

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-2012/395
Contact	Marta Sadek 9562 1743

Mosca Pserras Architects Pty Ltd
PO BOX 3353
LIVERPOOL NSW 2170

DRAFT

Property: 120 Turrella Street and 27 & 29 Cook Street, TURRELLA
Lot 16 Sec4 DP 33396, Lot 1 DP 1080986, Lot 3 DP 60221, Lot 5 DP 335068

Proposal: Demolition of existing structures and construction of a mixed use development comprising 281 apartments, 2 non residential units, associated car parking and landscaping

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 **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 and documentation 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.

Name of Plan	Drawing number	Revision	Date	Prepared by
Cover Sheet	12008 AP01	B	22.8.12	MPA
Site Plan	12008 AP03	B	22.8.12	MPA
Basement 1 Plan	12008 AP04	B	22.8.12	MPA
Ground Floor Plan	12008 AP05	C	22.8.12	MPA
Level 1 Plan	12008 AP06	C	22.8.12	MPA
Level 2 Plan	12008 AP07	C	22.8.12	MPA
Level 3 Plan	12008 AP08	C	22.8.12	MPA

Level 4 Plan	12008 AP09	C	22.8.12	MPA
Level 5 Plan	12008 AP10	C	22.8.12	MPA
Level 6 Plan	12008 AP11	B	22.8.12	MPA
Level 7 Plan	12008 AP12	B	22.8.12	MPA
Level 8 Plan	12008 AP13	B	22.8.12	MPA
Level 9 Plan	12008 AP14	B	22.8.12	MPA
Roof Plan	12008 AP15	B	22.8.12	MPA
Elevation Sheet 1	12008 AP16	B	22.8.12	MPA
Elevation Sheet 2	12008 AP17	B	22.8.12	MPA
Sections Sheet 1	12008 AP18	B	22.8.12	MPA
Sections Sheet 2	12008 AP19	B	22.8.12	MPA
Adaptable Unit Details	12008 AP20	A	31.5.12	MPA
Landscape Masterplan	S12-0026 Sk3 to Sk 23	4	18.8.12	Clouston Associates
Irrigation Layout Plans	Sheet 1 of 4 to 4 of 4		2.8.12	Hydroplan
Stormwater Layout Plan	9465/DA01	A	2.5.12	J. Wyndham Prince
OSD Detention and Raingarden Details	9465/DA02	A	3.5.12	J. Wyndham Prince
Stormwater Management Strategy Report		D	June 2012	J. Wyndham Prince

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 427223M, 427314M_02, 427311M_02 and 427326M 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 following components of the development require separate approval/development consent:

- i. The Strata Subdivision.
- ii. The specific use/uses of the non residential premises.

Additional conditions may be imposed on any such consent.

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

7. 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.
8. 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. The buildings shall be known as follows:

Lift lobby A – 120 Turrella Street Turrella

Lift lobby B – 52 Loftus Street Turrella

Lift lobby C – 50 Loftus Street Turrella

Lift lobby D – 7 Henry Street Turrella

Lift lobby E – 5 Henry Street Turrella

Lift lobby F – 3 Henry Street Turrella

Lift lobby G – 27 Cook Street Turrella

Lift lobby H – 29 Cook Street Turrella

Lift lobby J – 31 Cook Street Turrella

Lift lobby K – 6 Reede Street Turrella

Lift lobby L – 8 Reede Street Turrella

Lift lobby M – 10 Reede Street Turrella

9. Parking spaces shall be allocated to residential apartments / non-residential units in the development in the following manner as required by DCP 2011 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
Commercial Units	1 space per 40 m ² gross floor area
Bicycle parking	1 space per 10 apartments and 1 space for non residential units
Motorcycle	1 space per 15 apartments and 1 space per 20 car spaces

Non-Allocated Spaces

Residential Visitor Spaces	1 space per 5 apartments
Car wash bays	1 car wash bay per building

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.

Details demonstrating compliance with this condition shall be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Note: This parking allocation condition also 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*.

10. Sydney Airport Corporation Limited (SACL) has approved the maximum height of the proposed building at 40.35 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. Any application for approval should be submitted to the 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.

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.

DEVELOPMENT SPECIFIC CONDITIONS

The following conditions are specific to the Development Application proposal:

11. Materials, goods or machinery shall not be stored, placed or otherwise permitted to stand between the building line and the street alignment.
12. 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.

13. The existing and future owners (Registered Proprietor) of the property will be responsible for the operation and maintenance of the stormwater systems. The registered proprietor will:
 - i) permit stormwater to be retained, temporarily detained and 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 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 following conditions relate to potential noise impacts of the development.
 - i. The use of the premises, building services, equipment, machinery and, ancillary fittings shall not give rise to an "offensive noise" as defined under the provisions of the Protection of the Environment Operations Act, 1997.
 - ii. The use of mechanical plant including air conditioners, fans, compressors, condensers, freezers, swimming pool or spa pumps (whether commercial or domestic) shall not cause sound pressure levels in excess of the criteria given in the NSW Industrial Noise Policy - 2000.
15. Temporary dewatering of the site to construct the subsurface structure is not permitted.
16. The provision of natural light to basement levels. Details shall be provided prior to the issue of the Construction Certificate.
17. The visible light reflectivity from building materials used on the façade of the building shall not exceed 20% and shall be designed so as not to result in glare that causes any nuisance or interference to any person or place. A statement demonstrating compliance with these requirements shall be submitted to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate for the relevant stage of works.
18. The following conditions relate to the design of parking areas.
 - i. Bicycle parking facilities shall be designed in accordance with AS2890.3:1993.
 - ii. Commercial vehicle facilities shall be designed strictly in accordance with AS2890.2:2002.
 - iii. Internal height clearance shall be designed throughout the car park and access driveway in accordance with AS2890.1:2004.

- iv. The off-street parking areas associated with the subject development shall be designed strictly in accordance with AS2890.1:2004.
19. All proposed lighting shall comply with where relevant with AS4282 - 1997 "Control of the Obtrusive Effects of Outdoor Lighting", AS/NZ1158.3:1999 Pedestrian Area (Category P) Lighting, the BCA and any relevant standard for public 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. Details demonstrating compliance with these requirements shall be submitted to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate for the relevant stage of works.
20. Services or utility systems shall not be located in the garbage room. Hot and cold water hose cocks shall be installed to the garbage room.
21. All vertical plumbing, other than roofwater heads and downpipes, shall be concealed within the brickwork of the building. Any electrical kiosks or fire booster valves shall be located in unobtrusive locations toward site boundaries and away from entrances into the building. Utilities shall be softened with landscaping so as not to detract from the overall appearance of the development and amenity of the streetscape. Details demonstrating compliance with this requirement shall be submitted to the Principal Certifying Authority (PCA) prior to the issue of the Construction Certificate.
22. Ceiling heights for all habitable and non habitable areas within the dwellings shall be a minimum of 2.7 metres as measured vertically from finished floor level to the underside of the ceiling. The ceiling height of the non residential premises shall be a minimum of 3.3m as measured vertically from finished floor level to the underside of the ceiling. Details demonstrating compliance with this condition shall be provided prior to the issue of the Construction Certificate.
23. The following conditions apply to the design, construction and modifications to the road, footpath and traffic and parking facilities around the development site.
 - i) The existing marked footcrossing in the western approach of Turrella Street be upgraded to a raised pedestrian crossing.
 - ii) The applicant need to improve the sight distance in Reede Street at its southern by clearing the site vegetation due to the uphill gradient and poor sight distance.
 - iii) A pedestrian refuge to be provided in Reede Street at its intersection with Turella Street and pram ramps be provided at the new pedestrian refuge and at the intersection of Turrella Street and Reede Street.
 - iv) That the applicant provide swept path diagrams to demonstrate turning movements of vehicles entering and exiting all car park entrances. - The swept path for LRV should be cannot be accomodated without loss of on-street parking in Henry Street. Hence it will not be supported and needs to be redesigned.

Note: The loading bay provided especially for LRV will require the parallel parking on eastern side of Henry Street to be removed which will not be supported and hence the loading bay design has to be amended. The Council will not loose a single one of the existing 90 degree angle parking spaces in Henry Street to facilitate access to the subject development or for movement of rigid vehicles into and out of the site.
24. The side balconies in units 3K404, 3K504 and 3K604 shall be deleted. Privacy screens shall be installed on the side of the main balcony to improve privacy within the

development site. Details shall be provided in the Construction Certificate documentation prior to the issue of the Construction Certificate.

25. All dwellings within the development, including the attached dwellings shall have access to the internal communal facilities.
26. The following conditions apply to the landscaping on the site. Details shall be provided to the Certifying Authority prior to the issue of the relevant Construction Certificate.
 - i. Implementation of the recommendations of the Wind Tunnel Test Report prepared by Vipac Engineers and Scientists Ltd dated 4 June 2012.
 - ii. The species selection and location of planting shall maximise winter solar access and summer shade to dwellings.
 - iii. A minimum soil depth of 300mm is required for turfed areas on podiums or roof-tops or any other concrete slab, including the soil above stormwater drainage tanks.
 - iv. Retaining walls used for raised planter beds on concrete slabs shall accommodate a minimum 800mm of soil/plant mix (over and above any drainage medium).
 - v. Screening species shall be included into the side setbacks to improve privacy between apartments.

PRIOR TO ISSUE OF THE CONSTRUCTION CERTIFICATE

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

27. The following fees shall be paid to Council prior to the issue of a 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.
 - i. A Footpath Reserve Restoration Deposit of \$130,937.80 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). 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.
 - ii. An application for Boundary levels and fee of \$1,150.00 is payable to Council for the determination of boundary levels. All boundary works, egress paths, driveways and fences shall comply with this level.
 - iii. An environmental enforcement fee of 0.25% of the cost of the works.
 - iv. Soil and Water Management Sign (811) fee of \$15.45.
28. 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.
29. The connection of stormwater drainage pipes to the existing kerb inlet pit in Henry Street and Loftus Street must be inspected by Council prior to backfilling. A payment of \$585.50 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.

30. A Section 94 contribution of \$2,534,911.50 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:

Open Space	\$2,113,463.31
Community Services & Facilities	\$134,745.30
Town Centre & Streetscape Improvements	\$71,563.47
Pollution Control	\$199,821.49
Plan Administration & Management	\$15,317.93

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

31. 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.
32. A landscape plan, prepared by a qualified Landscape Architect shall be submitted to Council or the accredited certifier (AC) 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 and all other relevant conditions of this Consent.
33. The building shall be constructed of a masonry or brick wall construction with select coloured finishes generally in accordance with the colours shown on the cover Sheet drawing 12008 AP01 Issue B dated 22.08.12 and received by Council on 29 August 2012. Detailed design plans of each building façade demonstrating consistency with this plan shall be submitted to the satisfaction of the Certifying Authority prior to the issue of the Construction Certificate and shall be reflected on the Construction Certificate plans and supporting documentation.
34. Access and facilities for people with disabilities shall be provided in accordance with Part D3 of the BCA and the recommendations of the Disability Access Report by Cheung Access dated 4 June 2012. Prior to the issue of the Construction Certificate, a report shall be provided to the Certifying Authority from an appropriate qualified person, demonstrating compliance with this condition.
35. The applicant shall confer with Ausgrid to determine the following:
- if an electricity distribution substation is required.
 - if installation of electricity conduits in the footway is required.
 - if satisfactory clearances to any existing overhead High Voltage mains will be affected.

Written confirmation of Ausgrid's requirements shall be obtained prior to the issue of a Construction Certificate.

The relocation of the existing electricity supply pole in the road reserve at proposed access points is required to avoid conflict with the new driveways. The relocation works shall be undertaken in accordance with the requirements of Ausgrid. The applicant shall enter into a contract with Ausgrid 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.

36. The approved plans must be submitted to a Sydney Water Quick Check agent 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 further assistance please telephone 132092 or refer to Sydney Water's website www.sydneywater.com.au for:

- a) Quick Check agent details – see Building and Development then Quick Check; and
- a) Guidelines for Building over/adjacent to Sydney Water Assets – see Building and Developing then Building and Renovating.

The consent authority or a private accredited certifier must ensure that a Quick Check agent/Sydney Water has appropriately stamped the plans before the issue of any Construction Certificate.

37. Prior to issue of the Construction Certificate, a longitudinal driveway profile shall be submitted to Council or an Accredited Certifier for assessment and approval. The profile shall start in the centre of the road and be along the critical edge (worst case) of the driveway. Gradients and transitions shall be in accordance with Council's Code. The profile shall be drawn to a scale of 1 to 20 and shall include all relevant levels, grades (%) and lengths.
38. 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.
39. The following conditions relate to the installation of the rainwater tank. The conditions shall be included in the Construction Certificate documentation prior to the release of the Construction Certificate.
 - ii) The overflow from the rainwater tank shall be directed to the storm water system.
 - ii) 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”.
- iii) A first flush device shall be installed to reduce the amount of dust, bird faeces, leaves and other matter entering the rainwater tank.
 - iv) 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.
40. Any proposed landscaping, fencing or signage is not to impede the desired sight lines of all road users including pedestrians and cyclists. Details demonstrating compliance with these requirements shall be submitted to the satisfaction of the Certifying Authority prior to the issue of the Construction Certificate.
 41. A detailed assessment of the mechanical plant and equipment noise shall be conducted by a suitably qualified and experienced acoustic consultant prior to the issue of the relevant Construction Certificate as per the recommendations made in the Acoustic Impact Assessment Report prepared by ViPAC dated 07 June 2012 Report No. 20C-12-0066-TRP-466790-5. The detailed acoustic assessment report shall be submitted to the Principal Certifying Authority prior to the issue of the Construction Certificate. The recommendations of the report shall be included in the Construction Certificate documentation.
 42. The low level driveway must be designed to prevent inflow of water from the road reserve, and internal driveways. 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.
 43. Any part of the proposed building within 3m of the proposed detention tank or absorption trench shall be constructed on a pier and beam foundation with piers extending no less than 300mm below the bottom of the tank or trench base. This requirement shall be reflected on the Construction Certificate plans and supporting documentation.
 44. A visitor car space per building shall also operate as a car wash bay. A tap shall be provided. A sign shall be fixed saying ‘Visitor Car Space and Car Wash Bay’. The runoff shall be directed and treated as per Rockdale Technical Specification Stormwater Management. Details shall be provided with the plans accompanying the Construction Certificate.
 45. 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. Stormwater management requirements for the development site, including the final discharge/end connection point, must comply with Rockdale Technical Specification Stormwater Management. 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.

PRIOR TO COMMENCEMENT OF WORKS

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

46. 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.

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.

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.

47. The following signage shall be erected in a prominent position during construction:
- i. Indicating the Development Approval Number, description of work, builder's name, licence number and house number before commencement of work;
 - ii. stating that unauthorised entry to the work site is prohibited, and
 - iii. 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.
 - iv. 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.
48. Prior to the commencement of work, Tree Protection Zones shall be established in accordance with AS4970-2009 (Protection of trees on Development Sites) with protective fences at least 1.8 metres high erected, in accordance with points 2.3.2, 2.3.3 and 2.3.12 and the Generic Tree Management Plan (Attachment A) in the Arboricultural Assessment & Development Impact Report by Rain Tree Consulting dated April 2012 and as instructed by the appointed Site Arborist, around the Silver-Top Ash located adjacent to the Reede Street boundary (Tree 42 in the Report) and the three Brushbox street trees in Henry Street (T54, T55 and T56 in the report) which are required to be retained. The protective fences shall consist of chain wire mesh temporary fence panels securely mounted and braced to prevent movement, shall be in place **prior to the commencement of any work on site** and shall remain until the completion of all building and hard landscape construction. Excavations for services, waste bins, storage of materials and equipment, site residue, site sheds, vehicle access or cleaning of tools and equipment are **not** permitted with the Tree Protection Zones at any time.
49. Prior to the commencement of any work on site, a sign shall be placed in a prominent position on each protective fence identifying the area as a **Tree Protection Zone** and prohibiting vehicle access, waste bins, storage of materials and equipment, site residue and excavations within the fenced off area.
50. 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.

51. The following conditions are relevant to ensure the safety of the public during construction:
- i. 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.
 - ii. 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.
 - iii. When the work involved in the erection or demolition of a building:
 - a) is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or
 - b) building involves the enclosure of a public place,
 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.

52. 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.
53. Consultation with Ausgrid is essential prior to commencement of work. Failure to notify Ausgrid 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 Ausgrid or
 - ii) where the erection of gates or fences has restricted access to metering equipment.

Where clearances to any existing overhead High Voltage mains are affected, the builder shall make arrangements with Ausgrid for any necessary modification to the electrical network in question. These works shall be at the applicant's expense. Ausgrid'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 Ausgrid.

54. A Construction Management Plan (CMP) shall be prepared in accordance with the requirements of all relevant regulatory approval bodies. Prior to 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.
- A Construction Traffic Management Plan (TMP) prepared by a suitably qualified person shall be submitted to and approved by the Certifying Authority. The Plan shall address, but not be limited to, the following matters:
- (a) ingress and egress of vehicles to the site;
 - (b) loading and unloading, including construction zones;

- (c) predicted traffic volumes, types and routes; and
- (d) pedestrian and traffic management methods.

A Construction Traffic Management Plan shall be submitted to Council's Traffic and approved by Council's Road Safety Section.

Copies of the CMP and TMP shall be submitted to Council.

55. 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.
56. A Waste Management Plan shall be prepared in accordance with Rockdale Technical Specification Waste Minimisation and Management prior to commencement of works. The Plan shall be implemented during demolition and construction.
57. A site Arborist shall be appointed prior to the commencement of any work on site. The Site Arborist shall supervise installation of Tree Protection Fencing and any works within the Tree Protection Zones of trees required to be retained.

DURING DEMOLITION / EXCAVATION / CONSTRUCTION

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

58. 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.
59. 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.
60. 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.

61. 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.
62. 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.
63. 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.
64. 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. 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 condition allotment of land includes a public road and any other public place. 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.

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.
65. 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.
66. 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.
67. 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.
68. 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.

69. As per the recommendations in the Detailed Site Investigation Report prepared by SMEC Testing Services Pty Ltd Report No-12/0516A dated April 2012, further soil sampling shall be undertaken by a suitably qualified and experienced consultant in the areas where the underground petroleum storage systems (UPSSs) have been removed (or remain). A groundwater investigation shall also be carried to assess any groundwater impacts. A soil and groundwater assessment report shall be submitted to Council. The soils beneath the hardstand surfaces of the site shall be tested for asbestos after the concrete slabs are removed. Bitumen-based materials shall be removed from the site. Should any unacceptable soil or groundwater impacts be identified, the site shall be remediated in accordance with 'State Environmental Planning Policy No. 55 Remediation of Land' (SEPP 55). A validation report prepared by a suitably qualified and experienced consultant in accordance with NSW EPA guidelines shall be submitted to Council. The report shall describe and document all works performed and include clear justification as the suitability of the site for the proposed use and the potential for off-site migration of any residual contaminants.
70. The following conditions are necessary to ensure minimal impacts during construction:
 - i. 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.
 - ii. Stormwater from roof areas shall be linked via a temporary downpipe to an approved stormwater disposal system immediately after completion of the roof area.
 - iii. All disturbed areas shall be stabilised against erosion within 14 days of completion, and prior to removal of sediment controls.
 - iv. 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.
 - v. 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.
 - vi. Wind blown dust from stockpile and construction activities shall be minimised by one or more of the following methods:
 - a) spraying water in dry windy weather
 - b) cover stockpiles
 - c) fabric fences

- vii. 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.

71. The Silver-Top Ash located adjacent to the Reede Street boundary (Tree 42 in the Arboricultural Assessment & Development Impact Report by Rain Tree Consulting dated April 2012) and the three Brushbox street trees on the nature strip in Henry Street (T54, T55 and T56 in the report) shall not be removed or pruned, including root pruning, without the written consent of Council in the form of a Permit issued under Council's Development Control Plan 2011. All existing site trees and street trees adjacent to the site may be removed.
72. Additional conditions to ensure protection of existing trees are as follows:
- i. Underground Services such as pipelines or cables to be located close to trees, must be installed by boring or by such other method that will not damage the tree rather than open trench excavation. The construction method must be approved by Council's Tree Management Officer.
 - ii. Existing soil levels within the drip line of trees to be retained shall not be altered without reference to Council's Tree Management Officer.
 - iii. Building materials, site residue, machinery and building equipment shall not be placed or stored under the dripline of trees required to be retained.
 - iii. Where drainage or paving works are proposed to be constructed in the area below the dripline of trees, the proposed works and construction methods must not damage the tree. Where either the trees or works were not shown in detail on the approved plans, then Council approval must be obtained by contacting Council's Tree Management Officer.
73. All recommendations contained in Section 3 and Attachment A: Generic Tree Management Plan of the Arboricultural Assessment & Development Impact Report by Rain Tree Consulting dated April 2012 shall be implemented and complied with.

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.

74. An Occupation Certificate shall be obtained in relation to the approved works prior to any use or occupation of the building.
75. 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.
Damage to brick kerb and/or gutter and any other damage in the road reserve shall be repaired using brick kerb and gutter of a similar type and equal dimensions. All works shall be to Council's satisfaction at the applicant's expense. Repairs shall be completed prior to the issue of the Occupation Certificate.
76. Damage to brick kerb and/or gutter and any other damage in the road reserve shall be repaired using brick kerb and gutter of a similar type and equal dimensions. All works shall be to Council's satisfaction at the applicant's expense. Repairs shall be completed prior to the issue of the Occupation Certificate.
77. 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.
78. Lot 3 in DP 60221, Lot 5 in DP 335068, Lot 1 in DP 1080986, Lot 16 Sec 4 in DP 33396 and Lot 17 in DP 933980 shall be consolidated into one allotment. Council requires proof of lodgement of the plan of consolidation with the Land and Property Information Office prior to occupation.
An easement for public access in gross for the public to use the pedestrian link within the site shall be registered over the land in favour of Rockdale City Council.
79. Street Tree Planting Species for each street should be specified for Council's Landscape Architect approval. Trees T31, T30 and the other one in the corner of Reede and Cook street shown on plan S12-0026 Sk5 as to be retained are to be removed as per Council Tree officer's recommendations and new street tree planting to be proposed to extend avenue of tree already proposed along Reede Street within the nature strip on completion of all building and hard landscape construction.
80. 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.
81. The following conditions apply to any requirements by the energy service providers and shall be satisfied prior to the issue of the Occupation Certificate.
 - i. The underground placement of all low voltage street mains 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 Ausgrid's requirements.
 - ii. Where an electricity substation is required by Ausgrid, a final film survey plan shall be endorsed with an area having the required dimensions as agreed with Ausgrid 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 Ausgrid.

- iii. 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 Ausgrid's specifications. Ausgrid 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 Ausgrid shall be obtained prior to the issue of the Occupation Certificate.
82. 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".
 83. 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.
 84. 369 off-street car spaces shall be provided in accordance with the submitted plan and shall be sealed and linemarked to Council's satisfaction. The pavement of all car parking spaces, manoeuvring areas and internal driveways shall comply with Australian Standard AS3727 – Guide to Residential Pavements.
 85. The ongoing site waste shall be managed in accordance with the Waste Management Plan prepared by *Elephants Foot Recycling Solutions* dated 4 May 2012. Details demonstrating that the recommendations will be implemented on site shall be submitted to the satisfaction of the consent authority prior to the issue of the Occupation Certificate.
 86. 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.
 87. 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.
88. The noise reduction measures specified in the Acoustic Impact Assessment For DA Submission report prepared by VIPAC dated 07 June 2012 Report No. 20C-12-0066-TRP-466790-5 shall be validated by a Certificate of Compliance prepared by the acoustic consultant and submitted to the Principal Certifying Authority (PCA) prior to the issue of an Occupation Certificate. If Council is not the PCA, a copy shall be submitted to Council concurrently.
 89. 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.
 90. 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. The landscaping is to be maintained to the approved standard at all times.
 91. A certificate of playground safety installation compliance shall be submitted to Council prior to release of the Occupation Certificate.
 92. An accredited site auditor under the Contaminated Land Management Act 1997 shall review all the site assessment, remediation and validation works and reports; and issue a Site Audit Statement, clearly demonstrating that the site is suitable for the intended use. 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.
 93. 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.
 94. A certificate from a Registered Surveyor shall be provided to the Principal Certifying Authority (PCA) certifying that the habitable/commercial floor level is constructed a minimum of 500mm above the 1% Annual Exceedance Probability (A.E.P) Flood Level. A copy of the certificate shall be provided to Council where Council is not the Principal Certifying Authority.
 95. 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 and the NSW Code of Practice: Plumbing and Drainage and Australian Standard AS3500. 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.
 96. 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.

97. 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 on 3 April 2012.
98. There shall be no encroachment of paths, fencing or other improvements onto the drainage easements without Council approval.
99. A positive covenant pursuant to the Conveyancing Act 1919 shall be created on the title of the lots that contain the stormwater retention and detention facility to provide for the maintenance of the retention and detention facility.
100. 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.
101. Signs shall be displayed adjacent to all stormwater drains on the premises, clearly indicating "Clean water only - No waste".
102. The owner of the premises shall inform Sydney Water that a Rainwater tank has been installed in accordance with applicable requirements of Sydney Water.

INTEGRATED DEVELOPMENT/EXTERNAL AUTHORITIES

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

103. **RailCorp**

The following conditions are imposed by RailCorp:

All excavation and construction works are to be undertaken in accordance with the following documentation:

- Geotechnical investigation Report prepared by SMEC Testing Services Pty Ltd – Ref 12/0459B dated June 2012
- Structural Report prepared by ABC Consultants – Ref 12075-0002-dr dated June 2012
- Shoring Layout Plan prepared by ABC Consultants – Drawing No. S101.01 Rev B Dated 19 June 2012
- Shoring Elevations and Details prepared by ABC Consultants – Drawing No. S101.02 Rev C dated 19 June 2012
- Development Location Plan & Sections prepared by ABC Consultants – Drawing No. S101.03 Rev C dated 4 July 2012
- Footing Layout Plan prepared by ABC Consultants – Drawing No. S101.04 Rev B dated 19 June 2012

A Construction Certificate is not to be issued until the measures detailed in this condition of consent have been incorporated into the construction drawings and specifications. Prior to the commencement of works the Principle Certifying Authority is to provide verification to RailCorp that this condition has been complied with.

Subject to the following modifications:

- The piling and excavation operation to be supervised by a suitably experienced geotechnical engineer.
- Close monitoring and regular inspection of any ground movement and instability shall be carried out during the excavation and construction stage.

Prior to the issuing of a Construction Certificate, the Applicant is to submit Final Construction/Shoring plans consistent with the above requirements to RailCorp for endorsement. The Principle Certifying Authority shall not issue the Construction Certificate until written confirmation has been received from RailCorp confirming that this condition has been satisfied.

The following items are to be submitted to RailCorp for review and endorsement prior to the issuing of a Construction Certificate:

- Machinery to be used during excavation/construction.
- A monitoring plan for the control of deformations and vibration during excavation and construction phases.
- A rail safety plan including instrumentation and the monitoring regime.

The Principle Certifying Authority is not to issue the Construction Certificate until it has received written confirmation from RailCorp that this condition has been complied with.

- No rock anchors/bolts are to be installed into RailCorp's property.
- No modifications may be made to that approved design without the consent of RailCorp.
- Prior to the commencement of works and prior to the issue of the Occupation Certificate, a joint inspection of the rail infrastructure (including retaining wall and noise wall) and property in the vicinity of the project is to be carried out by representatives from RailCorp and the Applicant. These dilapidation surveys will establish the extent of any existing damage and enable any deterioration during construction to be observed. The submission of a detailed dilapidation report will be required unless otherwise notified by RailCorp.
- An acoustic assessment is to be submitted to Council prior to the issue of a construction certificate demonstrating how the proposed development will comply with the Department of Planning's document titled "Development Near Rail Corridors and Busy Roads- Interim Guidelines".
- Prior to the issue of a Construction Certificate the Applicant is to engage an Electrolysis Expert to prepare a report on the Electrolysis Risk to the development from stray currents. The Applicant must incorporate in the development all the measures recommended in the report to control that risk. A copy of the report is to be provided to the Principal Certifying Authority with the application for a Construction Certificate.
- The design, installation and use of lights, signs and reflective materials, whether permanent or temporary, which are (or from which reflected light might be) visible from the rail corridor must limit glare and reflectivity to the satisfaction of RailCorp.

The Principle Certifying Authority shall not issue the Construction Certificate until written confirmation has been received from RailCorp confirming that this condition has been satisfied.

- Prior to the issue of a Construction Certificate a Risk Assessment/Management Plan and detailed Safe Work Method Statements (SWMS) for the proposed works are to be submitted to RailCorp for review and comment on the impacts on rail corridor. The Principle Certifying Authority shall not issue the Construction Certificate until written confirmation has been received from RailCorp confirming that this condition has been satisfied.
- Prior to the issuing of a Construction Certificate the Applicant is to submit to RailCorp a plan showing all craneage and other aerial operations for the development and must comply with all RailCorp requirements. The Principle Certifying Authority shall not issue the Construction Certificate until written confirmation has been received from the Rail Authority confirming that this condition has been satisfied.
- Where the Applicant proposes to enter the rail corridor, the Principle Certifying Authority shall not issue a Construction Certificate until written confirmation has been received from RailCorp confirming that its approval has been granted.

104. **NSW Police**

The following conditions have been recommended by the NSW Police:

- i) 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.
- ii) 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.
- iii) 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.
- iv) 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.
- v) 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.
- vi) 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
- vii) 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.
- viii) 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

105. 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.
106. 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.
107. In addition to the works in the road reserve listed above, the following modification and/or improvement works to the road will be required to be undertaken at the applicant's expense:
- i) The existing marked foot crossing in the western approach of Turrella Street be upgraded to a raised pedestrian crossing.

- i) A pedestrian refuge to be provided in Reede Street at its intersection with Turella Street and pram ramps be provided at the new pedestrian refuge and at the intersection of Turrella Street and Reede Street.
- ii) The applicant need to improve the sight distance in Reede Street at its southern by clearing the site vegetation due to the uphill gradient and poor sight distance.
- iii) Construct / upgrade foot path along Cook Street.
- iv) The existing 90 degree angle parking in Henry Street has to be upgraded to the current Australian Standards to accommodate the traffic movement generated by the development while maintaining the existing parallel parking on the eastern kerb line of Henry Street.

Note: Detailed plans of the works are required to be submitted to Council for assessment and approval pursuant to *Section 138* of the *Roads Act 1993*, prior to the issue of the Construction Certificate.

- 108. 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.
- 109. 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.
- 110. Where the works are undertaken by a Private licensed Contractor, the contractor shall:
 - i) Undertake quality system testing as specified in Specification CQS of AUS-SPEC. Records of quality testing shall be made available to Council at the completion of the works;
 - ii) Engage a supervising engineer (superintendent). The supervising engineer shall, upon completion of the works, submit an engineering certificate for the completed works.
 - iii) Provide Council with one (1) copy of works as executed drawings upon completion of the works. The works as executed drawings shall be based on a survey of the works by a registered surveyor.
 - iv) A payment shall be made to Council for inspection of the works. The payment shall be made prior to the commencement of works. If payment is to be made after the end of financial year, this amount shall be adjusted in accordance with Council's adopted fees and charges.
 - v) Provide Council with 48 hours notice of the following:
 - a) Commencement of the works
 - b) Completion of road sub-grade trimming and compaction; and
 - c) Completion of road base-course trimming and compaction; and

- d) Prior to pouring kerb and gutter, or any other in-situ concrete element; and
- e) Prior to covering any stormwater drainage pipes and connections; and
- f) Prior to placement of road wearing course; and
- g) Completion of works.

Note: An inspection by Council is required at each of these stages. Works shall not continue until inspected by Council. Inspection by Council does not relieve the responsibility of a Private Licensed Contractor to undertake quality testing in accordance with the Council's Construction Specifications (AUS-SPEC), have the works inspected by the superintendent and have the superintendent submit an engineering certificate.

- vi) Maintain the works for the duration of the Defects Correction Period, which shall be twelve (12) months. (The Defects Correction Period commences on the date of acceptance of the completed works by Council). During this period the contractor shall:
 - a) Keep the works clean and free of silt, rubbish and debris;
 - b) Maintain, renew and repair, either in whole or in part, defective works as identified in written notice by the Council so that the works function 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;
 - c) Carry out the matters referred to in paragraphs (i) and (ii) at the contractor's expense;
 - d) Not make alterations to the system or elements thereof without prior consent in writing of the Council;
 - e) Comply with the terms of any written notice issued by the Council in respect to the requirements of this condition within the time stated in the notice.

In the event of the contractor failing to comply with the terms of any written notice served in respect of the matters in this condition the Council or its authorised agents may carry out any work required to ensure the safe and efficient operation of the system and recover from the registered proprietor the cost of carrying out the work, and if necessary, recover the amount due by legal proceedings (including legal costs and fees).

- 111. 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.

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.

- 112. 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.

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:
 - Work Health and Safety Act 2011
 - Work Health and Safety Regulation 2011
 - 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. In the event of any inconsistency between conditions of this approval and the drawings/documents referred to in condition 2, the conditions of this approval prevail.
-

ADDITIONAL INFORMATION

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

Should you have any queries please contact Marta Sadek on 9562 1743.

Luis Melim
Manager - Development Services