

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-2014/84
Contact	Marta M Gonzalez-Valdes 9562 1743

Discovery Point Pty Ltd
PO BOX 3307
RHODES N S W 2138

DRAFT

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

Proposal: **Integrated Development - Discovery Point - Construction of 19 storey
residential flat building complex comprising Stages 8 - 10 and including
323 units, swimming pool, landscaping, basement parking, public
domain works and associated road works and stratum subdivision**

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

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

The applicant shall prepare and provide to RailCorp for approval/certification the following items:

1. An FE analysis that meets RailCorp's requirements. The FE analysis is to assess at a minimum the different stages of loading-unloading of the site and its effect on the rock mass surrounding the rail corridor. The FE analysis will determine whether track monitoring will be required.
2. Revised Derailment Risk Assessment report that meets RailCorp's requirements.
3. Revised engineering and construction details for the retaining wall which meets RailCorp's requirements. If deemed necessary by RailCorp, the retaining wall is to meet the requirements of Australian Standard AS 5100.

Confirmation of approval by RailCorp shall be submitted to Council.

The period of the Deferred Commencement is twelve(12) months from the date of this letter. It is important we hear from you about the outstanding matters above as soon as possible so as to avoid any other delay.

Presuming settlement of the above matters, your Deferred Commencement Consent is subject to the following conditions:

GENERAL CONDITIONS

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

1. The term of this consent is limited to a period of **five** (5) years from the date of approval. The consent will lapse if the development does not commence within this time.
2. The development must be implemented substantially in accordance with the plans listed below, the application form and on any supporting information received with the application, except as may be amended in red on the attached plans and by the following conditions.

NAME OF PLAN	DRAWING NUMBER	REVISION	DATE
<i>Architectural plans by PTW Architects</i>			
Site Plan	DA004	PB	05/09/13
Basement 01 Floor Plan	DA098	PB	05/09/13
Basement 00 Floor Plan	DA099	PB	05/09/13
Ground Floor Plan	DA100	PB	05/09/13
Level 01 Floor Plan	DA101	PB	05/09/13
Level 02 Floor Plan	DA102	PB	05/09/13
Level 03 Floor Plan	DA103	PB	05/09/13
Level 04 Floor Plan	DA104	PB	05/09/13
Level 05-13 Floor Plan	DA105	PB	05/09/13
Level 14 Floor Plan	DA114	PB	05/09/13
Level 15-17 Floor Plan	DA115	PB	05/09/13
Level 18 Roof Plant Floor Plan	DA118	PB	05/09/13
Roof Plan	DA119	PB	05/09/13
North Elevation - Waterfront	DA500	PB	05/09/13
South Elevation – Chisholm Street	DA501	PB	05/09/13
Building 8 East and West Elevations	DA502	PB	05/09/13
Building 10 East and West Elevations	DA503	PB	05/09/13
Section 01 – North-South Podium	DA600	PB	05/09/13
Section 03 – North-South Building 8	DA602	PB	05/09/13
Materials and Colours	DA950	PA	05/09/13

Drawings by Bonacci Group (NSW) Pty Ltd

Note: The engineering concept plans listed below are subject to further detailed design and certification prior issue of Construction Certificates for the relevant stage of works

Bulk Earthworks Plan Sheet	C005	P3	June 2013
Bulk Earthworks Plan	C006	P2	June 2013
Stormwater Plan	C020	P3	June 2013
Stormwater Catchment Plan	C022	P1	July 2013
Stormwater Details Sheet 1	C025	P2	June 2013
Stormwater Details Sheet 2	C026	P2	June 2013
Pavement Plan	C030	P3	June 2013
Pavement Details Sheet 1	C031	P2	June 2013
Chisholm Street Detail Plan and Longitudinal Section	C040	P2	June 2013
Spark Lane Detail Plan and Longitudinal Section	C041	P2	June 2013
Chisholm Street Cross Sections Sheet 1	C050	P2	June 2013
Chisholm Street Cross Sections Sheet 2	C051	P2	June 2013
Spark Lane Cross Sections Sheet 1	C055	P2	June 2013
Landscape Plans by Site Image			
Ground Floor	001	E	04/09/13
Hardworks Plan Public Domain	301	C	04/09/13
Hardworks Plan Public Domain	302	C	04/09/13
Hardworks Plan Public Domain Riparian Zone	303	C	04/09/13
Hardworks Plan Public Domain Riparian Zone	304	C	04/09/13
Hardworks Plan Level 1 Podium	311	C	04/09/13
Softworks Plan Public Domain	401	C	04/09/13
Softworks Plan Public Domain	402	C	04/09/13
Softworks Plan Level 1 Podium	411	C	04/09/13
Landscape Details (Ground Level and Riparian Zone)	501	E	04/09/13
Landscape Details (Level 1 Podium)	502	C	04/09/13

Landscape Sections (Riparian Zone)	601	E	04/09/13
Landscape Sections (Riparian Zone)	602	E	04/09/13
Landscape Sections (Streetscape & Waterfront Park)	603	E	04/09/13
Landscape Sections (Level 1 Podium)	604	D	27/08/13
Softworks Plan Public Domain Riparian Zone	403	F	06/12/13
Softworks Plan Public Domain Riparian Zone	404	F	06/12/13
Landscape Details Soft Works	502	F	06/12/13
<i>Stratum subdivision plans by Lockley Land Title Solutions - 3 Sheets</i>			
<i>Photomontages received 6 September 2013</i>			

3. Notwithstanding any other condition of this consent, the consent permits separate Construction Certificates and Occupation Certificates to be issued, provided that all conditions of consent relevant to the development incorporated within each stage of works has been complied with prior to the release of the Construction Certificate or Occupation Certificate for that stage. The development comprises three stages as detailed below:

Stage 1 – Lowest basement level and associated road works, site infrastructure and building works required to enable car access from Chisholm Street.

Stage 2 – Construction of Building 8 and 9 including parking, gym, swimming pool and community room; works in the Riparian Zone and to the Waterfront Park.

Stage 3 – Construction of Building 10 and the works to the landscape podium area on Level 2.
4. 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.
5. All new building work must be carried out in accordance with the provisions of the Building Code of Australia (BCA).
6. **A Construction Certificate must be obtained from Council or an Accredited Certifier prior to any building work commencing.**
7. The development must be implemented and all BASIX commitments thereafter maintained in accordance with BASIX Certificate Numbers 491821M_03 and 492065M_02 and associated BASIX Report 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>.

8. This approval is not to be construed as permission to erect any structure on or near a boundary contrary to the provisions of the Dividing Fences Act.
9. Excavation, filling of the site (with the exception of the area immediately under the building envelope), or construction of retaining walls are not permitted unless shown on the approved plans and authorised by a subsequent construction certificate for the relevant stage of works.
10. All works are to be carried out in accordance with the requirements of state authorities listed at the end of this consent.
11. Permanent or semi-permanent pumping of groundwater to protect the building will not be allowed.
12. Sydney Airport Corporation Limited (SACL) and the Department of Infrastructure and Regional Development have approved the maximum height of the proposed buildings at RL 65.15 (Bldgs 8 and 10) and RL 22.9 (Bldg 9) 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.

The development is subject to all conditions imposed by the relevant authority under the Airports Act 1996.

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.

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 to the Principal Certifying Authority prior to the issue of the Construction Certificate for the relevant stage of works.
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. The overland flow path shall not be obstructed, restricted or altered without the approval of Rockdale City Council.
18. 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 Construction Certificate for the relevant stage of works.
19. The conditions imposed by Site Auditors on Site Audit Statement No. RSA 158 dated 26 June 2002 and No. BE071 dated 30 January 2006 shall be adopted and implemented.
20. Temporary dewatering of the site to enable the construction of the subsurface structure shall not be carried out unless a permit has been issued pursuant to the *Water Management Act 2000*, and, in the case where water is to be pumped into the public road, a permit has been issued pursuant to the *Roads Act 1993*.
21. 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.
22. All proposed lighting shall comply 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 (where relevant). 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.
23. Hot and cold water hose cocks shall be installed to the garbage room. Services or utility systems shall not be located in the garbage room.
24. The development shall be insulated in accordance with the recommendations of the Noise Impact Assessment Report for Discovery Point – Waterfront Precinct by Acoustic Logic Consultancy Pty Ltd, Rev 1, Ref 20130329.1/1904A/R1/BW dated 4 June 2013. A statement by a qualified acoustic consultant addressing the recommendations of the report shall be submitted to the Certifying Authority prior to the issue of the Construction Certificate for the relevant stage of works.
25. 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 for the relevant stage of works.

26. 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 specification Traffic, Parking and Access.
 - (i) On street loading bay facilities for commercial vehicles shall be designed in accordance with Australian Standard AS 2890.2.
 - (ii) Bicycle parking facilities shall comply with Australian Standard AS 2890.3.
 - (iii) The design of the parking facilities shall be designed that all 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 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.
 - (v) Upon completion of each stage of on-street parking within the internal road network the Discovery Point development shall enter into an agreement with Rockdale City Council that will delegate powers to Rockdale City Council to enforce regulatory parking signs.
27. The following conditions apply to the design, provision and operation of the internal road infrastructure works:
- (i) Detailed design plans and works specifications shall be submitted to Council for approval prior to the commencement of road infrastructure works. The documentation required for approval shall include:
 - a. General arrangement plan(s);
 - b. Erosion and Sediment Control Plan(s);
 - c. Stormwater Management Plan(s);
 - d. Stormwater Management Detail(s);
 - e. Stormwater Management Profile(s);
 - f. Roadworks Plan(s);
 - g. Roadwork Vertical Alignment(s);
 - h. Roadwork Cross Sections;
 - i. Kerb Return Profiles;
 - j. Electrical Services Plan(s);
 - k. Street Lighting Plan(s) and Details;
 - l. Traffic Facilities Plan(s);
 - m. Landscaping and Landscape Finishes Plan(s);
 - (ii) The design of the streetscape in the internal road network shall comply with the Wolli Creek and Bonar Street Public Domain Plan.
 - (iii) The detailed design for the construction of the road infrastructure shall comply with all current Australian Standards, current AUSTROADS Guides.

- (iv) Emergency vehicle access shall be designed in accordance with the NSW Fire Brigade Code of Practice.
 - (v) The works specification for the construction of the road infrastructure shall be AUSTROADS.
 - (vi) 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.
 - (vii) 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.
 - (viii) The road infrastructure, and property containing the road infrastructure, shall be owned by the Discovery Point.
28. 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) and in general accordance with the Discovery Point WSUD Strategy prepared by Equatica, specifically in relation to Site 8-10.
 - (ii) A stormwater drainage system shall be designed and implemented through the site to the Cooks River for 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.
 - (iii) All pipelines within the internal road network shall have a minimum internal diameter of 375 mm, and shall be RCP or FRC. Any variation shall be certified by a designed engineer and approved by the PCA.
 - (iv) 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.
 - (v) 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.
 - (vi) 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.
29. 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).
 - (i) Underground car parking areas are to be floodproofed to a minimum of 3.6m AHD. The flood proofing system is to be independent of the stormwater drainage system.
 - (ii) 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.
 - (iii) 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.
 - (iv) All local services (power, water, gas, telephone) within the sub-podium levels must be flood protected to the 0.5% AEP level.
30. The proposed swimming pool shall be installed and operated in accordance with the Swimming Pools Act 1992 and all relevant legislation.
31. Given the site's location next to the rail corridor, drainage from the development must be adequately disposed of/managed and not to be discharged into the corridor unless prior approval has been obtained from RailCorp.
32. The following conditons are to minimise the impact of the development on the environment.
 - Maintenance of WSUD structures for the life of the development and implementation of monitoring program to ensure WSUD continues to meet targets — reporting to be provided to Council on an annual basis.
 - Minimising lighting over the mudflats and mangroves
 - Retaining Mangroves —with the potential exception to protect saltmarsh community
 - Expansion of habitat for saltmarsh — through the management of mangroves (with DPI approval) and sea wall to be retrofitted to include areas for saltmarsh to colonise (p.24). This is to be undertaken in consultation with a qualified and experienced ecologist.
 - Implementation of image based interpretative information to inspire people to care for the foreshore zone and act appropriately in this area
 - Management of public foreshore access by having one main location for accessing the foreshore
 - Ongoing maintenance of storm-water system such as the removal of

accumulated rubbish around storm water pipes and monitoring and implementation of controls to stop erosion around storm water outlets

- Development of an on-site vegetation management plan to ensure vegetation works:
 - Enhance the condition of the remaining assemblages of swamp oak post development, and are compatible with the potential future rehabilitation of the riparian zone This is to be undertaken in consultation with a qualified and experienced ecologist.
 - Are managed effectively and replaced, if needed, with similar plantings that maintain the integrity of indigenous and native plantings
 - Are reported on annually to Council with regard to the condition and maintenance status. This is to be undertaken in consultation with a qualified and experienced ecologist.

PRIOR TO ISSUE OF THE CONSTRUCTION CERTIFICATE

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

33. 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. An environmental enforcement fee of 0.25% of the cost of the works.
 - ii. A Soil and Water Management Sign (811) of \$16.00.
34. For work costing \$25,000 or more, a Long Service Leave Levy shall be paid. For further information please contact the Long Service Payments Corporation on their Helpline 13 1441.
35. A total section 94 contribution of \$3,868,789.90 (comprising \$1,923,927.20 for building 8 and 9 and \$1,944,862.70 for building 10) 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 the relevant stage of 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:

BUILDINGS 8 & 9

Child Care Services	\$ 4,528.97
Community Services	\$ 4,851.10
Library Services	\$ 65,554.47
Wolli Creek Regional Open Space Fund	\$121,463.06
Wolli Creek City Wide Open Space Fund Residential	\$192,112.92
Wolli Creek Local Open Space Fund	\$600,958.23
Wolli Creek Local Streetscape Fund	\$144,504.94
Wolli Creek City Wide TC & Streetscape Fund	\$ 21,591.29

Wolli Creek Flood Mitigation & Stormwater	\$256,072.71
Wolli Creek Pedestrian & Cyclist Facilities	\$ 85,766.81
Wolli Creek Admin & Mgt Residential	\$ 45,709.88
Wolli Creek Roads Traffic Mgt Residential	\$380,812.83

BUILDING 10

Child Care Services	\$ 4,578.09
Community Services	\$ 4,903.87
Library Services	\$ 66,267.78
Wolli Creek Regional Open Space Fund	\$122,784.74
Wolli Creek City Wide Open Space Fund Residential	\$194,203.52
Wolli Creek Local Open Space Fund	\$607,497.78
Wolli Creek Local Streetscape Fund	\$146,077.33
Wolli Creek City Wide TC & Streetscape Fund	\$ 21,826.02
Wolli Creek Flood Mitigation & Stormwater	\$258,859.27
Wolli Creek Pedestrian & Cyclist Facilities	\$ 86,700.46
Wolli Creek Admin & Mgt Residential	\$ 46,207.14
Wolli Creek Roads Traffic Mgt Residential	\$384,956.72

36. 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.
37. An amended landscape plan and related documentation, prepared by a qualified Landscape Architect shall be submitted to the accredited certifier (AC) for approval with or before the application for the Construction Certificate for the relevant stage of works. 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.
38. Where the front fence is greater than 1200mm in height, the vehicular entry gates are to be set back a minimum of 900mm from the boundary and may only open inwards. The return fences on each side are to be splayed at an angle of 45 degrees to the boundary or an alternative solution provided, which shall be designed and certified by a qualified traffic engineer. Details of the gates to be included in the documentation accompanying the Construction Certificate.
39. Compliance with Council's Development Control Plan (DCP) 2011 – Requirements for Access. Access in accordance with Australian Standard 4299 must be provided to and within seven(7) residential units, and between this unit(s) and its allocated carparking space. A minimum of seven (7) parking spaces for each adaptable unit shall be provided.

The car spaces shall be identified and reserved at all times and be in the vicinity to lifts or as close as possible to public areas and facilities. The car spaces shall have minimum dimensions in accordance with AS 2890.6 and all spaces shall have an uninterrupted minimum headroom clearance of 2.5 metres free of all obstructions, such as service pipes, fittings etc for use by vehicles fitted with roof mounted wheelchair racks. Details shall be provided to the satisfaction of the Certifying Authority prior to the issue of the Construction Certificate.

The adaptable unit(s) are to be unit number(s) B08, G03, 103, 106, 109, 215 and 406. Please note that compliance with this condition requires the relevant unit(s) to be constructed to comply with all the essential (Type C) requirements of AS4299.

Note: Compliance with Council's Development Control Plan (DCP) 2011 – Requirements for Access and the Building Code of Australia does not necessarily guarantee that the development meets the full requirements of the Disability Discrimination Act (DDA) 1992. It is the responsibility of the applicant to make the necessary enquiries to ensure that all aspects of the DDA legislation are met.

40. 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 for the relevant stage of works.

41. If the development is likely to disturb or impact upon telecommunications infrastructure, written confirmation from the service provider that they have agreed to the proposed works must be submitted to the Principal Certifying Authority prior to the issue of a Construction Certificate for the relevant stage of works or any works commencing, whichever occurs first; and the arrangements and costs associated with any adjustment to telecommunications infrastructure shall be borne in full by the applicant/ developer.
42. Prior to issue of the Construction Certificate for the relevant stage of works, a longitudinal driveway profile shall be submitted to Principal Certifying Authority 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.
43. The subsurface structure shall be designed with a waterproof retention system 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 (taking into account climate change). 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, 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 for the relevant stage of works.
44. 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.

45. A Construction Management Plan (CMP) shall be prepared in accordance with the requirements of all relevant regulatory approval bodies. Prior to the commencement of works the Certifying Authority shall be satisfied that the Construction Management Plan has obtained all relevant regulatory approvals. The Construction Management Plan shall be implemented during demolition, excavation and construction.

Prior to the issue of the Construction Certificate for the relevant stage of works, 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.

46. All recommendations contained in the report prepared by Douglas Partners Pty Ltd dated 03 September 2013 Ref: Project 72148.06 Document No. 1, Rev. 2 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 for the relevant stage of works.
47. The recommendations of the Wind Report (No. 610.12453-R2) by SRL Consulting Australia Pty Ltd dated 4 September 2013 shall be implemented. Details shall be submitted to the Certifying Authority with the Construction Certificate documentation prior to the release of the Construction Certificate.

48. **Number of Vehicle and Motorcycle Spaces**

285 car parking spaces, 22 motor cycle spaces and 1 car wash bay are to be provided at basement level in accordance with the approved plans. All car spaces are to be allocated to dwellings in accordance with the parking rates specified in Section 7.2 of the Discovery Point Development Design Guidelines. Details shall be submitted to the satisfaction of the Certifying Authority prior to the issue of the relevant Construction Certificate.

Number of Bicycle Spaces

A minimum of 22 bicycle spaces are to be provided for the development within the basement level, with details clearly indicated on the plans and submitted to the satisfaction of the Certifying Authority prior to the issue of the relevant Construction Certificate.

49. The Construction Certificate shall not be issued over any part of the site requiring a controlled activity approval until a copy of the approval has been provided to Council.
50. The podium courtyard in apartments G09, G10, G11, G20, G21, G22 and 119 shall be reduced in area to align with the courtyard of apartment 118 and shall not extend beyond the eastern courtyard fence of apartment 118. Details shall be submitted in the Construction Certificate documentation prior to the release of the Construction Certificate for the relevant stage of works.
51. A detailed noise impact assessment of any mechanical ventilation system shall be conducted by a suitably qualified and experienced acoustic consultant prior to the issue of a construction certificate for the relevant stage of works to determine acoustic treatments required to ensure any ventilation system noise does not exceed the

relevant acoustic criteria as detailed in Discovery Point Waterfront Precinct Noise Impact Assessment report prepared by Acoustic Logic Ref: 20130329.1/0409A/R2/BW, Project Number 20130329.1 and relevant Australian Standards. A copy of the report shall be submitted to Principal Certifying Authority prior to the issue of a Construction Certificate for the relevant stage of works.

52. If the groundwater is intercepted, it shall be assessed by a suitably qualified and experienced environmental consultant in accordance with relevant contaminated sites guidelines published by NSW Department of Environment Climate Change and Water. A copy of the report shall be submitted to Principal Certifying Authority prior to the issue of the Construction Certificate for the relevant stage of works. A copy shall also be submitted to Council if Council is not the Principal Certifying Authority.
53. The low level driveway must be designed to prevent inflow of water from the road reserve. The assessment of flows and design of prevention measures shall be in accordance with the requirements of Rockdale Technical Specification Stormwater Management. Details shall be included in the documentation presented with the Construction Certificate application for the relevant stage of works.
54. Any part of the proposed building located in the vicinity of the existing pipeline shall be constructed on a pier and beam type foundation, piers shall be located outside the boundary of the drainage easement and to extend to a depth of no less than 300mm below the pipeline invert. This requirement shall be reflected on the Construction Certificate plans and supporting documentation for the relevant stage of works.
55. A dedicated car wash bay is required. A tap shall be provided. A sign shall be fixed saying 'Car Wash Bay'. The runoff shall be directed and treated as per Rockdale Technical Specification – Stormwater Management.

The car wash bays are either to discharge to the sewer in accordance with Sydney Water requirements, or be designed to treat and re-circulate the car wash water with a proprietary treatment system maintained by the owner, or body corporate. The wash bay is to be covered, appropriately signposted, have a cold water tap (typically connected to the rainwater tank) and a waterproof power outlet. Car wash bays are not permitted that discharge directly to the Council stormwater system, or to an absorption or bio-retention system.

Details shall be provided with the plans accompanying the Construction Certificate for the relevant stage of works.

56. Prior to the issue of the Construction Certificate for the relevant stage of works, detailed drainage design plans for the management of stormwater are to be submitted to Principal Certifying Authority 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. Council's Rockdale Technical Specification Stormwater Management sets out the minimum documentation requirements for detailed design plans. Stormwater management requirements for the development site, including the final discharge/end connection point, must comply with Rockdale Technical Specification Stormwater Management.
57. 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.

PRIOR TO COMMENCEMENT OF WORKS

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

58. 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 for the relevant stage of works. The insurance cover shall be a minimum of \$10 million.

59. 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.

60. A sign must be erected at the front boundary of the property clearly indicating the Development Approval Number, description of work, builder's name, licence number and house number before commencement of work. If owner/builder, the Owner/Builder Permit Number must be displayed.

61. A sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being carried out:
- i) stating that unauthorised entry to the work site is prohibited, and
 - ii) showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours.

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

This condition does not apply to:

- iii) building work carried out inside an existing building or
 - iv) building work carried out on premises that are to be occupied continuously (both during and outside working hours) while the work is being carried out.
62. 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.
63. The site shall be secured by a 1800 mm (minimum) high temporary fence for the duration of the work. Gates shall be provided at the opening points.

64. A hoarding or fence shall be erected between the work site and the public place when the work involved in the erection or demolition of a building:

- i) is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or
- ii) building involves the enclosure of a public place,

Where the development site adjoins a public thoroughfare, the common boundary between them must be fenced for its full length with a hoarding, unless, the least horizontal distance between the common boundary and the nearest part of the structure is greater than twice the height of the structure. The hoarding must be constructed of solid materials (chain wire or the like is not acceptable) to a height of not less than 1.8m adjacent to the thoroughfare.

Where a development site adjoins a public thoroughfare with a footpath alongside the common boundary then, in addition to the hoarding required above, the footpath must be covered by an overhead protective structure, type B Hoarding, and the facing facade protected by heavy duty scaffolding unless either:

- (i) the vertical height above footpath level of the structure being demolished is less than 4m; or
- (ii) the least horizontal distance between footpath and the nearest part of the structure is greater than half the height of the structure.

The overhead structure must consist of a horizontal platform of solid construction and vertical supports, and the platform must -

- (i) extend from the common boundary to 200mm from the edge of the carriageway for the full length of the boundary;
- (ii) have a clear height above the footpath of not less than 2.1m;
- (iii) terminate not less than 200mm from the edge of the carriageway (clearance to be left to prevent impact from passing vehicles) with a continuous solid upstand projecting not less than 0.5m above the platform surface; and
- (iv) together with its supports, be designed for a uniformly distributed live load of not less than 7 kPa

The 'B' Class hoarding is to be lit by fluorescent lamps with anti-vandalism protection grids.

Any such hoarding, fence or awning is to be removed when the work has been completed.

The principal contractor or owner builder must pay all fees and rent associated with the application and occupation and use of the road (footway) for required hoarding or overhead protection.

65. 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.

DURING DEMOLITION / EXCAVATION / CONSTRUCTION

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

-
66. 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.
67. 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.
68. 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.
69. 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.
70. 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.
71. All waste generated on site shall be disposed of in accordance with the submitted Waste Management Plan.
72. 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.
73. 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.
74. 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.
75. 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.
76. 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.

77. Adopt and implement all recommendations contained in the Acid Sulphate Soil Management Plan: Discovery Point Development Site Wolli Creek, NSW prepared by DLA Environmental dated January 2012 Ref: DL2844.
78. The following conditions are to be implemented during construction to minimise the impacts of the development on the environment:
 - Effective Sediment and Siltation Management including floating boom in water for works on the foreshore
 - Adherence to the planting and landscaping plans and, in particular, the selection of indigenous and native plant species proposed in the plan.
 - Management of water from the site — treatment of stormwater that will run into the Cooks River
 - Investigation and management of any contaminants (soil/water) should they be present.
 - Construction of on-site alternative habitat for Wrens etc prior to weed removal in the bulk earthworks area. This is to be undertaken in consultation with a qualified and experienced ecologist.
79. 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.
 - viii. Any noise generated during construction of the development shall not exceed limits specified in any relevant noise management policy prepared pursuant to the Protection of the Environment Operations Act, 1997 or exceed approved noise limits for the site.
80. 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.

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.

- 81. An Occupation Certificate shall be obtained in relation to the approved works prior to any use or occupation of the building for the relevant stage.

82. 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 for the final stage.
83. The approved recommendations from the Flood Management Report shall be implemented prior to occupation of the building for the relevant stage of works.
84. All landscape works are to be carried out in accordance with the approved landscape plans. The landscaping is to be maintained to the approved standard at all times.
85. Prior to the issue of the Occupation Certificate for the final stage, amenity facilities such as seating shall be provided at podium level to encourage passive use of the podium level by residents of buildings 8, 9 and 10.
86. Prior to the issue of the Occupation Certificate for the relevant stage of works a traffic management and traffic safety system shall be installed to control traffic flow on the single lane driveway and ensure safety of vehicles and pedestrians on and around the driveway at all times. The system shall be designed by a suitably qualified and experienced traffic engineer, and meet the requirements of Australian Standard AS/NZS2890.1:2004.
87. 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 relevant stage.
88. All the noise reduction measures specified in the Noise Impact Assessment Report for Discovery Point – Waterfront Precinct by Acoustic Logic Consultancy Pty Ltd, Rev 1, Ref 20130329.1/1904A/R1/BW dated 4 June 2013 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 the Occupation Certificate for the relevant stage of works.
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.
91. Prior to occupation or use of the premises for the relevant stage, a qualified mechanical engineer shall certify that the mechanical ventilation/air conditioning

system complies in all respects with the requirements of Australian Standard 1668, Part 1 & 2.

92. Prior to the issue of the Occupation Certificate for the relevant stage, a Site Audit Statement (SAS) prepared by an accredited site auditor shall be submitted to Council being the Regulatory Authority for the management of contaminated land 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.
93. Prior to occupation of the building for the relevant stage, a chartered professional engineer shall certify that the subsurface structure and subsoil drainage have been constructed in accordance with the Geotechnical recommendations, approved design and specification. A copy shall be provided to Council if Council is not the Principal Certifying Authority.
94. Prior to occupation of the building for the relevant stage, a Chartered Professional Engineer shall certify that the construction of the overland flow path, including construction of all channels, pipes, banks, levees, etc has been undertaken in accordance with the approved plans and flood assessment/flood management report. The Chartered Professional Engineer shall also certify that habitable floor levels and garage floor levels adjacent to the overland flow path have been constructed in accordance with the approved plans and that freeboard is provided in accordance with Rockdale Development Control Plan (DCP) 2011. The certificate must be based on inspection of the site and review of a works-as-executed plan of the overland flow path, which shall be prepared by a Registered Surveyor. A copy of the engineer's certificate and surveyor's works-as-executed plan shall be provided to Council where Council is not the Principal Certifying Authority.
95. 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.
96. Prior to occupation of the building for the relevant stage, a Chartered Professional Engineer shall certify that the stormwater system has been constructed in accordance with the approved plans and as required by Rockdale Technical Specification Stormwater Management. The certificate shall be in the form specified in Rockdale Technical Specification Stormwater Management and include an evaluation of the completed drainage works. A works-as-executed drainage plan shall be prepared by a registered surveyor based on a survey of the completed works. A copy of the certificate and works-as-executed plan(s) shall be supplied to the Principal Certifying Authority. A copy shall be provided to Council if Council is not the Principal Certifying Authority.
97. A benchmark shall be established adjacent to the site to Australian Height Datum to enable comparison to the flood standard.
98. The underground garage shall be floodproofed to a minimum of Probable Maximum Flood (PMF) level. The levels shall be certified by a registered surveyor prior to construction of the driveway or other openings.

99. The development shall comply with Council's DCP 2011, Cooks River Flood Study (PB+MWH, February 2009) and the Discover Point Flood Assessment (PB, June 2010).

100. The drainage system shall be constructed in accordance with the approved drainage plans and any amendments in red. All stormwater drainage plumbing work shall comply with the NSW Code of Practice: Plumbing and Drainage and Australian Standard AS3500.

Drainage grates shall be provided at the boundary. Width of the drainage grates shall be in accordance with Rockdale Technical Specification Stormwater Management.

A silt/litter arrestor pit as detailed in Rockdale Technical Specification Stormwater Management shall be provided prior to discharge of stormwater from the site.

PRIOR TO THE ISSUE OF THE SUBDIVISION CERTIFICATE OR THE STRATA CERTIFICATE

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

101. The submission and approval of a subdivision certificate application. In this regard, a fee is payable in accordance with Council's current adopted Fees and Charges.

102. The subdivision is to occur in accordance with the Concept Plan Approval MP 10_0003 issued by the Minister for Planning on 5 May 2011, DA-2012/42 issued by Rockdale City Council on 22 December 2011, Development Consent DA-2014/844 and any subsequent modifications. Details of compliance with the relevant conditions shall be provided to Council prior to the issue of the Subdivision Certificate.

103. All existing and proposed services on the property shall be shown on a plan, and shall be submitted to Council. This includes electricity, gas, water, sewer, stormwater and telephone services. Where any service crosses one lot but benefits another lot, it is to be covered by an easement. The service easement is to be covered by a Section 88B Instrument, which may only be varied or extinguished with the consent of Rockdale City Council. These provisions are to be put into effect prior to the release of the Subdivision/Strata Certificate.

104. A positive covenant pursuant to the Conveyancing Act 1919 shall be created on the title of the lots that contain the stormwater Bio-retention facility to provide for the maintenance of the Bio-retention facility.

105. Documentary easements for access must be created pursuant to Section 88B of the Conveyancing Act 1919 over the appropriate lots in the subdivision to provide for public access to public domain areas which may include lifts, lobbies, fire stairs, service areas, loading areas and car parking areas. Easements are also to be created to allow access to the facilities within the building by Discovery Point residents.

The terms of the easement shall be approved by Council prior to the issue of any Certificate of Subdivision or registration of the approved Plan of Subdivision.

106. Documentary easements for services, drainage, support and shelter, use of plant, equipment, loading areas and service rooms, repairs, maintenance or any other encumbrances and indemnities required for joint or reciprocal use of part or all of the proposed lots as a consequence of the subdivision, must be created over the

appropriate lots in the subdivision pursuant to Section 88B of the Conveyancing Act 1919.

107. The on-site residential car parking spaces, are not to be used by those other than an occupant or tenant of the residential buildings within the Discovery Point Development. Any occupant, tenant, lessee or registered proprietor of the development site or part thereof shall not enter into an agreement to lease, license or transfer ownership of any car parking spaces to those other than an occupant, tenant or lessee of the building.

These requirements are to be enforced through the following:

1. restrictive covenant placed on title pursuant to Section 88B of the Conveyancing Act, 1919,
2. restriction on use under Section 68 of the Strata Schemes (Leasehold Development) Act, 1986 to all lots comprising in part or whole car parking spaces, and
3. sign visible at exits (excluding fire stairs and individual unit entries) from car parking areas.

These requirements are to be made to the satisfaction of Council. All costs associated with the above requirements are to be borne solely by the Proponent.

108. Prior to the issue of a Subdivision Certificate, an easement for public access in gross for the public to enter, pass, re-pass, use and enjoy the Waterfront Park and open areas around the building shall be registered over the land in favour of Rockdale City Council.

The terms of the easement shall be approved by Council prior to the issue of any Certificate of Subdivision or registration of the approved Plan of Subdivision.

INTEGRATED DEVELOPMENT/EXTERNAL AUTHORITIES

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

109. **DEPARTMENT OF PRIMARY INDUSTRIES – OFFICE OF WATER**

- a. These General Terms of Approval (GTA) only apply to the controlled activities described in the plans and associated documentation relating to DA 2014/84 and provided by Council.

Any amendments or modifications to the proposed controlled activities may render these GTA invalid.

If the proposed controlled activities are amended or modified the NSW Office of Water must be notified to determine if any variations to these GTA will be required.

- b. Prior to the commencement of any controlled activity (works) on waterfront land, the consent holder must obtain a Controlled Activity Approval (CAA) under the Water Management Act from the NSW Office of Water. Waterfront land for the purposes of this DA is land and material in or within 40 metres of the top of the bank or shore of the river identified.

- c. The consent holder must prepare or commission the preparation of:
 - (i) Erosion and Sediment Control Plan
 - (ii) Soil and Water Management Plan
- d. All plans must be prepared by a suitably qualified person and submitted to the NSW Office of Water for approval prior to any controlled activity commencing. The following plans must be prepared in accordance with the NSW Office of Water's guidelines located at 222.water.nsw.gov.au/Water-Licensing/Approvals/default.aspx
 - (i) Outlet structures
- e. The consent holder must
 - (i) carry out any controlled activity in accordance with approved plans and
 - (ii) construct and/or implement any controlled activity by or under the direct supervision of a suitably qualified professional and
 - (iii) when required, provide a certificate of completion to the NSW Office of Water
- f. The consent holder must design and construct all ramps, stairs accessways, cycle paths, pedestrian paths or other non-vehicular form of access way so that they do not result in erosion, obstruction of flow, destabilization, or damage to the bed or banks of the river or waterfront land, other than in accordance with a plan approved by the NSW Office of Water.
- g. The consent holder must not locate ramps, stairs, access ways, cycle paths, pedestrians or any other non-vehicular form of access way in a riparian corridor other than in accordance with a plan approved by the NSW Office of Water.
- h. The consent holder is to ensure that all drainage works
 - (i) capture and convey runoffs, discharges and flood flows to low flow water level in accordance with a plan approved by the NSW Office of Water, and
 - (ii) do not obstruct the flow of water other than in accordance with a plan approved by the NSW Office of Water.
- i. The consent holder must stabilize drain discharge points to prevent erosion in accordance with a plan approved by the NSW Office of Water.
- j. The consent holder must establish all erosion and sediment control works and water diversion structures in accordance with a plan approved by the NSW Office of Water. These works and structures must be inspected and maintained throughout the working period and must not be removed until the site has been fully stabilized.

110. **RAILCORP**

- a) Unless amendments are required by RailCorp as a result of the deferred commencement conditions, all excavation and construction works are to be undertaken in accordance with the details, methodology, advice, undertakings and recommendations detailed in the following documents:
 - Douglas partners Pty Ltd report: 'Report on Geotechnical investigation, Proposed Buildings 8, 9 & 10, Discovery Point, Wollie Creek, Prepared for Australand Residential' (Project: 72148.06), dated September 2013;

- Douglas partners Pty Ltd correspondence: 'Response to Transport for NSW Review Discovery Point – Stages 8, 9 & 10, dated 19 December 2013;
- Taylor Thomson Whitting report: 'Structural Design Report: Discovery Point – Waterfront Precinct for Australand' (Ref: 131096), dated 3 September 2013;
- Taylor Thomson Whitting correspondence: 'Discovery Point – the Shore Stage 8-10 Structural Responses to TfNSW Review, dated 19 December 2013;
- Bonacci Group Pty Ltd report: 'Discovery Point Waterfront Precinct: Civil Engineering Consultancy, Civil Report for Development Application – Waterfront Precinct' (Report No. 2001371C Rev 2) dated 23 August 2013;
- Bonacci Group Pty Ltd drawings:
 - Drawing No. 200137101 C005 Rev T2 dated 17/12/2013- Basement Excavation Plan;
 - Drawing No. 200137101 C006 Rev P2 dated 27/8/2013 – Bulk Earthworks Sections, Sheet 1;

and including the following RailCorp requirements/amendments:

- All excavation, shoring and piling works with 25m of the rail corridor are to be supervised by a geotechnical engineer experience with such excavation projects;
- No rock anchors/bolts are to be installed into RailCorp's property;
- The effect of construction induced settlement due to groundwater drawdown potentially leading to track settlement is to be avoided at all times;

- b) 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.

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,
- If required by RailCorp, track monitoring plan detailing the proposed method of track monitoring during excavation and construction phases,
- If required by RailCorp, 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.

- c) No Modifications may be made to that approved design without the consent of RailCorp.

- d) No Work is permitted within the rail corridor, or its easements, at any time unless prior approval or an Agreement has been entered into with RailCorp.
- e) The Applicant is to ensure that the retaining wall along the rail corridor incorporate contains appropriate anti-graffiti measures.
- f) Prior to the commencement of works appropriate fencing is to be in place along the rail corridor to prevent unauthorised access to the rail corridor. Details of the type of fencing and the method of erection are to be to RailCorp's satisfaction prior to the fencing work being undertaken.
- g) There is a need to ensure that the roots and foliage of trees being planted beside the rail corridor do not have an impact on the rail corridor. The Development's landscaping and planting plan should be submitted to RailCorp for review.
- h) The applicant must provide a plan of how future maintenance of the retaining wall along the rail corridor is to be undertaken. The maintenance plan is to be submitted to RailCorp prior to the issuing of a Construction Certificate. The Principle Certifying Authority is not to issue a Construction Certificate until written confirmation has been received from RailCorp advising that the maintenance plan has been prepared to its satisfaction.
- i) Prior to the commencement of works and prior to the issue of the Occupation Certificate, a joint inspection of the rail infrastructure and property in the vicinity of the project (especially the retaining wall and rail track formation) 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.
- j) Prior to the commencement of works, the applicant shall peg-out the common boundary with RailCorp's property and/or easement to ensure that there is no encroachment. This work is to be undertaken by a registered surveyor.
- k) 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". The applicant must incorporate in the development all the measures recommended in the report.
- l) 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.
- m) Given the possible likelihood of objects being dropped or thrown onto the rail corridor from balconies, windows and other external features (eg roof terraces and external fire escapes) that are within 20m and face the rail corridor, the applicant is required to install measures (eg awning window, louvers, enclosed balconies, window restrictors etc) which prevent the throwing of objects onto the rail corridor. These measures are to comply with RailCorp requirements. The Principle Certifying Authority is not to issue the Construction Certificate

until it has confirmed that these measures are to be installed and have been indicated on the Construction Certificate until it has confirmed that these measures are to be installed and have been indicated on the Construction Drawings.

- n) 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 is not to issue the Construction Certificate until written confirmation has been received from RailCorp confirming that this condition has been satisfied.

- o) 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 is not to issue the Construction Certificate until written confirmation has been received from RailCorp confirming that this condition has been satisfied.
- p) No metal ladders, tapes and plant/machinery, or conductive material are to be used within 6 horizontal metres of any live electrical equipment. This applies to the train pantographs and 1500V catenary, contact and pull-off wires of the adjacent tracks, and to any high voltage aerial supplies within or adjacent to the rail corridor.
- q) 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 is not to issue the Construction Certificate until written confirmation has been received from the RailCorp confirming that this condition has been satisfied.
- r) Given the site's location next to the rail corridor, drainage from the development must be adequately disposed of/managed and not allowed to be discharged into RailCorp's land unless prior approval has been obtained from RailCorp.
- s) The applicant is to obtain RailCorp's endorsement prior to the installation of any hoarding or scaffolding facing the common boundary with the rail corridor.
- t) Prior to the issuing of an Occupation Certificate the applicant is to submit the as-built drawings to RailCorp and Council.

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

ROADS ACT

111. 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) reconstruction of selected areas of the existing concrete Footpath/vehicular entrances and/or kerb and gutter;
 - iv) construction of paving between the boundary and the kerb;
 - v) construction of kerb and gutter.
112. In addition to the works in the road reserve listed above, the following modification and/or improvement works to the road and drainage in Spark Lane and Chisholm Street will be required to be undertaken at the applicant's expense:
- i) construct a 450 mm diameter pipeline along Spark lane up to Cooks River including Headwalls and outlets;
 - ii) existing 450 mm diameter stormwater pipe shall be encased and protected.
- 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.
113. 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. 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.
114. 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 (NATSPEC AUS-SPEC 1) or AUSTROADS. 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 and or AUSTROADS, the provisions of AUS-SPEC 1 AUSTROADS shall apply unless otherwise approved by Council.

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. *Telstra Advice – Dial Before You Dig*
Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets, please contact Dial before You Dig at www.1100.com.au or telephone on 1100 before excavating or erecting structures (This is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial before You Dig service in advance of any construction or planning activities.

c. *Telstra Advice - Telecommunications Act 1997 (Commonwealth)*

Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra's network and assets. Any person interfering with a facility or installation owned by Telstra is committing an offence under the Criminal Code Act 1995 (Commonwealth) and is liable for prosecution. Furthermore, damage to Telstra's infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect or impact on Telstra's assets in any way, you are required to contact: Telstra's Network Integrity Team on phone number 1800810443.

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 / wastewater 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.

h. 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.

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 six (6) 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 M Gonzalez-Valdes on 9562 1743.

Luis Melim
Manager Development Services