

CONSOLIDATED CONSENT

SSD-72393459

SUMMARY OF MODIFICATIONS

Application Number	Determination Date	Decider	Modification Description
SSD-72393459-Mod-1	10 April 2026	Team Leader	Amendments to conditions regarding construction staging

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.

Development Consent

Section 4.38 of the Environmental Planning and Assessment Act 1979

As the Minister for Planning and Public Spaces, I grant consent to the Development Application referred to in Schedule 1, subject to the conditions specified in Schedule 2.

The conditions imposed under this consent 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 Paul Scully MP
Minster for Planning and Public Spaces

Sydney

File: SSD 72393459

SCHEDULE 1

Application Number:	SSD 72393459
Application lodged by:	NSW Land and Housing Corporation
Consent Authority:	Minister for Planning and Public Spaces
Site:	792-794 Botany Road and 33-37 Henry Kendall Crescent, Mascot and Lots A, B, C, D and E of DP 36472
Development:	Demolition of existing structures, tree removal, earthworks and the construction and operation of a 3-8 storey residential development comprising: • 126 affordable residential apartments comprising 88 social and 38 affordable housing units; • an at grade car park with 57 car parks (including 4 accessible), bicycle parking spaces, building services and loading dock facilities; • landscaping, tree planting and public domain works; and

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- extension and augmentation of services and infrastructure as required.

Date on which consent lapses:

being 5 years from the date this consent operates in accordance with 4.53 of the EP&A Act.

Right of Appeal

Section 8.7 of the EP&A 1979 provides a right to appeal this decision to the Land and Environment Court, and Section 8.2 provides a right to request a review of this determination, within the timeframe set out in Section 8.10 of that Act. There is no right of appeal against a decision of the Independent Planning Commission as consent authority in relation to the carrying out of any development that is made after a public hearing by the Commission into the carrying out of that development.

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DEFINITIONS

Interpretation:

References in the conditions of this consent to any guideline, protocol, or policy are to such documents in the form they are in as at the date of this consent.

Definitions:

Unless otherwise defined in the following definitions table, words and expressions that occur in this development consent have the same meanings as they have in the EP&A Act and EP&A Regulations.

Advisory Notes	Advisory information relating to the consent but do not form a part of this consent
Applicant	The person having the benefit of this consent, or who is carrying out the Development.
Australian Standard (AS)	Australian Standard published by Standards Australia Limited and means the standard which applies at the time the relevant work or action is undertaken.
AHD	Australian Height Datum
Affordable housing	Means housing for very low income households, low income households or moderate income households, as defined in Sec 1.4 of the EP&A Act and Clause 13 of the SEPP (Housing) 2021.
Certifier	A council or person registered as a registered certifier under the <i>Building and Development Certifiers Act 2018</i> , or in the case of Crown development, a person qualified to conduct a Certification of Crown Building work
Certification of Crown Building Work	Certification under Section 6.28 of the EP&A Act
Consultation	When capitalised, means undertaking a consultation process with a party under which the Applicant: (a) consults with the relevant party prior to submitting the subject document to the Secretary for information or approval; and (b) provides 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.
Council	Bayside Council
Department	NSW Department of Planning, Housing and Infrastructure.
Development	Where capitalised, means the Development approved pursuant to this consent.
EIS	The Environmental Impact Statement titled Botany Road, Mascot, Affordable Housing, prepared by FDP Planning, dated 23 October 2024 and all accompanying appendices submitted with the application for consent for the Development, including any additional information provided by the Applicant in support of the application.
EPA	NSW Environment Protection Authority.
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i> .
EP&A Regulations	<i>Environmental Planning and Assessment Regulation 2021</i> and where relevant, other regulations made under the EP&A Act.
Fire Safety Certificate	Has the same meaning as in the <i>Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021</i> .
Incident	An occurrence or set of circumstances that causes or threatens to cause Material Harm to the environment, and as a consequence of that harm, may cause harm to the health and safety of human beings, and which may or may not be or cause a non-compliance.
Material Harm	Is harm (excluding harm to which Work Health and Safety reporting requirements apply) that: - involves actual harm to the environment that may include (but not be limited to) a leak, spill, emission other escape or deposit of a substance, and as a consequence of that environmental harm (pollution), may cause harm to the health or safety of people; or - results in actual 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).
Minister	The NSW Minister with administrative responsibility for administering the EP&A Act, (or delegate), being at the time of grant of this consent, the Minister for Planning and Public Spaces.
NCC	National Construction Code means the current standard which applies at the time the relevant work is undertaken, published by the Australian Building Codes Board.

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Planning Secretary	The Planning Secretary under the EP&A Act (or delegate).
Prescribed Conditions	The conditions prescribed by the EP&A Regulation (Part 4, Division 2) to which the development consent is subject under s 4.17(11) of the EP&A Act.
Professional Engineer	A Professional Engineer as defined in the <i>Practice Standard for Professional Engineers Requirements for Professional Engineers registered under the Design and Building Practitioners Act 2020</i> .
Registered Surveyor	A person who is registered with the Board of Surveying and Spatial Information.
Report	When capitalised, means a written report including all required information and details set out in the relevant condition, prepared by a Professional Engineer, consultant, or other expert, and where the condition specifies the type of professional, consultant or other expert, means a suitably qualified professional, consultant or other expert specified.
Sensitive Receiver	Residence, education institution (e.g. school, university, TAFE college), health care facility (e.g. nursing home, hospital), religious facility (e.g. church), children's day care facility, or other similar uses which may be more sensitive to environmental impacts.
Social housing	Means residential premises under a social housing tenancy agreement as defined in the <i>Residential Tenancies Act 2010</i> .

SCHEDULE 2
PART A GENERAL CONDITIONS

ADMINISTRATIVE CONDITIONS

TERMS OF CONSENT

A1. The Development must be carried out:

- (a) in compliance with the conditions of this consent;
- (b) in accordance with the EIS, the Applicant's response to submissions, and the Applicant's response to requests for further information; and
- (c) in accordance with the approved plans in the table below, as modified by the conditions of this consent:

Architectural drawings prepared by SJB Architects			
Drawing Number	Rev	Name of Plan	Date
DA-0101	A	Site plan (Roof)	10.10.2024
DA-0201	A	Existing Plan	10.10.2024
DA-0251	A	Demolition Plan	10.10.2024
DA-1001	A	Floor Plan – Ground	10.10.2024
DA-1002	A	Floor Plan – Level 1	10.10.2024
DA-1003	A	Floor Plan – Level 2	10.10.2024
DA-1004	A	Floor Plan – Level 3	10.10.2024
DA-1005	A	Floor Plan – Level 4	10.10.2024
DA-1006	A	Floor Plan – Level 5	10.10.2024
DA-1007	A	Floor Plan – Level 6	10.10.2024
DA-1008	A	Floor Plan – Level 7	10.10.2024
DA-1009	A	Floor Plan – Roof	10.10.2024
DA-1401	A	Elevation – North	10.10.2024
DA-1402	A	Elevation – South	10.10.2024
DA-1403	A	Elevation – East	10.10.2024
DA-1404	A	Elevation – West	10.10.2024
DA-1502	A	Building Section B	10.10.2024
DA-1503	A	Building Section C	10.10.2024
DA-1504	A	Building Section D	10.10.2024
DA-1505	A	Building Section E	10.10.2024
DA-1506	A	Building Section F	10.10.2024

DA-1507	A	Building Section G	10.10.2024
DA-2501	A	Photomontage	10.10.2024
DA-2502	A	Photomontage	10.10.2024
DA-2503	A	Photomontage	10.10.2024
DA-2511	A	External material and finishes	10.10.2024
DA-4201	A	Apartment types – Schedule	10.10.2024
DA-4311	A	Adaptable Apartment Types – 1 Bed – Sheet 01	10.10.2024
DA-4321	A	Adaptable Apartment Types – 2 Bed – Sheet 02	10.10.2024
DA-6001	A	Solar Compliance – Sheet 1	10.10.2024
DA-6010	A	Cross Ventilation – Sheet 1	10.10.2024
DA-6061	A	Deep Soil Zone	10.10.2024
DA-6062.1	A	Communal Open Space	10.10.2024
DA-6062.2	A	Communal Open Space – Solar	10.10.2024
DA-6063	A	Landscape Zone	10.10.2024
DA-6122	6	GFA Plans	04.10.2024
Landscape Plans prepared by Land and Form			
LD-DA000	1	Cover Sheet	10.10.2024
LD-DA001	1	Planting Schedule & Legends	10.10.2024
LD-DA002	1	Compliance Diagrams	10.10.2024
LD-DA100	1	Floor Plan – Ground and Public Domain	10.10.2024
LD-DA101	1	Floor Plan – Level 01	10.10.2024
LD-DA102	1	Floor Plan – Level 02 & Level 04	10.10.2024
LD-DA200	1	Planting Plan – Ground and Public Domain	10.10.2024
LD-DA201	1	Planting Plan – Level 01	10.10.2024
LD-DA-202	1	Planting Plan – Level 02 & Level 04	10.10.2024
LD-DA400	1	Section – Communal Open Space	10.10.2024
LD-DA401	1	Section – Botany Road and Henry Kendall Entry D Frontage	10.10.2024
LD-DA900	1	Typical Details & Outline Specification & Maintenance	10.10.2024

Water management plans prepared by Mott Macdonald			
C-0001	P3	Cover Sheet, Drawing List and Locality Plan	14.10.2024
C-0002	P3	General Notes	14.10.2024
C-0011	P3	Erosion and Sediment Control Plan	14.10.2024
C-0015	P3	Erosion and Sediment Control Details	14.10.2024
C-0051	P3	Ground Floor Drainage Plan	14.10.2024
C-0061	P3	Level 01 Drainage Plan	14.10.2024
C-0331	P3	On-Site Detention Section and Details	14.10.2024
C-0341	P3	Stormwater Drainage Details	14.10.2024
C-0511	P3	Water Quantity Catchment Plan	14.10.2024
C-0512	P3	Water Quality Catchment Plan	14.10.2024

- A2. To the extent of any inconsistency:
- (a) the more recent document in Condition A1(b) prevails over an earlier document in that section; and
 - (b) the conditions of consent prevail over a document listed in Condition A1 (c).
- A3. 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 that employees, contractors (and their sub-contractors) carry out in respect of the Development.

INCIDENT NOTIFICATION, REPORTING AND RESPONSE

- A4. The Applicant must notify the Department within 24 hours of becoming aware of an Incident. The notification must be made via the NSW planning portal (Major Projects) and address details of the Incident including:
- (a) date, time and location;
 - (b) a brief description of what occurred and why it has been classified as an Incident;
 - (c) a description of what immediate steps were taken in relation to the Incident; and
 - (d) identifying a contact person for further communication regarding the Incident.
- A5. The Applicant must provide the Department with a subsequent Incident report in accordance with **Appendix 1** (Incident Notification and Reporting Requirements).

NON-COMPLIANCE NOTIFICATION

- A6. Within seven days of becoming aware of a non-compliance, the Applicant must notify the Department of the non-compliance. The notification must be in writing and must be submitted via the NSW planning portal (Major Projects). The notification must identify the development (including the development application number and name), set out the condition of this consent that the development is non-compliant with, why it does not comply, the reasons for the non-compliance (if known), and what actions have been undertaken, or will be undertaken, and when, to address the non-compliance.

Note: A non-compliance which has been notified as an Incident does not need to also be notified as a non-compliance

INFRASTRUCTURE CONTRIBUTIONS

DEVELOPER CONTRIBUTIONS

- A7. Prior to the issue of the first Construction Certificate, the Applicant must provide written evidence to the Certifier that a monetary contribution pursuant to the provisions of Bayside Council's Former City of Botany Bay s7.11 Development Contributions Plan 2016 (Amendment 1) has been paid to Council. Council must be contacted for

calculation of required contributions. Contributions will only be charged for the 38 affordable housing units and exclude all 88 social housing units provided with the development.

AGENCY CONDITIONS

AIRSPACE PROTECTION

- A8. For the purposes of controlled activities within the prescribed airspace for Sydney Airport under the Commonwealth *Airports Act 1996*, the Development must not exceed a maximum height of RL 51 metres Australian Height Datum, during and after construction, inclusive of all construction cranes, lift over-runs, vents, chimneys, aerials, antennas, lightning rods, any roof top garden plantings, exhaust flues etc.
- A9. The Applicant must advise Airservices Australia at least three business days prior to any controlled activity commencing by emailing ifp@airservicesaustralia.com.
- A10. At the completion of the construction of the building, a certified surveyor is to notify (in writing) Sydney Airport Corporation Limited of the finished height of the building.

STAGING OF CROWN BUILDING WORKS CERTIFICATE

- A11. The Development may be constructed in stages, as outlined in modification application SSD-72393459-MOD-1:
- (a) Stage 1 – Demolition
 - (b) Stage 2 – Bulk Excavation / Early Works
 - (c) Stage 3 – Structure & In-Ground Services Works
 - (d) Stage 4 – Above Ground Works
 - (e) Stage 5 – Fit-out & Services
 - (f) Stage 6 – External Works / Landscaping / Public Domain

PART B PRIOR TO COMMENCEMENT OF WORKS/PRIOR TO ISSUE OF A CROWN BUILDINGS WORK CERTIFICATE

Note: Any reference to a Crown Building Works certificate throughout this consent is to be taken to also be a reference to a Construction Certificate and vice versa

NOTIFICATIONS AND COMMENCEMENT OF WORKS

NOTIFICATION OF COMMENCEMENT

- B1. The Department must be notified in writing of the dates of commencement of physical work and operation at least 48 hours before those dates.
- B2. 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.

COMPLAINTS AND ENQUIRIES PROCEDURE

- B3. Prior to the commencement of construction works, or as otherwise agreed by the Planning Secretary, the following must be made available for community enquiries and complaints for the duration of construction:
- (a) a toll-free 24-hour telephone number(s) on which complaints and enquiries about the carrying out of any works may be registered;
 - (b) an email address to which electronic complaints and enquiries may be transmitted.

ACCESS TO INFORMATION

- B4. 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 A1** 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; and
 - (x) any other matter required by the Planning Secretary;
 - (b) keep such information up to date, to the satisfaction of the Planning Secretary.
 - (c) address any other matter relating to compliance with the terms of this consent or requested by the Planning Secretary.

LONG SERVICE LEVY

- B5. Prior to the issue of the first Crown Building works 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>.

SECURITY DEPOSITS

- B6. Prior to the issue of the relevant Construction Certificate, the Applicant must submit to the satisfaction of the Certifier details confirming payment of a Builders Damage Deposit of \$61,692, for security, to the relevant authority.

UTILITIES AND SERVICES

- B7. Prior to the commencement of works, written advice must be obtained from the electricity supply authority, Sydney Water, an approved telecommunications carrier and an approved gas carrier (where relevant) stating that satisfactory arrangements have been made to ensure protection of existing services, including protection of Ausgrid underground and overhead cables, existing Ausgrid poles and the future provision of adequate services for the development.

DIAL BEFORE YOU DIG SERVICE

- B8. Prior to the commencement of any excavation on or near the site, the Applicant must submit to the Certifier written confirmation from NSW Dial Before You Dig Service that the proposed excavation will not conflict with any underground utility services.

DEMOLITION

- B9. Before the commencement of demolition works, the Applicant must submit to the Certifier a statement of compliance with *Australian Standard AS 2601-2001 The demolition of structures* (Standards Australia, 2001) and any work plans required by AS 2601-2001, accompanied by a written statement from a suitably qualified person work plans complies with the safety requirements of the Australian Standard.

SYDNEY WATER ASSETS

- B10. Prior to the issue of the first **Construction Certificate for the Stage 2 – Bulk Excavation / Early Works**, the plans approved under this consent must be submitted to the Sydney Water Tap in™ online service, to determine whether the Development, including any proposed tree planting, 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.sydneypwater.com.au/SW/plumbing-building-developing/building/sydney-water-tap-in/index.htm>

PRE-CONSTRUCTION REQUIREMENTS

DESIGN AMENDMENTS

- B11. Prior to the issue of the first Crown Building works certificate **for the Stage 4 – Above Ground Works**, the Applicant must submit revised plans to the Certifier for approval detailing that the eastern-most windows, in apartments D1.06A and D2.06A, are to be of translucent or obscured glass to a height of 1.6m above finished floor level. Alternatively, privacy screening can be provided with fixed louvres that prevent any overlooking or direct line of sight to neighbouring windows or private open space.

CROWN BUILDING WORK

- B12. Crown building work cannot be commenced unless the relevant Crown Building work is certified by or on behalf of the Crown to comply with the technical provisions of the State's building laws in force as at:
- (a) the date of the invitation for tenders to carry out Crown building work; or
 - (b) in the absence of tenders, the date on which the Crown building work commences.

GROSS FLOOR AREA (GFA)

- B13. The GFA must not exceed **10,130m²**. Details confirming compliance must be submitted to the Certifying Authority prior to the issue of the first Crown Building Works Certificate for above ground works.

MAXIMUM HEIGHT

- B14. The maximum height of the approved buildings must be in accordance with the approved development application and not exceed the below table including plant and lift overruns, but excluding communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, and flues. Details confirming compliance must be submitted to the Certifier prior to the issue of the first Crown Building Works Certificate for above ground works.

Aspect	Height
Building A, B and C	Maximum building height RL 38.20 to the top of the mechanical plant
Building D	Maximum building height of RL 21.60 to the top of the mechanical plant

SITE STABILITY - DEMOLITION

B15A. Prior to the issue of the first Crown Building works certificate for the Stage 1 – Demolition works, the Applicant must submit to the Certifier a Report from a Professional Engineer, which includes the following:

- (a) **details to demonstrate that the proposed methods of support and demolition 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 demolition works and any associated vibration.**

SITE STABILITY

- B15. Prior to the issue of the first Crown Building works certificate, the Applicant must submit to the Certifier **for the Stage 2 – Bulk Excavation / Early Works** a Report from a Professional Engineer, which includes the following:
- (a) geotechnical details which confirm the suitability and stability of the site for the Development;

- (b) design and construction requirements to be implemented to ensure the stability and adequacy of the Development and adjacent land;
- (c) details of the proposed methods of excavation and support for the adjoining land (including any public place) and buildings;
- (d) 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;
- (e) details of how adequate support will be provided for the adjoining land and buildings located upon the adjoining land at all times throughout building work; and
- (f) 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).

EXTERNAL WALLS AND CLADDING

- B16. The external walls of the building, including finishes and claddings such as synthetic or aluminium composite panels, must comply with the relevant requirements of the NCC.
- B17. The external colours, materials and finishes of the buildings must be consistent with the approved plans referenced in **Condition A1**. Any minor changes to the material, colour and finish of approved external materials may be approved by the Certifier provided:
- (a) the alternative colour/material is of a similar tone/shade and finish to the approved external colours/building materials;
 - (b) the quality and durability of any alternative material is the same standard as the approved external building materials; and
 - (c) a copy of the documentation given to the Certifier is provided to the Planning Secretary within seven days after the Certifier accepts it.

STRUCTURAL DETAILS

- B18. Prior to the issue of the first Crown Building works certificate, the Applicant must submit to the Certifier **for the Stage 2 – Bulk Excavation /Early Works** detailed structural drawings and a Report demonstrating that structural drawings comply with:
- (a) relevant clauses of the NCC; and
 - (b) this development consent.

TFNSW PRIOR TO CONSTRUCTION REQUIREMENTS

- B19. Redundant driveways on Botany Road shall be removed and replaced with kerb and gutter to match existing. The design and construction of the kerb and gutter and associated works on Botany Road shall be in accordance with TfNSW requirements. Detailed design plans of the proposed kerb and gutter and associated works are to be submitted to TfNSW for approval prior to the issue of a Crown Building Works Certificate and commencement of any road works. Please send all documentation to development.sydney@transport.nsw.gov.au.

A plan checking fee and lodgement of a performance bond is required from the applicant prior to the release of the approved road design plans by TfNSW.

Note: *Kerb and gutter treatments around existing trees are to be designed sensitively to avoid potential impacts on tree root systems.*

- B20. Detailed design plans and hydraulic calculations of any changes to the stormwater drainage system that may impact upon Botany Road are to be submitted to TfNSW for approval, prior to the issue of a Crown Building Works Certificate **for the Stage 3 – Structure & In-Ground Services Works and the commencement of any works**. Please send all documentation to development.sydney@transport.nsw.gov.au.

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

- B21. Any public utility adjustment/relocation works on the state road network will require detailed civil design plans for road opening /underboring to be submitted to TfNSW for review and acceptance prior to the issue of a Crown Building Works Certificate **for the Stage 3 – Structure & In-Ground Services Works and the commencement of any works**. The developer must also obtain necessary approvals from the various public utility authorities and/or their agents. Please send all documentation to development.sydney@transport.nsw.gov.au. A plan checking fee will be payable and a performance bond may be required before TfNSW approval is issued.
- B22. The developer is required to enter a Works Authorisation Deed (WAD) with TfNSW for the works required by Conditions B19, B21 and B22 that impact Botany Road.

FLOOD AND OVERLAND FLOW PROTECTION

- B23. Prior to the issue of the first Crown Building works certificate for the Stage 3 – Structure & In-Ground Services Works, a certificate from a suitably qualified Engineer, must be submitted to the Certifier stating compliance with this condition for the following items:
- (a) compliance with the recommendations provided in the Flood Impact and Risk Assessment prepared by Mott Macdonald, dated January 2025, including any additional flood responses submitted during assessment;
 - (b) evidence that the floor levels of the building are not less than the levels approved in the Flood Statement;
 - (c) all electrical connections and flood sensitive equipment must be located above the 1% AEP (100 year ARI) flood level plus 500 mm freeboard. Where it is not practical and feasible to install the equipment above the 1% AEP (100 year ARI) flood level plus 500 mm freeboard, the installations must generally be in accordance with the recommendations in ABCB Construction of Buildings in Flood Hazard Areas (2012) Section C2.9 - Requirements for Utilities;
 - (d) detailed design development of the MRV loading dock and services room to ensure safety of equipment and mitigation of any flood impacts
 - (e) all fencing must be constructed in a manner that does not affect the flow of flood waters so as to detrimentally change flood behaviour or increase flood levels on adjacent properties. To this end, any fencing angled to the anticipated overland flowpath must incorporate either louvres, open type pool fencing, frangible screen, battens or floodgate system, at the base of the fence, extending from the finished surface level up to the 1% AEP (100 year ARI) flood level plus 300 mm freeboard (minimum 300 mm from the ground);
 - (f) all structures subject to flooding and overland flows must be constructed of flood compatible building components below the 1% AEP (100 year ARI) flood plus 500 mm freeboard; and
 - (g) all structures subject to flooding and overland flows must be structurally designed to withstand the forces of floodwaters having regard to hydrostatic pressure, hydrodynamic pressure, the impact of debris and buoyancy forces up to the Probable Maximum Flood (PMF) event.

STORMWATER MANAGEMENT SYSTEM

- B24. Prior to the issue of the first Crown Building works certificate for the Stage 3 – Structure & In-Ground Services Works, the Applicant must consult with Council and submit to the Certifier details of an operational stormwater management system for the Development designed by a suitably qualified and experienced person(s) that is:
- (a) generally in accordance with the conceptual design in the EIS and any Council stormwater requirements and specifications which are consistent with that conceptual design;
 - (b) in accordance with applicable Australian Standards;
 - (c) with a system capacity designed in accordance with Australian Rainfall and Runoff (Engineers Australia, 2016) and Managing Urban Stormwater: Council Handbook (EPA, 1997) guidelines;
 - (d) details that, where possible, the rainwater tank is connected to ground floor toilet flushing, the cold water tap that supplies the ground floor clothes washing machines on the ground floor, and the landscape irrigation system for non-potable stormwater re-use; and
 - (e) includes a detailed roof drainage plan designed in accordance with AS/NZS 3500.3. Engineering design certification and drainage design calculations are to be submitted with the plans.

STORMWATER ON-SITE DETENTION

- B25. The requirements of Sydney Water with regard to the on-site detention (OSD) of stormwater must be ascertained and complied with. Evidence of the approval must be submitted to the Certifier prior to the commencement of ~~construction works~~ for the Stage 3 - Structure & In-Ground Services Works.

ECOLOGICALLY SUSTAINABLE DEVELOPMENT

- B26. Prior to the issue of the first Crown Building works certificate for the Stage 4 – Above Ground Works, the Applicant must submit to the Certifier a Report demonstrating the development incorporates all design, construction and operation measures, or equivalent, as identified in the ESD Report, prepared by NDY, revision 3.0, dated 16 October 2024. The Report should incorporate details of the following measures:
- (a) provision of a 100kw on-site photovoltaic system with a storage battery (if the battery is deemed necessary);
 - (b) lighting measures incorporating LEDs, sensor control, and separate circuitry for temporary power to minimal stair and corridor lighting ; and
 - (c) providing electricity infrastructure across the carpark, including cable trays, dedicated circuitry and EV distribution boards to enable future 'EV-ready' car spaces.

PROJECT ARBORIST

- B27. Prior to the commencement of construction works, a project arborist must be engaged to ensure all tree protection measures and works are carried out in accordance with the conditions of this consent. The project arborist must have a minimum Australian Qualification Framework Level 5 qualification and minimum 5 years' experience. Details of the arborist including name, business name and contact details must be provided to the Certifier.

LANDSCAPING

- B28. Prior to the issue of the first Crown Building works certificate **for the Stage 6 – External Works / Landscaping / Public Domain**, the Applicant must prepare a detailed Landscape Plan and submit to the approval of the Certifier a Plan which:
- (a) is consistent with the landscape plans listed in **Condition A1** as amended by any requirement of these conditions;
 - (b) includes details of planting 155 additional trees, including:
 - (i) details that the proposed *Livistona australis* along Henry Kendall Crescent shall be supplied and planted with minimum 2 meters tall trunk, or replaced with a different planting, to provide a similar size at time of occupation Certificate;
 - (ii) details that the proposed *Dicksonia antarctica* (Soft Tree Fern) proposed within the 3 meters front setback of the development site are to be supplied and planted with a clear trunk of minimum 1.5 meters; and
 - (iii) details that proposed *Eucalyptus camfieldii* (Camfield's stringybark), shall be replaced with trees capable to reach a minimum mature height of 8 meters in local conditions.
 - (c) includes details of the location, species, maturity and height at maturity of plants to be planted on-site;
 - (d) provides built in planter box sectional details and drainage details with finished levels to assess soil depths provisions. Built in planter boxes are to be consistent with CC architectural drawings;
 - (e) demonstrates adequate drainage and watering systems, with and a fully automatic drip irrigation system provided for all landscaped areas;
 - (f) demonstrates that podium landscaping and paved areas will drain into the stormwater drainage system;
 - (g) includes details of plant maintenance and watering for the first 12 months;
 - (h) includes details of all other hardscape landscape elements such as furniture, pedestrian amenity lighting, bins, bollards, retaining walls, steps, planter walls, feature walls, tree pits, tree guards, tree pit treat, areas of paving, schedule of materials, edge treatments, tactiles, privacy screening. Provide sectional construction details and elevations if required;
 - (i) includes details of planter boxes, including waterproofing for planters above the slab;
 - (j) includes details of maintenance and watering of street trees for the first 24 months after final inspection by Council; and
 - (k) includes a commitment to replace plants with the same species if any plant loss occurs within the maintenance period.

CAR PARKING

- B29. Prior to the issue of the first Crown Building works certificate **for the Stage 4 – Above Ground Works**, the Applicant must submit to the Certifier a Report demonstrating that the Development will provide for the following traffic flow and car 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 site, must be in accordance with AUSTROADS; and
 - (g) the provision of a minimum of 57 car parking spaces (including 4 accessible parking spaces); and
 - (h) providing convex mirrors at blind corners where vehicles maneuver.

COMMERCIAL (SERVICE) VEHICLE PARKING AND TURNTABLE DESIGN

- B30. Prior to the issue of the first Crown Building works certificate **for the Stage 4 – Above Ground Works**, the Applicant must submit to the Certifier a Report demonstrating that the Development will comply with the following requirements for the loading dock:

- (a) Loading and unloading within the site shall be designed and be restricted to commercial vehicles, including MRVs and Council's waste collection vehicle from Bayside Waste Management Technical Specification 2022 (section 13.5);
- (b) swept path analysis shall be provided for manoeuvring of a MRV commercial vehicles and Council waste collection vehicle, depicting a forward entry and forward exit manoeuvre to/from the site via the loading dock proposed within the development;
- (c) a longitudinal section plotting headroom clearance along the travel path of the service vehicle is to be provided. It must be demonstrated that a safe headroom clearance of 4.5m is achieved along the entire travel path, parking and manoeuvring areas of the MRV and Council waste collection vehicle within the development;
- (d) swept path analysis shall be submitted for the 8.8m long MRV and Council waste collection vehicle from Bayside Waste Management Technical Specification 2022 (section 13.5), rotating 360 degrees on the turntable and demonstrating sufficient clearance from any obstacles along the swept path; and
- (e) provide detailed design and manufacturer specifications for the mechanical parking facility system (turntable) required within the development detailing the following:
 - (i) details of emergency sensors to ensure a vehicle on the turntable does not hit any obstacle while rotating;
 - (ii) details of any associated signage and line marking including details of any operational safety measures to ensure safe and efficient maneuver; and
 - (iii) details of any acoustic attenuation measures to ensure operating noise and vibration levels do not cause impacts to residents or neighbours

A detailed design certificate from an experienced/practicing and qualified manufacture designer/installer that confirms the mechanical parking facility system complies with the above and is fit for purpose and designed in accordance with the relevant Australian standards shall be provided.

FRONTAGE WORKS APPLICATION

- B31. Prior to the commencement of public domain works, application for Frontage Works (Public Domain Construction – Frontage / Civil Works Application) shall be made to Bayside Council's Customer Service Centre for assessment of all required works within the road reserve. A fee is payable to Bayside Council in accordance with Council's adopted fees and charges.

A Public Domain Frontage Design package must be prepared by suitably qualified professionals for all frontage works that are required to be constructed within the public domain that are subject to assessment and approval pursuant to Section 138 of the Roads Act 1993. Public domain frontage works can include, but not be limited to, civil, drainage, landscaping, undergrounding of services, lighting, traffic signage, line marking, parking, and traffic devices to address and satisfy relevant development consent conditions. All frontage works shall be in accordance with Bayside Council technical manuals, specifications, master plans, town centre plans, Australian Standards, and standard design drawings and the requirements of TfNSW with regard to any state-owned roads.

A public domain performance bond is to be provided to Bayside Council prior to the issue of the Final Occupation Certificate. The performance bond is calculated by Bayside Council as part of the frontage works process as per Bayside Council's adopted fees and charges. The performance bond will be kept for a period of 12 months after the completion of all external works and the issuing of a Final Occupation Certificate (defects liability/street tree maintenance period). The bond may be applied by Bayside Council to rectify defective/nonconforming 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.

BICYCLE PARKING AND FACILITIES

- B32. Prior to the issue of the first Crown Building works certificate for the fit-out of the ground floor works, the Applicant must submit to the satisfaction of the Certifier plans demonstrating the provision of a minimum of 126 on-site bicycle parking spaces for use of residents, within dedicated bike spaces and storage zones, including 16 bicycle parking spaces outfitted for ebike charging.

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

CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

- B33. Prior to the issue of the first Crown Building works certificate **for the Stage 6 – External Works / Landscaping / Public Domain Works**, the Applicant must submit to the Certifier a Report demonstrating that the design of the Development has incorporated the Crime Prevention Through Environmental Design Assessment (CPTED) management and mitigation measures included within the CPTED report prepared by Urbis, dated 1 October 2024.

MECHANICAL PLANT NOISE MITIGATION

- B34. Prior to the commencement of mechanical plant and equipment works, the Applicant must submit to the Certifier details of noise mitigation measures for all mechanical plant (as detailed on the relevant Crown Building Works

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. Any rooftop plant must be adequately enclosed and screened to minimise disturbance and visual impacts.

COMPLIANCE WITH ACOUSTIC ASSESSMENT

- B35. Prior to the issue of the first Crown Building works certificate for above ground works, the Applicant must submit a Report to the Certifier from a Professional Engineer demonstrating that the design of the Development has incorporated all performance parameters, requirements, engineering assumptions and recommendations contained in the acoustic report, prepared by NDY, revision 1.1, dated 14 October 2024. The development must be constructed to ensure that the following LAeq levels are not exceeded:
- (a) in any bedroom in the residential accommodation—35 dB(A) at any time between 10 pm and 7 am,
 - (b) anywhere else in the residential accommodation (other than a garage, kitchen, bathroom or hallway)—40 dB(A) at any time.

REFLECTIVITY

- B36. Prior to the issue of the relevant Crown Building works certificate, 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.

ILLUMINATION

- B37. Prior to commencement of lighting installation, evidence must be submitted to the Certifier that all outdoor lighting to be installed 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.

VENTILATION

- B38. Prior to the commencement of mechanical plant and equipment works, the Applicant must submit to the Certifier details, prepared by a suitably qualified person certified in accordance with Clause A2.2(a)(iii) of the NCC, that any mechanical ventilation and/or air conditioning system for the development complies with the NCC and applicable Australian Standards, to ensure adequate levels of health and amenity to the occupants of the building and to ensure environment protection.

ACCESS AND FACILITIES FOR PEOPLE WITH DISABILITIES

- B39. Prior to the issue of the first Crown Building works certificate for above ground works, the Applicant must submit to the satisfaction of the Certifier details prepared by a suitably qualified professional demonstrating that the buildings and external elements around the buildings has been designed and will be constructed to provide access and facilities for people with a disability in accordance with the NCC.

BASIX CERTIFICATION

- B40. Prior to the issue of the Crown Building works certificate for above ground works, BASIX Certificate Nos.1768995M must be submitted to the Certifier with all commitments clearly shown on the Crown Building works certificate plans.

CONSTRUCTION MANAGEMENT PLANS, GUIDES AND MISCELLANEOUS

CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN

B41. Prior to the commencement of any **Stage 1 Demolition** work, the Applicant must prepare and submit to the Certifier a Construction Environmental Management Plan (CEMP) for the **Stage 1 Demolition work Development** with measures to reduce environmental impacts and harm during **demolition construction** of the Development, including, at a minimum, the following information:

- (a) details of:
 - (i) hours of **demolition or** construction;
 - (ii) 24 hour contact details of the site manager and complaint handling procedure;
 - (iii) **demolition or** construction program and **demolition or** construction methodology, including **demolition or** construction staging;
 - (iv) traffic management;
 - (v) noise and vibration management;
 - (vi) management of dust and odour;
 - (vii) stormwater control and discharge, including ensuring that vehicles leaving the site do not transfer dirt to roadways;
 - (viii) remediation and management of contamination;
 - (ix) management of stockpiles of soil or other materials;
 - (x) management of all chemicals, fuels and oil in accordance with the requirements of all relevant Australian Standards, and EPA's Storing and Handling Liquids: Environmental Protection – Participant's Manual;
 - (xi) waste management;
 - (xii) external lighting in compliance with applicable Australian Standards;
 - (xiii) site security, including fencing or hoarding; and
 - (xiv) tree protection and removal measures as outlined in the Arboricultural Impact Assessment report, prepared by Arterra, revision A, dated 11 October 2024.
- (b) Construction Traffic and Pedestrian Management Sub-Plan in accordance with **Condition B42**;
- (c) Construction Noise and Vibration Management Sub-Plan in accordance with **Condition B43**;
- (d) Air Quality Management Sub-Plan in accordance with **Condition B44**;
- (e) Construction Waste Management Sub-Plan in accordance with **Condition B45**;
- (f) Construction Soil and Water Management Sub-Plan in accordance with **Condition B46**;
- (g) an unexpected finds protocol for remediation in accordance with **Condition B59**;
- (h) the remedial action plan in accordance with **Condition B60**;
- (i) an unexpected finds protocol for Aboriginal and non-Aboriginal heritage and associated communications procedure, including but not limited to ensuring compliance with **Condition C37**;
- (j) waste classification (for materials to be removed) and validation (for materials to remain) to be undertaken to confirm the contamination status of relevant areas of the site.

Prior to the commencement of any Stage 2 Bulk Excavation / Early works, the Applicant must submit to the Certifier an updated Construction Environmental Management Plan (CEMP) for the development with measures to reduce environmental impacts and harm during the Development, including at a minimum, the information required in Conditions B41 (a) to (j) above.

CONSTRUCTION TRAFFIC AND PEDESTRIAN MANAGEMENT SUB-PLAN

B42. Prior to the commencement of any **Stage 1 Demolition** work, the Applicant must submit to the Certifier a final Construction Traffic and Pedestrian Management Sub-Plan (CTPMP) for the **Stage 1 Demolition work Development** with measures to reduce environmental impacts and harm during **demolition construction** of the Development arising from **demolition construction** traffic, including, at a minimum, the following information:

- (a) location of proposed work zone(s), a work zone is not permitted on Botany Road;
- (b) **demolition or** construction vehicle access arrangements and haulage routes, all vehicular access to the site must be via Henry Kendall Crescent;
- (c) evidence that sufficient off-street parking has been provided for heavy vehicles, to ensure that **demolition or** construction traffic associated with the development does not utilise on-street parking or public parking facilities;
- (d) details of crane arrangements including location of any crane(s) and confirmation that crane height and placement will not affect Sydney Airport operations;

- (e) predicted number and timing of demolition or construction vehicle movements and vehicle types;
- (f) identification of potential conflicts between vehicle movements required for demolition or construction and general traffic, cyclists, pedestrians, bus services within the vicinity of the site from construction vehicles;
- (g) measures to minimise movement delays, including during peak network demand periods; and
- (h) proposed mitigation measures, should any impacts be identified, the duration of the impacts and measures proposed to mitigate any associated general traffic, public transport, pedestrian and cyclist impacts must be clearly identified and included in the CPTMP.

Prior to the commencement of any Stage 2 Bulk Excavation / Early Works, the applicant must submit to the certifier an updated Construction Traffic And Pedestrian Management Sub-Plan for the development with measures to reduce environmental impacts and harm during the Development, including at a minimum, the information required in Conditions B42 (a) to (h) above.

CONSTRUCTION NOISE AND VIBRATION MANAGEMENT SUB-PLAN

- B43. Prior to the commencement of any Stage 1 Demolition work, the Applicant must submit to the Certifier a Construction Noise and Vibration Management Sub-Plan (**CNVMP**) for the Stage 1 Demolition work Development prepared by a Professional Engineer with measures to minimise environmental impacts and harm during demolition construction of the Development arising from demolition construction noise and vibration, including, at a minimum, the following information:
- (a) identification of noise sources and Sensitive Receivers;
 - (b) quantification of the rating background noise level (RBL) for Sensitive Receivers;
 - (c) describe procedures for achieving the noise management levels in EPA's Interim Construction Noise Guideline (DECC, 2009) (ICNG) (as may be updated or replaced from time to time);
 - (d) 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;
 - (e) noise mitigation measures that can be implemented to reduce construction noise and vibration impacts, including:
 - (i) installation of acoustic barriers/enclosures;
 - (ii) alternative excavation methods;
 - (f) describe the measures to be implemented to manage high noise generating works such as piling, in close proximity to sensitive receivers;
 - (g) measures to identify non-conformances with the requirements of the CNVMP, and procedures to implement corrective and preventative action and to respond to complaints;
 - (h) procedures for notifying residents of demolition or construction activities that are likely to affect their noise and vibration amenity;
 - (i) include strategies that have been developed in consultation with the directly adjoining properties for managing vibration such as any alternative construction methods with lower source vibration levels and provision for respite periods;
 - (j) include a complaints management system that would be implemented for the duration of the demolition or construction of the development.

Prior to the commencement of any Stage 2 Bulk Excavation / Early Works, the applicant must submit to the certifier an updated Construction Noise And Vibration Management Sub-Plan (CNVMP) for the development with measures to reduce environmental impacts and harm during the Development, including at a minimum, the information required in Conditions B43 (a) to (j) above.

AIR QUALITY MANAGEMENT SUB-PLAN

- B44. Prior to the commencement of any Stage 1 Demolition work, the Applicant must submit to the Certifier an Air Quality Management Sub-Plan (**AQMP**) for the Stage 1 Demolition work Development. The AQMP must 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 and include, as a minimum, the following information:
- (a) relevant environmental criteria to be used to guide management of dust and odours;
 - (b) dust and odour management practices to be implemented, including:
 - (i) watering of exposed surfaces and stockpiles;
 - (ii) covering of truck loads;
 - (iii) prevention of dirt from trucks tracking onto public roads and cleaning of any tracked dirt;
 - (iv) progressive land stabilisation works to minimise exposed surfaces;
 - (v) monitoring requirements;

- (vi) communication strategy;
- (vii) system and performance review for continuous improvements; and
- (viii) measures to identify non-conformances with the requirements of the CNVMP, and procedures to implement corrective and preventative action and to respond to complaints.

Prior to the commencement of any Stage 2 Bulk Excavation / Early Works, the applicant must submit to the certifier an updated Air Quality Management Sub-Plan for the development with measures to reduce environmental impacts and harm during the development, including at a minimum, the information required in Conditions B44 (a) to (b) above.

CONSTRUCTION WASTE MANAGEMENT SUB-PLAN

- B45. Prior to the commencement of any **Stage 1 Demolition** work, the Applicant must submit to the Certifier a Construction Waste Management Sub-Plan (**CWMP**) for the **Stage 1 Demolition work Development**. The CWMP must include, as a minimum, the following information:
- (a) requirement 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) requirement that waste (including litter, debris or other matter) is not caused or permitted to enter any waterways;
 - (e) requirements that any vehicle used to transport waste or excavation spoil from the site is covered before leaving the premises;
 - (f) requirement that the wheels of any vehicle, trailer or mobilised plant leaving the site are cleaned of debris prior to leaving the premises; and
 - (g) details in relation to the transport of waste material within the site and from the site, including (at a minimum):
 - (i) a traffic plan showing transport routes within the site;
 - (ii) 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
 - (iii) the name and address of each licensed facility that will receive waste from the site.

Prior to the commencement of any Stage 2 Bulk Excavation / Early Works, the Applicant must submit to the Certifier an updated Construction Waste Management Sub-Plan for the Development with measures to reduce environmental impacts and harm during the Development, including at a minimum, the information required in Conditions B45 (a) to (g) above.

CONSTRUCTION SOIL AND WATER MANAGEMENT PLAN SUB-PLAN

- B46. Prior to the commencement of any **Stage 1 Demolition** work, the Applicant must submit to the Certifier a Construction Soil and Water Management Sub-Plan (**CSWMP**) for the **Stage 1 Demolition work Development**. The CSWMP must be prepared by a suitably qualified expert, in Consultation with Council and include, at a minimum, the following information:
- (a) describe all erosion and sediment controls to be implemented during **demolition or** construction having regard to Council's DCP and the guidelines set out in the NSW Department of Housing Manual 'Managing Urban Stormwater: Soils and Construction Certificate'
 - (b) provide a plan of how all **demolition or** 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 during construction; and
 - (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.

Prior to the commencement of any Stage 2 Bulk Excavation / Early Works, the Applicant must submit to the Certifier an updated Construction Soil and Water Management Sub-Plan for the Development with measures to reduce environmental impacts and harm during the Development, including at a minimum, the information required in Conditions B46 (a) to (d) above.

DESIGN OF RETAINING WALLS

- B47. Any proposed retaining wall must be designed in accordance with the requirements of the detailed geotechnical report. All proposed retaining walls including the footings, must be located within private property and not be located within any proposed public road corridor. Details confirming compliance must be submitted to the Certifying Authority prior to the issue of the relevant Crown Building Works Certificate or Construction Certificate **for Stage 2 – Bulk Excavation / Early Works** for each building.

Note: Footings are to be installed within the property boundary and not encroach into any proposed public road reserve

- B48. Retaining walls over 600mm in height shall be designed and specified by a structural engineer registered with the National Engineering Register (NER).

PRE-CONSTRUCTION DOCUMENTATION AND MEASURES

SURVEY CERTIFICATE

- B49. Prior to the commencement of works **Stage 3 – Structure & In-ground Services Works**, the Applicant must cause the building to be set out by a Registered Surveyor to verify the correct position of all structures in relation to site boundaries and the approved alignment levels, and cause the Registered Surveyor to submit a plan to the Certifier certifying that structural works are in accordance with this consent.
- B50. The Applicant must cause a Registered Surveyor to measure and mark:
- (a) prior to commencement of works – the positions of all footings/ foundations;
 - (b) at other stages of construction – any marks that are required by the Principal Certifier,
- and provide information on the positions to the Principal Certifier.

PRE-CONSTRUCTION DILAPIDATION REPORTS

- B51. Prior to the commencement of any work, the Applicant must submit to the Certifier a Pre-Construction Dilapidation Report, prepared by a Professional Engineer, which details the structural condition of all adjoining land, 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', prior to construction. The report shall include, but not be limited to, the following properties:
- (a) 31 Henry Kendall Crescent Mascot NSW 2020; and
 - (b) 776 Botany Road Mascot NSW 2020.
- The report shall be prepared at the expense of the applicant and a copy of the Dilapidation Survey and an insurance policy that covers the cost of any rectification works shall be submitted to the Certifier prior to commencement of any works. The insurance cover shall be a minimum of \$10 million.
- B52. Where only part of a building on privately affected land may fall within the 'zone of influence', any Pre-Construction Dilapidation Report for that building must include details of the whole building.
- B53. 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 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.
- B54. A copy of the Pre-Construction Dilapidation Report is to be forwarded to the Planning Secretary and each of the affected property owners.
- B55. 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.
- B56. 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.

PROTECTION OF PUBLIC INFRASTRUCTURE AND STREET TREES

- B57. Prior to the commencement of works, the Applicant must:
- (a) undertake consultation with the relevant owner and provider of services that will 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, landscaping, pits, pipes, traffic devices, signs, retaining walls, driveways and footpaths) and submit a copy of the dilapidation Report to the Certifier, Planning Secretary and Council; and
 - (c) ensure all street trees directly outside the site not approved for removal are retained and protected in accordance with the applicable Australian Standards.

VIDEO CCTV FOR COUNCIL STORMWATER PIPE BEFORE CONSTRUCTION

- B58. Prior to the commencement of any works on site, whichever occurs first, a qualified practitioner shall undertake a closed-circuit television (CCTV) inspection and then report on the existing condition of Bayside Council's stormwater drainage infrastructure on Henry Kendall Crescent adjacent to, the site. The camera and its operation shall comply with the following:

- (a) the internal surface of the drainage pipe shall be viewed and recorded in a clear and concise manner;
- (b) the CCTV camera used shall be capable to pan, tilt and turning at right angles to the pipe axis over an entire vertical circle to view the conduit joints;
- (c) distance from the drainage pit shall be accurately measured; and
- (d) the inspection survey shall be conducted from manhole to manhole.

The written report, together with a copy of the digital video footage of the pipeline shall be submitted to the satisfaction of Bayside Council prior to the commencement of any works. A written acknowledgment shall be obtained from Bayside Council attesting to this condition being appropriately satisfied and submitted to the Principal Certifier. If the existing pipe is full of debris preventing the effective inspection of the pit and pipe system, the contractor shall clear the pipe to a degree where CCTV inspection is possible at the applicant's expense.

REMEDIATION

UNEXPECTED FINDS PROTOCOL

- B59. Prior to the commencement of any earthwork or remediation works, the Applicant must submit to the Certifier an unexpected finds protocol which has been reviewed and endorsed by a suitably qualified and experienced consultant. The protocol must outline contingency measures and the procedures to be followed in the event unexpected finds of contaminated material are encountered during works.

REMEDIAL ACTION PLAN

- B60. The Applicant must remediate the site in accordance with the specifications and requirements detailed in the approved Remedial Action Plan, prepared by Alliance Geotechnical, dated 10 October 2024, the Interim Audit Advice Letter, prepared by Ramboll, dated 15 October 2024 and relevant guidelines produced or approved under the Contaminated Land Management Act 1997. Remediation works must be undertaken by a suitably qualified and experienced consultant(s).

SITE AUDITOR

- B61. Prior to the commencement of any earthwork or remediation works, the Applicant must submit evidence to the Planning Secretary that a Site Auditor, accredited under the *Contaminated Land Management Act 1997*, has been appointed to independently review the implementation and validation of the remediation works.
- B62. The Applicant must ensure the remediation works for the Development are undertaken by a suitably qualified and experienced consultant(s) in accordance with the approved Remedial Action Plan and relevant guidelines produced or approved under the *Contaminated Land Management Act 1997*.

SITE AUDIT REPORT AND SITE AUDIT STATEMENT

- B63. Upon completion of the remediation works of the Development, a Site Audit Report and a Site Audit Statement, prepared in accordance with the NSW Contaminated Land Management - Guidelines for the NSW Site Auditor Scheme 2017, which demonstrates the site is suitable for its approved land use, must be submitted to the Planning Secretary for information.

VALIDATION REPORT

- B64. Within one month following the completion of the remediation works for the Development, a Remediation Validation Report (**RVR**) must be submitted to the Planning Secretary for information. The RVR must be prepared by a suitably qualified and experienced consultant(s) and in accordance with the approved remedial action plan and relevant guidelines produced or approved under the *Contaminated Land Management Act 1997*.

PART C DURING CONSTRUCTION

SITE NOTICE

- C1. The Applicant must erect site notices in prominent positions on the site informing the public of project details including, but not limited to:
- (a) the name, address and telephone number of the builder, Certifier and Professional Engineer;
 - (b) the name of the principal contractor (if any), its address and 24-hour contact phone number for any inquiries, including construction/noise complaints;
 - (c) stating the approved hours of work; and
 - (d) stating that unauthorised entry to the work site is prohibited.
- C2. The site notices must:
- (a) be positioned prominently at the site informing the public of key project details;
 - (b) have dimensions of at least A1 size with large writing; and
 - (c) be durable and weatherproof.

HOURS OF CONSTRUCTION

- C3. Construction, including the delivery of materials or machinery to and from the site, may only be carried out between the following hours:
- (a) 7am to 5pm, Monday to Saturday
- C4. No work may be carried out on Sundays or public holidays.
- C5. 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 to and from the site; or
 - (b) in an emergency to avoid the loss of life, damage to property or to prevent environmental harm.
- C6. Notification of activities undertaken in the circumstances in **Condition C5** must be given to affected residents before undertaking the activities or as soon as is practical afterwards.
- C7. Rock breaking, rock hammering, sheet piling, pile driving and similar activities may only be carried out between the following hours:
- (a) 9 am to 12 pm, Monday to Friday;
 - (b) 2 pm to 5 pm Monday to Friday; and
 - (c) 9 am to 12 pm, Saturday.

CONTACT TELEPHONE NUMBER

- C8. 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 construction.

APPROVED PLANS TO BE ONSITE

- C9. A copy of the approved and certified plans, specifications and documents incorporating conditions of approval and certification must be kept on the Subject Site at all times and must be readily available for perusal by any officer of the Department, Council or the Certifier.

IMPLEMENTATION OF MANAGEMENT PLANS

- C10. The Applicant must implement and comply with the requirements of any management plan or sub-plan required under **Part B** of this consent. To the extent of any inconsistency between a condition of consent and a management plan or sub-plan, the condition of consent prevails.

CONSTRUCTION NOISE LIMITS AND VIBRATION CRITERIA

- C11. 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 Construction Noise and Vibration Management Plan (**Condition B43**).
- C12. 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.
- C13. 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 Sensitive Receivers.

- C14. 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.
- C15. Vibration at any residence or structure outside the site caused by construction must be limited to:
- (a) for structural damage, the latest version of DIN 4150-3 (2016) Vibration in Buildings - Effects on Structures, English Translation (German Institute for Standardisation, 2016); and
 - (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).
- C16. 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.

TFNSW CONSTRUCTION REQUIREMENTS

- C17. A Road Occupancy Licence (ROL) shall be obtained from Transport Management Centre for any works that may impact on traffic flows on Botany Road during demolition and construction activities. A ROL can be obtained through <https://myrta.com/oplinc2/pages/security/oplincLogin.jsf>.
- C18. All vehicular access associated with demolition and construction works shall be via Henry Kendall Crescent. A construction zone will not be permitted on Botany Road.

AIR QUALITY

- C19. The Applicant must take all reasonable steps to minimise dust generated during all works authorised by this consent.

SHORING AND ADEQUACY OF ADJOINING PROPERTY

- C20. 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 Applicant must:
- (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,
- unless the Applicant owns the adjoining land or the owner of the adjoining land has given consent in writing to this condition not applying.
- 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.

TREE PROTECTION

- C22. While site or building work is being carried out, the Applicant must maintain all tree protection measures required under this consent, in accordance with relevant requirements of applicable Australian Standards and the Arboricultural Impact Assessment report, prepared by Arterra, revision A, dated 11 October 2024. This includes maintaining adequate soil grades and ensuring all machinery, builders refuse, spoil and materials remain outside tree protection zones.

CLEARING FOR ASSET PROTECTION ZONES

- C23. While building work is being carried out, the Applicant must ensure the clearance of vegetation to establish the Asset Protection Zone is confined within the marked Asset Protection Zone boundary.

EROSION AND SEDIMENT CONTROL

- C24. 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 are, as a minimum, to be in accordance with the publication Managing Urban Stormwater: *Soils & Construction* (4th edition, Landcom, 2004) commonly referred to as the 'Blue Book' and must comply with the CSWMSP.

DISPOSAL OF SEEPAGE AND STORMWATER

- C25. 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*.

- C26. 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.
- C27. 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*.

CUT AND FILL

- C28. 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.
- C29. 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.

COVERING OF LOADS

- C30. 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

- C31. 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.

STOCKPILE MANAGEMENT

- C32. The Applicant must ensure that:
- (a) stockpiles of excavated material do not exceed 4 metres in height;
 - (b) stockpiles of excavated material are constructed and maintained to prevent cross contamination; and
 - (c) stockpiles of any material are not permitted to be stored on Council property, unless prior approval has been given.

DUST CONTROL MEASURES

- C33. Adequate measures shall be taken to prevent dust from affecting the amenity of the neighbourhood during construction. In particular, the following measures should be adopted:
- (a) physical barriers must be erected at right angles to the prevailing wind direction, or placed around or over dust sources to prevent wind or activity from generating dust emissions;
 - (b) all materials shall be stored or stockpiled at suitable locations and stockpiles shall be maintained at manageable sizes which allow them to be covered, if necessary, to control emissions of dust and/or VOCs/odour;
 - (c) the surface should be dampened slightly to prevent dust from becoming airborne but should not be wet to the extent that run-off occurs;
 - (d) all vehicles carrying spoil or rubble to or from the site shall at all times be covered to prevent the escape of dust or other material;
 - (e) all equipment wheels shall be washed before exiting the site using manual or automated sprayers and drive-through washing bays;
 - (f) gates shall be closed between vehicle movements and shall be fitted with shade cloth;
 - (g) cleaning of footpaths and roadways must be carried out regularly; and
 - (h) suitable erosion and sediment controls are in place for stockpiles.

HOARDING/FENCING REQUIREMENTS

- C34. The following hoarding/fencing requirements must be complied with:
- (a) the site shall be secured by an 1.8m (minimum) high temporary fence for the duration of the works;
 - (b) where the development sites adjoins a public thoroughfare, the common boundary between them must be fenced for its full length with a hoarding. 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;
 - (c) no third-party advertising is permitted to be displayed on the subject hoarding/fencing; and

- (d) the removal of all graffiti from any construction hoarding/fencing or the like within the construction area within 48 hours of its application.

ASBESTOS

- C35. The Applicant must ensure that any asbestos encountered on site is monitored, handled, transported and disposed of by appropriately qualified and licensed contractors in consultation with SafeWork NSW and in accordance with any requirements of SafeWork NSW and any 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, including Part 7 – ‘Transportation and management of asbestos waste’.
- C36. The Applicant must implement the unexpected finds protocol (see **Condition B59**) for the duration of construction. Should any new information come to light during demolition or construction works which has the potential to alter previous conclusions about site contamination, the Certifier must be immediately notified and works must cease in the immediate area. Works in the immediate area must not recommence until the process for recommencement of works as outlined in the unexpected finds protocol is completed to the satisfaction of the Certifier.

UNCOVERING RELICS OR ABORIGINAL OBJECTS

- C37. If a Relic (as defined in the Heritage Act 1977) or Aboriginal object (as defined in the *National Parks and Wildlife Act 1974*) is unexpectedly discovered:
- (a) all works must cease immediately and all reasonable steps must be taken so as not to harm, modify or otherwise impact Aboriginal objects;
 - (b) 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;
 - (c) the Applicant must notify registered Aboriginal parties (RAPs) in respect of an Aboriginal object, and provide them with the opportunity to be consulted with Aboriginal cultural heritage management requirements; and
 - (d) the Applicant must otherwise comply with the unexpected finds protocol required as part of the CEMP.
- C38. Building work may recommence at a time confirmed by either the Heritage Council of NSW or the Planning Secretary.

PART D PRIOR TO OCCUPATION OR COMMENCEMENT OF USE

GENERAL REQUIREMENTS

NOTIFICATION OF OCCUPATION

- D1. The Applicant must notify the Department in writing at least one month prior to the proposed occupation or use of the Development.
- D2. If the occupation or use of the Development is to be staged, the Applicant must notify the Department in writing of the date of commencement of the occupation or use of the relevant stage at least one month before that date.

ENVIRONMENTAL PERFORMANCE

- D3. Prior to the occupation or commencement of use, the Applicant is to provide documentation to the Certifier demonstrating the development has incorporated, and would operate in accordance with, the environmental sustainability objectives, measures and initiatives required under this consent.

DILAPIDATION AND REPAIRS

POST-CONSTRUCTION DILAPIDATION REPORT

- D4. Prior to the occupation or commencement of the use, the Applicant is to provide a Report (**Post-Construction Dilapidation Report**) prepared by a professional engineer to the Certifier:
- (a) detailing the post-construction condition of Bayside Council's infrastructure adjoining, and within 50m of, the development site. This includes the condition of the road reserve (including footpath, nature strip, landscaping, trees, kerb and gutter, pits, pipes, traffic devices, signs, retaining walls, driveways, and road pavement etc.) and any other adjacent Bayside Council properties;
 - (b) stating whether, based on a comparison of the Pre-Construction Dilapidation Report and Post-Construction Dilapidation Report, there has been any structural damage to any adjoining buildings, infrastructure or roads;
 - (c) if there has been structural damage to any adjoining buildings, infrastructure or roads, the structural damage that is the result of the carrying out of Development; and
 - (d) whether relevant authorities have confirmed that there is no adverse structural damage to their infrastructure and roads.
- D5. The Applicant is to provide a copy of the Post-Construction Dilapidation Report to the Planning Secretary, to Council and to the relevant adjoining property owner(s).

PUBLIC DOMAIN

- D6. 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.

PROTECTION OF PUBLIC INFRASTRUCTURE AND OTHER REPAIRS

- D7. Unless the Applicant and the applicable public authority agree otherwise, the Applicant must:
- (a) relocate, or pay the full costs associated with relocating any infrastructure that needs to be relocated as a result of the Development; and
 - (b) repair/reconstruct, or pay the full costs associated with repairing/reconstructing, any public infrastructure (including but 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) in the vicinity of the Development that is damaged by carrying out the Development.
- D8. Prior to the occupation or commencement of the use of the Development, any damage identified in **Condition D4** as being caused by the carrying out of the Development not subject to **Condition D7** must be fully repaired and rectified by the Applicant.

COMPLIANCE REPORTING

WORKS-AS-EXECUTED PLANS AND ANY OTHER DOCUMENTARY EVIDENCE

- D9. Prior to the occupation or commencement of the use, the Applicant must submit to the Certifier:
- (a) works-as-executed plans for the Development including all stormwater systems and the civil driveway profile; and
 - (b) any compliance certificates and any other evidence confirming conditions of this consent have been satisfied.

- D10. Prior to the occupation or commencement of the use, the Applicant must submit to the principal Certifier a Report from a Registered Surveyor demonstrating 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.

COMPLIANCE WITH BASIX CERTIFICATE

- D11. Prior to the occupation or commencement of the use, the Applicant must submit to the Certifier evidence that all the commitments contained in the BASIX Certificate approved under this consent have been implemented.

GFA AND BUILDING HEIGHT CERTIFICATION

- D12. Prior to the occupation or commencement of the use, the Applicant must submit to the Certifier a Report from a Registered Surveyor demonstrating compliance that the Development does not exceed the approved gross floor (**Condition B13**) area and building height (**Condition B14**).

RAINWATER TANK – PLUMBING CERTIFICATION

- D13. Prior to the occupation or commencement of the use, a registered plumber shall certify that the rainwater tank has been connected to all ground floor toilet flushing, the cold water tap that supplies the ground floor clothes washing machines on the ground floor, and the landscape irrigation system for non-potable stormwater re-use.

GEOTECHNICAL CERTIFICATION

- D14. Prior to the occupation or commencement of the use, a Geotechnical Engineer shall certify that the construction works have been constructed in accordance with the approved construction geotechnical report/recommendations and include an evaluation of the completed works.

PARKING FACILITY CERTIFICATION

- D15. Prior to the occupation or commencement of the use, a Civil Engineer registered with the National Engineering Register (NER) shall certify that the vehicular access and off-street parking facilities have been constructed & line marked in accordance with the approved construction plans and the applicable Australian Standards. The car parking area is to be clearly and appropriately line marked/signposted indicating all the vehicular movements on the site. All parking spaces must be clearly designated as to their use in accordance with this development consent. Furthermore, the below shall be certified as being implemented within the completed development:
- (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 that are designed in accordance with AS/NZS 2890.6;
 - (c) large convex mirrors are to be installed at all corners/bends throughout the parking facility to provide increased sight distance for vehicles.

The certification must be submitted to the Principal Certifier.

ERECTION OF SIGNAGE

- D16. Prior to the occupation or commencement of the use, the following signage shall be erected:
- (a) **On-Site Detention System (OSD) and confined space:**
The OSD shall be marked by the permanent fixing of a marker plate of minimum size 200mm by 150mm to the nearest permanent surface. The plate shall be non-corrosive metal, or 4mm thick laminated plastic.
 - (b) **Maximum Vehicle Height Striker Bars:**
The driveway entries shall be provided with Maximum Vehicle Height Striker Bars detailing the maximum height of vehicle that can enter the car park and loading dock.

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

VIDEO CCTV FOR COUNCIL STORMWATER PIPE AFTER CONSTRUCTION

- D17. Prior to the occupation or commencement of the use, a qualified practitioner shall undertake a closed-circuit television (CCTV) inspection and then report on the post construction condition of Bayside Council stormwater drainage infrastructure adjacent to the site on Henry Kendal Crescent. The camera and its operation shall comply with the following:
- (a) the internal surface of the drainage pipe shall be viewed and recorded in a clear and concise manner;
 - (b) the CCTV camera used shall be capable to pan, tilt and turning at right angles to the pipe axis over an entire vertical circle, to view the conduit joints;
 - (c) distance from the manholes shall be accurately measured; and

- (d) the inspection survey shall be conducted from manhole to manhole.

The written report, together with a copy of the digital video footage of the pipeline, shall be submitted to Bayside Council for review. Any damage to the culvert / pipeline since the commencement of construction on the site, shall be repaired in full to the satisfaction of Bayside Council. A written acknowledgment shall be obtained from Bayside Council (attesting to this condition being appropriately satisfied) and submitted to the Principal Certifier.

ACOUSTIC COMPLIANCE

- D18. Prior to the occupation or commencement of the use, the Applicant must prepare and submit to the Certifier a Report demonstrating compliance with all noise mitigation measures required under **Condition B35** including the achievement of construction standards achieving a rating of R_w 50.

ECOLOGICALLY SUSTAINABLE DEVELOPMENT

- D19. Prior to the occupation or commencement of the use, the Applicant must prepare and submit to the Certifier a Report demonstrating the development has incorporated all ecologically sustainable development design, construction and operation measures, as required under **Condition B26**.

STRUCTURAL INSPECTION CERTIFICATE

- D20. Prior to the occupation or commencement of use of the relevant parts of any new or refurbished buildings as part of the Development, the Applicant must submit a Structural Inspection Certificate or a Compliance Certificate to the Certifier.
- D21. The Applicant must submit a copy of the Structural Inspection Certificate or a Compliance Certificate with an electronic set of final drawings to the Planning Secretary and the Council after:
- (a) the site has been periodically inspected and the Certifier is satisfied that the structural works are deemed to comply with the final design drawings; and
 - (b) the drawings listed on the Structural Inspection Certificate or have been checked with those listed on the final Design Certificate/s.

LANDSCAPE PRACTICAL COMPLETION REPORT

- D22. Prior to the occupation or commencement of the use, the Applicant must submit to the Certifier a Landscape Practical Completion Report prepared by the consultant responsible for the landscape design plan which:
- (a) verifies that 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;
 - (b) a fully automated irrigation system has been installed to all landscaped areas, including ground floor and podium planting;
 - (c) podium landscaping and paved areas are drained into the stormwater drainage system;
 - (d) verifies that all new trees, as indicated in approved plans are planted at minimum 100 litres pot size. Trees at time of inspection shall have a minimum height of 2.4 meters, calliper at 300mm greater than 50mm, installed with stakes and ties within a mulch bed or equivalent;
 - (e) includes details of plant maintenance and watering for the first 12 months; and
 - (f) includes details of plant maintenance and watering for the life of the Development.

PUBLIC DOMAIN LANDSCAPE IMPROVEMENTS

- D23. Prior to the occupation or commencement of the use, the Applicant must submit to the Certifier and to Council a Public Domain Landscape Practical Completion Report that verifies the following:
- (a) works to be completed in public space owned by Council and TfNSW, will be of no cost to Council or the TfNSW, including, landscaping and embellishment of all frontages to the development site, including footpaths, paving, street trees, lighting, tree pits/grates and other planting, and street furniture, etc;
 - (b) an experienced Landscape Contractor shall be engaged to undertake all landscaping public domain work and shall be provided with a copy of both the approved landscape drawing and the conditions of approval to satisfactorily construct the landscape to Council requirements. The Contractor shall be engaged weekly for a minimum period of 52 weeks from final completion of landscaping for maintenance and defects liability, replacing plants in the event of death, damage, theft or poor performance. After that time regular and ongoing maintenance is required.
 - (c) a Dial-Before-You-Dig enquiry is required prior to stump grinding the trunk and shall occur without damage to Council infrastructure or underground services/utilities.
 - (d) all telecommunication and utility services (including all high and low voltage power lines) associated with the development are to be placed underground.

FIRE SAFETY CERTIFICATION

- D24. Prior to the occupation or commencement of the use, a Fire Safety Certificate must be obtained for all the relevant Essential Fire or Other Safety Measures forming part of the Development.
- D25. The Applicant must submit a copy of the Fire Safety Certificate to the relevant authority and Certifier and display the Fire Safety Certificate prominently in the building.

OUTDOOR LIGHTING

- D26. Prior to the occupation or commencement of use of the Development, the Applicant must submit to the Certifier a Report demonstrating that installed lighting associated with the Development:
- (a) achieves the objective of minimising light spillage:
 - (i) beyond the property boundary; and
 - (ii) to any adjoining or adjacent Sensitive Receivers;
 - (b) complies with the latest version of AS 4282-2023 - Control of the obtrusive effects of outdoor lighting (Standards Australia, 2023); and
 - (c) has been mounted, screened and directed in such a manner that it does not create a nuisance to surrounding properties or the public road network.

SYDNEY WATER COMPLIANCE

- D27. Prior to the issue of any Occupation Certificate, the Applicant must submit to the Certifier a Section 73 Compliance Certificate under the *Sydney Water Act 1994*, obtained from Sydney Water Corporation.

UTILITY PROVIDERS

- D28. Prior to the occupation or commencement of the use, 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.
- D29. Prior to the occupation or commencement of the use, the Applicant must provide or cause to be provided written confirmation to the Certifier from the relevant authority that the relevant services have been completed.

BICYCLE PARKING AND END-OF-TRIP FACILITIES

- D30. Prior to the occupation or commencement of the use, the Applicant must submit to the Certifier evidence the secure bicycle parking and end-of-trip facilities have been provided in accordance with **Condition B29**.
- D31. 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.

HERITAGE INTERPRETATION STRATEGY

- D32. Prior to the occupation or commencement of the use, a Heritage Interpretation Plan for both the Aboriginal and European heritage interpretive elements must be prepared by a heritage consultant in consultation with Council.

STREET NUMBERING

- D33. Prior to the occupation or commencement of the use, the Applicant must provide to the Certifier evidence that street numbers are clearly displayed at the ground level frontage of the building.

POSITIVE COVENANT APPLICATION

- D34. Prior to the occupation or commencement of the use, a Restriction on Use of Land and Positive Covenants pursuant to the Conveyancing Act 1919 are to be created on the title of the lots on which the following systems are present:
- (a) Stormwater Detention System;
 - (b) Stormwater Quality Improvement Devices; and
 - (c) Mechanical Turntable

The terms of the instruments are to be in favour of Council and are to be submitted to Bayside Council for review and approval. An application must be lodged with and approved by Council prior to the issue of the Occupation Certificate. Council must be provided with the relevant fees and all supporting information required (such as works-as-executed drainage plans and certification) prior to Council endorsing the Instrument. Council required proof of lodgement of the signed documents with the NSW Land Registry Services prior to the issue of the Occupation Certificate.

ROADS ACT / PUBLIC DOMAIN WORKS - MAJOR DEVELOPMENT FRONTAGE WORKS

- D35. Prior to the occupation or commencement of the use, the Applicant shall carry out the following works as specified by Bayside council in accordance with Bayside Council's Engineer, Landscape Architect, Public Domain Masterplans, and Infrastructure Specifications:

- (a) construction of a new footpath (if required) and planting of required street trees/landscaping along all frontages of the development site;
- (b) construction of vehicular entrance designed to accommodate the passenger vehicle entering the site;
- (c) construction of vehicular entrance for the loading dock designed to accommodate the largest vehicle entering the site;
- (d) construction of new kerb and gutter along the frontage of the development site. (if required);
- (e) removal of the existing concrete vehicular entrance/s, kerb laybacks and other damaged/redundant public domain improvements which will no longer be required; and
- (f) reconstruction of selected areas of the existing footpath, vehicular entrances, road, kerb, and gutter as required.

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

All works within the road reserve, which are subject to approval pursuant to Section 138 of the Roads Act 1993, shall be completed to the satisfaction of Bayside Council at the Applicant's expense. A report shall be submitted in accordance with Bayside Council's Contributed Asset Procedure for all constructed assets in the ownership of Bayside Council. Works-As-Executed plans prepared by a registered surveyor and engineering certification shall be submitted.

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

MANAGEMENT PLANS, GUIDES AND MISCELLANEOUS

OPERATIONAL PLAN OF MANAGEMENT

- D36. Prior to the occupation or commencement of use, whichever is earlier, the Applicant must prepare an Operational Plan of Management for the development and submit it to the Certifier, which includes (but not be limited to):
- (a) details of the managing agent;
 - (b) management and maintenance of communal areas and open spaces;
 - (c) loading and servicing arrangements;
 - (d) security and staff management;
 - (e) details of CCTV surveillance for both indoor and outdoor areas;
 - (f) measures to promote good tenant behaviour in the car park and communal areas to prevent noise impacts;
 - (g) emergency management/ evacuation and incident response protocols including during a PMF flooding event;
 - (h) waste management;
 - (i) tenant induction and behaviour/ house rules; and
 - (j) community consultation and complaint procedures.
- D37. The Operational Plan of Management approved under this consent shall be implemented following occupation of the development. The Operational Plan of Management is to be reviewed and updated annually.

CAR PARKING, LOADING AND SERVICING MANAGEMENT PLAN

- D38. Prior to the occupation or commencement of the use, the Applicant must submit to the Certifier a **Car Parking, Loading and Servicing Management Plan** that:
- (a) is designed to ensure that any potential traffic and safety impacts associated with the car park and loading dock operation are mitigated;
 - (b) ensures that all accessible parking spaces are allocated to adaptable dwelling units;
 - (c) limits the use of the loading bay between the hours of 7am and 10pm;
 - (d) specifies, but is not limited to, details of:
 - (i) 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;
 - (ii) measures to manage any potential traffic and safety impacts of the car parking and loading dock operation;
 - (iii) an inspection and maintenance regime by qualified practitioners for waste rooms, chutes, loading hoist, MRV turntable and any associated equipment;

- (iv) management of the facility, including procedures, directions to users, safety protection systems, emergency response plan in the event of mechanical failure;
- (v) training requirements for any personnel;
- (vi) signage requirements stipulating the maximum height/width/length of vehicle that can enter the facility; and
- (vii) any general mitigation measures to prevent amenity impacts to neighbouring properties and residents within the site, including managing noise impacts and vehicle queuing.

OPERATIONAL WASTE MANAGEMENT PLAN

D39. 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) set out adequate provisions within the premises for the storage, collection and disposal of waste and recyclable materials;
- (c) confirm the location of waste collection and establish appropriate routes to the collection point;
- (d) provide confirmation that appropriate arrangements have been made for the collection of waste;
- (e) detail the type and quantity of waste to be generated during operation of the Development; and
- (f) 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).

Note: Conditions in Part F require the Applicant to implement the Operational Waste Management Plan for the life of the Development.

FLOOD EMERGENCY RESPONSE PLAN

D40. Prior to occupation or commencement of the use, the Applicant must submit to the Certifier a **Detailed Flood Emergency Response Plan (FERP)** prepared by a qualified Engineer. The FERP must consider floods up to and including the Probable Maximum Flood (PMF) and be generally consistent with Council's and NSW SES's flood management policies.

Implementation and maintenance of the FERP is the responsibility of the relevant owner's corporation and relevant building management.

STORMWATER

D41. Prior to the occupation or commencement of the use, the Applicant must submit to the Certifier a copy of the stormwater drainage design plans, prepared by a Professional Engineer experienced in the design of stormwater drainage systems and approved with the Construction Certificate.

The Professional Engineer must inspect, evaluate and certify that the constructed system, including the roof drainage system, demonstrates compliance with the approved plans, the relevant Australian standards, Codes and Council Specifications. A works-as-executed (WAE) drainage plan shall be prepared by a registered surveyor based on a survey of the completed works. The WAE plan must clearly illustrate the surveyed dimensions and details of all drainage aspects. The certification and WAE plans shall be supplied to the certifier and Council.

D42. Prior to the occupation or commencement of the use, the Applicant must submit to the Certifier a **Stormwater Operational and Maintenance Plan (SOMP)** that:

- (a) is designed to ensure the proposed stormwater quality measures remain effective; and
- (b) specifies, but is not limited to:
 - (i) a maintenance schedule of all stormwater quality treatment devices;
 - (ii) record and reporting details;
 - (iii) relevant contact information; and
 - (iv) Work Health and Safety requirements.

REGISTRATION OF EASEMENTS

D43. Prior to the occupation or commencement of the use, 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.

PART E POST OCCUPATION AND ONGOING USE

MAINTENANCE OF WASTEWATER AND STORMWATER TREATMENT DEVICE

- E1. Following the occupation or commencement of use and throughout the life of the Development, the Applicant must:
- (a) implement the SOMP;
 - (b) ensure that stormwater drainage system (including all pits, pipes, absorption, detention structures, treatment devices, infiltration systems and rainwater tanks) shall be regularly cleaned, maintained and repaired to ensure the efficient operation of the system from time to time and all times;
 - (c) inspect the system 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; and
 - (d) ensure the water from the rainwater tank should not be used for drinking. Rainwater tanks shall be routinely de-sludged and all contents from the desludging process disposed: Solids shall be disposed to the waste disposal and de-sludged liquid shall be disposed to the sewer; and
 - (e) comply with the requirements of any positive covenants (if applicable)

OPERATION OF PLANT AND EQUIPMENT

- E2. All plant and equipment used on site must be:
- (a) maintained in a proper and efficient condition; and
 - (b) operated in a proper and efficient manner.
- E3. Noise associated with the operation of any plant, machinery or other equipment on the site, must not give rise to any one or more of the following:
- (a) transmission of "offensive noise" as defined in the *Protection of the Environment Operations Act 1997* to any place of different occupancy;
 - (b) a sound pressure level at any affected residential property that exceeds the background (LA90, 15 minute) noise level by more than 5dB(A). The background noise level must be measured in the absence of noise emitted from the premises. The source noise level must be assessed as a LAeq, 15 minute; and
 - (c) notwithstanding compliance with (1) and (2) above, the noise from mechanical plant associated with the premises must not exceed 5dB(A) above the background noise level between the hours of 12.00 midnight and 7.00 am.

STORAGE AND HANDLING OF WASTE

- E4. Following the occupation or commencement of use and throughout the life of the Development, the Applicant must implement the Operational Waste Management Plan.
- E5. The Applicant must ensure that at all times during the life of the Development:
- (a) waste is not placed or left on the site;
 - (b) waste must not be placed for collection in a public place e.g. footpaths, roadways and reserves.

TRAFFIC AND PARKING

- E6. The movement of vehicles associated with the site must be carried out:
- (a) in accordance with the **Car Parking, Loading and Servicing Management Plan** prepared under this consent;
 - (b) ensuring that all vehicles must enter and exit the site in a forward direction;
 - (c) within the confines of the site, at all times and must not obstruct other properties or the public way;
 - (d) where the maximum size of vehicles accessing the site are limited to an 8.8m long MRV Vehicle (as denoted in AS2890.2) and Councils Waste Collection Vehicle;
 - (e) to ensure that parking spaces must not be enclosed without further approval of Bayside Council, the enclosure of car spaces is not permitted unless the enclosure complies with the design requirements of AS/NZS 2890.1.; and
 - (f) in a manner so as not to cause inconvenience to the public or detrimentally impact the amenity of the locality
- E7. 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.
- E8. 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.

- E9. For the life of the completed development, all servicing of the site including waste collection must be undertaken within the development site and not be undertaken from the Botany Road frontage of the site. All waste collection is to occur from Henry Kendall Crescent.

LANDSCAPING

- E10. Landscaping for the Development must be carried out and maintained in accordance with the landscape maintenance requirements requested under **Condition D22**. The final approved Landscape Maintenance Manual with laminated "As Built" landscape plans consistent with final approved landscape plans are to be provided to the Strata manager and a copy kept on site at all times.

Understorey planting scheme, meaning shrubs and groundcovers, as indicated in approved plans can be modified by similar shape planting, if required. If trees need to be replaced same tree species and sizes as indicated in Approved landscape plan plant schedule shall be selected. The landscaped areas shall be maintained in a clean and tidy state and with a dense, even coverage of plants to Council's satisfaction at all times.

FIRE SAFETY CERTIFICATION

- E11. The Development must operate in accordance with the Fire Safety Certificate obtained in accordance with this consent.
- E12. During occupation and ongoing use of the building(s), the Applicant must provide an annual fire safety statement to Council and the Commissioner of Fire and Rescue NSW in accordance with Section 88 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021.

OUTDOOR LIGHTING

- E13. If any outdoor lighting results 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.

BASIX CERTIFICATION

- E14. The Development must be implemented and all BASIX commitments thereafter maintained in accordance with BASIX Certificate Nos.1768995M and any updated certificate issued if amendments are made.

OPERATIONAL MANAGEMENT

- E15. The Operational Plan of Management (**Condition D36**), Car parking, Loading and Servicing Management Plan (**Condition D38**) and Operational Waste Management Plan (**Condition D39**) must be fully implemented during use of the premises. The Plans must be reviewed annually and updated if necessary.

ADVISORY NOTES

- AN1. All new buildings and structures, and any alterations or additions to existing buildings and structures, that are part of the Development, including external walls of all buildings and ventilation of premises, must be constructed in accordance with the relevant requirements of the NCC and applicable Australian Standards.
- AN2. The development consent is subject to, and the Applicant must comply with, the Prescribed Conditions.
- AN3. No condition of this consent overcomes any obligation on the Applicant to obtain, renew or comply with licences, permits, approvals, certifications and consents which may be required under law required to carry out the Development. The Applicant is responsible for obtaining any such licences, permits, approvals, certifications and consents, licences, permits, approvals, certifications and consents may include but are not limited to:
- (a) modifications to this consent or other development consents required under the EP&A Act;
 - (b) certificates under Part 6 of the EP&A Act;
 - (c) approval under section 138 of the *Roads Act 1993* for activities and works including road occupancy, hoarding, scaffolding, barricades and other construction/building works requiring the use of a public place including a road or footpath (please contact Council for further details of approvals or permits needed during construction);
 - (d) approvals under the Local Government Act 1993;
 - (e) approvals for the installation of any hoardings over Council footways or road reserves;
 - (f) approval under the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act);
 - (g) approvals required under the *Sydney Water Act 1994*.
- AN4. The Applicant is responsible for ensuring that all agreements required to carry out the Development are obtained from other authorities or other parties, as relevant.
- AN5. The Applicant is advised that the Obstacle Limitation Surface is set at RL 51m. Any activity that seeks to breach this height will require the prior approval of Sydney Airport.
- AN6. No condition of this consent removes any obligation on the Applicant to comply with laws, including but not limited to:
- (a) work health and safety laws;
 - (b) environmental laws including *Protection of the Environment Operations Act 1997* and its regulations;
 - (c) *Disability Discrimination Act 1992* (Cth);
 - (d) *Building and Construction Industry Long Service Payments Act 1986*;
 - (e) *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*;
 - (f) *Airports (Protection of Airspace) Regulations 1996*.
- AN7. 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.

WRITTEN INCIDENT NOTIFICATION REQUIREMENTS

1. All Incident notifications and reports must be submitted via the NSW planning portal (Major Projects).
2. The Applicant must provide notification as required under these requirements, even if the Applicant fails to give the notification required under **Condition A4** or, having given such notification, subsequently forms the view that an Incident has not occurred.
3. Within 7 days (or as otherwise agreed by the Planning Secretary) of the Applicant making the immediate Incident notification (in accordance with **Condition A4**), the Applicant is required to submit a subsequent Incident report that (in accordance with **Condition A5**):
 - (a) identifies how the Incident was detected;
 - (b) identifies when the Applicant became aware of the Incident;
 - (c) identifies any actual or potential non-compliance with conditions of consent;
 - (d) identifies further action(s) that will be taken in relation to the Incident; and
 - (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, including the period for implementing any corrective and/or preventative actions; and
 - (d) details of any communication with other stakeholders regarding the Incident.
4. The Applicant must submit any further reports as directed by the Planning Secretary.