

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-2012/410
Contact Marta Sadek 9562 1743

Discovery Point PTY LTD
PO BOX 3307
RHODES N S W 2138

Property: 1 Princes Highway, WOLLI CREEK NSW 2205
Lot 13 DP 1062413

Proposal: Discovery Point -Stage 2 -Construction of a mixed use development comprising ground floor retail/business premises, 200 apartments, basement parking and ancillary landscaping and public domain works

The above development is approved subject to the following conditions:

GENERAL CONDITIONS

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

1. The term of this consent is limited to a period of five (5) ~~three (3)~~ years from the date of approval. The consent will lapse if the development does not commence within this time.

REQUEST: That the time period of the consent be increased from 3 years to a maximum 5 years.

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.

Name of Plan	Drawing number	Revision	Date	Prepared by
Stage 2 Proposed Site Plan	DA004	C	14/06/12	PTW
Basement 01 Plan	DA131 C	C	14/06/12	PTW
Basement 02 Plan	DA132	C	14/06/12	PTW

Basement 03 Plan	DA133	C	14/06/12	PTW
Ground Floor Plan	DA100	C	14/06/12	PTW
Level 1 Plan	DA101	C	14/06/12	PTW
Levels 2-10 Plan	DA106	C	14/06/12	PTW
Levels 11-14 Plan	DA111	C	14/06/12	PTW
Levels 15-17 Plan	DA116	C	14/06/12	PTW
Level 18 Plan	DA118	C	14/06/12	PTW
Level 19 Plan	DA119	C	14/06/12	PTW
Level 20-21 Plan	DA120	C	14/06/12	PTW
Level 22 Plan (Plant)	DA122	C	14/06/12	PTW
Roof Plan	DA124	C	14/06/12	PTW
Elevations – South & East	DA400	C	14/06/12	PTW
Elevations – North & West	DA401			PTW
Section A	DA500			PTW
Section B & C	DA501			PTW
Materials and Colour	DA950			PTW
Southeast Corner Facade	SK903			PTW
Stormwater Plan	CO20	P4	7/09/12	Bonacci Group Pty Ltd
Pavement Detail Plan	CO30	P3	7/09/12	Bonacci Group Pty Ltd
Magdalene Terrace Carriage Plan Layout and Section	CO40	L	29/09/12	Bonacci Group Pty Ltd

Sheets 1 to 11	32769CT	F1	24/09/12	Lockley Land Title Solutions
Discovery Point WSUD Strategy			September 2012	Aquatica
Flood Emergency Management Plan Discovery Point Building 2			19 June 2012	Parsons Brinckerhoff Australia Pty Limited
Structural Report for Project Application Stage 2			13 June 2012	Bonacci Group Pty Ltd
<u>Site 2 – Landscape General Arrangements Plan</u>	<u>S02-DA-GA</u>	<u>M</u>	<u>27 September 2012</u>	<u>Turf Design</u>

REQUEST: The Survey Plans Sheets 1 to 11 prepared by Lockley Land Title Solutions do not form part of the development application package as they relate specifically to the subdivision DA for the whole of Discovery Point site. Sheets 9 and 11 were used as information only for the architects and engineers to prepare their plan packages and to convey to Council's engineers that no road widening was required to achieve compliance with Australian Standards. Accordingly these plans show be deleted from this condition as they do not form part of the subject development application.

Similarly, the Discovery Point WSUD Strategy prepared by Equatica outlines a potential WSUD Strategy for the whole site, however it is a work in process and the certain part of the strategy currently relates to the WSUD initiatives within the Site 2 DA area. The proposed Equatica WSUD initiatives specific to Site 2 area are incorporated within the landscape plan prepared by Turf Design.

The Site 2 landscape plan has not been included in Condition 2. We request that the landscape plan form part of the approved plan package.

3. The development is to be carried out in compliance with all relevant requirements of the Concept Plan (MP 10_0003), approved by the Minister for Planning on 5 May 2011, including any subsequent modification to the Concept Plan.
4. All new building work must be carried out in accordance with the provisions of the Building Code of Australia (BCA).
5. A Construction Certificate must be obtained from Council or an Accredited

Certifier prior to any building work commencing.

6. The development must be implemented and all BASIX commitments thereafter maintained in accordance with BASIX Certificate Number 409020M (for level 1-10) and 409068M (for Level 10-22) 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>.

7. A separate development application shall be submitted for 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.
8. Approval for the specific signage in the signage zones, being part of this development consent is not granted. Some forms of signage require separate approval unless the proposed signage is identified as 'exempt development' in State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.
9. The building shall be known as 1 Brodie Spark Drive Wolli Creek. Mail boxes must be installed in accordance with Australia Post Guidelines. Prominent building numbers are to be displayed, with a minimum number size of 150 mm in height for each number and letter in the alphabet.
10. 157 carparking spaces, 14 motorcycle spaces and 14 bicycle spaces shall be provided in accordance with the approved plans.

Parking spaces shall be allocated to residential apartments / non-residential units in the development in accordance with the parking rates specified in Section 7.2 of the Discovery Point Development Guidelines (~~updated May 2012~~), as amended from time to time. Details demonstrating compliance with this condition shall be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

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

~~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.~~

Request: We seek deletion of the last two paragraphs of the above condition as the titling arrangements regarding the basement car park are still being finalised and due to the use sharing arrangement of these spaces approved under the Concept Plan the spaces may not be common property on the strata plan. As the residential visitor spaces double with the retail shopper and staff spaces they may not be labelled as common property on the strata scheme but rather sold to one or more retail operators, a carpark operator or the resident co-operative.

The Development Design Guidelines are currently in the process of being modified and therefore we request that the date be removed so that the development be required to comply with the latest version of the design guidelines, as amended from time to time

11. Permanent or semi-permanent pumping of groundwater to protect the building will not be allowed.
12. Sydney Airport Corporation Limited (SACL) has approved the maximum height of the proposed building at 79.65 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.

13. Monitored CCTV facilities shall be implemented throughout the development. Areas of focus include the basement car park (including entry and exits), main entry areas to the development and garbage/~~storage areas~~. Details to be provided prior to the issue of the Construction Certificate.

Request: That storage areas be deleted as storage areas are located at the end of many resident car spaces and CCTV cameras will not implemented to cover every individual storage area.

14. Where applicable, security mirrors shall be installed within corridors and on blind corners to enable users to see around blind corners.

DEVELOPMENT SPECIFIC CONDITIONS

The following conditions are specific to the Development Application proposal:

15. 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.
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. All recommendations contained in the report prepared by Coffey Environments Australia Pty Ltd dated 09 June 2010 Ref: GEOTLCOV24013AA-L01 shall be implemented. A report from a qualified engineer shall be submitted to the Certifying Authority addressing the recommendations prior to the issue of the relevant Construction Certificate.
18. All the recommendations contained in the Discovery Point Stage 2 Noise Impact Assessment report prepared by Acoustic Logic dated 18/06/2012 Ref: 20111139.1/1806A/R3/BW shall be implemented. Prior to the issue of the Construction Certificate a statement by a qualified acoustic consultant addressing the recommendations of the report and compliance with the acoustic requirements of clause 4.4.5 (7) of Rockdale Development Control Plan 2011 shall be submitted to the Certifying Authority.
19. 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.

20. 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.
21. The following conditions apply to the design, provision and operation of parking within the Discovery Point site:
- (i) Parking facilities shall be designed in accordance with Australian Standard AS/NZS 2890.1, ~~except as varied by Council's technical specifications for design of parking facilities.~~
 - (i) Commercial vehicle facilities shall be designed in accordance with Australian Standard AS 2890.2, ~~except as varied by Council's technical specifications for design of commercial vehicle facilities.~~
 - (ii) Bicycle parking facilities shall comply with Australian Standard AS 2890.3, ~~except as varied by Council's technical specifications for design of bicycle parking.~~
 - (iii) The design of the parking and commercial vehicle facilities shall be designed that all vehicles, including commercial vehicles, enter and exit the facility in a forward direction.
 - (iv) All loading and unloading associated with the use of the development shall take place from designated on-street loading bays. Loadings bays shall not be used for storage or any other purpose that would restrict their use for the purposes of loading and unloading.

REQUEST: We have designed our parking facilities to comply with the relevant Australian standards and therefore seek deletion of references to Council's technical specifications which may be more onerous than the Australian Standards. We would also like the conditions clarified to reflect that all loading bays provided for Stage 2 will be provided on-street as per the Concept Plan approval and Stage 2 application.

22. The following conditions apply to the design, provision and operation of the internal road infrastructure works:
- (i) The design of the streetscape in the internal road network shall comply with the Wolli Creek and Bonar Street Public Domain Plan, unless variations are agreed in consultation with Council.
 - (i) The detailed design for the construction of the road infrastructure shall comply with all current Australian Standards and current AUSTROADS Guides. Where a conflict exists between the provisions of these design standards the

- provisions of AUSTROADS shall prevail.
- (ii) Emergency vehicle access shall be designed in accordance with the NSW Fire Brigade Code of Practice.
 - (iii) The works specification for the construction of the road infrastructure shall be ~~Reckdale City Council's~~ AUSTROADS.
 - (iv) The cost of all road infrastructure works, including the provision of roads, footpaths, services, traffic management, traffic and parking signage, landscaping, lighting and street furniture within the development and where it connects to adjacent roads shall be provided by the developer or other party executing the consent at no cost to Council or the NSW Roads and Traffic Authority.
 - (v) Traffic Management Plans shall be submitted to Council for approval of any activity that affects traffic or pedestrian movements on public roads or the private internal road network. The plans shall be prepared in accordance with NSW Roads and Traffic Authority guidelines and include details of traffic diversions, timings and the methodology for achieving the activities during the various stages of construction.
 - (vi) The internal road infrastructure, and property containing the road infrastructure including streetscape works within the site boundary, shall be owned by ~~the~~ Discovery Point. Streetscape works and on-street parking and loading spaces along Magdalene Terrace will continue to be owned by Council however the cost of providing these works will be borne by the developer.
 - (vii) Prior to the completion of each stage of road infrastructure works a road infrastructure maintenance specification shall be prepared and submitted to Council for approval. The specification shall include:
 - a. Maintenance Management Plan;
 - b. Activity Specifications; and
 - c. Activity Contract Requirements, which includes:
 - i. Road Traffic Score (Category);
 - ii. Recording Levels;
 - iii. Response Times; and
 - iv. Compulsory Intervention Levels.
 - (viii) A positive covenant for the management of the internal road infrastructure shall be placed on the Certificate of Title of the lot containing the infrastructure. The positive covenant shall instruct that all management undertaken in the road reserve (including but not limited to maintenance and cleaning) shall be conducted in accordance with the approved Road Reserve Maintenance Specification. The public infrastructure in the road reservation includes, but is not limited to, all:
 - a. Road carriageway and footpath pavements;
 - b. Road carriageway and footpath furniture;
 - c. Road carriageway and footpath pavement markings and signs;
 - d. Road drainage pipelines, inlet pits, and subsoil drainage; and
 - e. Street trees and landscaping.

REQUEST: Council's Landscape Officer had recommended as part of their pre-DA comments a paving type which was inconsistent with the Public Domain Plan. The submitted landscape plans are consistent with the Landscape Officers request however this is inconsistent with this condition of consent. We therefore propose to add the words "*unless variations are agreed in consultation with Council*" similar to the wording in the Concept Plan and Stage 1 and 6 Project Approvals to provide some flexibility to work with Council on achieving the desired outcome for both parties prior to commencement of works.

We seek to correct the apparent typographical errors with regard to references to AUSTROADS and delete the reference to AUSTROADS being a Rockdale City Council document which it is not.

We seek to clarify in (vi) that the internal road infrastructure will continue to be owned by Discovery Point and the external road infrastructure such as Magdalene Terrace will continue to be owned by Council, however new kerb and guttering, footpath and street trees on Council land in front of Site 2 will be provided by the developer at no cost to Council.

23. The following conditions apply to the design, and construction, of the modifications to the road, footpath and traffic facilities in Magdalene Terrace.
- (i) Details of the works in Magdalene Terrace shall be submitted to Council for assessment prior to the commencement of works, pursuant to Section 138 of the Roads Act 1993.
 - (i) The design of the streetscape in Magdalene Terrace shall comply with the Wolli Creek and Bonar Street Public Domain Plan, [unless variations are agreed in consultation with Council.](#)
 - (ii) The detailed design for the construction of the works in Magdalene Terrace shall comply with all current Australian Standards, current AUSTROADS Guides. Where a conflict exists between the provisions of these design standards the provisions of AUSTROADS shall prevail.
 - (iii) The cost of the works and cost of relocation of services shall be provided by the developer or other party executing the consent at no cost to Council or the NSW Roads and Traffic Authority.

Request: As previously described.

24. The following conditions apply to the design and provision of stormwater drainage.
- (i) The design of stormwater drainage facilities shall be undertaken in accordance with Council technical specifications for the design of stormwater management facilities, and the principles of Water Sensitive Urban Design (WSUD).
 - ~~(i) A stormwater drainage system shall be designed and implemented through the site to the Cooks River for the drainage of Magdalene Terrace, the internal access roads, and Tempe House precinct. The drainage system shall~~

~~comprise pipe or culvert underground conduits and overland flow paths. The overland flow paths must convey the design flows while maintaining design freeboard at all times.~~

- (ii) All pipelines within the internal road network shall have a minimum internal diameter of 375 mm, and shall be RCP or FRC.
- (iii) Detailed soil and water management plans shall be developed and implemented in accordance with the NSW Department of Housing “Managing Urban Stormwater, Soils and Construction”. The design shall include the preparation of an inspection and maintenance programme for soil and water management controls.
- (iv) Soil and water management controls shall be installed and maintained in accordance with the inspection and maintenance programme in the detailed soil and water management plans.
- (v) A Positive Covenant is required, binding all present and future owners of the property to the following:
 - a. Submission to Council of a structural check of the pipeline/culvert every ten (10) years;
 - b. Responsibility for maintenance of the culvert in perpetuity and its replacement when required;
 - c. Submission to Council of a report every 3 years certifying that the overland flow path through the site remains clear of obstructions.

REQUEST: It is requested that part (i) regarding the stormwater drainage condition is deleted as this appears to be a more master plan condition rather than specific to Stage 2 and the 900mm pipe associated with this has already been constructed. Request to delete the second bullet point of this condition.

25. The following conditions apply to the management of flood risk.

- (i) A flood evacuation plan is to be prepared for each stage. The plan is to include warning alarms and evacuation routes. The approved flood evacuation plan is to be updated every five (5) years and copies are to be provided to Council and the local State Emergency Service (SES).
- (ii) Underground car parking areas are to be floodproofed to a minimum of ~~4.3~~ **3.6m** AHD. The flood proofing system is to be independent of the stormwater drainage system.
- (iii) The flood protection level currently provided for the Wolli Creek Railway Station (RL 4.3m AHD) is not to be reduced, either temporarily, or permanently, by construction of the development including the sub-podium.

- (iv) The habitable floor level and entry to the underground areas is to be constructed to a minimum of 500mm above the 0.5% Annual Exceedence Probability (AEP) flood. These levels are to be certified by a registered surveyor prior to pouring of slabs.
- (v) All local services (power, water, gas, telephone) within the sub-podium levels must be flood protected to the 0.5% AEP level.

REQUEST: The proposed condition 25(ii) requires floodproofing to underground parking areas to 4.3m AHD which is inconsistent with the requirement of 3.6m specified under Condition 11(b) of Concept Plan Approval MP_003. We request that this condition be modified to be consistent with the requirements of the Concept Plan approval.

PRIOR TO ISSUE OF THE CONSTRUCTION CERTIFICATE

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

- 26. 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 \$ 24598.45 (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. A Soil and Water Management Sign (811) fee of \$15.45.

- iii. An environmental enforcement fee of 0.25% of the cost of the works.

REQUEST: That Condition 26i be deleted as Discovery Point is required in accordance with the conditions of this consent to undertake all the streetscape works including footpath, kerb and guttering and street trees along the Magdalene Terrace frontage immediately in front of Site 2. Consequently a footpath reserve restoration deposit is not required to be paid as the developer is required to undertake the works rather than Council.

- 27. 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.
- 28. A Section 94 contribution of \$2,437,826.76 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:

Child Care Services \$ 5,477.68
Community Services \$ 5,867.93
Library Services \$ 79,292.43
Wolli Creek Regional Open Space \$ 146,916.57
Wolli Creek City Wide Open Space -residential \$ 232,371.87
Wolli Creek City Wide Open Space – non residential \$ 10,369.31
Wolli Creek Local Open Space \$ 782,115.46
Wolli Creek Local Streetscape \$ 188,061.94
Wolli Creek City Wide TC & Streetscape \$ 26,115.57
Wolli Creek Flood Mitigation & Stormwater \$ 333,269.69
Wolli Creek Pedestrian & Cyclist facilities \$ 111,620.83
Wolli Creek Admin. & Mgt. residential \$ 55,289.14
Wolli Creek Employment development \$ 442.83
Wolli Creek Rds Traffic Mgt residential \$ 460,615.51

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

29. 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.
30. 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.
31. The landscape documentation prepared by Turf shall be amended to demonstrate compliance with Council's Public Domain Plan and include the following:
 - i. Planter depths should be consistent with the SEPP 65 Residential Flat Design Code "Rules of Thumb". This recommends "small trees" up to "4m canopy diameter at maturity" have a minimum soil depth of 800mm, and "medium trees" up to "8m canopy diameter at maturity" have a minimum soil depth of 1 metre. All planters need to be raised to achieve the minimum 1m soil depth for the trees – with at least 35 cubic metres of soil available for each tree (as also recommended in the Code).
 - ii. Paving Type P4
Paving Type P4 – "concrete unit paver ADBRI HAVENSLAB charcoal with golden glaze aggregate, honed" is a different paver than that specified in the

Public Domain Plan, which is “Diamond Green”. As this will be reflected along Magdalene Terrace, more information needs to be provided justifying their use.

- iii. The PDP identifies the corner of Magdalene Terrace and Brodie Spark Drive as “Corner Detail – Main Street Type 1” where the corner changes from asphalt to Stylestone pavers (changed now from “River Grey” to “Dromana Grey” due to availability issues.
- iv. The recommendations of the Wind Tunnel Test by SLR numbered 610.10900R1 dated 22 June 2012 Revision 2.

The landscape documentation shall be submitted to and approved by Council prior to the issue of the Construction Certificate.

- 32. The following conditions relate to flood related conditions affecting the property. Details by a suitable qualified engineer shall be provided to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate.
 - i. That the structure can withstand the forces of floodwater, scour, debris and buoyancy in a 0.5% AEP flood event and a PMF event.
 - ii. That all building materials are flood resistant, or flood compatible to a height of 500mm above the 0.5% 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 0.5% AEP flood, or flow level.
- 33. Detailed design plans of the building façade demonstrating consistency with the Architectural Design Report prepared by PTW dated June 2012 and detail of the southeast corner façade shown in drawing number SK903 dated 6/09/12 by PTW shall be submitted to the satisfaction of the Certifying Authority prior to the issue of the Construction Certificate. This requirement 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 Access Review report by Morris Goding Accessibility Consulting dated 18 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:
 - i. if an electricity distribution substation is required.
 - ii. if installation of electricity conduits in the footway is required.
 - iii. 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.
- 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 against details – see Building and Development then Quick Check; and
- b) 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. 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) The design of the streetscape in Magdalene Terrace (on the Discovery Point Pty Ltd owned side of the road) demonstrating compliance with Rockdale City Council's Wolli Creek and Bonar Street Public Domain Technical Manual and current AUSTROADS guides.~~

~~ii) The detailed design for the construction works in Magdalene Terrace.~~

REQUEST: Deletion of this condition as already covered by Condition 23.

- 38. All condenser units located on balconies shall not reduce the usability of the space and shall be appropriately screened. Details shall be submitted to Council for approval prior to the issue of the relevant Construction Certificate.
- 39. A detailed noise impact assessment of all mechanical plant shall be conducted by a suitably qualified and experienced acoustic consultant prior to the issue of construction certificate to determine acoustic treatments required to ensure plant noise does not exceed the relevant acoustic criteria as detailed in the Discovery Point Stage 2 Noise Impact Assessment report prepared by Acoustic Logic dated 18/06/2012 Ref: 20111139.1/1806A/R3/BW. A copy of the report shall be submitted to Principal Certifying Authority prior to the issue of a Construction Certificate.
- 40. A Construction Management Plan (CMP) shall be prepared in accordance with the requirements of all relevant regulatory approval bodies. ~~Access to the site for construction purposes via Magdalene Terrace is not permitted.~~ 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.

Prior to the issue of the relevant Construction Certificate, 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.

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

REQUEST: As previously advised to Council, construction access to Site 2 will need to be provided directly via Magdalene Terrace through future Site 3. There is no other option available for construction purposes for this site. The restriction identified in the above condition must therefore be deleted to facilitate the orderly construction of this development without impacting on Brodie Spark Drive.

~~41. The contaminated site shall be remediated in accordance with 'State Environmental Planning Policy No 55 Remediation of Land' (SEPP55) prior to the issue of a Construction Certificate. A Site Remedial action Plan (SRAP) prepared by a suitably qualified and experienced Contaminated Land Consultant, shall be submitted to Council being the Regulatory Authority for the management of contaminated land. It is preferable that the plan be prepared by the same consultant who assessed the site for contamination.~~

"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."

REQUEST: This condition should be deleted because the Site 2 DA does not include any excavation works as excavation has already occurred under future Building 2 under a former development stage and the Stage 1 Project Approval includes additional earthworks required under Site 2 as part of that approval.

The site has already been remediated and a site audit statement issued as documented in the Concept Plan approval and Stage 1 approval. It is suggested that the same condition imposed on the Stage 6 Project Approval be imposed which is at Condition 63 and reads *"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."*

~~42. An accredited site auditor under the Contaminated Land Management Act 1997 shall review the Site Remedial Action Plan prepared by the contaminated land consultant and issue a Site Audit Statement. The accredited auditor shall provide a copy of the Site Audit Report and Site Audit Statement to Council being the Regulatory Authority for the management of contaminated land prior to the issuing of the Construction Certificate.~~

REQUEST: As per above.

43. ~~The groundwater shall be assessed by a suitably qualified and experienced environmental consultant in accordance with relevant contaminated sites guidelines published by NSW Department of Environment Climate Change and Water. A copy of the report shall be submitted to the Certifying Authority prior to the issue of the Construction Certificate. A copy shall also be submitted to Council if Council is not the Certifying Authority.~~

REQUEST: Request to delete condition, as the proposal is within the existing diaphragm wall built as part of previous stages and hence groundwater will not be impacted by the proposal.

44. Stormwater management requirements for the development site, including the final discharge/end connection point, must comply with Rockdale Technical Specification Stormwater Management.

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.

~~A temporary drainage pond is to be provided on site. It is to be designed so that it is capable of containing the 1 in 100-year flood events and be located to capture at least 75% of the runoff from the site. Details shall be provided with the stormwater documentation~~

REQUEST: Bonacci has advised that a temporary drainage pond is not required and will not be provided on the site. This has never been part of the flood strategy for Discovery Point land and is inconsistent with the Concept Plan approval in that regard.

PRIOR TO COMMENCEMENT OF WORKS

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

45. 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.

46. 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.
47. 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.
48. 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.

49. 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.
50. 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.

51. Prior to commencement of works, the applicant shall consult with APA/Gorodok in regards to any additional requirements for the protection of the Moomba to Sydney pipeline located in proximity to the site. The requirements of APA/Gorodok shall be implemented during construction.
52. 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~~ **\$1 million**.

REQUEST: That the insurance cover be reduced to \$1 million consistent with the Stage 1 Project Approval conditions.

DURING DEMOLITION / EXCAVATION / CONSTRUCTION

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

53. 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.
54. 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.

55. 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.

56. 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.

57. 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.

58. 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.
59. All waste generated on site shall be disposed of in accordance with the submitted Waste Management Plan.

60. 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.
61. 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 conditions 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.

62. 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.
63. 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.
64. 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.

65. 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.
66. 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.
67. The Management Strategy for acid sulphate soils contained in the Acid Sulphate Soil Management Plan prepared by DLA Environmental dated January 2012 Ref: DL2844 shall be implemented.
68. 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. Access to the site shall be restricted to no more than two 3m driveways. Council's footpath shall be protected at all times. 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.

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.

69. An Occupation Certificate shall be obtained in relation to the approved works prior to any use or occupation of the building.
70. 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.
71. 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.
72. The approved recommendations from the Flood Management Report shall be implemented prior to occupation.
73. 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.
74. 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. Ausgrid's requirements shall be met prior to release of the issue of the Occupation Certificate.

75. Details of the apartments containing clothes lines and storage areas per apartment to demonstrate compliance with the Discovery Point Development Guidelines (~~updated May 2012~~) (as amended from time to time) shall be provided to the Certifying Authority prior to the issue of the Final Occupation Certificate.

REQUEST: The Development Design Guidelines are currently in the process of being modified and therefore we request that the date be removed so that the development be required to comply with the latest version of the design guidelines, as amended from time to time. In this regard the guidelines are to be updated to clarify that the 4m of clothesline will be provided in the form of a portable internal rack, which was the intention of the Concept Plan.

76. 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.

77. All the noise reduction measures specified in the Discovery Point Stage 2 Noise Impact Assessment report prepared by Acoustic Logic dated 18/06/2012 Ref: 20111139.1/1806A/R3/BW and all other relevant conditions of consent shall be validated by a Certificate of Compliance prepared by an acoustic consultant and submitted to the Principal Certifying Authority (PCA) prior to the issue of an Occupation Certificate.
78. 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.
79. A Landscape Architect shall provide a report to the certifying authority (with a copy Provide d 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.

80. ~~After 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, prior to the issue of an Occupation Certificate. The Validation Report shall be prepared in accordance with the NSW Environment Protection Authority's (EPA) guidelines, Consultants Reporting on Contaminated Sites, and shall:~~

~~° 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.~~

~~81. An accredited site 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 (SAS). 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, 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.~~

REQUEST: Based on the justification at Condition 41, these conditions are not required and we therefore request deletion.

82. 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.
83. A certificate from a Registered Surveyor shall be provided to the Principal Certifying Authority (PCA) certifying that the habitable floor level is constructed to the approved minimum floor level. A copy of the certificate shall be provided to Council where Council is not the Principal Certifying Authority.
84. 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.

85. The basement 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.
A benchmark shall be established adjacent to the site to Australian Height Datum to enable comparison to the flood standard.
86. A positive covenant pursuant to the Conveyancing Act 1919 shall be created on the title of the lots that contain the stormwater detention facility to provide for the maintenance of the detention facility.

ROADS ACT

87. 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.

88. 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.

89. 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.
90. 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.
91. Where the works are undertaken by a Private licensed Contractor, the contractor shall:
- i) Undertake quality system testing as specified in Specification CQS of AUSSPEC. 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).

- 92. 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.

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. 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.
- g. A graffiti management plan to be incorporated into the maintenance plan for the development. Research has shown that the most effective strategy for reducing graffiti offences is the quick removal of such material, generally within a forty-eight hour period.
- h. The car park area should be secured and monitored to minimize the opportunity for intruders to access such areas.

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