adjoining building or such that there is any removal of support to supported land, the Engineer registered with the NER, Principal Contractor and any Sub-Contractor responsible for such work must immediately cease all work, inform the owner of that supported land and take immediate action under the direction of the Engineer registered with the NER to prevent any further damage and restore support to the supported land.

#### **AIR QUALITY**

- D28. The Applicant must take all reasonable steps to minimise dust generated during all works authorised by this consent. During construction, the Applicant must ensure that:
- (a) exposed surfaces and stockpiles are suppressed by regular watering;
  - (b) all trucks entering or leaving the site with loads have their loads covered;
  - (c) trucks associated with the development do not track dirt onto the public road network;
  - (d) public roads used by these trucks are kept clean; and
  - (e) land stabilisation works are carried out progressively on site to minimise exposed surfaces.

#### **SHORING AND ADEQUACY OF ADJOINING PROPERTY**

- D29. If the development involves an excavation that extends below the level of the base of the footings of a building, structure or work on adjoining land (including any structure or work within a road or rail corridor), the person having the benefit of the development consent must, at the person's own expense —
- (a) Protect and support the building, structure or work from possible damage from the excavation, and
  - (b) Where necessary, underpin the building, structure or work to prevent any such damage
- D30. **Condition D29** does not apply if the person having the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to this condition not applying.

#### **LANDSCAPING CONTRACTOR**

- D31. 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 as required by the development consent.

#### **TREE PROTECTION**

- D32. All Tree protection measures and the recommendations in the Tree Management Plan (**Condition B49**) Tree Transplantation Plan (**Condition B50**) shall be adhered to during construction.
- D33. All required tree protection measures shall be maintained in good condition in accordance with the relevant requirements of the applicable Australian Standards and any arborist's report approved under this consent. This includes maintaining adequate soil grades and ensuring all machinery, builders refuse, spoil and materials remain outside tree protection zones.
- D34.** The Applicant must ensure no street trees on public land are trimmed or removed unless it forms a part of this development consent or is required in an emergency to avoid the loss of life or damage to property.

#### **EROSION AND SEDIMENT CONTROL**

- D35. All erosion and sediment control measures must be effectively implemented and maintained at or above design capacity for the duration of the construction works and until such time as all ground disturbed by the works have been stabilised and rehabilitated so that it no longer acts as a source of sediment. Erosion and sediment control techniques, as a minimum, are to be in accordance with the publication Managing Urban Stormwater: *Soils & Construction* (4th edition, Landcom, 2004) commonly referred to as the 'Blue Book'.

#### **STOCKPILE MANAGEMENT**

- D36. The Applicant must ensure:
- a) stockpiles of material do not exceed 4 metres in height;
  - b) stockpiles of material are constructed and maintained to prevent cross contamination; and
  - c) suitable erosion and sediment controls are in place for stockpiles.
- D37. 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.

## CUT AND FILL

- D38. While building work is being carried out, the Certifier must be satisfied all soil removed from or imported to the Site is managed in accordance with the following requirements:
- (a) all excavated material removed from the site must be classified in accordance with the EPA's Waste Classification Guidelines before it is disposed of at an approved waste management facility and
  - (b) the classification and the volume of material removed must be reported to the Certifier.
- D39. All fill material imported to the site must be Virgin Excavated Natural Material as defined in Schedule 1 of the *Protection of the Environment Operations Act 1997* or a material identified as being subject to a resource recovery exemption by the EPA.

## DISPOSAL OF SEEPAGE AND STORMWATER

- D40. Any seepage or rainwater collected on-site during construction or groundwater must not be pumped to the street stormwater system unless separate prior approval is given in writing by the EPA in accordance with the *Protection of the Environment Operations Act 1997*.
- D41. Adequate provisions must be made to collect and discharge stormwater drainage during construction of the development. Prior written approval of Council must be obtained to connect or discharge site stormwater to Council's stormwater drainage system or street gutter.
- D42. A separate written approval from Council is required to be obtained in relation to any proposed discharge of groundwater into Council's drainage system external to the site, in accordance with the requirements of section 138 of the *Roads Act 1993*.

## WASTE MANAGEMENT

- D43. While building work, demolition or vegetation removal is being carried out, the principal certifier must be satisfied all waste management is undertaken in accordance with the approved Construction Waste Management Sub plan (CWMP) Approved under Condition C34.
- D44. Upon disposal of waste, the applicant is to compile and provide records of the disposal to the principal certifier, detailing the following:
- (a) The contact details of the person(s) who removed the waste.
  - (b) The waste carrier vehicle registration.
  - (c) The date and time of waste collection.
  - (d) A description of the waste (type of waste and estimated quantity) and whether the waste is expected to be reused, recycled or go to landfill.
  - (e) The address of the disposal location(s) where the waste was taken.
  - (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.

*Note: If waste has been removed from the site under an EPA Resource Recovery Order or Exemption, the applicant is to maintain all records in relation to that Order or Exemption and provide the records to the principal certifier and Council.*

## IDENTIFICATION AND REMOVAL OF HAZARDOUS MATERIALS

- D45. Any hazardous materials, including asbestos, must be identified before demolition work commences and be removed in a safe manner.
- D46. The Applicant must ensure that any asbestos or other hazardous materials encountered on site is monitored, handled, transported and disposed of by appropriately qualified and licensed contractors in accordance with the requirements of SafeWork NSW and relevant guidelines, including:
- (a) *Work Health and Safety Regulation 2017*;
  - (b) SafeWork NSW Code of Practice – How to Manage and Control Asbestos in the Workplace September 2016;
  - (c) SafeWork NSW Code of Practice – How to Safely Remove Asbestos September 2016; and
  - (d) *Protection of the Environment Operations (Waste) Regulation 2014*.

## CONSTRUCTION TRAFFIC

- D47. All construction vehicles are to be contained wholly within the Site, except if located in an approved on-street work zone, and vehicles must enter the Site before stopping.

## **ROAD OCCUPANCY LICENCE**

- D48. A Road Occupancy Licence must be obtained from the relevant transport authority for any works that impact on traffic flows during construction activities.

## **NO OBSTRUCTION OF PUBLIC WAY**

- D49. The public way must not be obstructed by any materials, vehicles, refuse skips or the like, under any circumstances. Non-compliance with this requirement may result in the issue of a notice by the Planning Secretary to stop all work on site.

## **DAMAGE TO THE PUBLIC WAY**

- D50. Any damage to the public way, including trees, footpaths, kerbs, gutters, road carriageway and the like, must immediately be made safe and functional by the Applicant.

## **CONTACT TELEPHONE NUMBER**

- D51. The Applicant must ensure that the 24-hour contact telephone number is continually attended by a person with authority over the works for the duration of the development.

## **LOADING AND UNLOADING DURING CONSTRUCTION**

- D52. The following requirements apply:
- (a) all loading and unloading associated with construction must be accommodated on site; and
  - (b) a Works Zone is required if loading and unloading is not possible on site. If a Works Zone is warranted an application must be made to the relevant road authority at least 8 weeks prior to commencement of works on the site. Consent for a Works Zone may be given for a specific period and certain hours of the days to meet the particular need for the site for such facilities at various stages of construction. The consent will be reviewed periodically for any adjustment necessitated by the progress of the construction activities.

## **COVERING OF LOADS**

- D53. All vehicles involved in the excavation and / or demolition process and departing from the site with materials, spoil or loose matter must have their loads fully covered before entering the public roadway.

## **VEHICLE CLEANSING**

- D54. Prior to the commencement of work, suitable measures are to be implemented to ensure that sediment and other materials are not tracked onto the roadway by vehicles leaving the Site. It is an offence to allow, permit or cause materials to pollute or be placed in a position from which they may pollute waters.

## **UNCOVERING RELICS OR ABORIGINAL OBJECTS**

- D55. All works must cease immediately if a relic, Aboriginal object or archaeological deposit is unexpectedly discovered. The Applicant must notify the Heritage Council of NSW in respect of a relic and notify the Planning Secretary and the Heritage Council of NSW in respect of an Aboriginal object. Building work may recommence at a time confirmed by either the Heritage Council of NSW (or delegate) or the Planning Secretary.

In this condition:

“relic” means any deposit, artefact, object or material evidence that:

- (a) *relates to the settlement of the area that comprises New South Wales, not being Aboriginal settlement, and*
- (b) *is of State or local heritage significance; and*

“Aboriginal object” means any deposit, object or material evidence (not being a handicraft made for sale) relating to the Aboriginal habitation of the area that comprises New South Wales, being habitation before or concurrent with (or both) the occupation of that area by persons of non-Aboriginal extraction and includes Aboriginal remains.

## **APPROVAL AND PERMITS UNDER ROADS ACT AND LOCAL GOVERNMENT ACT FOR WORK ACTIVITIES ON PUBLIC LAND**

- D56. 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:

- (a) Road, Footpath and Road Related Area Closure – To temporarily close any part of the road, footpath or car park to vehicle or pedestrian traffic. This permit is required to allow the applicant to close a road or part of, footpath or car park to vehicle or pedestrian traffic.

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

D57. 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.

#### **SITE MANAGEMENT - PRINCIPAL CERTIFIER INSPECTIONS**

D58. Upon inspection of each stage of construction, the Principal Certifier (or other suitably qualified person on behalf of the Principal Certifier) is also required to ensure that adequate provisions are made for the following measures (as applicable), to ensure compliance with the terms of this consent:

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

## **PART E PRIOR TO OCCUPATION OR COMMENCEMENT OF USE**

### **OCCUPATION CERTIFICATE**

- E1. The Applicant must obtain an Occupation Certificate from the Certifier prior to commencement of occupation or use of the whole or any part of a new building or, an altered portion of, an extension to an existing building.

### **WORKS-AS-EXECUTED PLANS AND ANY OTHER DOCUMENTARY EVIDENCE**

- E2. Prior to the issue of an Occupation Certificate, the Applicant must submit, to the satisfaction of the Certifier, works-as-executed plans, any compliance certificates and any other evidence from suitably qualified practitioners confirming the following completed works:
- (a) All CPTED measures in accordance with **Conditions B24**
  - (b) All sustainability measures in accordance with **Conditions B25 to B29**
  - (c) All acoustic requirements of **Condition B30** and **B31**
  - (d) All outdoor lighting in accordance with **Condition B34**
  - (e) All landscaping in accordance with **Condition B45** and **B46**
  - (f) All stormwater drainage systems and storage systems in accordance with **Conditions B52 to B57**
- E3. The Certifier must provide a copy of the plans to consent authority with the Occupation Certificate.

### **NOTIFICATION OF OCCUPATION**

- E4. The Department must be notified in writing at least one month prior to the proposed occupation of the development.
- E5. If the occupation or use of the development is to be staged, the Department must be notified in writing at least one month before the commencement of the occupation of each stage, of the date of commencement of the occupation of the relevant stage.

### **GFA AND BUILDING HEIGHT CERTIFICATION**

- E6. A Registered Surveyor is to certify that the development does not exceed the approved gross floor area and building height. Details must be provided to the Certifier demonstrating compliance with this condition prior to the issue of an Occupation Certificate.

### **EXTERNAL WALLS AND CLADDING FLAMMABILITY**

- E7. Prior to any Occupation Certificate being issued, evidence must be submitted to the Certifier demonstrating all external walls of the new building, including cladding, comply with the relevant requirements of the NCC, consistent with the requirements of this consent. The Applicant must provide a copy of the documentation to the Planning Secretary within seven days after the Certifier accepts it.

### **PROTECTION OF PUBLIC INFRASTRUCTURE**

- E8. Unless the Applicant and the applicable authority agree otherwise, the Applicant must:
- (a) repair/reconstruct, or pay the full costs associated with repairing/reconstructing, any public infrastructure that is damaged by carrying out the development
  - (b) relocate, or pay the full costs associated with relocating any infrastructure that needs to be relocated as a result of the development.
- Note:* infrastructure includes, but is not limited to, ramps, footpaths, kerb and gutter, light poles, kerb inlet pits, service provider pits, street trees or any other infrastructure in the street footpath area.

### **MECHANICAL VENTILATION**

- E9. Prior to occupation or commencement of use, the Applicant must provide evidence to the Certifier that the installation and performance of the mechanical ventilation systems complies with:
- a) the National Construction Code
  - b) Australian Standard AS1668 and other relevant codes
  - c) the development consent and any relevant modifications
  - d) any dispensation granted by the Fire and Rescue NSW.

### **OPERATIONAL WASTE MANAGEMENT PLAN**

- E10. Prior to the occupation or commencement of use, the Applicant must prepare an Operational Waste Management Plan for the development and submit it to the Certifier. The Operational Waste Management Plan must:
- (a) be prepared in consultation with Council
  - (b) confirm the location of waste collection and establish appropriate routes to the collection point
  - (c) provide confirmation of the engagement of a qualified private waste collection contractor
  - (d) detail the type and quantity of waste to be generated during operation of the development

- (e) describe the handling, storage and disposal of all waste streams generated on site, consistent with the *Protection of the Environment Operations Act 1997*, *Protection of the Environment Operations (Waste) Regulation 2014* and the Waste Classification Guideline (EPA)
- (f) detail the materials to be reused or recycled, either on or off site
- (g) include the Management and Mitigation Measures included in the EIS.

#### **WASTE AND RECYCLING COLLECTION**

- E11. Prior to the occupation or commencement of use, whichever is earlier, the building owner must ensure that there is a contract with a licensed contractor for the removal of all trade waste. No waste is to be placed on the public way eg. the roadways, footpaths, plazas, and reserves at any time.

#### **POST-CONSTRUCTION DILAPIDATION REPORT**

- E12. Before the issue of any Occupation Certificate, a suitably qualified engineer must prepare a post-construction dilapidation report, to the satisfaction of the Certifier, detailing whether:
- (a) after comparing the pre-construction dilapidation report to the post-construction dilapidation report required under this condition, there has been any structural damage to any adjoining buildings, infrastructure or roads; and
  - (b) where there has been structural damage to any adjoining buildings, infrastructure or roads, that it is a result of the building work approved under this development consent; and
  - (c) relevant authorities have confirmed that there is no adverse structural damage to their infrastructure and roads.
- E13. Before the issue of any Occupation Certificate, the Certifier is to provide a copy of the post-construction dilapidation report to the consent authority and to the relevant adjoining property owner(s).

#### **ROAD DAMAGE**

- E14. Prior to the occupation or commencement of the use, the cost of repairing any damage caused to Council or other public authority's assets in the vicinity of the site as a result of construction works associated with the approved development is to be paid in full by the Applicant.
- E15. Where Council's land / road reserve is damaged as a result of building work or vehicular building traffic, this area shall be restored by Bayside Council or the applicant, at the applicant's expense. Any damage not shown in the photographic survey submitted to Bayside Council before site works have commenced will be assumed to have been caused by the site works (unless evidence to prove otherwise). All damages as a result from site works shall be rectified at the applicant's expense to Bayside Council's satisfaction, prior to occupancy of the development and release of the damage deposit.
- E16. Council must advise in writing that the works have been completed to their satisfaction, prior to the issue of the final Occupation Certificate. Further, Bayside Council will use this report to determine whether to refund the Damage Deposit.

#### **FIRE SAFETY CERTIFICATION**

- E17. Prior to the issue of the any Occupation Certificate, a Fire Safety Certificate must be obtained for all the relevant Essential Fire or Other Safety Measures forming part of the development. A copy of the Fire Safety Certificate must be submitted to the relevant authority and Certifier and be prominently displayed in the building.

#### **STRUCTURAL INSPECTION CERTIFICATE**

- E18. Prior to the occupation or commencement of use of the relevant parts of any new or refurbished buildings, a Structural Inspection Certificate or a Compliance Certificate must be submitted to the Certifier. A copy of the Certificate with an electronic set of final drawings must be submitted to the Planning Secretary and the Council after:
- (a) the site has been periodically inspected and the Certifier is satisfied that the structural works is deemed to comply with the final design drawings; and
  - (b) the drawings listed on the Inspection Certificate have been checked with those listed on the final Design Certificate/s.

#### **WARM WATER SYSTEMS AND COOLING SYSTEMS**

- E19. The operation and maintenance of warm water systems and water cooling systems (as defined under the *Public Health Act 2010*) must comply with the *Public Health Act 2010*, *Public Health Regulation 2012* the NSW Health Code of Practice for the Control of Legionnaires' Disease and applicable Australian Standards.

#### **STORMWATER**

- E20. Prior to the issue of any Occupation Certificate, the Applicant must submit a copy of the stormwater drainage design plans approved with the Construction Certificate to the Certifier. The stormwater drainage design plans

must be prepared by a Practicing Professional Engineer experienced in the design of stormwater drainage systems.

- E21. Prior to the issue of any Occupation Certificate, the Applicant must submit to the satisfaction of the Certifier an Operation and Maintenance Plan (OMP) to ensure the proposed stormwater quality measures remain effective. The OMP must contain the following:
- (a) maintenance schedule of all stormwater quality treatment devices;
  - (b) record and reporting details;
  - (c) relevant contact information; and
  - (d) Work Health and Safety requirements.
- E22. Prior to the issue of any Occupation Certificate, a Civil Engineer must certify that the stormwater system has been constructed in accordance with the approved plans and as required by the Rockdale 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 dimensions and details of all site drainage aspects. The certification and works-as-executed plan(s) shall be supplied to the Principal Certifier and Bayside Council.
- E23. Prior to the issue of any Occupation Certificate, a Positive Covenant(s) pursuant to the Conveyancing Act 1919 are to be registered on the title of the lots on which the following systems are present:
- (a) Stormwater Detention System
  - (b) Stormwater Quality Improvement Device
  - (c) the groundwater treatment facility (if applicable)

The terms of the instruments to be in favour of Bayside Council and are to be submitted to Bayside Council for review and approval. An application must be lodged with, and approved by, Bayside Council prior to issue of the Occupation Certificate. Bayside Council must be provided with the relevant fees and all supporting information required (such as works-as-executed drainage plans and certification) prior to Bayside Council endorsing the Instrument. Bayside Council and the Principal Certifier are to be provided with proof of registration of the covenants prior to occupation.

#### **RAINWATER TANK - PLUMBING CERTIFICATION**

- E24. Prior to the issue of the Occupation Certificate, a registered plumber shall certify that the rainwater tanks have been connected to all lower ground level and upper ground level toilets & clothes washers, all car wash bays, and the entire landscape irrigation system for non-potable stormwater re-use.

#### **SYDNEY WATER COMPLIANCE**

- E25. Prior to the issue of any Occupation Certificate, the Applicant must submit to the satisfaction of the Certifier a Section 73 Compliance Certificate under the *Sydney Water Act 1994*, obtained from Sydney Water Corporation.

#### **UTILITY PROVIDERS**

- E26. Before the issue of any Occupation Certificate, the Applicant must ensure any adjustment or augmentation of any public utility services including gas, water, sewer, electricity, street lighting and telecommunications, required as a result of the development, is completed to the satisfaction of the relevant authority.
- E27. Before the issue of any Occupation Certificate, the Certifier must receive written confirmation from the relevant authority that the relevant services have been completed.
- E28. Prior to the issue of any Occupation Certificate all above ground utilities and services (including all overhead high and low voltage electricity cables plus all telecommunication cables) along the entire length of all frontages of the development site must be relocated underground. The existing Ausgrid lighting and power poles shall be decommissioned, and new underground supplied lighting poles shall be constructed along the entire frontage of the development site satisfying the relevant lighting requirements. The applicant is responsible for all relocation costs, including costs associated with other cabling such as telecommunications cables and the extent of works required in order to achieve this outcome may involve works beyond the frontage of the development site. The works must be completed and Ausgrid's approval for the works must be met to the satisfaction of Bayside Council.

#### **GREEN TRAVEL PLAN**

- E29. Prior to the issue of any Occupation Certificate, a detailed Green Travel Plan (GTP) prepared by a suitably qualified person, shall be prepared in consultation with Council and approved by TfNSW. A copy of the GTP is to be provided to the Certifier and Planning Secretary. The GTP must outline practical measures and initiatives to ensure that the approved development encourages greater use of sustainable modes of transport and:

- (a) detail the number and location of end of trip (EOT) facilities for staff and casual bicycle parking for retail and visitors, and what other resources will be available for cyclists (bike stand, pumps, tools and spare tubes for example)
- (b) provide a communication strategy and a Travel Access Guide (TAG) which includes:
  - i. a map of the site with access points, active transport paths, bike parking and EOT facilities
  - ii. recommended walking/cycling routes to key destinations nearby e.g. the airport, local shops
- (c) consider including real time information as part of the common area displays
- (d) include an Implementation Strategy that commits to specific management actions, including operational procedures to be implemented along with timeframes

## TRANSPORT ACCESS GUIDE

E30. The Applicant must prepare a Transport Access Guide (TAG) in consultation with TfNSW, implement and maintain by the operators of the premises and be made available to staff, guests, clients, customers and visitors at all times. The following information must be submitted to the Certifier prior to the issue of any Occupation Certificate for the site/use:

The TAG is to include (but not be limited to) the following:

- (a) Information regarding off-street car parking and passenger pick-up and set down areas at the development site;
- (b) Suitable drop-off/pick-up locations;
- (c) Identify areas where drop-off/pick-up is prohibited and instruct visitors to avoid use of these areas; and
- (d) Suitable nearby Taxi Zones.

## CAR PARKING, LOADING AND SERVICING MANAGEMENT PLAN

E31. Prior to the issue of any Occupation Certificate, the Applicant must submit to the satisfaction of the Certifier a detailed Car Parking, Loading and Servicing Management Plan prepared in consultation with Council and TfNSW. This Plan must ensure that any potential traffic and safety impacts associated with the car park and loading dock operation are mitigated. The Applicant must submit a copy of the final plan for TfNSW endorsement. The Plan needs to specify, but not be limited to, the following:

- (a) details of the development's loading and servicing profile, including the forecast loading and servicing traffic volumes by vehicle size, frequency, time of day and duration of stay;
- (b) details of measures to manage any potential traffic and safety impacts of the car parking and loading dock operation; and
- (c) details of how vehicles larger than a 6.4m SRV delivering to the site must be managed, **including management measures to mitigate any queueing impacts from the roller shutter into the main vehicle basement ramp.**

## PARKING FACILITY CERTIFICATION

E32. Prior to the issue of the Occupation Certificate, a Civil Engineer registered with the National Engineering Register (NER) shall certify that the vehicular access and off street parking facilities have been constructed in accordance with the approved construction plans, AS/NZS 2890.1, AS2890.2, AS2890.3 and AS/NZS 2890.6, line marked, all signage relating to car parking erected and that the car parking area is clearly and appropriately marked/signposted indicating all the vehicular movements on the site. The internal road network, pedestrian facilities, and parking facilities (including visitor parking and parking for persons with disabilities) shall be clearly designated, sign posted, and line marked prior to the issuing of an Occupation Certificate. Signage and line marking shall comply with AS1742 - Manual of Uniform Traffic Control Devices and NSW Road Transport (Safety and Traffic Management) Regulations.

E33. Furthermore, the below items shall be certified as being implemented within the completed development:

- (a) Wheel stops shall be installed in all car parking spaces adjoining high obstructions in accordance with AS/NZS 2890.1.
- (b) Bollards shall be erected for all accessible parking spaces designed in accordance with AS/NZS 2890.6.
- (c) Large convex mirrors are to be installed throughout the parking facility at all corners and bends to provide increased sight distance for vehicles. The design of the convex mirror(s) is to be ensure sight distances are maximised.

The certification must be submitted to the Certifier for approval.

## ERECTION OF SIGNAGE

E34. Prior to the issue of any Occupation Certificate, the following signage shall be erected:

- (a) Vehicles Enter & Exit in Forward Direction:

All vehicles shall enter and exit the site in a forward direction at all times. A plaque with minimum dimensions 300mm x 200mm shall be permanently fixed to a prominent place near the Eden Street vehicular entrance to the site, approved by the principal certifier, stating the following: "All vehicles shall enter and exit the site in a forward direction at all times".

- (b) Left turn from the Eden Street Access prohibited for vehicle over 9m

### **CAR SHARE SPACES**

- E35. The six (6) car share car parking spaces must be operated by a recognised commercial car share operator within the site. A contract for the operation of a car share space by the commercial car share provider must be entered into prior to issue of the Occupation Certificate and the maximum size of the car share vehicle shall be equal to, or smaller than, a B99 vehicle (as denoted by AS/NZS2890.1:2004). The car share space must be made available to car share operators without a fee or charge. The car share space must be appropriately line marked and signposted to indicate its usage to be exclusively as a car share space. The car share space must be adequately illuminated and be publicly accessible at all times. The car share space is to be fully operational, and the chosen car share scheme operator is to confirm its operation to the Principal Certifier and Bayside Council prior to the issue of any Occupation Certificate.

### **BICYCLE PARKING AND END-OF-TRIP FACILITIES**

- E36. Prior to the occupation or commencement of use, the Applicant must submit to the satisfaction of the Certifier evidence of compliance with the approved number of car, service vehicle, car wash bays and cycle parking spaces and facilities required under **Conditions B40, B41, B43 and B44** and the following requirements:
- (a) the layout, design and security of bicycle facilities must comply with the minimum requirements of the applicable Australian Standards, and be located in easy to access, well-lit areas that incorporate passive surveillance;
  - (b) appropriate pedestrian and cyclist advisory signs are to be provided; and
  - (c) all works/regulatory signposting associated with the proposed developments must be at no cost to the relevant road authority.

- E37. Prior to the operation or commencement of use, bicycle way-finding signage must be installed within the site to direct cyclists from footpaths to designated bicycle parking areas

### **EV FACILITIES AND INFRASTRUCTURE**

- E38. Prior to issue of any Occupation Certificate, evidence must be submitted to the satisfaction of the Certifier demonstrating that the Electric Vehicle charging facilities and EV ready infrastructure has been delivered in accordance with the EV masterplan required by **Condition B42**.

### **LANDSCAPE PRACTICAL COMPLETION REPORT**

- E39. Prior to the issue of any Occupation Certificate, the Applicant must submit to the satisfaction of the Certifier a Landscape Practical Completion Report prepared by the consultant responsible for the landscape design plan. The Report is to verify that
- (a) all landscape works have been carried out generally in accordance with the comprehensive landscape design plan and specifications that were required to be included in documentation for a Construction Certificate application and is to verify that an effective maintenance program has been commenced.
  - (b) the Green Roof has been installed and certified by a qualified Green Roof specialist. A maintenance schedule with ongoing maintenance tasks has been provided to the Strata Corporation/Owner.
  - (c) all public domain works have been carried out as per Frontage Works Brief prepared by Bayside Council. Newly planted street trees have been planted in a Pot size not less than 200 Litre. At time of inspection street trees have a minimum height of 3.5meters, calliper at 300mm greater than 60mm, with a clear trunk height of 1.5 meters.
  - (d) A fully automatic drip irrigation system has been installed in all landscaped areas. Irrigation system is working in a good manner in all landscaped areas, and irrigation maintenance tasks are included in the ongoing maintenance schedule submitted to Strata Corporation. The system has been installed, inspect, and certified by a qualified irrigation contractor.
  - (e) lighting is fully operating in all open spaces and in accordance with approved Lighting plans.

### **STREET NUMBERING**

- E40. Prior to the issue of any Occupation Certificate, the Applicant must provide to the Certifier evidence that street numbers are clearly displayed at the ground level frontage of the building. If new street numbers or a change to street numbers is required, a separate application must be made to the relevant authority.

## COMPLIANCE WITH BASIX CERTIFICATE

- E41. Prior to the issue of any Occupation Certificate, the Applicant must submit to the satisfaction of the Certifier evidence that all the commitments contained in the BASIX Certificate approved under this consent have been implemented.

## REGISTRATION OF EASEMENTS

- E42. Prior to the issue of any Occupation Certificate, the Applicant must provide to the Certifier evidence that all matters required to be registered on title including easements required by this consent, approvals, and other consents have been lodged for registration or registered at the NSW Land Registry Services.
- E43. An easement under section 88A and/or restriction or public positive covenant under section 88E of the Conveyancing Act 1919 naming Council as the prescribed authority, which can only be revoked, varied or modified with the consent of Council, and which provides for 24 hr / 7 days a week public access within and through the northern though site link and central public park must be registered on title prior to occupation or issue of subdivision certificate, whichever is earlier.

## AFFORDABLE HOUSING

- E44. A minimum of 180 dwellings within the approved development must be used for the purpose of affordable housing as defined by the State Environmental Planning Policy (Affordable Rental Housing) 2009 (ARH SEPP) and managed by a registered social housing provider as defined by the ARH SEPP. Details demonstrating compliance must be submitted to the Certifier prior to the issue of an Occupation Certificate.

## PRESERVATION OF SURVEY MARKS

- E45. Before the issue of an occupation certificate, a registered surveyor must submit documentation to the principal certifier which demonstrates that:
- (a) (a) no existing survey mark(s) have been removed, damaged, destroyed, obliterated or defaced, or
  - (b) (b) the applicant has re-established any survey mark(s) that were damaged, destroyed, obliterated or defaced in accordance with the Surveyor General's Direction No. 11 – Preservation of Survey Infrastructure.

## GEOTECHNICAL CERTIFICATION

- E46. Prior to the issue of any Occupation Certificate, a Geotechnical Engineer registered with the National Engineering Register (NER) shall certify that the construction works have been constructed in accordance with the approved construction geotechnical report/recommendations and include an evaluation of the completed works.

## CONSOLIDATION OF LOTS

- E47. All allotments involved in this proposal must be consolidated into one allotment. Details demonstrating compliance with the requirements of this condition and evidence of registration are to be submitted to the satisfaction of the Principal Certifier prior to the issue of an Occupation Certificate.

## TRAFFIC CONTROL AND PEDESTRIAN SAFETY

- E48. All required traffic control measures, pedestrian crossings, footpaths, shared path, signage and any other works in the road reserve approved by Council and/or TfNSW in accordance with **Conditions B19 to B22** and shall be installed to TfNSW and Council's satisfaction prior to issue of any occupation certificate.
- E49. The recommendations the Road Safety Audit (RSA) approved under **Condition B23**, including any pedestrian protection measures, shall be implemented and installed to TfNSW and Council's satisfaction prior to the issue of any occupation certificate.
- E50. All works within the road reserve, which are subject to approval pursuant to Section 138 of the Roads Act 1993, shall be completed to the satisfaction of the relevant approval authority being Bayside Council and/or TfNSW at the applicant's expense. Inspection reports for the works on the road reserve shall be obtained from Bayside Council's authorised officer where Council is the relevant approval authority and submitted to the Principal Certifier attesting that this condition has been appropriately satisfied prior to the issue of the Occupation Certificate.
- E51. A report shall be submitted in accordance with Bayside Council's Contributed Asset Procedure for all constructed assets in the ownership of Bayside Council. Works-As-Executed plans prepared by a registered surveyor and engineering certification shall be submitted prior to the issue of the Occupation Certificate.

## SURVEY CERTIFICATE

- E52. Before the issue of an occupation certificate, a registered surveyor must submit documentation to the principal certifier which demonstrates that:
- (a) no existing survey mark(s) have been removed, damaged, destroyed, obliterated or defaced, or
  - (b) the Applicant has re-established any survey mark(s) that were damaged, destroyed, obliterated or defaced in accordance with the Surveyor General's Direction No. 11 – Preservation of Survey Infrastructure.

## **PART F OCCUPATION AND ONGOING USE**

### **ANNUAL FIRE SAFETY STATEMENT**

- F1. The owner of the building shall certify to Council or the relevant authority every year that the essential services installed for the purposes of fire safety have been inspected and at the time of inspection are capable of operating to the required minimum standard. This purpose of this condition is to ensure that there is adequate safety of persons in the building in the event of fire and for the prevention of fire, the suppression of fire and the prevention of spread of fire.

### **FIRE SAFETY CERTIFICATION**

- F2. The development must operate in accordance with the Fire Safety Certificate obtained in accordance with **Condition E17** of this consent.

### **MAINTENANCE OF WASTEWATER AND STORMWATER TREATMENT DEVICE (IF APPLICABLE)**

- F3. The stormwater drainage system (including all pits, pipes, detention structures, treatment devices, 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. 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.

### **LANDSCAPING MAINTENANCE**

- F4. The landscaping shall be maintained for the life of the development. All soft landscape areas are to be maintained in accordance with the approved Maintenance Schedule provided as part of the landscape documentation. Where vegetation approved as part of this consent dies, it must be replaced with new landscaping that achieves a similar height and form to that approved under the landscape plan.
- F5. An experienced Landscape 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.
- F6. New street trees shall be maintained by the Applicant/Owner/Strata Corporation for a period of twelve (12) months after final inspection by Council. Maintenance includes twice weekly watering within the first 6 months then weekly thereafter, biannual feeding, weed removal round the base, mulch replenishment at 3 monthly intervals (to 75mm depth) and adjusting of stakes and ties; to sustain adequate growth and health. Maintenance does not include trimming or pruning of the trees under any circumstances.

### **PUBLIC ACCESS THROUGH THE SITE**

- F7. Public access across and through the central park and northern through site link shall be maintained 24 hours a day/ 7 days a week. No gates or fences restricting access through publicly accessible areas of the site are permitted.

### **STORAGE AND HANDLING OF WASTE**

- F8. All waste collection services must be undertaken in accordance with this consent including the operational waste management plan approved under **Condition E10**.
- F9. Waste must not be placed for collection in a public place e.g. footpaths, roadways and reserves under any circumstances.
- F10. Adequate provisions are to be made within the premises for the storage, collection and disposal of waste and recyclable materials, to the satisfaction of Council.
- F11. Trade/commercial waste materials must not be disposed via council's domestic garbage service. All trade/commercial waste materials must be collected by Council's Trade Waste Service or a waste contractor authorised by the Waste Service of New South Wales and details of the proposed waste collection and disposal service are to be submitted to the Council prior to commencing operation of the business.

### **LOADING/UNLOADING**

- F12. All loading and unloading operations associated with the site must be carried out:
- (a) between 7 am and 10pm, 7 days
  - (b) in accordance with the Car Parking, Loading and Service Management Plan approved under this consent;
  - (c) within the confines of the loading dock, at all times and must not obstruct other properties or the public way; and

- (d) in a manner so as not to cause inconvenience to the public or detrimentally impact the amenity of the locality

The service vehicle docks, car parking spaces and driveways must be kept clear of goods at all times and must not be used for storage purposes, including waste storage.

#### USE AND MANAGEMENT OF PARKING SPACES

- F13. The parking, servicing, cycle and car wash bay provision/allocation approved under **Conditions B40, B41, B43 and B44** must always be complied with.
- F14. The car spaces within the development are for the exclusive use of the occupants of the building. The car spaces must not be leased to any person/company that is not an occupant of the building.
- F15. Parking spaces must not be enclosed without further approval of Bayside Council.
- F16. All vehicles shall be parked in the marked parking bays. All parking bays on-site shall be set aside for parking purpose only and shall not be used for storage of goods or machinery.
- F17. The publicly accessible parking spaces for the retail component of the development shall be subject to time restrictions to prevent commuter parking, while providing a minimum of 1-hour free parking.
- F18. The car park must operate as a ticketless system.

#### USE OF COMMUNAL FACILITIES

- F19. The use of the communal facilities within each building is restricted to the residents of each building and their guests only.
- F20. The use of the communal open space above the podium adjacent to the southern boundary shall be restricted to between 7am and 10 pm Monday to Sunday to protect the amenity of neighbouring properties to the south.

#### ENVIRONMENTAL AMENITY AND ENVIRONMENTAL HEALTH

- F21. External lighting to the premises must be designed and located to minimise light-spill beyond the property boundary or cause a public nuisance. Notwithstanding this consent, should any outdoor lighting result in any residual impacts on the amenity of surrounding sensitive receivers, the Applicant must provide mitigation measures in consultation with affected landowners to reduce the impacts to an acceptable level.
- F22. The use and operation of the premises must not give rise to an environmental health or public nuisance.
- F23. There are to be no emissions or discharges from the premises which give rise to a public nuisance or result in an offence under the *Protection of the Environment Operations Act 1997* and Regulations.

#### NOISE CONTROL – MECHANICAL PLANT AND EQUIPMENT

- F24. The operation of plant and equipment shall not give rise to an 'offensive noise' as defined in the *Protection of the Environment Operations Act 1997* and Regulations.

#### OPERATION OF PLANT AND EQUIPMENT

- F25. All plant and equipment used in the development, or used to monitor the performance of the development must be:
- (a) maintained in a proper and efficient condition; and
  - (b) operated in a proper and efficient manner.

#### ECOLOGICALLY SUSTAINABLE DEVELOPMENT

- F26. Unless otherwise agreed by the Planning Secretary, within twelve months of commencement of operation, NatHERS certification must be obtained demonstrating the development, operating in accordance with this consent achieves a minimum average 7-Star rating and that each apartment achieves a minimum 5-Star rating. Evidence of the certification must be provided to the Certifier and the Planning Secretary.

#### BUNDING

- F27. The Applicant shall store all chemicals, fuels and oils used on-site in appropriately banded areas in accordance with the requirements of all relevant Australian Standards, EPL requirements and/or EPA's *Storing and Handling Liquids: Environmental Protection – Participants Handbook*.

#### GREEN TRAVEL PLAN

- F28. The Green Travel Plan (GTP) required by **Condition E29** must be reviewed and updated annually in consultation with TfNSW and provided to Bayside Council for information. The GTP (as reviewed and updated annually) must be implemented by the Applicant for the life of the development.

#### TRANSPORT ACCESS GUIDE

- F29. The TAG required by **Condition E30** must be displayed in all common areas throughout each building for residents. The TAG must be updated annually to reflect changes in services and the environment.

## OUTDOOR LIGHTING

F30. All new outdoor lighting shall operate in compliance with AS 1158.3.1-2005 *Pedestrian Area (Category P) Lighting* and AS 4282: 1997 *Control of the Obtrusive Effects of Outdoor Lighting*.

## CRIME PREVENTION

F31. All CPTED measures required by **Conditions B24, B24** and **E2(a)** shall be maintained for the life of the development

## ANTI-GRAFFITI

F32. Where possible all ground level surfaces are to be treated with anti-graffiti coating to minimise the potential of defacement. In addition, any graffiti evident on the exterior facades and visible from a public place is to be removed within 48 hours.

## ADVISORY NOTES

### APPEALS

- AN1. The Applicant has the right to appeal to the NSW Land and Environment Court in the manner set out in the EP&A Act and the EP&A Regulation.

### OTHER APPROVALS AND PERMITS

- AN2. The Applicant must apply to the relevant authority for all necessary permits required to carry out the works authorised (and comply with) this consent, including but not limited to crane permits, road opening permits, hoarding or scaffolding permits, footpath occupation permits and/or any other approvals under section 68 (Approvals) of the *Local Government Act 1993* or section 138 of the *Roads Act 1993*.

### RESPONSIBILITY FOR OTHER CONSENTS / AGREEMENTS

- AN3. The Applicant is solely responsible for ensuring that all additional consents and agreements are obtained from other authorities, as relevant.

### TEMPORARY STRUCTURES

- AN4. An approval under State Environmental Planning Policy (Miscellaneous Consent Provisions) 2007 must be obtained from the Authority for the erection of the temporary structures. The application must be supported by a report detailing compliance with the provisions of the NCC.
- AN5. Structural certification from an appropriately qualified practicing structural engineer must be submitted to the Authority with the application under State Environmental Planning Policy (Miscellaneous Consent Provisions) 2007 to certify the structural adequacy of the design of the temporary structures.

### DISABILITY DISCRIMINATION ACT

- AN6. This application has been assessed in accordance with the EP&A Act. No guarantee is given that the proposal complies with the *Disability Discrimination Act 1992*. The Applicant/owner is responsible to ensure compliance with this and other anti-discrimination legislation.
- AN7. The *Disability Discrimination Act 1992* covers disabilities not catered for in the minimum standards called up in the NCC which references AS 1428.1 - *Design for Access and Mobility*. AS1428 Parts 2, 3 & 4 provides the most comprehensive technical guidance under the *Disability Discrimination Act 1992* currently available in Australia.

### COMMONWEALTH ENVIRONMENT PROTECTION AND BIODIVERSITY CONSERVATION ACT 1999

- AN8. The Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) provides that a person must not take an action which has, will have, or is likely to have a significant impact on a matter of national environmental significance (NES) matter; or Commonwealth land, without an approval from the Commonwealth Environment Minister.
- AN9. This application has been assessed in accordance with the EP&A Act. The determination of this assessment has not involved any assessment of the application of the Commonwealth legislation. It is the Applicant's responsibility to consult the Department of Agriculture, Water and Environment to determine the need or otherwise for Commonwealth approval and you should not construe this grant of approval as notification to you that the EPBC Act does not have application. The EPBC Act may have application and you should obtain advice about this matter. There are severe penalties for non-compliance with the Commonwealth legislation.

### BUILDING PLAN APPROVAL

- AN10. You must have your building plans stamped and approved before any construction is commenced. Approval is needed because construction/building works can affect Sydney Water's assets (e.g. 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).

## APPENDIX 1 INCIDENT NOTIFICATION AND REPORTING REQUIREMENTS

### WRITTEN INCIDENT NOTIFICATION REQUIREMENTS

1. A written incident notification addressing the requirements set out below must be emailed to the Department at the following address: [compliance@planning.nsw.gov.au](mailto:compliance@planning.nsw.gov.au) within seven days after the Applicant becomes aware of an incident. Notification is required to be given under this condition even if the Applicant fails to give the notification required under this consent or; having given such notification, subsequently forms the view that an incident has not occurred.
2. Written notification of an incident must:
  - (a) identify the development and application number;
  - (b) provide details of the incident (date, time, location, a brief description of what occurred and why it is classified as an incident);
  - (c) identify how the incident was detected;
  - (d) identify when the Applicant became aware of the incident;
  - (e) identify any actual or potential non-compliance with conditions of consent;
  - (f) describe what immediate steps were taken in relation to the incident;
  - (g) identify further action(s) that will be taken in relation to the incident; and
  - (h) identify a contact person for further communication regarding the incident.
3. Within 30 days of the date on which the incident occurred or as otherwise agreed to by the Planning Secretary, the Applicant must provide the Planning Secretary and any relevant public authorities (as determined by the Planning Secretary) with a detailed report on the incident addressing all requirements below, and such further reports as may be requested.
4. The Incident Report must include:
  - (a) a summary of the incident;
  - (b) outcomes of an incident investigation, including identification of the cause of the incident;
  - (c) details of the corrective and preventative actions that have been, or will be, implemented to address the incident and prevent recurrence; and
  - (d) details of any communication with other stakeholders regarding the incident.