

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-2011/158
Contact	Marta Sadek 9562 1743

Architectural And Building Works
6/4 Hogben St
KOGARAH NSW 2217

DRAFT

Property: 45 Bonar Street, ARNCLIFFE NSW 2205
Lot 2 DP 568839, Lot 4 DP 574248, Lot 1 DP 1122564

Proposal: Integrated Development - Demolition of existing structures and construction of a mixed use development comprising four (4) buildings containing 225 residential units and one(1) commercial unit over a basement carpark, associated landscaping, new road, infrastructure works, dedicated open space and subdivision

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 numbered A-010, A-011, A-012, A-014, A-015, A-016, A-017, A-018, A-019, A-020, A-021, A-022, A-023, A-030, A-031, A-032, A-033 Issue P Rev 5 drawn by Architecture and Building Works, dated 14/3/11 and received by Council on 14/3/11,

Drainage plans with Job numbered 09AH399, Drawings D02 Rev C dated 23/2/11, D06 Rev B dated 18/2/11 and D09 Rev A dated 18/2/11 drawn by Australian Consulting Engineers and received by Council on 26/2/11,

Landscape plans numbered IS0085DA1 to IS0085DA7 Issue C, drawn by Isthmus Landscape Design, dated March 2011 and received by Council on 14/3/11,

Draft Plan of Subdivision drawn by Geometra Consulting Pty Ltd, received by Council on 22/3/11,

Photomontages prepared by Architecture and Building Works received by Council on 14/3/11.

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

5. The development must be implemented and all BASIX commitments thereafter maintained in accordance with BASIX Certificate Number 331857M_02 other than superseded by any further amended consent and BASIX certificate.

Note: Clause 145(1)(a1) of the Environmental Planning & Assessment Regulation 2000 provides: A certifying authority must not issue a construction certificate for building work unless it is satisfied of the following matters: -

- (a1) that the plans and specifications for the building include such matters as each relevant BASIX certificate requires.

Note: Clause 154B(2) of the Environmental Planning & Assessment Regulation 2000 provides: "A certifying authority must not issue a final occupation certificate for a BASIX affected building to which this clause applies unless it is satisfied that each of the commitments whose fulfilment it is required to monitor has been fulfilled."

Note: For further information please see <http://www.basix.nsw.gov.au>.

6. The strata subdivision requires separate approval.
7. A separate development application shall be submitted for the specific use of the non residential unit. Additional conditions may be imposed on any such consent.

Note: Parking and loading provisions in a mixed use development may preclude certain uses.

8. Some forms of signage require separate development consent. Please refer to DCP 29 – Outdoor Advertising DCP 57 – Exempt and Complying Development and any other planning policy for more information.
9. Excavation, filling of the site (with the exception of the area immediately under the building envelope), or construction of retaining walls are not permitted unless shown on the approved plans and authorised by a subsequent construction certificate.
10. To ensure clarity and easy identification of the units within the building, unit numbers shall be nominated in consultation with Council's Spatial Information team.

Mail boxes must be installed along the street frontage of the property boundary in accordance with Australia Post Guidelines. Prominent house numbers are to be displayed, with a minimum number size of 150 mm in height for each number and letter in the alphabet.

11. Public infrastructure requirements for the development are as follows:
 - (i) The applicant shall design and construct the new access road (New Road West), extending from Bonar Street through the site in the general location shown in the application (the exact alignment, design and levels of the road

- to be determined in consultation with Council's Technical Services section) including all pavements, kerb and gutter, drainage, the provision of car parking bays (including any associated linemarking and signage), footpaths, tree planting, landscaping, street lighting, street furniture, undergrounding of electricity supply for the development together with the provision of underground mains water, sewer, gas, electrical services and telecommunications (which includes any relevant telephone, internet, and television services); and
- (ii) The applicant shall design and construct a new culvert, extending from Bonar Street under New Road West and through the site in the general location shown in the application (the exact alignment, design and levels of the culvert to be determined in consultation with Council's Technical Services section). This culvert will be approximately 1.5 m wide by approx. 1.5 m deep or as determined in accordance with the final flood study submitted to Council dated 19/10/2010; and
 - (iii) The applicant shall design and construct an interallotment drain servicing the community park. The interallotment drain shall include minimum 600 mm x 600 mm pits and minimum 300 mm diameter pipes, connecting to the culvert under New Road West with a silt arrestor pit with minimum 200 mm sump provided prior to the connection with the culvert; and
 - (iv) The applicant shall design and construct the main trunk drainage culvert (in lieu of a quasi-natural channel), extending from Bonar Street along the southern boundary through the site in the general location shown in the application (the exact alignment, design and levels of the culvert to be determined in consultation with Council's Technical Services section) to carry 1 in 100 year ARI flow from Bonar Street and upstream catchment. This culvert is to be approx 100 m long, 4m wide by approx. 2 m deep or as determined in accordance with the final flood study submitted to Council dated 19/10/2010. A shallow overland flow grassed swale is to be provided above this culvert to carry any bypass from the site to join the junction pit at the east boundary; and
 - (v) The applicant shall design and construct a pit 4m x 2m at the junction of the culverts referred to in (ii) and (iv) above (the exact location to be determined in consultation with Council's Technical Services section); and
 - (vi) The existing 1200 mm pipe across 13-15 Wollongong Road is to be removed and a new culvert designed and constructed to carry the 1 in 100 year flow. The culvert is to be designed to fit within the constraints of the existing Council drainage easements on the site. The design is to account for all friction, bend and pit losses and ensure water does not surcharge at upstream pits. The existing drainage with the site, including the existing detention system, is to be modified to suit the new culvert and then reconnected to the new culvert. The drainage works are to be designed so that construction may be carried out in sections that allow partial access to the rear of the site and allow existing businesses to operate. Upon completion the site is to be fully restored including any other services disturbed by the works. Drainage plans for works within the Council easement are to be approved by Council's Technical Services section prior to the issue of the first Construction Certificate for *building works*.

- (vii) The applicant shall reconstruct, widen and streetscape the eastern half of the Bonar Street in accordance with the design plans and specifications to be issued by Council. The works will include, but not limited to earthworks and road pavement construction between the centre line of the road carriageway and the top of the new kerb alignment along the entire western frontage of the site; including kerb and gutter, drainage and any necessary relocation of services; undergrounding of electrical and other aerial services; streetscaping including footpath construction, tree planting, landscaping, street lighting; and the provision of car parking bays, including any associated linemarking and signage. Such work is to be completed to the satisfaction of Council's Manager - Technical Services. The applicant MUST obtain a consent from Council prior to the commencement of the works, in accordance with Section 138 of the Roads Act 1993. An application form, and list of requirements for an application, may be obtained from Council by contacting Council's Customer Service Centre. A fee, to be determined by Council in accordance with Section 223 of the Roads Act 1993, shall be paid to Council at the time of application for the permit for the design services carried out by Council in relation to the road widening and streetscaping works listed above.

The public infrastructure requirements in (i), (ii), (iii), (iv) and (v) are *subdivision works*, for which a Construction Certificate must be obtained from Council or an Accredited Certifier prior to the *subdivision works* commencing.

The public infrastructure requirements in (i), (ii), (iv), (v) and (vi) may be offset as works-in-kind against the monetary contribution for local infrastructure required by condition 57.

The design and construction of public infrastructure shall be undertaken in accordance with Wolli Creek and Bonar Street Precinct Public Domain Plan, AUS-SPEC (including all referenced AUSTROADS guidelines and Australian Standards), and any design and construction requirement imposed by Council in an agreement for works of a material public benefit pursuant to Condition 57.

Note: The public infrastructure work specified in (vi) is not required if Council has entered into a formal agreement with another party to undertake this work.

12. Permanent or semi-permanent pumping of groundwater to protect the building will not be allowed.
13. The development shall be consistent with the General Terms of Approval (GTAs) and Licence issued by the Office of Water under the Water Act 1912.
14. Screen planting shall be provided along both industrial building boundaries in accordance with clause 4.7.2 of DCP 80.
15. Prior to the issue of any Construction Certificate the Certifying Authority shall ensure that an agreement has been entered into between Council and the person executing the consent regarding the location of construction vehicle access to the site. The agreement shall identify that the construction vehicle access for the site must be designed and operated outside of the area required by Council for Council's project for the reconstruction of Bonar Street.

NSW POLICE

The following conditions are specific to the NSW Police requirements:

16. Monitored CCTV cameras shall be installed throughout the development. Areas of focus include the basement car park (including entry and exits), main entry areas to the development, garbage/storage areas and the commercial premises.
17. 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.
18. The walls and ceilings of the car park areas shall have a light colour. This can assist in reducing power consumption in order to comply with the Australia and New Zealand Standards – Lighting.
19. Security mirrors shall be installed within corridors and on blind corners to enable users to see around blind corners.
20. Signage shall be provided at entry/exit points and throughout the development to assist users and warn intruders of security measures and that they will be prosecuted. The types of signs include:
 - Warning: these premises are under constant surveillance
 - Warning: trespassers will be prosecuted
 - Warning: monitored alarm in operation.
21. The use of graffiti resistant materials, particularly on the fences, ground floor and areas which are accessible by other structures to reduce such attacks or assist in the quick removal of such attacks.
22. Intercom facilities shall be incorporated into entry/exit points to enable residents to communicate and identify with people prior to admitting them to the development. An auxiliary lock set should also be incorporated into the design of each of the entry/exit points to enable emergency services to access the development particularly in emergency situations.

DEVELOPMENT SPECIFIC CONDITIONS

The following conditions are specific to the Development Application proposal:

23. Materials, goods or machinery shall not be stored, placed or otherwise permitted to stand between the building line and the street alignment.
24. Parking spaces shall not be enclosed without further approval of Council. The enclosure of car spaces is not permitted unless the enclosure complies with the design requirements of AS2890.1.
25. Residents and tenants of the development are ineligible for parking permits in any Resident Parking Scheme that either exists or is proposed to be created by Council for any street surrounding the development. This restriction is required to be included into the Strata By-Laws of the development at the time of Strata Subdivision.

26. The existing and future owners (Registered Proprietor) of the property will be responsible for the operation and maintenance of the detention system.

The Registered Proprietor will:

- i) permit stormwater to be temporarily detained by the system;
 - ii) keep the system clean and free of silt, rubbish and debris;
 - iii) maintain, renew and repair the whole or parts of the system so that it functions in a safe and efficient manner; and in doing so complete the same within the time and in the manner specified in written notice issued by the Council;
 - iv) carry out the matters referred to in paragraphs (ii) and (iii) at the proprietor's expense;
 - v) not make alterations to the system or elements thereof without prior consent in writing of the Council.
 - vi) permit the Council or its authorised agents from time to time upon giving reasonable notice (but at any time and without notice in the case of emergency) to enter and inspect the land for compliance with the requirement of this clause;
 - viii) comply with the terms of any written notice issued by the Council in respect to the requirements of this clause within the time stated in the notice.
27. The use of mechanical plant including air conditioners, fans, compressors, condensers, car park mechanical ventilation system shall not cause sound pressure levels in excess of the criteria given in the NSW Industrial Noise Policy - 2000.
28. Pursuant to section 93I(3) of the Environmental Planning and Assessment Act 1979 the Developer is to enter into a Planning Agreement in terms of the offer executed with Council on 21 December 2009 and relating to the provision on the land of a Community Park and associated works.

Note: Clause 3.2.6 of the Agreement required the Developer to give Council notice of its intention to commence the development to which this consent relates pursuant to section 81A(2)(c) of the Act to enable the Agreement to come into operation.

29. **Sydney Airport – Height Restrictions**

The Property Development at 45 Bonar Street, Arncliffe lies within an area defined in schedules of the Civil Aviation (Buildings Control) Regulations which limit the height of structures to 50 feet (15.24 metres) above existing ground height (AEGH) without prior approval of the Civil Aviation Safety Authority.

In this instance, Kevin Dyer of the Civil Aviation Safety Authority (CASA) has advised that *“the development will not penetrate the Obstacle Limitation Surfaces, therefore CASA will permit this activity”* to a maximum height of 38.45 metres above Australian Height Datum (AHD).

The approved height is inclusive of all lift over-runs, vents, chimneys, aerials, TV antennae, construction cranes etc.

Should the applicant wish to exceed 38.45 metres above Australian Height Datum (AHD), a new application must be submitted.

Should the height of any temporary structure and/or equipment be greater than 50 feet (15.24 metres) above existing ground height (AEGH), a new approval must be sought

in accordance with the Civil Aviation (Building Control) Regulations Statutory Rules 1988 No. 161.

Construction cranes may be required to operation at a height significantly higher than that of the proposed controlled activity and consequently, may not be approved under the Airports (Protection of Airspace) Regulations.

SACL advises that approval to operation construction equipment (ie cranes) should be obtained prior to any commitment to construct.

For further information on Height Restrictions please contact Ms Lynne Barrington on (02) 9667-9217.

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.

The height of the prescribed airspace at the site is 51.0 metres above Australian Height Datum (AHD). In accordance with Regulation 9 of the Airports (Protection of Airspace) Regulations Statutory Rules 1996 No. 293, *"a thing to be used in erecting the building, structure or thing would, during the erection of the building, structure or thing, intrude into PANS OPS airspace for the Airport, cannot be approved"*.

30. **Sydney Airport - Bird and Obstacle Hazard Management**

The area in which the proposed development is located is immediately adjacent to Runways 16R/34L and 07/25. To minimize the potential for bird habitation and roosting, the Proponent must ensure that the following plans are prepared prior to construction commencing:

- Landscape Plan which only includes non-bird attracting plant species;
- Site Management Plan which minimizes the attractiveness for foraging birds, ie site is kept clean regularly, refuse bins are covered, and detention ponds are netted;
- The proposed development incorporates anti-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.

31. To ensure an appropriate relationship with the public domain, units D.03, D.04, D.05 and D.06 shall incorporate steps in the terrace area that would allow direct access to the future road. Details shall be provided in the Construction Certificate (CC) documentation prior to the issue of the CC for the construction of Building D.
32. To ensure that the connecting areas are attractive, the communal areas in Buildings A and B at roof top level shall incorporate landscaping. Details shall be provided in the final landscape plan.
33. The basement levels shall have access to natural light and ventilation. This is to be provided where the basements protrude above natural ground level and within the communal area at podium level in Buildings C and D. Details shall be submitted prior to the issue of the Construction Certificate for the respective buildings.

34. To minimise conflict with the existing adjacent industrial development and impacts on future residential development, the balconies on the southern elevation Building D shall be deleted and the doors replaced with windows. Details shall be submitted with the Construction Certificate documentation for the construction of Building D.
35. All external glazing shall have a maximum reflectivity of 20%.
36. All 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.
37. Hot and cold water hose cocks shall be installed to the garbage room.
38. Services or utility systems shall not be located in the garbage room.
39. All vertical plumbing, other than roofwater heads and downpipes, shall be concealed within the brickwork of the building.
40. Where natural ventilation fails to comply with the provisions of the Building Code of Australia, mechanical ventilation shall be provided in accordance with Australian Standard, 1668, Part 2.
41. Balustrades shall be constructed from a solid/opaque material to a minimum height of 1000mm.
The top of the balustrade shall be a minimum height of 1200mm.
42. Ceiling heights shall be a minimum of 2.7 metres as measured vertically from finished floor level to the underside of the ceiling.
43. The design and construction of the off-street parking facilities shall:
 - (i) Comply with Australian Standards, as follows:
 - AS/NZS 2890.1:2004
 - AS2890.2:2002
 - AS2890.3:1993
 - AS/NZS2890.6:2009
 - (ii) Comply with Development Control Plan 78 – Stormwater Management, in relation to the minimum width and configuration of car wash bays.
 - (iii) Provide bicycle parking facilities for residents that are class 1 or 2 in accordance with AS2890.3:1993. Bicycle parking facilities for residents shall not be Class 3 facilities.
 - (iv) Provide for a raised median between ingress and egress lanes of access driveways to allow for installation of entry and communication systems at entry gates. The total access driveway width, excluding separation, shall be a maximum of 7.0m.
 - (v) Comply with Council's Vehicular Entrance Policy in relation to the design of the access driveways, in particular the layout of the access driveways shall be provided in the form of a layback in the kerb and gutter. The access driveway shall not be provided with kerb returns.

- (vi) Design the entry gate location for the basements so that there is no effect to traffic on the road (including footpath / cycleway) from vehicle queuing at the gate, and as a minimum of 1 car space must be provided between the gate and the future property boundary, subject to compliance with AS2890.1:2004, which may require more than 1 car space queue length.
- (vii) Provide visitor parking in a centralised location of the basement of each building. The visitor parking should be conveniently located close to the ingress and egress location and the tenant parking should be able to be securely separated from the visitor parking area. One (1) visitor parking space in each building shall be marked for use by a **Van** for loading and unloading purposes, and be a minimum dimension of 5.4m x 3.0m, with an unrestricted height clearance of 2.3m.
- (viii) Provide for the following minimum number of off-street parking spaces, and allocate parking as follows:

Type	Rate	Unit	Required
Residential – Car Parking			
Studio and 1 bed dwellings	1 per dwelling	18	18
2 bed dwellings	1 per dwelling	175	175
3 bed or more dwellings	2 per dwelling	32	64
Visitor parking	1 per 5 dwellings	227	45
Residential - Other			
Car wash bays	1 per 60 dwellings	227	4
Bicycle parking	1 per 10 dwellings	227	23
Motorcycle parking	1 per 15 dwellings	227	15
Shop or Office – Car parking	To be shared with residential visitor parking under a covenant.		
Shop of Office - Other			
Bicycle parking	1 per 200m ² GFA	200m ²	1
Motorcycle parking	1 per 20 car spaces	5	1
Total	Car parking Car wash bays Motor cycle parking Bicycle parking		302 4 16 24

- (ix) Allocate all off street visitor parking, loading bays and car wash bays as 'common property' on any future strata plan of subdivision under the Strata (Freehold) Schemes Act. A positive covenant in favour of Council shall be created over the visitor parking spaces to ensure that the commercial unit retains exclusive use of 5 spaces between 7.30am to 6.00pm Monday to Friday and 7.30am to 1.00pm on Saturdays. A suggested wording for the covenant may be obtained from Council upon request.

- (x) Note: Parking allocation conditions apply to any Strata Certificate issued with respect to a Consent issued in accordance with Section 81 (1)(A) of the *Environmental Planning and Assessment Act 1979* or a Complying Development Certificate issued in accordance with Part 6 of *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*.
44. To achieve the minimum standards suggested by SEPP 65, a minimum soil depth is required for planted areas on podiums or roof-tops or any other concrete slab as follows:
- 300mm for turf,
 - 400mm for groundcovers,
 - 600mm for shrubs,
 - 800mm for small trees (4 to 7 metres canopy diameter at maturity) and minimum soil volume of 9 cubic metres per tree, with approximate soil area 3.5 x 3.5 metres or equivalent,
 - 1 metre for medium trees (8 to 10 metre canopy diameter at maturity) and minimum soil volume of 35 cubic metres per tree, with approximate soil area 6 x 6 metres or equivalent.
- Any subsurface drainage requirements are in addition to the minimum soil depths specified above.
- Details shall be indicated in the amended landscape plans prior to the issue of the construction certificate.
45. Prior to commencement of construction of the Community Park the applicant shall consult with Council regarding the provision of a rain garden in the western side of the park.
46. A mass planted bed 1.2 metres wide of *Acmena "Cherry Surprise"* planted at 1 metre centres shall be located against the retaining wall/ property boundary of the future Stage 2 park. Picnic table settings are to be reduced to 2 in number, bench seat numbers to 2, and seats with backs to 2. Planting of eucalypt trees within the decomposed granite is to be increased, and the tree species nominated in the Plant Schedule.
47. Paving running parallel to the decomposed granite shall be deleted and a header course of paving installed between the decomposed granite and grass instead.
48. Tree species in grass are to be changed from *Jacaranda mimosifolia* to *Pyrus ussuriensis*.
49. The Landscape Plans are approved subject to any other conditions that may require amendments or future consideration of elements within the plan.
50. The air handling system and associated cooling tower, evaporative cooler, warm water system (as applicable) shall be designed, installed and maintained in accordance with the requirements of the Public Health Act 1991 (Part 4 Microbial Control), the Regulations made thereunder, the Australian Standard As 3666-1989 Air Handling and Water Systems in Buildings - Microbial Control and the relevant Code of Practice issued by the NSW Health Department.

51. The proposed water cooling/evaporative cooling/warm water system (as applicable) shall be designed, installed and commissioned in accordance with the provisions of the Public Health Act 1991, Public Health I 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.

PRIOR TO ISSUE OF THE CONSTRUCTION CERTIFICATE

The following conditions must be completed prior to the issue of the Construction Certificate.

52. A Footpath Reserve Restoration Deposit of \$59,904.00 shall be paid to Council prior to the issue of a construction certificate. This is to cover repair of any damages, or other works to be done by Council. This includes construction, removal, or repair as required to: kerb and guttering, existing or new driveways; paved areas and concrete footpaths. The deposit may be lodged with Council in the form of a Bank Guarantee (Any proposed Bank Guarantee must not have an expiry date). If payment is made after the end of the financial year, the amount shall be adjusted in accordance with Council's adopted fees and charges. The deposit will not be returned by Council until works are completed and all damage is restored and all specified works are completed by Council.
53. A fee is payable to Council for a Soil and Water Management Sign (811) of \$14.50. If payment is made after the end of the financial year, the amount shall be adjusted in accordance with Council's adopted fees and charges.
54. 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 in accordance with Rockdale Council's City Plan (adopted fees and charges).
55. For work costing \$25,000 or more, a Long Service Leave Levy shall be paid. For further information please contact the Long Service Payments Corporation on their Helpline 13 1441.
56. A Section 94 contribution of \$985,926.31 shall be paid to Council. Such contributions are only used towards the provision or improvement of the amenities and services identified below. The amount to be paid is adjusted at the time of payment, in accordance with the contribution rates contained in Council's current Adopted Fees and Charges. The contribution is to be paid prior to the issue of any construction certificate for works above the floor level of the ground floor. (Payment of the contribution is not required prior to any separate construction certificates issued only for demolition, site preparation works and the construction of basement levels.) The contribution is calculated from Council's adopted Section 94 contributions plan in the following manner:

Regional Open Space	\$169,070.27
City Wide Open Space	\$264,371.71
Arncliffe Local Open Space	\$174,566.69
City Wide Town Centre & Streetscape	\$35,958.41
Arncliffe Local Town Centre & Streetscape	\$25,789.38
Pollution Control	\$157,420.84
Administration & Management – Arncliffe Precinct	\$12,031.93
Administration & Management – Bonar Street	\$37,616.78

Precinct	
Child Care Services	\$6,414.49
Community Services	\$9,821.41
Library Services	\$92,864.40

Copies of Council's Section 94 Contribution Plans may be inspected at Council's Customer Service Centre, Administration Building, 2 Bryant Street, Rockdale.

57. A further Section 94 contribution of \$2,541,577.69 shall be paid to Council (in cash or, where the applicant so offers, as a material public benefit, or a combination of both) towards Local Infrastructure and Facilities within the Bonar Street Precinct, such contribution only to be used towards the provision or improvement of those amenities and services. The amount of the contribution is adjusted at the time the contribution is made, in accordance with the contribution rates contained in Council's current Adopted Fees and Charges. Where the contribution is made in cash it is to be paid prior to the issue of any construction certificate. The contribution is calculated from Council's adopted Section 94 contributions plan.

Copies of Council's Section 94 Contribution Plans may be inspected at Council's Customer Service Centre, Administration Building, 2 Bryant Street, Rockdale.

Council will accept an offer from the applicant to provide a material public benefit (works-in-kind), in lieu of a monetary contribution, in part or full satisfaction of this condition, for the provision of certain works required as conditions of this consent, subject to the following terms:

- a. the offer must be made and accepted by Council prior to the issue of any construction certificate for works above the floor level of the ground floor, and
 - b. the requirements of clause 3.4 of Rockdale Section 94 Contributions Plan 2004 relating to works-in-kind are met, and
 - c. The works-in-kind being limited to the works required by:
 - i. Condition 11 (i) relating to the construction and streetscaping of the new access road, and
 - ii. Condition 11 (ii), (iv), (v) and (vi) relating to stormwater drainage works, and
 - d. the value of the material public benefit contribution for the works identified in each of these conditions is limited to the estimated cost of those works, as identified in Rockdale Section 94 Contributions Plan 2004 and as annually reviewed under clause 3.2 of the plan, and
 - e. the value of the material public benefit contribution for the provision of all of the works required by those conditions will not exceed the total amount of the contribution specified in this condition, as annually reviewed under clause 3.2 of the Rockdale Section 94 Contributions Plan 2004.
58. Temporary shorings shall be provided to support adjoining properties prior to excavation. Details of the temporary shorings shall be submitted with the application for a Construction Certificate. The shorings shall be inspected by the Principal Certifying Authority prior to excavation.
59. A Licence under the Part V of the Water Act 1912 shall be obtained from the Office of Water. Please contact the Office of Water Licensing Unit on (02) 98956263 for details.
60. The technical documentation required by the General Terms of Approval (GTAs) issued by the Office of Water shall be provided to the Office of Water with the

application for a Water Licence. Please contact Council or the Office of Water for a copy of the GTAs.

61. Prior to the issue of the Construction Certificate for works above the floor level of the ground floor the applicant shall provide Council with three proposed names for the New Road West to be created. When considering the naming/renaming of roads and streets Council use:
 - 1.1. Names of citizens who have made a significant contribution to the community. The names of living persons generally should not be assigned, this honour being reserved for persons of great eminence;
 - 1.2. Thematic names such as flora and fauna species/breeds;
 - 1.3. Names of historical, geographical or cultural significance;
 - 1.4. Names derived from Aboriginal culture;
 - 1.5. That duplication and phonetically similar sounding names are to be avoided.
62. Prior to the issue of the Construction Certificate a certificate from a practicing Structural Engineer, registered with NPER, shall be submitted to Council stating that the subsurface structural components located on the boundary of the existing public roads and new public roads, including but not limited to the slabs, walls and columns, have been designed in accordance with all SAA Codes for the design loading from truck and vehicle loads.
63. In the case of residential building work for which the Home Building Act 1989 requires there to be a contract of insurance or owner builder's permit in force in accordance with Part 6 of that Act, that such a contract or permit is in place.
64. All building materials shall be flood resistant, or flood compatible to a height of 500mm above the 1% AEP flood, or flow level. All internal electrical switches, power points or similar utilities liable to flood damage shall be set at a minimum of 500mm above the 1% AEP flood, or flow level. Details shall be provided and approved prior to the issue of a construction certificate.
65. A suitable qualified engineer is to certify that the structure can withstand the forces of floodwater, scour, debris and buoyancy in a 1% AEP flood event and a PMF event.
66. Compliance with Council's Development Control Plan (DCP) 28 - Requirements for Access. Access in accordance with Australian Standard 4299 must be provided to and within 6 residential units, and between this unit(s) and its allocated carparking space. The allocated parking space will be located in close proximity to the access points of the building. The adaptable unit(s) are to be unit number(s) A.02, A.03, C.05, C.15, D.05 and D.15. Please note that compliance with this condition requires the relevant unit(s) to be constructed to comply with all the essential (Type C) requirements of AS4299.

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.
67. 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.

68. Compliance with Council's Development Control Plan (DCP) 28 - Requirements for Access. Compliance with this condition requires a minimum of 8 carparking space/s to be provided. The car spaces shall be identified and reserved at all times and be in the vicinity to lifts or as close as possible to public areas and facilities. The car spaces shall comply with Australian Standard AS/NZS 2890.6:2009, *Parking facilities, Part 6: Off-street parking for people with disabilities*.
69. Prior to the issue of a Construction Certificate, the acoustic report prepared by Acoustic Solutions P/L dated 19 October 2010 and received by Council on 26 October 2010 shall be amended to include any necessary measures to address clause 6.3.2(c) of DCP 80 and clause 35A(2G) of RLEP2000 regarding industrial noise. A copy of the report shall be submitted and endorsed by Council. The recommendations of the report shall be implemented.
70. The applicant shall confer with Energy Australia to determine if an electricity distribution substation is required. Written confirmation of Energy Australia's requirements shall be obtained prior to issue Construction Certificate.
71. The applicant shall confer with Energy Australia to determine if satisfactory clearances to any existing overhead High Voltage mains will be affected. Written confirmation of Energy Australia's requirements shall be obtained prior to issue Construction Certificate.
72. The approved plans must be submitted to a Sydney Water Quick Check agent or Customer Centre to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met. Plans will be appropriately stamped. For Quick Check agent details please contact Sydney Water.

The consent authority or a private accredited certifier must ensure that a Quick Check agent/Sydney Water has appropriately stamped the plans before issue of any Construction Certificate.
73. A dilapidation survey shall be undertaken of all properties and/or Council infrastructure, including but not limited to all footpaths, kerb and gutter, stormwater inlet pits, and road carriageway pavements, in the vicinity which could be potentially affected by the construction of this development. Any damage caused to other properties during construction shall be rectified. A copy of the dilapidation survey and an insurance policy that covers the cost of any rectification works shall be submitted to the Accredited Certifier (AC) prior to issue of the Construction Certificate. The insurance cover shall be a minimum of \$10 million.
74. The subsurface structure shall be designed with a waterproof retention system (ie tanking and waterproofing) with adequate provision for future fluctuation of the water table. The subsurface structure is required to be designed with consideration of uplift due to water pressure and "flotation" (buoyancy) effects. Subsoil drainage around the subsurface structure must allow free movement of groundwater around the structure, but must not be connected to the internal drainage system. The design of subsurface structure, tanking and waterproofing, and subsoil drainage shall be undertaken by a

suitably experienced Chartered Professional Engineer(s). Design details and construction specifications shall be included in the documentation accompanying the Construction Certificate.

75. Prior to the issue of a Construction Certificate for *building works*, the Certifying Authority shall ensure that a letter from a qualified practicing Traffic Engineer registered on the National Professional Engineering Register (NPER), or a Compliance Certificate (issued in accordance with Section 109C of the Environmental Planning and Assessment Act 1979), has been issued to the Certifying Authority stating that the design of the off-street parking facilities comply with the conditions of consent.
76. Prior to the issue of a Construction Certificate for *subdivision works*, the Certifying Authority shall ensure that:
 - (i) Where the design and/or construction of *subdivision works* are subject to an agreement with Council for works of a material public benefit pursuant to Condition 57 that the agreement has been executed.
 - (i) The design drawings for the *subdivision works* comply with Council's Wollie Creek and Bonar Street Precinct Public Domain Plan, Council's design specifications for subdivision works (AUS-SPEC, including all referenced AUSTROADS guidelines and Australian Standards), and any design requirements imposed by Council in an agreement for works of a material public benefit pursuant to Condition 57.
 - (ii) The construction specification for the *subdivision works* has been prepared using AUS-SPEC, and any specification requirements imposed by Council in an agreement for works of a material public benefit pursuant to Condition 57.
 - (iii) The contract document for the *subdivision works* has been prepared using an acceptable industry standard that is compatible with the specification (AUS-SPEC).
 - (iv) A Quality Management Plan has been prepared, listing all required quality testing to comply with the specification, and all hold point inspections required by the superintendent and Principal Certifying Authority.
 - (v) An Environmental Management Plan has been prepared.
 - (vi) An Occupational Health and Safety Plan has been prepared.
 - (vii) The design requirements of all Utility Authorities have been confirmed and satisfied by the designer.
77. A Waste Management Plan shall be prepared and implemented in accordance with Development Control Plan No. 53.
78. The groundwater shall be assessed by a suitably qualified and experienced environmental consultant in accordance with relevant contaminated sites guidelines published by NSW Department of Environment Climate Change and Water. A copy of the report shall be submitted to Principal Certifying Authority prior to the issue of the Construction Certificate. A copy shall also be submitted to Council if Council is not the Principal Certifying Authority.

79. A hazardous materials survey shall be carried out by a suitably qualified and experienced environmental consultant prior to the issue of the Construction Certificate. A copy of the report shall be provided to the Principal Certifying Authority.
80. Any soils requiring removal from the site as part of excavation works during construction shall be classified in accordance with the 'Waste Classification Guidelines, Part 1: Classifying Waste' published by NSW Department of Environment Climate Change and Water.
81. The low level driveways accessing New Road West must be designed to prevent inflow of water from the road reserve. The assessment of flows and design of prevention measures shall be in accordance with the requirements of DCP 78 – Stormwater Management. Details shall be included in the documentation presented with the Construction Certificate application.
82. Any part of the proposed building located in the vicinity of the existing pipeline shall be constructed on a pier and beam type foundation, piers shall be located outside the boundary of the drainage easement and to extend to a depth of no less than 300mm below the pipeline invert. This requirement shall be reflected on the Construction Certificate plans and supporting documentation.
83. Stormwater management requirements for the development site, including the final discharge/end connection point, must comply with DCP 78 – Stormwater Management.
84. Four(4) dedicated car wash bays with associated tap shall be provided. A sign shall be fixed indicating 'Car Wash Bay'. The runoff shall be directed and treated as per DCP 78. Details shall be provided with the plans accompanying the Construction Certificate.
85. Prior to the issue of the Construction Certificate, excavation shall be undertaken to confirm the location of the Council pipeline that traverses the property.
86. Prior to the issue of the Construction Certificate, detailed drainage design plans for the management of stormwater are to be submitted to Council or an Accredited Certifier for assessment and approval. Design certification, in the form specified in DCP 78, and drainage design calculations are to be submitted with the plans. Council's DCP 78 sets out the minimum documentation requirements for detailed design plans.
87. An inlet for the main trunk culvert along the southern boundary of 45 Bonar Street, carrying 1 in 100 year ARI, is to be adjusted to be constructed on the recommendations of Council's consultant engaged for the design of Bonar Street and associated infrastructure. Council will make available the detailed design of Bonar Street and the detailed design of Council's Consultant shall be incorporated into the architectural and landscape design of Building C prior to the issue of the first Construction Certificate for Building C.
88. The OSD for building A and B has 50 year storage level above the grate level in the carpark. The storage volume of this OSD is to be redesigned maintaining no discharge in the carpark at 50 year storage level. A 200 mm minimum silt trap is to be provided under the invert of the outlet pipe. A detailed structural design of this OSD is to be submitted to Council before the issue of construction certificate showing the sections with all the connection including from the Rain Water Tank (RWT) (at least 225 mm diameter inlet) and subsequently the connection between two separate components of OSD with storage levels, grate levels and internal dimensions clearly indicated. The

sections also need to indicate the correlation with the surroundings (i.e. carpark floor levels) and floor slabs.

89. The OSD section B for building C and D has grate level above outlet pipe and storage level higher than as shown in Plan. An outlet pipe at 50 year storage level is to be provided from OSD to control overflow. Alternatively, a weir is to be built up to 50 year storage level which then overflows into the silt trap chamber for the outlet pipe. Before the issue of construction certificate a detailed structural design with sections need to be submitted to council to show the sections with all the connection including from the RWT (at least 225 mm diameter inlet) with storage levels, grate levels and internal dimensions clearly indicated. The sections also need to indicate the correlation with the surrounding (i.e. carpark floor levels) and floor slabs.

PRIOR TO COMMENCEMENT OF WORKS

The following conditions must be completed prior to the commencement of works.

90. Council's warning sign for soil and water management must be displayed on the most prominent point on the building site, visible to both the street and site workers. The sign shall be erected prior to commencement of works and shall be displayed throughout construction.
91. Soil and sedimentation controls are to be put in place prior to commencement of any work on site. The controls are to be maintained in effective working order during construction.

The controls are to be designed and installed in accordance with the Soil and Water Management for Urban Development Guidelines produced by the Southern Sydney Regional Organisation of Council. Copies of the guidelines are available from Council.
92. A Soil and Water Management Plan shall be prepared in accordance with Soil and Water Management for Urban Development Guidelines produced by the Southern Sydney Region Organisation of Councils. A copy of the plan must be submitted to Council. The Plan must include details of the proposed erosion and sediment controls to be installed on the building site. A copy of the Soil and Water Management Plan must be kept on-site at all times and made available on request.

Sediment control devices shall not be located beneath the driplines of trees, which are to be retained.
93. A sign must be erected at the front boundary of the property clearly indicating the Development Approval Number, description of work, builder's name, licence number and house number before commencement of work. If owner/builder, the Owner/Builder Permit Number must be displayed.
94. A sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being carried out:
 - i) stating that unauthorised entry to the work site is prohibited, and
 - ii) showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours.

Any such sign is to be removed when the work has been completed.

This condition does not apply to:

- iii) building work carried out inside an existing building or

- iv) building work carried out on premises that are to be occupied continuously (both during and outside working hours) while the work is being carried out.
95. Where it is necessary to import landfill material onto the site to fill the land to levels shown on the plans forming part of the consent, a certificate, prepared by a suitably qualified and experienced Contaminated Land Consultant, shall be submitted to Council being the Regulatory Authority prior to the commencement of works, certifying that the imported fill is suitable for the land use.
 96. The site shall be secured by a 1500 mm (minimum) high temporary fence for the duration of the work. Gates shall be provided at the opening points.
 97. Where construction/building works require the use of a public place including a road or footpath, approval under Section 68 of the Local Government act 1993 for a Barricade Permit is to be obtained from Council prior to commencement of work. Details of the barricade construction, area of enclosure and period of work are required to be submitted to the satisfaction of Council.
 98. When the work involved in the erection or demolition of a building:
 - i) is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or
 - ii) building involves the enclosure of a public place,
 a hoarding or fence shall be erected between the work site and the public place.
 When necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place.
 Any such hoarding, fence or awning is to be removed when the work has been completed.
 The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.
 99. Toilet facilities are to be provided, at or in the vicinity of the work site, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site and the toilet facilities must be designed and installed in accordance with the provisions of clause 781 of the Environmental Planning and Assessment Regulation 1994, and be installed before any other work is commenced.
 100. A system of fire and smoke alarms and/or detection system (as applicable) shall be provided throughout the building. Details shall be submitted for assessment and approval prior to commencement of works.
 101. Prior to works commencing and to comply with clause 3.4.9 – Heritage considerations of DCP 80, a photographic record shall be carried out and lodged with the Local History Librarian at Rockdale City Library. This photographic survey shall be undertaken in accordance with the NSW Heritage Office Guidelines and the requirements of Council's Local History Librarian.
 102. Consultation with Energy Australia is essential prior to commencement of work. Failure to notify Energy Australia may involve unnecessary expense in circumstances such as:
 - i) where the point of connection and the meter board has been located in positions other than those selected by Energy Australia or

- ii) where the erection of gates or fences has restricted access to metering equipment.
103. Where clearances to any existing overhead High Voltage mains are affected, the builder shall make arrangements with Energy Australia for any necessary modification to the electrical network in question. These works shall be at the applicant's expense. Energy Australia's requirements under *Section 49 Part 1* of the *Electricity Supply Act 1995* shall be met prior to commencement of works or as agreed with Energy Australia.
 104. Prior to commencement of the *subdivision works* Council shall be appointed Principal Certifying Authority, and the following shall be submitted to Council for assessment and approval:
 - Detailed Traffic Management Plan(s) for the *subdivision works*.
 - Detailed Soil and Water Management Plan(s) for the *subdivision works*.
 - Details of the Principal's agent to the administration of the contract for the *subdivision works*. The Principal's agent shall be a qualified practising Civil Engineer, registered on the National Professional Engineering Register (NPER), with experience in the project management of civil engineering projects.
 105. As required by the Voluntary Planning Agreement, the area of land to be dedicated for the proposed Community Park and adjoining road widening is be no less than 2,424 sq.m. This area shall be marked out and certified by a registered surveyor prior to commencement of any works on the land.
 106. An Acid Sulfate Soils Management Plan shall be prepared by a suitably qualified and experienced environmental consultant and a copy shall be provided to the Principal Certifying Authority.
 107. A Construction Management Plan shall be prepared in accordance with the requirements of DCP 80 and the requirements of all relevant regulatory approval bodies of the Plan. Prior to the commencement of works the Certifying Authority shall be satisfied that the Construction Management Plan has obtained all relevant regulatory approvals. The Construction Management Plan shall be implemented during demolition, excavation and construction.

DURING DEMOLITION / EXCAVATION / CONSTRUCTION

The following conditions must be complied with during demolition, excavation and or construction.

108. A copy of the Construction Certificate and the approved plans and specifications must be kept on the site at all times and be available to Council officers upon request.
109. Hours of construction shall be confined to between 7 am and 6.30 pm Mondays to Fridays, inclusive, and between 8 am and 3.30 pm Saturdays with no work being carried out on Sundays and all public holidays.
110. For Class 2, 3 and 4 structures, the building works are to be inspected during construction, by the principal certifying authority (or other suitably qualified person on behalf of the principal certifying authority) to monitor compliance with Council's

approval and the relevant standards of construction encompassing the following stages:

- i) after excavation for, and before the placement of, any footing, and
- ii) prior to covering waterproofing in any wet areas, for a minimum of 10% of rooms with wet areas within a building, and
- iii) prior to covering any stormwater drainage connections, and
- iv) after the building work has been completed and prior to any occupation certificate being issued in relation to the building.

Documentary evidence of compliance with Council's approval and relevant standards of construction is to be obtained prior to proceeding to the subsequent stages of construction and copies of the documentary evidence are to be maintained by the principal certifying authority and be made available to Council officers upon request.

111. Upon inspection of each stage of construction, the Principal Certifying Authority (or other suitably qualified person on behalf of the Principal Certifying Authority) is also required to ensure that adequate provisions are made for the following measures (as applicable), to ensure compliance with the terms of Council's approval:
 - Sediment control measures
 - Provision of perimeter fences or hoardings for public safety and restricted access to building sites.
 - Maintenance of the public place free from unauthorised materials, waste containers or other obstructions.
112. Ground water shall only be pumped or drained to Council's stormwater system if the water is clean and unpolluted. The required standards are set out in Council's application form and conditions for a permit to pump out.

Note: Where water does not meet the required standards, a permit for discharge will only be issued where prior treatment and/or filtration of the water is undertaken to achieve an acceptable water quality. It is an offence under the provisions of the Protection of the Environment Operations Act 1997 to pollute the stormwater system.
113. Demolition operations shall not be conducted on the roadway or public footway or any other locations, which could lead to the discharge of materials into the stormwater drainage system.
114. All waste generated on site shall be disposed of in accordance with the submitted Waste Management Plan.
115. A Registered Surveyor's check survey certificate or compliance certificate shall be forwarded to the certifying authority detailing compliance with Council's approval at the following stage/s of construction:
 - i) After excavation work for the footings, but prior to pouring of concrete, showing the area of the land, building and boundary setbacks.
 - ii) Prior to construction of each floor level showing the area of the land, building and boundary setbacks and verifying that the building is being constructed at the approved level.
 - iii) Prior to fixing of roof cladding verifying the eave, gutter setback is not less than that approved and that the building has been constructed at the approved

- levels.
- iv) On completion of the building showing the area of the land, the position of the building and boundary setbacks and verifying that the building has been constructed at the approved levels.
 - v) On completion of the drainage works (comprising the drainage pipeline, pits, overland flow paths, on-site detention or retention system, and other relevant works) verifying that the drainage has been constructed to the approved levels, accompanied by a plan showing sizes and reduced levels of the elements that comprise the works.
116. All excavation and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards and guarded and protected to prevent them from being dangerous to life or property.
117. When excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building or an adjoining allotment of land, you shall.
- i) preserve and protect the building from damage and
 - ii) underpin and support the building in an approved manner, if necessary and
 - iii) give notice of intention to excavate below the level of the base of the footings of a building on an adjoining allotment of land to the owner at least 7 days prior to excavation and furnish particulars of the excavation to the owner of the building being erected or demolished.
- Note:** The owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this clause, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.
- In this conditions **allotment of land** includes a public road and any other public place.
118. When soil conditions require it:
- i) retaining walls associated with the erection or demolition of a building or other approved methods of preventing movement of the soil shall be provided, and
 - ii) adequate provision shall be made for drainage.
119. 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.
120. Wind blown dust from stockpile and construction activities shall be minimised by one or more of the following methods:
- i) spraying water in dry windy weather
 - ii) cover stockpiles
 - iii) fabric fences
121. Works shall not encroach onto or over adjoining properties, including retaining walls, fill material or other similar works. Soil shall not be lost from adjoining sites due to construction techniques employed on the subject site.

122. All contractors shall comply with the following during all stages of demolition and construction:
- A Waste Container on Public Road Reserve Permit must be obtained prior to the placement of any waste container or skip bin in the road reserve (i.e. road or footpath or nature strip). Where a waste container or skip bin is placed in the road reserve without first obtaining a permit, the Council's fees and penalties will be deducted from the Footpath Reserve Restoration Deposit. Permits can be obtained from Council's Customer Service Centre.
 - A Road Opening Permit must be obtained prior to any excavation in the road reserve (i.e. road or footpath or nature strip). Where excavation is carried out on the road reserve without first obtaining a permit, the Council's fees and penalties will be deducted from the Footpath Reserve Restoration Deposit. Permits can be obtained from Council's Customer Service Centre.
 - A Hoarding Permit must be obtained prior to the erection of any hoarding (Class A or Class B) in the road reserve (i.e. road or footpath or nature strip). Where a hoarding is erected in the road reserve without first obtaining a permit, the Council's fees and penalties will be deducted from the Footpath Reserve Restoration Deposit. Permits can be obtained from Council's Customer Service Centre.
 - A Crane Permit must be obtained from Council prior to the operation of any activity involving the swinging or hoisting of goods across or over any part of a public road by means of a lift, hoist or tackle projecting over the footway. Permits can be obtained from Council's Customer Service Centre.
 - A Permit to Dewater or Pump Out a site must be obtained prior to the discharge of pumped water into the road reserve, which includes Council stormwater pits and the kerb and gutter. Permits can be obtained from Council's Customer Service Centre.
123. The existing structure shall be demolished and removed from the site prior to works commencing. All demolition work shall be carried out in accordance with Council's Demolition and Erection of Buildings Code, with AS2601 – 2001: The Demolition of Structures and with the requirements of the WorkCover Authority of NSW.
124. The new building work shall be protected in accordance with the provisions of AS 3660.1-2000 "Termite Management - Part 1: New Building Work", as required by Part 3.1.3 of the Building Code of Australia. Certification is required to be submitted to the Principal Certifying Authority (PCA), prior to the next stage of works to ensure that the selected method of treatment is in compliance with the relevant provisions of the standard. Such certification is to be prepared by a suitably qualified person.
125. For *subdivision works*, the Principal's agent shall monitor compliance with Council's approval and the standards of construction detailed in the approved specification and drawings. The Principal's agent shall undertake their required duties at all designated hold points under the specification, and ensure that the Contractor submits all information required by the specification.
126. For *subdivision works*, the works are to be inspected during construction by the Principal Certifying Authority at the following stages:
- (i) At the commencement of the *subdivision works*; and
 - (i) Completion of road sub-grade trimming and compaction; and

- (ii) Completion of road base-course trimming and compaction; and
- (iii) Prior to pouring kerb and gutter, or any other in-situ concrete element; and
- (iv) Prior to covering any stormwater drainage pipes, connections or any pre-fabricated element; and
- (v) Prior to placement of road wearing course; and
- (vi) After *subdivision work* has been completed and prior to any Subdivision Certificate being issued in relation to the work.

Documentary evidence of conformance to Council's approval and the specification is to be obtained prior to proceeding to subsequent stages of construction. Note: (1) Inspections by the Principal Certifying Authority do not relieve the responsibilities of the Principal's agent as identified in the specification. (2) Council shall be given 48 hours notice of the above inspection(s).

- 127. Stockpiles are not permitted to be stored on Council property (including nature strip) unless prior approval has been granted. In addition stockpiles of topsoil, sand, aggregate, soil or other material shall be stored clear of any drainage line or easement, natural watercourse, kerb or road surface.
- 128. Building and demolition operations such as brickcutting, washing tools or paint brushes, and mixing mortar shall not be performed on the roadway or public footway or any other locations which could lead to the discharge of materials into the stormwater drainage system.
- 129. All disturbed areas shall be stabilised against erosion within 14 days of completion, and prior to removal of sediment controls.
- 130. Stormwater from roof areas shall be linked via a temporary downpipe to an approved stormwater disposal system immediately after completion of the roof area.
- 131. Building, demolition and construction works not to cause stormwater pollution and being carried out in accordance with Section 2.8 of Council's Stormwater Pollution Control Code 1993. Pollutants such as concrete slurry, clay and soil shall not be washed from vehicles onto roadways, footways or into the stormwater system. Drains, gutters, roadways and access ways shall be maintained free of sediment. Where required, gutters and roadways shall be swept regularly to maintain them free from sediment.

Note: The Applicant may be liable to prosecution under the Environmental Planning and Assessment Act 1979 for a breach of an approval condition, or under the Protection of the Environment Operations Act 1997, if its employees, agents or sub-contractors allow sediment, including soil, excavated material, building materials, or other materials to be pumped, drained or allowed to flow to the street, stormwater pipes or waterways. The Applicant shall ensure that its employees, agents or sub-contractors understand and maintain sediment control measures.

- 132. Owners/Applicants/Builders and demolishers are required to confine access to building and demolition sites to no more than two 3m driveways, and provide a footpath protection pad over Council's footpath at these points (see attached detail). Within the site, provision of a minimum of 100mm coarse crushed rock is to be provided for a minimum length of 2 metres to remove mud from the tyres of construction vehicles.

An all weather drive system or a vehicle wheel wash, cattle grid, wheel shaker or other appropriate device, shall be installed prior to commencement of any site works or activities, to prevent mud and dirt leaving the site and being deposited on the street. Vehicular access is to be controlled so as to prevent tracking of sediment onto adjoining roadways, particularly during wet weather or when the site is muddy. Where any sediment is deposited on roadways it is to be removed by means other than washing and disposed of appropriately.

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

133. Council's warning sign for soil and water management must be displayed on the most prominent point on the building site, visible to both the street and site workers. The sign must be displayed throughout construction. A copy of the sign is available from Council.
134. Trees located within adjoining properties or Council's nature strip shall not be removed or pruned without the written consent of Council in the form of a Permit issued under Council's Tree Preservation Order.

PRIOR TO ISSUE OF OCCUPATION CERTIFICATE OR COMMENCEMENT OF USE

The following conditions must be complied with prior to issue of the Occupation Certificate or Commencement of Use.

135. All works in Bonar Street, which are subject to a consent pursuant to Section 138 of the Roads Act 1993, shall be completed in accordance with Council's consent and accepted by Council's Manager - Technical Services prior to the issue of the first Occupation Certificate.
136. An Occupation Certificate shall be obtained in relation to the approved works prior to any use or occupation of the building.
137. Appropriate signage and tactile information indicating accessible facilities shall be provided at the main entrance directory, or wherever directional signage such as lifts or building directories or information is provided to those buildings where access and facilities for people with disabilities has been provided. Such signage shall have regard to the provisions of AS1428.1 and AS1428.2.
138. Tactile differentiation on floor surfaces indicating change of gradient shall be provided to those buildings where access and facilities for people with disabilities has been provided. This includes the external parts of the building, eg. access walkways and ramps. Such differentiation shall have regard to the provisions of AS1428.4.
139. Where Council's park/reserve is damaged as a result of building work or vehicular building traffic, this area shall be restored by Council at the applicant's expense. Repairs shall be completed prior to the issue of the Occupation Certificate.
140. All excess excavated material, demolition material, vegetative matter and builder's rubbish shall be removed to the Waste Disposal Depot or the Regional Tip prior to final inspection.

Note: Burning on site is prohibited.

141. Ground level surfaces are to be treated with anti-graffiti coating to minimise the potential of defacement. In addition, any graffiti evident on the exterior facades and visible from a public place shall be removed forthwith.
142. The approved recommendations from the Flood Management Report shall be implemented prior to occupation.
143. All landscape works are to be carried out in accordance with the approved landscape plans. The landscaping is to be maintained to the approved standard at all times.
144. Where an electricity substation is required by Energy Australia, a final film survey plan shall be endorsed with an area having the required dimensions as agreed with Energy Australia over the location of the proposed electricity distribution substation site. The substation must be located within the boundary of the development site, or within the building, subject to compliance with the BCA. The substation site shall be dedicated to Council as public roadway, or as otherwise agreed with Energy Australia. Energy Australia's requirements shall be met prior to release of the issue of the Occupation Certificate.
145. (a) A plan of Subdivision for the dedication of the new road west and road widenings along Bonar Street, the dedication of the Public Open Space (Park) and the four Torrens Title Lots shall be registered with land and Property Management Authority prior to the first Occupation Certificate for any of the four Torrens Title Lots.
- (b) Prior to the issue of the Occupation Certificate of each of the four Torrens Titles Lots the following easements which affect these lots shall be created and registered at Land and Property Management Authority:
 - **Easement for Use of Garbage Collection Room**, which affects Building A and is in favour of Buildings B, C, and D.
 - **Rights of Carriageway**, for the shared driveways and vehicle flow configuration between Buildings A and B.
 - **Rights of Carriageway**, for the shared driveways and vehicle flow configuration between Buildings C and D.
 - **Easement for Use of Communal Courtyard**, which is to be shared between Buildings C and D.
 - **Right of Footway for Fire Egress Only**, which is in favour of Building D over Building C.
 - **Right of Footway**, over the lobby of Building C in favour of Building D.
 - **Right of Footway for Emergency Purposes**, over Building B in favour of Building A.
 - **Right of Use of Lift for Emergency Purposes**, over Building B in favour of Building A.
 - **Right of Footway for Emergency Purposes**, over Building A in favour of Building B.
 - **Right of Use of Lift for Emergency Purposes**, over Building A in favour of Building B.

146. Prior to completion of the building works, a full width vehicular entry is to be constructed to service the property. Any obsolete vehicular entries are to be removed and reconstructed with kerb and gutter. This work may be done using either a Council quote or a private contractor. There are specific requirements for approval of private contractors.
147. Prior to the issue of the Occupation Certificate the minimum number of off-street car spaces required under this consent shall be sealed and linemarked. The pavement of all car parking spaces, manoeuvring areas and internal driveways shall comply with Australian Standard AS3727 – Guide to Residential Pavements.
148. In accordance with the applicant's offer and pursuant to Rockdale Section 94 Contributions Plan 2004, the following land is to be dedicated to Council at no cost for the purpose of public roads:
 - a. a 1.40 metre wide road widening of Bonar Street along the western frontage of the site, and
 - b. a new access road 18.4 metres wide extending from Bonar Street across the entire width of the site in the general location shown in the application, the exact boundaries of the road to be determined in consultation with Council's Technical Services section.

A plan of subdivision for the dedication of the roads shall be registered with the NSW Department of Lands prior to the issue of the first occupation certificate.

Note: The dedication of this land is in addition to the dedication of land for the Community Park and road widening required by the Planning Agreement.

149. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation.

Application must be made through an authorised Water Servicing Coordinator. Please refer to the Building Developing and Plumbing section of the web site www.sydneywater.com.au then refer to "Water Servicing Coordinator" under "Developing Your Land" or telephone 13 20 92 for assistance.

Following application a "Notice of Requirements" will advise of water and sewer infrastructure to be built and charges to be paid. Please make early contact with the Coordinator, since building of water/sewer infrastructure can be time consuming and may impact on other services and building, driveway or landscape design.

The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to occupation of the development.

150. Testing and evaluation of the wall insulation system is to be carried out at post construction stage by a suitably qualified acoustical engineer to show an Acoustical Star Rating of 5 has been achieved in accordance with the standards prescribed by the Association of Australian Acoustical Consultants (AAAC) in accordance with the report submitted to Council with the Development Application. A report is to be submitted to the Principal Certifying authority prior to the issue of the Occupation Certificate.
151. Testing and evaluation of the floor system is to be carried out at post construction stage by a suitably qualified acoustical engineer to show that an Acoustical Star Rating of 5 in accordance with the standards prescribed by the Association of Australian Acoustical Consultants (AAAC) and in accordance with the report submitted

to Council with the Development Application has been achieved. A report is to be submitted to the Principal Certifying authority prior to the issue of the Occupation Certificate.

152. A certificate is to be provided to Council that all wet areas have been effectively waterproofed (prior to tiling) in accordance with AS3740 and the product manufacturer's recommendations.
153. A Landscape Architect shall provide a report to the certifying authority (with a copy provided to Council, if Council is not the principal certifying authority) stating that the landscape works have been carried out in accordance with the approved plans and documentation.
154. Prior to occupation or use of the premises, a qualified mechanical engineer shall certify that the mechanical ventilation/air conditioning system complies in all respects with the requirements of Australian Standard 1668, Part 1 & 2.
155. Prior to occupation, a chartered professional engineer shall certify that the tanking and waterproofing has been constructed in accordance with the approved design and specification. A copy shall be provided to Council if council is not the Principal Certifying Authority.
156. Prior to occupation, a Chartered Professional Engineer shall certify that the construction of the overland flow path, including construction of all channels, pipes, banks, levees, etc has been undertaken in accordance with the approved plans and flood assessment/flood management report. The Chartered Professional Engineer shall also certify that habitable floor levels adjacent to the overland flow path have been constructed in accordance with the approved plans and that freeboard is provided in accordance with DCP 66 – Management of Flood Risk. The certificate must be based on inspection of the site and review of a works-as-executed plan of the overland flow path, which shall be prepared by a Registered Surveyor. A copy of the engineer's certificate and surveyor's works-as-executed plan shall be provided to Council where Council is not the Principal Certifying Authority.
157. A certificate from a Registered Surveyor shall be provided to the Principal Certifying Authority (PCA) certifying that the habitable floor level is constructed to the approved minimum floor level. A copy of the certificate shall be provided to Council where Council is not the Principal Certifying Authority.
158. Prior to occupation a Chartered Professional Engineer shall certify that the stormwater system has been constructed in accordance with the approved plans and as required by Council's DCP 78 - Stormwater Management. The certificate shall be in the form specified in DCP 78 and include an evaluation of the completed drainage works. A works-as-executed drainage plan shall be prepared by a registered surveyor based on a survey of the completed works. A copy of the certificate and works-as-executed plan(s) shall be supplied to the Principal Certifying Authority. A copy shall be provided to Council if Council is not the Principal Certifying Authority.
159. The underground garage shall be floodproofed to a minimum of 500mm above the 1% Annual Exceedance Probability flood level. The levels shall be certified by a registered surveyor prior to construction of the driveway or other openings.
160. The development shall comply with Council's DCP 66 – Management of Flood Risk, and the Planning Considerations and Development Controls listed in the Flood Advice letter issued by Council on 18 December 2009.

161. Flow through open form fencing is required for all new front fencing and all internal fences and gates up to the 1% AEP flood level. Any new boundary fences adjoining private property shall have an 80mm gap at the bottom to allow flows through.
Details of approved types of flow through fencing can be obtained from Council.
162. There shall be no encroachment of paths, fencing or other improvements onto the existing and future drainage easements without Council approval.
163. A positive covenant pursuant to the Conveyancing Act 1919 shall be created on the title of the lots that contain the stormwater detention facility to provide for the maintenance of the detention facility.
164. The drainage system shall be constructed in accordance with the approved drainage plans and any amendments in red. All stormwater drainage plumbing work shall comply with the NSW Code of Practice: Plumbing and Drainage and Australian Standard AS3500.
165. The owner of the premises shall inform Sydney Water that a Rainwater tank has been installed in accordance with applicable requirements of Sydney Water.
166. The overflow from the rainwater tank shall be directed to the storm water system.
167. All plumbing work proposed for the installation and reuse of rainwater shall comply with the NSW Code of Practice: Plumbing and Drainage and be installed in accordance with Sydney Water "Guidelines for rainwater tanks on residential properties".
168. A first flush device shall be installed to reduce the amount of dust, bird faeces, leaves and other matter entering the rainwater tank.

PRIOR TO THE ISSUE OF THE SUBDIVISION CERTIFICATE

The following conditions must be complied with prior to the issue of the Subdivision Certificate.

Note: The subdivision referred to in these conditions is the dedication of land to Council for the purposes of public road (i.e. widening of Bonar Street and New Road West), the dedication of land to Council for the purposes of public reserve, and the subdivision of the residual lots into 4 lots.

169. The following easements for drainage are to be incorporated into the plan of subdivision, if not registered with the NSW Land and property Management Authority by other means prior to the submission of the application for the Subdivision Certificate:
 - (a) A minimum 1.5m wide easement over the culvert extending from New Road West and connecting to the main trunk drainage culvert.
 - (b) A minimum 1.2m wide easement over the interallotment drain servicing the community park.
 - (c) A minimum 4m wide easement over the main trunk drainage culvert extending from Bonar Street along the southern boundary of the site.
170. Flow through fencing shall be provided along the bottom of the fencing for the width and depth of overland flow. Details of approved types of flow through fencing can be obtained from Council. A positive covenant pursuant to the Conveyancing Act 1919

shall be created on the title of the lot(s) that contain the pool fencing preventing interference with the flow through fencing and overland flow route.

These provisions are to be put into effect prior to the release of the Subdivision/ Strata Certificate.

171. The subdivision is to occur in accordance with Development Consent No. DA-2011/158 and any subsequent Section 96 modifications. In this regard, the subdivision plan listed under condition 2 of this consent shall be amended to provide for the dedication, as road widening, of a strip of land measuring 2.7m wide extending from the right hand bend in Bonar Street up to the boundary with No 47 Bonar Street, as required by Rockdale DCP 80.
172. A Subdivision Certificate and four (4) copies of the plans for the endorsement of the General Manager shall be submitted to Council prior to lodgment with the Land and Property Information office. If applicable, an original and four (4) copies of the 88B Instrument are to be submitted.
173. The submission and approval of a subdivision certificate application. In this regard, a fee is payable in accordance with Council's current adopted Fees and Charges.
174. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation.

Application must be made through an authorised Water Servicing Coordinator. Please refer to the Building Developing and Plumbing section of the web site www.sydneywater.com.au then refer to "Water Servicing Coordinator" under "Developing Your Land" or telephone 13 20 92 for assistance.

Following application a "Notice of Requirements" will advise of water and sewer infrastructure to be built and charges to be paid. Please make early contact with the Coordinator, since building of water/sewer infrastructure can be time consuming and may impact on other services and building, driveway or landscape design.

The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to release of the Subdivision/Strata Certificate.
175. All existing and proposed services on the property shall be shown on a plan, and shall be submitted to Council. This includes electricity, gas, water, sewer, stormwater and telephone services. Where any service crosses one lot but benefits another lot, it is to be covered by an easement. The service easement is to be covered by a Section 88B Instrument, which may only be varied or extinguished with the consent of Rockdale City Council. These provisions are to be put into effect prior to the release of the Subdivision/Strata Certificate.
176. Prior to the issue of the Subdivision Certificate:
 - a. The *subdivision works* shall be completed (or as otherwise agreed with Council pursuant to Section 109J (2) of the *Environmental Planning and Assessment Act 1979*); and
 - b. The Principal's agent shall certify that the *subdivision works* have been constructed in accordance with the approved plans and specifications, subject to the tolerances listed in the specification; and
 - c. Works-as-executed plans, prepared by a registered surveyor based on a survey of the completed works in accordance with the specification, shall be submitted to Council as follows:

- (i) One (1) copy of A1 or A0 sheet; and
 - (ii) One (1) CD, containing WAE files in DWG and PDF format.
- d. The requirements of Energy Australia shall be met, and a Compliance Certificate shall be issued by Energy Australia where applicable, for the installation of:
- (i) Underground low voltage street mains; and
 - (ii) Underground supplied street lighting columns; and
 - (iii) Servicing for the development.

DEVELOPMENT CONSENT ADVICE

- a. **Note:** Under clause 22.2 and Item B1 of Schedule 3 of the Planning Agreement, the Developer is to complete a detailed design for the whole of the proposed Community Park and Public Square within the Bonar Street Precinct to the satisfaction of Council, prior to the issue of the first construction certificate for the development.
- b. **Note:** Under clause 22.2 and Schedule 3 of the Planning Agreement, the Developer is to:
- (a) demolish all buildings on the land required to be dedicated to Council under the Agreement,
 - (b) remediate any contamination on the land to be dedicated to Council for the Community Park suitable for its use as public open space to the satisfaction of Council,
 - (c) construct the portion of the Community Park within the land in accordance with the design approved by Council,
 - (d) enter into a Maintenance Agreement with Council for maintenance of that portion of the Community Park within the land, and
 - (e) design and construct to Council's satisfaction the widening of Bonar Street and associated works around the perimeter of the Community Park,
- prior to the issue of the first occupation certificate for the development.
- c. Council is currently obtaining a detailed design for the reconstruction of Bonar Street under a contract for consultancy services. Once detailed design information has been submitted to and approved by Council under the contract, the developer may make an application to Council to obtain the information for incorporation into the detailed design of the development.
- d. Rockdale City Council has engaged consultants to undertake the design of Bonar St, and is investigating the possible inclusion of a Rain Garden (utilising endemic native plant species) to be located in the western side of the park.
- e. As per the requirements of the Voluntary Planning Agreement (VPA), a detailed design for the Community Park is to be prepared to the satisfaction of Council and submitted for approval prior to CC stage. The submitted plans are to be revised as follows:
- Stage 1 works in accordance with the relevant DA conditions, and
 - the Stage 2 component of the park amended as follows:

- expansion of the playground with details on exactly what equipment is to be included, and the deletion or reduction in extent of timber arbours & seating to accommodate the expanded. The applicant's landscape architect is to liaise with Council's senior landscape architect and Co-Coordinator Urban Strategy in relation to the required changes to the Community Park design.
- f. 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.
- g. If Council is appointed as the Principal Certifying Authority (PCA), a fee shall be paid before a Construction Certificate is issued. If payment is made after the end of the financial year, the amount shall be adjusted in accordance with Council's adopted fees and charges. The fees charged encompass **all** matters related to ensuring that the proposed development is carried out in accordance with the approved plans and any post inspection issues that may arise.
- h. If Council is the Principal Certifying Authority for the development, a drainage inspection fee shall be paid prior to the issue of the Construction Certificate. If payment is made after the end of the financial year, the amount shall be adjusted in accordance with Council's adopted fees and charges.
 NB: This fee does not include a confined space entry into the on-site detention tank. Where a confined space entry is required, an additional fee is payable. A confined space entry will be required where:
 - a) Information provided in the works-as-executed drawing and engineering certification is inconclusive as to the compliance of the system with the approved plans; and/or
 - b) Visual inspection from outside the tank is inconclusive as to the compliance of the system with the approved plans.
- i. All asbestos fibre demolition material and asbestos dust shall be handled, stored and removed in accordance with the relevant legislation and guidelines including:
 - Occupational Health and Safety Act 2000
 - Occupational Health and Safety Regulation 2001
 - Code of Practice for the Safe Removal of Asbestos [NOHSC: 2002 (2005)]
 - Code of Practice for the Management and Control of Asbestos in Workplaces [NOHSC: 2018 (2005)]
 - Protection of the Environment Operations (Waste) Regulation 2005
 All work procedures shall be devised to minimise the release of dust and fibres. A checklist of safety precautions when working with asbestos is available in Health & Safety Guidelines prepared by the WorkCover Authority of NSW. Collection, storage and transportation is subject to the Protection of the Environment Operations (Waste) Regulation 2005.
- j. The water from the rainwater tank should not be used for drinking, Sydney Water shall be advised of the installation of the rainwater tank.
- k. It is advised that a maintenance program is implemented to ensure surveillance opportunities are not hindered due to neglected landscaping areas, especially around the perimeter of the development, communal areas and along walkways.

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- l. A graffiti management plan to be incorporated into the maintenance plan for the development. Research has shown that the most effective strategy for reducing graffiti offences is the quick removal of such material, generally within a forty-eight hour period.
 - m. The car park area should be secured and monitored to minimize the opportunity for intruders to access such areas.
 - n. Access control should be incorporated into the lifts, to prohibit intruder(s) access, particularly from the car park to the retail podium and residential units.
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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.
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Should you have any queries please contact Marta Sadek on 9562 1743.

Luis Melim
Manager - Development Services