

NOTICE OF APPROVAL FOR DEVELOPMENT

Section 81 (1)(A) of the Environmental Planning and Assessment Act, 1979

Approval Date	
Authority	Joint Regional Planning Panel
Reference	DA-2010/237
Contact	Michael Maloof 9562 1686

Rockdale Hotel Pty Ltd
PO BOX 55
CAMMERAY NSW 2062

Property: 20 Levey Street, WOLLI CREEK NSW 2205
Lot 20 DP 4464, Lot 21 DP 663384, Lot 22 DP 4464, Lot 23 DP 4464,
Lot 24 DP 4464, Lot 31 DP 4464, Lot 1 DP 128345, Lot 34 DP 4464, Lot
A DP 364528, Lot B DP 364528, Lot 12 DP 4335, Lot A DP 407254, Lot
B DP 407254, Lot 6 DP 6824, Lot 1 DP 367923, Lot A DP 950893, Lot B
DP 950893

Proposal: Staged Development (Masterplan) to upgrade and extend the existing hotel and erect a new part 7 and part 16 storey residential development with a private shareway, landscaping and associated car parking

The above development is approved subject to the following conditions:

GENERAL CONDITIONS

The following conditions restrict the work to the detail provided in the Development Application and are to ensure that the development is complete.

1. The term of this consent is limited to a period of **five** (5) years from the date of approval. The consent will lapse if the development does not commence within this time.
2. The development must be implemented substantially in accordance with the plans listed below, the application form and on any supporting information received with the application, except as may be amended in red on the attached plans and by the following conditions.
Architectural Plans prepared by BatesSMART for the Winten Property Group titled Stage 1 – Masterplan Design Report dated November 2009 and received by Council on 14 December 2009; as amended by:
Plans prepared by BatesSMART for the Winten Property Group titled Site and Roof Plan, sheets numbered 00, 001, 01 to 04, 05-06, 07-08, 09 to 11 and elevations, dated March 2010 and received by Council on 8 March 2010.
3. Pursuant to Section 83B (3) of the Environmental Planning and Assessment Act, 1979 (as amended), this consent does not authorise the carrying out of any development on any part of the site unless accompanied by a separate consent subsequently granted

to carry out development on that part of the site.

This development consent relates to the Masterplan of the development only. A separate development application shall be submitted to Council for any future stages of the development.

4. A staging plan shall be developed for the site so as not to result in an unsightly area being left on any part of the site for any extended length of time. The staging plan is to be submitted to and approved by Council prior to release of any construction certificate for the site.
5. Monitored CCTV facilities shall be implemented throughout the hotel development. Areas of focus include the hotel car park (including entry and exits), main entry areas to the development and garbage/storage areas. Details to be provided prior to the issue of the Construction Certificate for Stage 1.
6. Lighting shall be designed to the Australian and New Zealand Lighting Standards. Australia and New Zealand Lighting Standard 1158.1 – Pedestrian, requires lighting engineers and designers to consider crime risk and fear when selecting lamps and lighting levels.
7. Signage shall be erected at entry/exit points and throughout the development to assist users and warn intruders they may be prosecuted.
8. Well designed screening devices are required to camouflage the above ground carparking structures when viewed from the public domain. In this regard, the “recessed gap to carpark” (Material Palette 09) is not satisfactory.
9. To ensure the drop off area is safe and has good passive surveillance, active retail/commercial uses are to be provided at the hotel interface within the drop off area.
10. The proposed shareway along the park frontage must be designed so that it is accessible to the public and forms part of the public domain.
11. Noise mitigation measures are to be incorporated within the proposed residential dwellings which are in accordance with the noise control guidelines contained in Council’s LEP, Council’s DCP 62 and the policy titled “Development Near Rail Corridors and Busy Roads – Interim Guideline” published by the NSW Department of Planning.
12. The proposed development shall comply with the 7 wind treatments identified and recommended within the conclusion of the wind report dated 20 November 2009 prepared by Windtech Consultants Pty Ltd.
13. A Construction Site and Waste Management Plan shall be submitted with each subsequent stage/Development Application.
14. The proposed vehicle access way through the site separating the hotel from the residential building has the potential to be unpleasant and unsafe being adjoined on both sides by above ground car parking and blank walls. The final design will need to ensure this space is designed in such a way as to have enough activity and passive surveillance to be safe to users. It is recommended that the design incorporated active uses as a frontage to this space. The rear elevation of the residential building should be improved as it is an unrelieved straight line. A greater sense of containment could be an improvement.
15. Commercial restaurant or café uses on Levey Street create an active street frontage

and are supported as they take advantage of the park frontage. However, the level change between the upper terrace and street level should be mediated to ensure there is good visual and physical connectivity between the two. As such, raised planters on the upper level are not desirable.

16. The applicant is required to pay particular regard to the external appearance and design of the residential tower building in order to achieve an appropriate and sympathetic context and fenestration with the adjacent park and surrounding locality. Given the prominent corner location such details are to be submitted to and approved by Council prior to the issue of that particular subsequent stage (development application) for the site.
17. The applicant will be required to carry out certain works pursuant to section 80A(1)(f) of the Act, including the “streetscaping” of the Levey Street and Marsh Street frontages of the site and the placement underground of existing electricity services adjacent to the site. Exact details of the required works will be set out in the specific development consent(s) issued for the erection of buildings on the land. Council will not give credits for carrying out any such work against the applicant's monetary development contributions (except for the “streetscaping” of the Levey Street and Marsh Street frontages of the site).
18. In accordance with the applicant's written offer (email dated 16 April 2010 from Alan Davidson) and pursuant to Rockdale Section 94 Contributions Plan 2004, land along the south-western boundary of the site is to be dedicated to Council at no cost for the purpose of a new public road, in accordance with the plans submitted with the application.

A plan of subdivision for the dedication of the road shall be registered with the NSW Department of Lands prior to the issue occupation Certificate.
19. In accordance with the applicant's written offer (email dated 16 April 2010 from Alan Davidson) and the acceptance of that offer by the NSW Roads and Traffic Authority, land at the north-eastern corner of the site is to be dedicated to the Roads and Traffic Authority at no cost for the purpose of a public road [or whatever purpose the RTA specifies], the exact dimensions (10m) and extent of the land to be dedicated being in accordance with the plan prepared by the Roads and Traffic Authority showing the F6 corridor attached to the letter from the Sydney Regional Development Advisory Committee dated 19 February 2010.

A plan of subdivision for the dedication of the road shall be registered with the NSW Department of Lands prior to the issue of the first Occupation Certificate.
20. That the proposed northern access laneway to Marsh Street (one way street) be closed off to vehicular traffic to enhance safety. The detailed DA for Building C shall make alternative arrangements for the vehicular access to the Building C basement car park.
21. The nominal width of the road reservation for the future Gertrude Street extension shall be 23m. A revised concept engineering plan for the construction of Gertrude Street shall be submitted with the first DA seeking approval for the construction of the first stage.
22. Provision shall be made for the relocation of any services within the Gertrude Street reservation, as may be reasonably required by the relevant service provider. Details of the relocation and confirmation of the requirements of the relevant service providers shall be submitted with the first DA seeking approval for the construction of the first stage. Council will not give credits for carrying out any such work against the

applicant's monetary development contributions.

23. Parking in the development shall be in accordance with the following rates in accordance with the requirements of Council's Development Control Plan No. 62:

Type	No of Spaces
Residential	
Studio to 2 bed dwellings	1 per dwelling
3 bed or more dwellings	2 per dwelling
Visitor parking	1 per 4 dwellings
Retail	1 per 35m ² GFA
Office	1 per 100m ² GFA
Hotel	1 per 4 rooms

Details of parking for each stage will be provided with subsequent development applications.

24. A revised Flood Management Plan shall be prepared and lodged with Council with the development applications for Building A and Building B. The revised plan(s) shall be prepared specifically for the flood evacuation and flood awareness for the public spaces of Building A and Building B.
25. The basements of the development shall be designed as fully tanked and waterproofed systems, to the requirements of the Groundwater Resource Handbook, published by the Sydney Coastal Council's Group.
26. Discussions are to be held with Council's Spatial Information Coordinator (Ph: 9562 1693) to satisfy Council in relation to the proposed street numbering for the residential development on the site. Details are to be submitted to and approved by Council prior to the lodgement of any subsequent development applications for the site.
27. All existing and proposed lights shall comply with the Australian Standard AS4282 - 1997 "Control of the Obtrusive Effects of Outdoor Lighting". In this regard, the lighting of the premises shall be directed so as not to cause nuisance to the owners or occupiers of adjacent/adjoining premises or to motorists on adjoining or nearby roads.
28. Cooling towers or water cooling systems shall be designed, installed and commissioned in accordance with the provisions of the Public Health Act 1991, Public Health Microbial Control Regulation 2000, Australian Standard 3666.1 "Air Handling and Water Systems of Buildings - Microbial Control - Design, installation and commissioning", and the current code of practice published by the NSW Health department.
29. The contaminated site shall be remediated in accordance with 'State Environmental Planning Policy No 55 Remediation of Land' (SEPP55). A Site Remedial action Plan (SRAP) prepared by a suitably qualified and experienced Contaminated Land Consultant, shall be submitted to Council being the Regulatory Authority for the management of contaminated land concurrently with Stage 2 development application. It is preferable that the plan be prepared by the same consultant who assessed the site for contamination.
30. The recommendations contained in Section 12.5 of the Environmental Site Assessment Report prepared by Environmental Investigation Services dated

December 2009 Ref: E17427Krpt3 shall be adopted and implemented.

31. An environmental enforcement fee of 0.25% of the cost of the works shall be paid to Council prior to the issue of a construction certificate for each subsequent stage in accordance with Rockdale Council's City Plan (adopted fees and charges).
32. The applicant is to pay monetary development contributions towards the improvement or provision of public amenities and services. The amount and purpose of the contributions will be set out in the specific development consent(s) issued for the erection of buildings on the land and will be calculated in accordance with Rockdale Section 94 Contributions Plan 2004 (or any subsequent contributions plan applicable at the time of granting the consent(s)). The contributions are to be paid prior to issue of the first construction certificate required under the consent(s).
33. A landscape plan, prepared by a qualified Landscape Architect shall be submitted to Council or the accredited certifier (AC) for approval with each subsequent development application stage. The plan shall be at a scale of 1:100 or 1:200 and comply with Council's DCP 71 – Landscape Design and all other relevant conditions of this Consent.

The street trees are to be changed in accordance with the Draft Wolli Creek and Bonar Street Precinct PDP as follows:

Gertrude Street: Ulmus parvifolia

Levey and Marsh Streets: Angophora costata

Particular regard is to be paid to Section 3 – Landscape Documentation and Section 8 – Podiums and Rooftop Gardens of Council's DCP 71 – Landscape Design.

34. The residential dwellings are to be designed and constructed to achieve interior noise levels which comply with Australian Standard 2021- 2000 Acoustic - Aircraft Noise Intrusion. An appropriately qualified Noise Consultant is to advise on appropriate measures to be incorporated in the design of the building so that it will meet this standard. The information shall be submitted to Council prior to issue of the Construction Certificate.
35. Compliance with Council's Development Control (DCP) 28 - Requirements for Access. Compliance with this condition will require the design and fitout of the commercial/retail areas to be in accordance with Australian Standard 1428.1-2001.
Note: Compliance with Council's Development Control Plan (DCP) 28 - Requirements for Access and the Building Code of Australia does not necessarily guarantee that the development meets the full requirements of the Disability Discrimination Act (DDA) 1992. It is the responsibility of the applicant to make the necessary enquiries to ensure that all aspects of the DDA legislation are met.
36. Within one (1) month of completion of the remedial works and prior to the issue of a Construction Certificate, a copy of the Validation Report shall be submitted to Council being the Regulatory Authority for the management of contaminated land. The Validation Report shall be prepared in accordance with the NSW Environment Protection Authority's (EPA) guidelines, *Consultants Reporting on Contaminated Sites*, and shall include, but not be limited to the following:
 - describe and document all works performed;
 - include results of validation testing and monitoring;
 - include validation results of any fill imported on to the site;

- show how all agreed cleanup criteria and relevant regulations have been complied with; and
 - include clear justification as to the suitability of the site for the proposed use and the potential for off-site migration of any residual contaminants.
37. Prior to the commencement of work, Tree Protection Zones shall be established with protective fences at least 1.8 metres high erected, at the greater of the drip lines or three (3) metres from the trunks, around each tree or group of trees to be retained. The protective fences shall consist of chain wire mesh panels mounted on concrete bases braced and secured to prevent movement, shall be in place **prior to the commencement of any work on site** and shall remain until the completion of all building and hard landscape construction. Excavations for services, waste bins, storage of materials and equipment, site residue, site sheds, vehicle access or cleaning of tools and equipment are **not** permitted within the Tree Protection Zones at any time.
38. Prior to the commencement of any work on site, a sign shall be placed in a prominent position on each protective fence identifying the area as a **Tree Protection Zone** and prohibiting vehicle access, waste bins, storage of materials and equipment, site residue and excavations within the fenced off area.
39. A Site Health & Safety Plan shall be prepared prior to the commencement of remediation works by a person competent to do so. All works shall be carried out in accordance with this plan. This plan shall include:
- hazard identification and control
 - site security
 - personal protective equipment
 - work zones and decontamination procedures
 - contingency plans and incident reporting
 - environmental monitoring.
40. Any new information discovered during remediation, demolition or construction works which has the potential to alter previous conclusions about site contamination, shall be notified to Council being the Regulatory Authority for the management of contaminated land.
41. The four existing Eucalyptus trees located adjacent to the Marsh Street boundary at the rear of the hotel, all existing street trees and trees located within the reserve to the north of the site shall not be removed or pruned, including root pruning, without the written consent of Council in the form of a Permit issued under Council's Tree Preservation Order. All other existing site trees may be removed.
42. Any pruning of branches or roots of trees growing from within adjoining properties requires the prior written consent of the tree's owners and the prior written consent of Council in the form of a Permit issued under Council's Tree Preservation Order. The work must be carried out in accordance with AS4373:2007 by an experienced Arborist with minimum AQF Level 2 qualifications in Arboriculture.
43. Where drainage or paving works are proposed to be constructed in the area below the dripline of trees, the proposed works and construction methods must not damage the tree. Where either the trees or works were not shown in detail on the approved plans,

then Council approval must be obtained by contacting Council's Tree Management Officer.

44. Underground Services such as pipelines or cables to be located close to trees, must be installed by boring or by such other method that will not damage the tree rather than open trench excavation. The construction method must be approved by Council's Tree Management Officer.
45. Existing soil levels within the drip line of trees to be retained shall not be altered without reference to Council's Tree Management Officer.
46. Building materials, site residue, machinery and building equipment shall not be placed or stored under the dripline of trees required to be retained.
47. An accredited auditor under the Contaminated Land Management Act 1997 shall review the Validation Report prepared by the contaminated land consultant and issue a Site Audit Statement. The accredited auditor shall provide Council being the Regulatory Authority for the management of contaminated land, with a copy of the Site Audit Report and Site Audit Statement, prior to issue of the Occupation Certificate.
48. A Site Audit Statement (SAS) shall be submitted to Council being the Regulatory Authority for the management of contaminated land, prior to the issue of Occupation Certificate, clearly demonstrating that the site is suitable for the intended use. Conditions imposed on the SAS shall form part of this consent. In circumstances where the SAS conditions (if applicable) are not consistent with the consent, the consent shall prevail to the extent of inconsistency and a S96 application pursuant to the Environmental Planning & Assessment Act 1979 will be required.

INTEGRATED DEVELOPMENT/EXTERNAL AUTHORITIES

The following conditions have been imposed in accordance with Section 91A of the Environmental Planning and Assessment Act, 1979.

49. **General Terms of Approval – for works requiring a Controlled Activity Approval under the Water Management Act 2000**
 - a) These General Terms of Approval (GTA) only apply to the controlled activities described in the plans and associated documentation relating to DA-2010/237 and provided by Council.

Any amendments or modifications to the proposed controlled activities may render these GTA invalid. If the proposed controlled activities are amended or modified the NSW Office of Water must be notified to determine if any variations to these GTA will be required.
 - b) Prior to the commencement of any controlled activity (works) on waterfront land, the consent holder must obtain a Controlled Activity Approval (CAA) under the Water Management Act from the Department of Water & Energy. Waterfront land for the purposes of this DA is land and material in or within 40 metres of the top of the bank or shore of the river identified.
 - c) The consent holder must ensure that no materials or cleared vegetation that may obstruct flow, wash into the water body or cause damage to river banks are left on waterfront land other than in accordance with a plan approved by the Department of Water & Energy.

- d) The consent holder is to ensure that all drainage works (i) capture and convey runoffs, discharges and flood flows to low flow water level in accordance with a plan approved by the Department of Water & Energy; and (ii) do not obstruct the flow of water other than in accordance with a plan approved by the Department of Water & Energy.
- e) The consent holder must stabilise drain discharge points to prevent erosion in accordance with a plan approved by the Department of Water & Energy.
- f) The consent holder must establish all erosion and sediment control works and water diversion structures in accordance with a plan approved by the Department of Water & Energy. These works and structures must be inspected and maintained throughout the working period and must not be removed until the site has been fully stabilised.

50. **Sydney Airport Corporation Limited**

Sydney Airport Corporation Limited (SACL) has approved the maximum height of the proposed buildings at the following heights in metres relative to Australian Height Datum (AHD).

Building B: 24.65 metres above Australian Height Datum (AHD)
Building C2: 23.85 metres above Australian Height Datum (AHD)
Building C3: 50.85 metres above Australian Height Datum (AHD)

These heights are inclusive of all vents, chimneys, aerials, TV antennae and construction cranes etc. No permanent or temporary structure is to exceed these heights without further approval from Sydney Airport Corporation Limited.

Note: Under Section 186 of the Airports Act 1996, it is an offence not to give information to the Airport Operator that is relevant to a proposed “controlled activity” and is punishable by a fine of up to 50 penalty units.

For further information on Height Restrictions please contact SACL on 9667 9217.

Bird and Obstacle Hazard Management

To minimise the potential for bird habitation and roosting, the Proponent must ensure the following plans are prepared prior to construction commencing:

- Landscape Plan which only includes non-bird attracting plant species;
- Site Management Plan which minimises the attractiveness for foraging birds, i.e. site is kept clean regularly, refuse bins are covered, and detention ponds are netted.
- The proposed development incorporates ant-bird roosting measures to discourage bird habitation.

The Proponent must consult with Sydney Airport Corporation Limited on the preparation of each plan.

All trees to be planted shall not be capable of intruding into the Obstacle Limitation Surface when mature.

51. **Roads & Traffic Authority**

Prior to the issue of a construction certificate for any development associated with Stage 1, the applicant will be required to provide detailed SCATES traffic modelling to the RTA (for review and comment) for the future operation of the Marsh Street /

Gertrude Street intersection in the weekday AM and PM peak hours. The SCATES modelling shall include all intersections along Marsh Street from West Botany Street to Link Road. Such modelling would be based upon the forecast traffic numbers / modelling associated with the Cooks Cove proposal coupled with the additional traffic generated by this development. The layout to be modelled should be based upon the most recent conceptual layout of Marsh Street/Gertrude Street with the intent to ensure that there is adequate capacity (particularly for turn movements) and to ensure that through traffic along Marsh Street is not significantly affected.

DEVELOPMENT CONSENT ADVICE

- a. You are advised to consult with your utility providers (i.e. Energy Aust, Telstra etc) in order to fully understand **their** requirements **before** commencement of any work.
- b. The proposed residential apartments within the residential component of the development shall be limited to the following mix:
 - 3 bedroom – 20%,
 - 2 bedroom – 70% and
 - 1 bedroom – 30%

ADDITIONAL INFORMATION

- To confirm the date upon which this consent becomes effective, refer to Section 83 of the Environmental Planning and Assessment Act, 1979. Generally the consent becomes effective from the determination date shown on the front of this notice. However if unsure applicants should rely on their own enquiries.
- To confirm the likelihood of consent lapsing, refer to Section 95 of the Act. Generally consent lapses if the development is not commenced within five years of the date of approval. However if a lesser period is stated in the conditions of consent, the lesser period applies. If unsure applicants should rely on their own enquiries.
- Section 82A allows Council to reconsider your proposal. Should you wish to have the matter reconsidered you should make an application under that section with the appropriate fee.
- Under Section 97 of the Act applicants who are dissatisfied with the outcome of a consent authority have a right of appeal to the Land and Environment Court. This right must be exercised within 12 months from the date of this notice. The Court's Office is situated at Level 1, 225 Macquarie Street, Sydney (Telephone 9228 8388), and the appropriate form of appeal is available from the Clerk of your Local Court.

Should you have any queries please contact Michael Maloof on 9562 1686.

Luis Melim
Manager - Development Services