

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-2012/180
Contact	Marta Sadek 9562 1743

Urban Link Pty Ltd
PO BOX 288
ENFIELD NSW 2136

DRAFT

Property: 52 Arncliffe Street, WOLLI CREEK NSW 2205
Lot 4 DP 538220

Proposal: Integrated Development - Demolition of existing structures and construction of residential flat building comprising one-hundred and fifty (150) residential units and two (2) basement levels with capacity for 190 vehicles

The above development is approved subject to the following conditions:

Your Development Application has been approved under Section 80(3) of the Environmental Planning and Assessment Act, 1979 as a **Deferred Commencement** consent.

The consent shall not operate until you satisfy Council about the following matters:

- i. A survey plan is to be provided to Council of the Bonnie Doon Channel along the southern side of the site. The survey shall be provided at an interval of 2m along the channel if the channel is irregular and at an interval of 5m along the channel if the channel is regular. The bank of the channel shall be shown on the survey. The dedication of 10.5m of land shall be measured from the west bank of the channel.
- ii. The architectural plans shall be amended to show that Units 7.09, 7.10, 7.11 and 7.12 achieve the minimum unit size specified in the DCP 2011.

Pursuant to Clause 95(3) of the Environmental Planning and Assessment Regulation 2000, the period of the deferred commencement shall be six (6) months from the date of this letter. It is important we hear from you about the outstanding matters above as soon as possible so as to avoid any other delay.

Presuming settlement of the above matters, your Deferred Commencement Consent is 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 **three** (3) 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 with project number 10-102 numbered 3 to 11 issue E drawn by Urban Link dated 6 June 2012 and received by Council on 7 June 2012,

Architectural plan with project number 10-102 numbered 12 issue D drawn by Urban Link dated 6 June 2012 and received by Council on 13 April 2012,

Drainage plans with Job number 10546 numbered D1 to D5 Issue A, drawn by Eze Hydraulic engineers, dated 21.10.11 and received by Council on 7 December 2011.

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 397909M 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. A separate approval is required for the Strata Subdivision.
7. The balconies shall not be enclosed at any future time.
8. This approval is not to be construed as permission to erect any structure on or near a boundary contrary to the provisions of the Dividing Fences Act.
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. Parking spaces shall be allocated within the development site in the following manner and this shall be reflected in any subsequent strata subdivision of the development:

Allocated Spaces

Studio apartments, 1 bedroom apartments and 2 bedroom apartments	1 space per apartment
3 bedroom apartments and 3+ bedroom apartments	2 spaces per apartment
Bicycle parking	1 space per 10 apartments
Motorbike parking	1 space per 15 apartments

Non-Allocated Spaces

Residential Visitor Spaces	1 space per 5 apartments
Car wash bays	To be provided to at least 1 visitor space
Loading bay	1 loading for waste collection vehicles and removalists

Parking calculations that are not whole numbers must be rounded up to the nearest whole number.

All residential visitor spaces, car wash bays and loading bays shall be labelled as common property on the final strata plan for the site.

Note: This parking allocation condition applies 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*.

DEVELOPMENT SPECIFIC CONDITIONS

The following conditions are specific to the Development Application proposal:

11. 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.
12. 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.
13. The existing and future owners (Registered Proprietor) of the property will be responsible for the operation and maintenance of the retention system. The registered proprietor will:
 - i) permit stormwater to be retained 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 any 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 requirements of this clause;
 - vii) 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.
14. 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.
15. The existing and future owners (Registered Proprietor) of the property will be responsible for the efficient operation and maintenance of the pump system.
- The Registered Proprietor will:
- i) permit stormwater to be temporarily detained and pumped 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;

- vii) 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.
16. All wastewater and stormwater treatment devices (including drainage systems, sumps and traps) shall be regularly maintained in order to remain effective. All solid and liquid wastes collected from the device shall be disposed of in accordance with the Protection of the Environment Operations Act, 1997.
 17. Claims shall not be made against Council for damage to property within the site due to flooding of the premises.
 18. The overland flow path shall not be obstructed, restricted or altered without the approval of Rockdale City Council.
 19. The rainwater tank shall be routinely de-sludged and all contents from the de-sludging process disposed – solids to the waste disposal and de-sludged liquid to the sewer.
 20. An access control system shall be installed at the Arncliffe Street boundary to restrict access to the site along the north-eastern boundary to the residents of the units at ground floor fronting this boundary, Rockdale City Council and any other suitable member of the body corporate. The access control shall be kept in good condition until such time the adjacent site is developed and Gertrude Street is constructed.
 21. Bicycle parking facilities shall be designed in accordance with AS2890.3:1993.
 22. The off-street parking areas associated with the subject development shall be designed strictly in accordance with AS2890.1:2004. A report by a qualified traffic consultant confirming that parking layout complies with AS2890.1:2004 and Council policies shall be submitted to the Principal Certifying Authority (PCA) prior to the issue of the Construction Certificate.
 23. Internal height clearance shall be designed throughout the car park and access driveway in accordance with AS2890.1:2004.
 24. A 1.8 metre high privacy screen shall be installed to the side of the balconies in apartments 1.15, 2.15 and 3.15. The screens shall be installed prior to the issue of the Final Occupation Certificate.
 25. Hot and cold water hose cocks shall be installed to the garbage room.
 26. Services or utility systems shall not be located in the garbage room.
 27. All vertical plumbing, other than roofwater heads and downpipes, shall be concealed within the brickwork of the building. Plumbing details shall be submitted to the Principal Certifying Authority (PCA) prior to the issue of the Construction Certificate demonstrating compliance with this requirement.
 28. The contaminated site shall be remediated in accordance with 'State Environmental Planning Policy No. 55 Remediation of Land (SEPP 55).
 Within one (1) month of completion of the remedial works, a copy of the Validation Report shall be submitted to Council being the Regulatory Authority for the management of contaminated land. The Validation Report shall be prepared in accordance with the NSW Environment Protection Authority's (EPA) guidelines, *Consultants Reporting on Contaminated Sites*, and shall include, but not be limited to the following:

- describe and document all works performed;
- include results of validation testing and monitoring;
- include validation results of any fill imported on to the site;
- show how all agreed cleanup criteria and relevant regulations have been complied with; and

include clear justification as to the suitability of the site for the proposed use and the potential for off-site migration of any residual contaminants.

29. All recommendations contained in the report 'Remedial Action Plan' prepared by Aargus Australia dated April 2012 Ref.ES4188/6, shall be adopted and implemented.
30. All recommendations contained in the report 'Acid Sulphate Soils Management Plan' prepared by Aargus Australia dated March 2012 Ref.ES4188/3, shall be adopted and implemented. A compliance and monitoring report prepared by a suitably qualified and experienced environmental consultant shall be provided to the Principal Certifying Authority.

PRIOR TO ISSUE OF THE CONSTRUCTION CERTIFICATE

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

31. A Footpath Reserve Restoration Deposit of \$29,730.96 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.
32. A fee is payable to Council for a Soil and Water Management Sign (811) of \$14.95. 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.
33. 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).
34. 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.
35. An application for Boundary levels shall be made to Council's Customer Service Centre prior to issue of the Construction Certificate. All boundary works, egress paths, driveways and fences shall comply with this level.

A fee of \$224.00 is payable to Council for the determination of boundary levels. 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.

36. The footpath, kerb, road, nature strip and any other element of public infrastructure including the Bonnie Doon stormwater channel shall be protected from damage during construction. To ensure this, Council requires a bond to be paid to cover the cost of repairing any infrastructure damage during construction. A bond of \$29,740.00 shall be paid prior to the issue of a Construction Certificate. The bond shall not be released until all work is completed in accordance with the Development Consent and any damage has been repaired.
37. The connection of stormwater drainage pipes to the existing kerb inlet pit in Arncliffe Street must be inspected by Council prior to backfilling. A payment of \$283.15 is required prior to the issue of the Construction Certificate for inspection of the connection and/or alteration to the Council pipeline. If payment is made after the end of the financial year the amount is to be adjusted in accordance with Council's adopted fees and charges. Where the inspection is unsatisfactory, each additional inspection will incur an extra charge.
38. A Section 94 contribution of \$1,659,107.02 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:
- | | |
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| Open Space | \$788,653.48 |
| Community Services & Facilities | \$64,619.20 |
| Town Centre & Streetscape Improvements | \$143,233.36 |
| Wolli Creek Redevelopment Area – Roads, | \$328,395.52 |
| Traffic Management and Public Parking | |
| Wolli Creek Flood Mitigation & Stormwater | \$220,825.28 |
| Wolli Creek Pedestrian and Cyclist | \$73,961.76 |
| Plan Administration & Management | \$39,418.42 |
- Copies of Council's Section 94 Contribution Plans may be inspected at Council's Customer Service Centre, Administration Building, 2 Bryant Street, Rockdale.
39. 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.
40. 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 public road, including but not limited to the slabs, walls and columns, have been designed in accordance with all SAA Codes for the design loading from truck and vehicle loads.
41. 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.

42. A landscape plan, prepared by a qualified Landscape Architect, shall be submitted to Rockdale City Council for approval with or before the application for a Construction Certificate. The plan shall be at a scale of 1:100 or 1:200 and comply with Rockdale Technical Specification Landscape, the recommendations of the design review panel in providing daylight 'shafts' integrated into the landscaping to the basement level below and all other relevant conditions of this Consent including conditions from Sydney Airports. The landscape plan must also contain details on the location of seating and other recreational facilities for the residents to demonstrate compliance with the objectives of clause 4.3.3 of DCP 2011 as well as details of the proposed roof above the driveway and any proposed landscape treatment in this area. The landscape plan shall include the area at the rear along the Bonnie Doon Channel. The treatment of this area shall be in accordance with the requirements of Council's Technical Services department.
43. 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.
44. 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.
45. The building shall be constructed of a masonry or brick wall construction with select coloured finishes as per the approved schedule of finishes reflected in the photomontage submitted to Council on 13/4/12. This requirement shall be reflected on the Construction Certificate plans and supporting documentation.
46. 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.
47. The applicant shall confer with Energy Australia to determine if installation of electricity conduits in the footway is required. Written confirmation of Energy Australia's requirements shall be obtained prior to issue Construction Certificate.
48. 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.
49. All low voltage street mains in that section of the street/s adjacent to the development shall be placed underground. This shall include any associated services and the installation of underground supplied street lighting columns where necessary. The applicant shall confer with Energy Australia to determine Energy Australia requirements. Written confirmation of Energy Australia's requirements shall be obtained prior to issue Construction Certificate.
50. The relocation of the existing electricity supply pole in the road reserve at Arncliffe Street is required to avoid conflict with the new driveway. The relocation works shall be undertaken in accordance with the requirements of Energy Australia. The applicant shall enter into a contract with Energy Australia for the relocation works prior to the issue of the Construction Certificate, and the works must be completed prior to the commencement of the driveway works and issue of the Occupation Certificate.

The applicant is responsible for all relocation costs, including costs associated with other cabling such as telecommunications cables.

51. 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.

52. A practicing structural engineer is to undertake a comprehensive photographic record and dilapidation survey of all private properties adjacent to the proposed buildings, and Council infrastructure. This record and survey is to include but not be limited to (1) all buildings on neighbouring properties which are less than 30 m away from the development works and (2) 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 (a) the affected adjoining residents and (b) the Principal Certifying Authority, and (c) Council if they are not the PCA, prior to issue of the Construction Certificate. The insurance cover shall be a minimum of \$10 million.
53. Details shall be submitted to Council for assessment and approval pursuant to Section 138 of the Roads Act 1993 in relation to the following:
 - i) Construction of the vehicle crossing and footpath.
 - ii) Removal of the existing vehicle crossings and reinstatement of footpath and kerb and gutter, and
 - iii) Storm water drainage connection to the existing pipe under the kerb and gutter and construction of new drainage pit.
54. 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.
55. Prior to the issue of the Construction Certificate a Water Sensitive Urban Design (WSUD) report shall be submitted to the Certifying Authority for approval. The WSUD report shall detail the measures incorporated into the design of stormwater management system and other building elements to:
 - Facilitate water re-use;
 - Maintain groundwater quality;

- Minimise at-source generation of pollutants; and
- Treat and convey flows through the site.

56. Traffic Management during works in road reserve

Traffic management signs / practices must be in place and practiced during the construction of the works on the public Road reserve, to ensure safety, and minimise adverse impacts on pedestrians and vehicles. The signs and / practices must be in accordance with the latest version of the Australian Standard.

A plan of traffic control is to be submitted to and approved by the Principal Certifying Authority prior to issue of any Construction Certificate. The works are to be designed and certified by a Certified RMS Traffic Controller. This condition applies to the work in the public road reserve only.

A copy of the stamped approved Traffic Control Plan is to be available on the works site for inspection at any time.

57. Prior to the issue of a Construction Certificate, a Construction Management Plan shall be submitted to and approved by the Certifying Authority. The Plan shall address, but not be limited to the following matters where relevant:

- a) Hours of work,
- b) contact details of site manager,
- c) traffic management,
- d) noise and vibration management,
- e) waste management,
- f) erosion and sediment control,

A copy of the approved Plan of Management shall be submitted to Council.

58. Prior to the issue of a Construction Certificate, A Traffic and Pedestrian Management Plan prepared by a suitably qualified person shall be submitted and approved by the Certifying Authority. The Plan shall address, but not limited to, the following matters:

- a) Ingress and egress of construction vehicles to the site,
- b) routing and control of construction vehicles,
- c) parking of employees vehicles,
- d) loading and unloading, including construction zones, for all construction vehicles,
- e) predicted traffic volumes, types and routes,
- f) pedestrian and traffic management methods,
- g) the hours of operation of the construction site,
- h) holding areas for demolition/excavation/construction delivery vehicles wanting to access the site'

The plan may need to be prepared in consultation with Council's Traffic Management section. A copy of the approved Plan shall be submitted to Council.

59. Storage areas shall be provided to all units in accordance with the requirements of the Residential Flat Design Code. Details shall be shown on the construction certificate plans and documentation.
60. An access report, prepared by a suitably qualified professional certifying that the proposed development complies with the Building Code of Australia and relevant standards shall be submitted to the certifying authority.
61. Skylights shall be installed in level seven and shall be shown on the roof plan as part of the construction certificate documentation.
62. A Final Acoustic report shall be submitted to the certifying authority with recommendations to ensure that the proposed development achieves the acoustic requirements of RLEP 2011 in regard to aircraft noise and DCP 2011 in regards to acoustic insulation of the apartments and mechanical ventilation. The recommendations of the report shall be reflected in the construction certificate documentation.
63. A License under the Part V of the Water Act 1912 shall be obtained from the Department of Primary Industries – Office of Water.
64. The low level driveway 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 Rockdale Technical Specification Stormwater Management. Details shall be included in the documentation presented with the Construction Certificate application.
65. Stormwater management requirements for the development site, including the final discharge/end connection point, must comply with Rockdale Technical Specification Stormwater Management.
66. 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 Rockdale Technical Specification Stormwater Management, and drainage design calculations are to be submitted with the plans. Rockdale Technical Specification Stormwater Management sets out the minimum documentation requirements for detailed design plans.
67. 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 the issue of the construction certificate.

PRIOR TO COMMENCEMENT OF WORKS

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

68. 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.
69. 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.

70. 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.

71. 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.
72. 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.
73. A Site Health & Safety Plan shall be prepared prior to the commencement of remediation works by a person competent to do so. All works shall be carried out in accordance with this plan. This plan shall include:
- hazard identification and control
 - site security
 - personal protective equipment
 - work zones and decontamination procedures
 - contingency plans and incident reporting
 - environmental monitoring.
74. 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.
75. 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.

76. 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.
77. Toilet facilities must be available or provided at the work site before works begin and must be maintained until the works are completed at a ratio of one toilet plus one additional toilet for every 20 persons employed at the site.
78. 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.
79. 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.
80. The owners of downstream property, through which is the proposed private drainage pipe, shall be given at least seven (7) days notice in writing of intention to commence work within their property together with particulars of the proposed work.
81. An accredited site auditor under the Contaminated Land Management Act 1997 shall be appointed prior to the commencement of works to review remedial and validation works. Council shall be provided with a documentary evidence of the appointment. The accredited site auditor shall review the remedial action plan and provide a progress report to Council.
82. A suitably licensed asbestos contractor, and a suitably qualified and experienced occupational hygienist shall be appointed prior to the commencement of works to carry out asbestos remediation works in accordance with the relevant legislation and guidelines.
- After completion of the asbestos remedial works, a copy of asbestos clearance report prepared by the occupational hygienist shall be provided to the Principal Certifying Authority.

DURING DEMOLITION / EXCAVATION / CONSTRUCTION

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

83. 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.
84. 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.
85. 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.

86. 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.
87. Ground water shall only be pumped or drained to Council's stormwater system if the water is clean and unpolluted. The standard used to determine the acceptability of the quality of the water is the 'Australian and New Zealand Environment and Conservation Council - Australian Water Quality Guidelines for Fresh and Marine Waters 1992'.

Note: Prior treatment and/or filtration of the water may be necessary to achieve acceptable quality, including a non-filterable residue not exceeding 50 milligrams/litre or small quantities may be removed by the services of a Licenced Liquid Waste Transporter. It is an offence under the provisions of the Protection of the Environment Operations Act 1997 to pollute the stormwater system.

88. 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.
89. All waste generated on site shall be disposed of in accordance with the submitted Waste Management Plan and relevant conditions of this consent.
90. 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.
91. 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.

92. 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.
93. 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
94. 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.
95. 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.
96. All demolition work shall be carried out in accordance with AS2601 – 2001: The Demolition of Structures and with the requirements of the WorkCover Authority of NSW.
97. 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.
98. 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.

99. All disturbed areas shall be stabilised against erosion within 14 days of completion, and prior to removal of sediment controls.
100. Stormwater from roof areas shall be linked via a temporary downpipe to an approved stormwater disposal system immediately after completion of the roof area.
101. 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.

102. 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.

103. 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.
104. No groundwater shall be discharged to lands adjacent to the site or into Council's stormwater system without prior approval from Council, as recommended in the report 'Remedial Action Plan' prepared by Aargus Australia dated April 2012 Ref.ES4188/6.
105. The minimum floor level shall be constructed to the level of the 1% Annual Exceedance Probability (A.E.P) flood. The floor level shall be certified by a registered surveyor prior to pouring of the floor slab or installation of flooring.

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.

106. An Occupation Certificate shall be obtained in relation to the approved works prior to any use or occupation of the building.
107. 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.
108. The approved recommendations from the Flood Management Report shall be implemented prior to occupation.
109. 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.
110. All works within the road reserve, which are subject to approval pursuant to Section 138 of the Roads Act 1993, shall be completed and accepted by council.
111. The underground placement of all low voltage street mains and high voltage cables in that section of the street/s adjacent to the development, and associated services and the installation of underground supplied street lighting columns, shall be carried out at the applicant's expense. The works shall be completed and Energy Australia's requirements shall be met prior to issue of the Occupation Certificate.
112. 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.
113. Details of the access control system required to be installed at the Arncliffe Street boundary to restrict access to the site along the north-eastern boundary, listed in condition 20 of this consent shall be submitted to the certifying authority.
114. Vehicles shall enter and exit the site in a forward direction at all times. A plaque with minimum dimensions 300mm x 200mm shall be permanently fixed to the inside skin of the front fence, or where there is no front fence a prominent place approved by the Principal Certifying Authority, stating the following: "Vehicle shall enter and exit the site in a forward direction at all times".
115. 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.
116. A total width of 14 metres shall be provided to the proposed access driveways at the boundary, being 6 metres for the driveway to access the basement and 8 metres for the driveway to access the loading bay.

117. The gate for the basement shall be located in order to permit the queueing of two (2) vehicles when waiting to enter the basement garage.
118. 192 off-street car spaces shall be provided in accordance with the submitted plan and 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.
119. 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.
120. Prior to occupation, a registered surveyor shall certify that the driveway(s) over the footpath and within the property have been constructed in accordance with the approved driveway profile(s). The certification shall be based on a survey of the completed works. A copy of the certificate and a works-as-executed driveway profile shall be provided to Council if Council is not the Principal Certifying Authority.
121. Where the installation of electricity conduits is required in the footway, the builder shall install the conduits within the footway across the frontage/s of the development site, to EnergyAustralia's specifications. EnergyAustralia will supply the conduits at no charge. A Road Opening Permit must be obtained from Council prior to the installation of the conduits. The builder is responsible for compaction of the trench and restoration of the footway in accordance with Council direction. A Compliance Certificate from Energy Australia shall be obtained prior to the issue of the Occupation Certificate.
122. 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 approved acoustic report. A report is to be submitted to the Principal Certifying authority prior to the issue of the Occupation Certificate.
123. 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 approved acoustic report has been achieved. A report is to be submitted to the Principal Certifying authority prior to the issue of the Occupation Certificate.
124. 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.

125. 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.
126. An accredited auditor under the Contaminated Land Management Act 1997 shall review the Validation Report prepared by the contaminated land consultant and issue a Site Audit Statement. The accredited auditor shall provide Council being the Regulatory Authority for the management of contaminated land, with a copy of the Site Audit Report and Site Audit Statement, prior to issue of the Occupation Certificate.
127. A Site Audit Statement (SAS) and Site Audit Report shall be submitted to Council being the Regulatory Authority for the management of contaminated land, prior to the issue of Occupation Certificate, clearly demonstrating that the site is suitable for the intended use. Conditions imposed on the SAS shall form part of this consent. In circumstances where the SAS conditions (if applicable) are not consistent with the consent, the consent shall prevail to the extent of inconsistency and a S96 application pursuant to the Environmental Planning & Assessment Act 1979 will be required.
128. 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.
129. 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 and garage 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 Rockdale Development Control Plan (DCP) 2011. 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.
130. A certificate from a Registered Surveyor shall be provided to the Principal Certifying Authority certifying that the garage floor/parking level is either constructed at or above 1% A.E.P Annual Exceedance Probably (AEP) Flood Level OR [in the case of the garage floor/parking level being below the 1% A.E.P Annual Exceedance Probability (AEP) Flood Level] the garage floor/parking level is protected from inundation to a minimum of 500mm above the 1% A.E.P Annual Exceedance Probability (AEP) Flood Level. A copy of the certificate shall be provided to Council where Council is not the Principal Certifying Authority.
131. 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 Rockdale Technical Specification Stormwater Management. The certificate shall be in the form specified in Rockdale Technical Specification Stormwater Management 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.

132. A plan of Subdivision for the land dedications listed in this consent shall be registered with the Land and Property Management Authority prior to the issue of the Final Occupation Certificate.
133. The minimum distance between the outside finished surface level and the underside of the adjacent floor shall be 300mm in all cases where overland flow produced by the 1% AEP rainfall exceeds a depth of 100mm.
134. 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 pool fencing and overland flow route.

Council requires proof of lodgement of the signed Instrument with the Land Titles Office.

135. A benchmark shall be established adjacent to the site to Australian Height Datum to enable comparison to the flood standard.
136. 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.
137. A drainage easement shall be provided over the extent of the 1% Annual Exceedance Probability (AEP) flow width, for the drainage of overbank flooding and/or overland flows. The drainage easement shall be in favour of Rockdale City Council and be covered by a Section 88B Instrument, which may only be varied or extinguished with the consent of Rockdale City Council. A restriction on the user preventing building works within the easement is also required. The Subdivision/ Strata Certificate shall be referred to Council for confirmation of flow extent prior to lodgement at the Land Titles Office.

Council requires proof of lodgement of the signed Subdivision/Strata Certificate and 88B Instrument with the Land Titles Office.

138. The development shall comply with Rockdale Development Control Plan (DCP) 2011, and the Planning Considerations and Development Controls listed in the Flood Advice letter issued by Council.
139. There shall be no encroachment of paths, fencing or other improvements onto the easements without Council approval.
140. A kerb shall be provided along the boundary to prevent surface flows from discharging onto the neighbouring property.
141. A positive covenant pursuant to the Conveyancing Act 1919 shall be created on the title of the lots that contain the stormwater facility to provide for the maintenance of the facility.
142. The pump system, including all associated electrical and control systems, shall be tested and inspected by a suitably qualified and experienced person. Records of testing shall be retained and provided to the certifying hydraulic engineer and/or PCA upon request.

143. Drainage grates shall be provided at the boundary. Width of the drainage grates shall be in accordance with Rockdale Technical Specification Stormwater Management.
144. 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.
145. A silt/litter arrestor pit as detailed in Rockdale Technical Specification Stormwater Management shall be provided prior to discharge of stormwater from the site.
146. The level of the side passage immediately adjacent to the garage shall be a minimum of 100mm lower than the garage floor level to provide an emergency escape route for drainage overflows from the low level driveway. Flows from the driveway to the side passage shall be free and unrestricted.
147. Signs shall be displayed adjacent to all stormwater drains on the premises, clearly indicating "Clean water only - No waste".
148. The owner of the premises shall inform Sydney Water that a Rainwater tank has been installed in accordance with applicable requirements of Sydney Water.
149. The overflow from the rainwater tank shall be directed to the storm water system.
150. 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".
151. 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 OR THE STRATA CERTIFICATE

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

152. The following subdivision conditions relate to the dedication of future public roads as follows:
 - (a) A 5 metre wide road widening along the Arncliffe Street frontage,
 - (b) A 10.5 metre wide land dedication, taken from the west bank of Bonnie Doon Channel, along the south-eastern boundary,
 - (c) A splay corner 3 metre x 3 metre on the corner of Arncliffe Street and future Gertrude Street extension,
 - (d) A right of way with a minimum width of 1.175 metre along the north-eastern boundary provided in favour of Council.
153. Where the installation of electricity conduits is required in the footway, the builder shall install the conduits within the footway across the frontage/s of the development site, to Energy Australia's specifications. Energy Australia will supply the conduits at no charge. A Road Opening Permit must be obtained from Council prior to the installation of the conduits. The builder is responsible for compaction of the trench and restoration

of the footway in accordance with Council direction. A Compliance Certificate from Energy Australia shall be obtained prior to the issue of the Subdivision Certificate.

154. 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.
155. 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.
156. 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.

INTEGRATED DEVELOPMENT / EXTERNAL AUTHORITIES

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

157. **Sydney Airport**

Sydney Airport Corporation Limited (SACL) has approved the maximum height of the proposed building at 29.566 metres relative to Australian Height Datum (AHD). This height is inclusive of all vents, chimneys, aerials, TV antennae and construction cranes etc. No permanent or temporary structure is to exceed this height without further approval from Sydney Airport Corporation Limited.

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

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

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 (Buildings Control) Regulations Statutory Rules 1988 No. 161.

Construction cranes may be required to operate 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 operate construction equipment (ie cranes) should be obtained prior to any commitment to construct.

Information required by SACL prior to any approval is to include:

- the location of any temporary structure or equipment, ie. construction cranes, planned to be used during construction relative to Mapping Grid of Australia 1994 (MGA94);
- the swing circle of any temporary structure/equipment used during construction;
- the maximum height, relative to Australian Height Datum (AHD), of any temporary structure or equipment ie. construction cranes, intended to be used in the erection of the proposed structure/activity.
- the period of the proposed operation (ie. construction cranes) and desired operating hours for any temporary structures.

Any application for approval containing the above information, should be submitted to this Corporation at least 35 days prior to commencement of works in accordance with the Airports (Protection of Airspace) Regulations Statutory Rules 1996 No. 293, which now apply to this Airport.

158. To minimise the potential for bird habitation and roosting, the Proponent must ensure that non-bird attracting plant species are used in any landscaping design.

Any landscaping design must minimise the attractiveness for foraging birds, ie. site is kept clean regularly, refuse bins are covered, and detention ponds are netted.

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

159. **Roads & Maritime Services**

A Construction Traffic Management Plan detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control should be submitted to Council prior to the issue of a construction certificate.

The developer shall be responsible for all public utility adjustment/relocation works, necessitated by the above work and as required by the various public utility authorities and/or their agents.

160. Disabled car parking spaces are to conform to Australian Standards AS2890.6:2009.
161. All new pedestrian accesses are to comply with AS 1428.1:2001 *Design for Access and Mobility*.
162. The swept path of the longest vehicle (including garbage trucks) entering and exiting the subject site, as well as manoeuvrability through the site, shall be in accordance with AUSTROADS. In this regard, prior to the issue of the Construction Certificate, a plan shall be submitted to Council for approval, which shows that the proposed development complies with this requirement.
163. All vehicles are to enter and leave the site in a forward direction.
164. The proposed turning areas are to be kept clear of any obstacles, including parked cars, at all times.
165. All traffic control during construction must be carried out by accredited RMS approved traffic controllers.
166. All works/regulatory signposting associated with the proposed development are to be at no cost to RMS.

167. Office of Water

The design and construction of the structure must preclude the need for permanent dewatering.

168. The design and construction of the structure that may be impacted by any watertable must include a water proof retention system (i.e. a fully tanked structure) with adequate provision for future fluctuations of water table levels. (It is recommended that a minimum allowance for a water table variation of at least +/-1.0 metre beyond any expected fluctuation be provided). The actual water table fluctuation and fluctuation safety margin must be determined by a suitably qualified professional.
169. Construction methods and material used in and for construction are not to cause pollution of the groundwater.
170. Monitoring of groundwater levels is to be continued at least weekly during the construction stage and at least weekly over a period of at least 2 months following cessation of dewatering, with all records being provided to the NSW Office of Water on expiration of the licence. This requirement is only for sites where the proposed structure shall extend greater than one floor level into the existing ground level.
171. Groundwater quality testing must be conducted (and report supplied to the NSW Office of Water). Samples must be taken prior to the commencement of dewatering, (and ongoing to the satisfaction of the NSW Office of Water for any extraction and reinjection activities). Collection and testing and interpretation of results must be done by suitably qualified persons and NATA certified laboratory identifying the presence of any contaminants and comparison of the data against accepted water quality objectives or criteria.
172. Discharge of any contaminated pumped water (tailwater) that is not to be reinjected, must comply with the provisions of the *Protection of the Environment Operations Act 1997* and any requirements of the relevant controlling authority. The method of disposal of pumped water (i.e. street drainage to the stormwater system or discharge to sewer) and written permission from the relevant controlling authority must be presented to the NSW Office of Water in support of the licence application.
173. Discharge of any contaminated pumped water (tailwater) that is to be reinjected, must comply with the provisions of the *Protection of the Environment Operations Act 1997*. The quality of any pumped water (tailwater) that is to be reinjected must be compatible with, or improve the intrinsic or ambient groundwater in the vicinity of the reinjection site. Contaminated groundwater is not to be reinjected into any aquifer. The following must be demonstrated in writing:
- The treatment to be applied to the pumped water (tailwater) to remove any contamination.
 - The measures to be adopted to prevent redistribution of any contamination in the groundwater system. Any reinjection proposal that is likely to further spread contamination within the groundwater system will not be allowed and the project will need to be modified.
 - The means to avoid degrading impacts on the identified beneficial use of the groundwater. Any reinjection proposal that is likely to lower the identified beneficial use of a groundwater system will not be allowed and the project will need to be modified.

174. Written advice be provided from the Certifying Authority to the NSW Office of Water to certify that the following ground settlement issues have been addressed in reports submitted by the proponent:

- Assessment by a suitably qualified geotechnical professional that the proposed dewatering activity does not pose an unacceptable risk of off-site impacts such as damage to surrounding buildings or infrastructure as a result of differential sediment compaction and surface settlement during and following pumping of groundwater.
- Settlement monitoring activities to be undertaken prior to, during and for the required period of time following the dewatering pumping to confirm the impact predictions.
- Locations of settlement monitoring points, and schedules of measurement.

175. **NSW Police**

Security mirrors should be installed within corridors and on blind corners to enable users to see around blind corners. Details shall be provided in the Construction Certificate documentation.

The placement and orientation of common entry areas such as foyers, lobbies and lifts should maximize opportunities for natural supervision by caretakers, tenants and other guardians.

Bicycle parking areas should be located within view of capable guardians. The provision of facilities (lockable racks) to secure bicycles also increases the effort required to commit crime.

176. Monitored CCTV facilities to be implemented throughout the development. Areas of focus include the basement car park (including entry and exits), main entry areas to the development, the central courtyard/communal open space and garbage/storage areas. The CCTV facilities shall be installed prior to the issue of an Occupation Certificate.

177. Lighting should 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. Details shall be provided to the Certifying Authority prior to the issue of the Construction Certificate.

178. The walls and ceilings of the car park areas shall be of a light colour. This can assist in reducing power consumption in order to comply with the Australia New Zealand Standards – Lighting. Details shall be provided to the Certifying Authority prior to the issue of the Construction Certificate.

179. Prior to occupation, a street sign should be prominently displayed at the front of the development to comply with Local Government Act, 1993, Section 124, Order No.8.

180. Prior to occupation signage needs to 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
181. Graffiti resistant materials, particularly on the fences, ground floor and areas which are accessible by other structures to reduce graffiti offences or assist in the quick removal of graffiti shall be used. Details shall be submitted to the Certifying Authority prior to the issue of the Construction Certificate.
 182. Intercom facilities should 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.

ROADS ACT

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

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

Activities involving occupation of the parking lane for durations longer than allowed under a Temporary Roadside Closure Permit require a Construction Zone Permit and must not occur prior to the erection of Construction Zone signs by the RMS.

Permit application forms should be lodged at Council's Customer Service Centre allowing sufficient time for evaluation. An information package is available on request.
184. Where applicable, the following works will be required to be undertaken in the road reserve at the applicant's expense:
 - i) construction of a concrete footpath along the frontage of the development site;
 - ii) construction of a new fully constructed concrete vehicular entrance/s;
 - iii) removal of the existing concrete vehicular entrance/s, and/or kerb laybacks which will no longer be required;
 - iv) reconstruction of selected areas of the existing concrete Footpath/vehicular entrances and/or kerb and gutter;
 - v) construction of paving between the boundary and the kerb;
 - vi) removal of redundant paving;
 - vii) construction of kerb and gutter.
185. All footpath, or road and drainage modification and/or improvement works to be undertaken in the road reserve shall be undertaken by Council, or by a Private Licensed Contractor subject to the submission and approval of a Private Contractor Permit, together with payment of all inspection fees. An estimate of the cost to have these works constructed by Council may be obtained by contacting Council on 9562 1670. The cost of conducting these works will be deducted from the Footpath Reserve Restoration Deposit, or if this is insufficient the balance of the cost will be due for payment to Council upon completion of the work.

186. All driveway, footpath, or road and drainage modification and/or improvement works to be undertaken in the road reserve shall be undertaken in accordance with Council's Subdivision and Civil Works Construction Specification (AUS-SPEC 1). Amendment to the works specification shall only apply where approved by Council. Where a conflict exists between design documentation or design notes and AUS-SPEC 1, the provisions of AUS-SPEC 1 shall apply unless otherwise approved by Council.
187. This Roads Act approval does not eradicate the need for the Contractor to obtain a Road Opening Permit prior to undertaking excavation in the road or footpath.
188. Any driveway works to be undertaken in the footpath reserve by a private contractor requires an "Application for Consideration by a Private Contractor" to be submitted to Council together with payment of the application fee. Works within the footpath reserve must not start until the application has been approved by Council.
189. Following completion of concrete works in the footpath reserve area, the balance of the area between the fence and the kerb over the full frontage of the proposed development shall be turfed with either buffalo or couch (**not kikuyu**) or landscaped. If landscaping is proposed rather than turfing, details shall be submitted to the Property and Community Services Department for approval.
190. Public infrastructure works in the public road reserve shall not commence without prior approval of the design in accordance with the Roads Act 1993, the Transport Administration Act 1988 and the Road Transport (Safety and Traffic Management) Act 1999.

DEVELOPMENT CONSENT ADVICE

- a. You are advised to consult with your utility providers (i.e. Energy Aust, Telstra etc) in order to fully understand **their** requirements **before** commencement of any work.
- b. If Council is appointed as the Principal Certifying Authority (PCA), a fee shall be paid before a Construction Certificate is issued. If the fee is paid after the end of the financial year, it will 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.
- c. 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.

- d. Where Council is **not** engaged as the Principal Certifying Authority for the issue of the Subdivision Certificate (Strata), and the Section 88B Instrument contains easements and/or covenants to which Council is a Prescribed Authority, the Council must be provided with all relevant supporting information (such as works-as-executed drainage plans and certification) prior to Council endorsing the Instrument.
- e. 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.
- f. The water from the rainwater tank should not be used for drinking, Sydney Water shall be advised of the installation of the rainwater tank.
- g. If the development is **not** subject to BASIX, a mandatory rainwater tank may be required. Rainwater tank requirements for development **not** subject to BASIX are specified in Council's DCP 78.
- h. 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.
- i. Digital or video technology should be used to record images from the cameras.
- j. If each individual tower has separate access, it is recommended that access treatments are available for emergency services, eg. Fire Brigade and local Police (e.g. swipe cards).

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