

# NOTICE OF APPROVAL FOR DEVELOPMENT

Section 81 (1)(A) of the Environmental Planning and Assessment Act, 1979

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Approval Date	
Authority	Joint Regional Planning Panel
Reference	DA-2014/223
Contact	Marta M Gonzalez-Valdes 9562 1743

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Discovery Point Pty Ltd  
Level 3, Building C, 1 Homebush Bay Drv  
RHODES NSW 2138

**DRAFT**

**Property:** 1-7 Magdalene Terrace, WOLLI CREEK NSW 2205  
Lot 503 DP 1172312

**Proposal:** Discovery Point - Construction of Stages 3 and 5 comprising two mixed use buildings (10 and 18 levels) with a total of 261 apartments, ground floor retail/business premises, landscape and public domain works, basement and on street carparking, 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:

- a. Final Geotechnical Report.
- b. Final structural/shoring drawings and structural report/specifications.
- c. An analysis output (eg Wallap) indicating the predicted shoring wall deflection.
- d. Final Derailment Risk Assessment Report.

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
<b><i>Architectural plans by Group GSA</i></b>			
Site Plan and Building Separation	DA-A1100	D	15/5/14
Basement Plan	DA-A2000	D	15/5/14
Ground Floor Plan	DA-A2001	E	15/5/14
Level 01 Plan	DA-A2002	D	15/5/14
Level 02 Plan	DA-A2003	D	15/5/14
Level 03 to 09 Plan	DA-A2004	B	15/5/14
Level 10 Plan	DA-A2005	C	15/5/14
Level 11 to 13 Plan	DA-A2006	C	15/5/14
Level 14 Plan	DA-A2007	C	15/5/14
Level 15 Plan	DA-A2008	C	15/5/14
Level 16 Plan	DA-A2009	C	15/5/14
Level 17 Plan	DA-A2010	B	15/5/14
Roof Plan	DA-A2011	B	15/5/14
North True Elevation	DA-A3000	C	15/5/14
South Elevation – Magdalene Terrace	DA-A3001	D	15/5/14
West Elevation – Spark Lane	DA-A3002	D	15/5/14
East Elevation	DA-A3003	B	15/5/14
Elevation – Building 5 East/building 3 West	DA-A3004	B	15/5/14
Section A Overall Section	DA-A3100	B	17/1/14
Section B Building 5	DA-A3101	C	15/5/14
Section C & D Building 3 & 5	DA-A3102	A	17/1/14
External Finished Board	DA-A8200	B	15/5/14
Perspectives: Spark Lane & Neighbourhood Park	DA-A8201	B	15/5/14
<b><i>Landscape Plans by Turf</i></b>			
Landscape Concept Plan	L4	D	16/07/14

Section CC – North-South Pedestrian Link and Raised Planter Detail	L7	B	30/05/14
Design Intent – Magdalene Terrace and Spark Lane	L8	A	16/01/14
Landscape Materials and Finishes	L10	B	30/05/14
Site 3/5 – Landscape General Arrangements	S03/5-L-SA-GA	G	10/01/14
<b><i>Subdivision plans by Joseph Monardo - 6 Sheets, dated 07/08/14</i></b>			

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.
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 515103M and 518088M 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 40m AHD for building 3 and RL 62.4m AHD for building 5, 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, garbage/storage areas, neighbourhood park and in and around retail/business premises. 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.
15. Permanent or semi-permanent pumping of groundwater to protect the building will not be allowed.

## DEVELOPMENT SPECIFIC CONDITIONS

The following conditions are specific to the Development Application proposal:

16. 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.
17. 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.
18. All recommendations contained at sections 3.1, 3.4, 4.1, 4.2, 5.2, 6.2, 6.3, 7.2 and 7.3 in the Access Review report prepared by Morris-Goding Accessibility Consulting, dated 17/1/2014 shall be implemented. A report from a suitably experienced access consultant 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. Temporary dewatering of the site to construct the subsurface structure is not permitted.
20. 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.

21. 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.
22. 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.
23. The development shall be insulated in accordance with the recommendations contained in Tables 10 and 11 of the Noise Impact Assessment Report for Discovery Point – Stage 4 & 5 prepared by Acoustic Logic Consultancy Pty Ltd, Rev 1, dated 11/12/2013. 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.
24. 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.
25. 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) 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) Dedicated car wash bays are 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. Details shall be provided with the plans accompanying the Construction Certificate.

All basement car park surface runoff shall be directed through a propriety oil and sediment filtration system prior to discharge. Details of the pit type, location, performance and manufacturer's maintenance and cleaning requirements shall be submitted and approved prior to the issue of the construction certificate.

The owners/occupiers are to undertake all future maintenance and cleaning to the manufacturer's requirements.

- (v) 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.

Number of loading bays along Magdalene Terrace is restricted to maximum of two (2) bays and subject to the concurrence of the Traffic Committee.

- (vi) 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.

26. 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, and Rockdale City Council's AUS-SPEC 1. Where a conflict exists between the provisions of these design standards the provisions of AUS-SPEC 1 shall prevail.

- (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 Rockdale City Council's AUS-SPEC 1.
  - (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.
  - (ix) 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.
  - (x) A positive covenant for the management of the 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.
27. 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.
28. 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 4.3m AHD. The flood proofing system is to be independent of the stormwater drainage system.
  - (ii) 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.
  - (iii) All local services (power, water, gas, telephone) within the sub-podium levels must be flood protected to the 0.5% AEP level.
29. 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.
30. Services or utility systems shall not be located in the garbage room.

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.
- (ii) The detailed design for the construction of the works in Magdalene Terrace shall comply with all current Australian Standards, current AUSTROADS Guides, and Rockdale City Council's AUS-SPEC 1. Where a conflict exists between the provisions of these design standards the provisions of AUS-SPEC 1 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.
- 31. Stormwater management requirements for the development site, including the final discharge/end connection point, must comply with Technical Stormwater Specification.
- 32. Piling works should be monitored for ASS, with field testing and treatment as required as indicated in the Acid Sulphate Soil Management Plan prepared by DLA Environmental, dated January 2012.
- 33. The development plans shall be amended to incorporate the extension of the retail canopy to the west as required by section 6.1 and provision of fixed or operable wind screens to balconies as required by section 6.2 of the Wind Tunnel Test Report prepared by SLR, dated 16 January 2014.
- 34. A maintenance program is to be implemented to ensure surveillance opportunities are not hindered due to overgrown vegetation around the perimeter of the development, communal areas and along walkways.
- 35. CCTV equipment shall be maintained in working order and regular inspection and maintenance is to occur to achieve this.
- 36. External lighting and lighting of communal and publically accessible spaces shall be maintained and a regular inspection and maintenance program put in place to ensure this occurs.
- 37. A graffiti removal management program is to be put in place aimed at removing graffiti from the premises on a regular basis and as soon as practicable after it occurs.
- 38. Access control systems are to be implemented in the basement car park and at the entry/lift lobby for each building such that only residents can gain access to the basement car park and residential levels, with visitors having to be provided access by way of an intercom system. The lifts shall be keyed such that intercom access is required for access to each residential level by persons other than the occupants of that level. Keyed access shall be provided for the retail/business occupants only to the ground level and basement garbage storage and/or loading areas.
- 39. Inspect entire site annually, and repair as necessary as per The Site Management Plan prepared by MPL Health. Safety. Environment - Report Site Management – Tempe House Restoration and Foreshore Development Area, Arncliffe – Project No: 200196.01 dated the 11 January 2006. Provide a report annually by a suitably qualified Environmental Consultant to Council.
- 40. Comply with all site management procedures (1-8) from The Site Management Plan prepared by MPL Health. Safety. Environment - Report Site Management – Tempe House Restoration and Foreshore Development Area, Arncliffe – Project No: 200196.01 dated the 11 January 2006.
- 41. The use of mechanical plant including garbage area, fans, compressors, condensers (whether commercial or domestic) shall not cause sound pressure levels in excess of the criteria given in the NSW Industrial Noise Policy - 2000.

## PRIOR TO ISSUE OF THE CONSTRUCTION CERTIFICATE

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

42. A Footpath Reserve Restoration Deposit of \$42,672 shall be paid to Council prior to the issue of a construction certificate. This is to cover repair of any damages, or other works to be done by Council. This includes construction, removal, or repair as required to: kerb and guttering, existing or new driveways; paved areas and concrete footpaths. The deposit may be lodged with Council in the form of a Bank Guarantee (Any proposed Bank Guarantee must not have an expiry date). If payment is made after the end of the financial year, the amount shall be adjusted in accordance with Council's adopted fees and charges. The deposit will not be returned by Council until works are completed and all damage is restored and all specified works are completed by Council
43. An application for Boundary levels shall be made to Council's Customer Service Centre prior to issue of the Construction Certificate. All boundary works, egress paths, driveways and fences shall comply with this level.  
  
A fee of \$190 is payable to Council for the determination of boundary levels. If payment is made after the end of the financial year, the amount shall be adjusted in accordance with Council's adopted fees and charges.
44. The connection of stormwater drainage pipes to the existing kerb inlet pit in Magdalene Terrace must be inspected by Council prior to backfilling. A payment of \$855.30 is required prior to the issue of the Construction Certificate for inspection of the connection and/or alteration to the Council pipeline. If payment is made after the end of the financial year the amount is to be adjusted in accordance with Council's adopted fees and charges. Where the inspection is unsatisfactory, each additional inspection will incur an extra charge
45. If Council is appointed as the Principal Certifying Authority (PCA) then structural engineer's details shall be submitted prior to the issue of the Construction Certificate; such structural drawings shall be certified by the Structural Engineer that the design complies with the relevant S.A.A. Codes for the following:
  - i) the footings of the proposed structure;
  - ii) the footings of the slab-on-ground (having due regard to the possible differential settlement of the cut and fill areas);
  - iii) all reinforced concrete floor slabs;
  - iv) all reinforced concrete stairs;
  - v) the piers to natural ground or rock, detailing the size and position of the piers;
  - vi) the proposed retaining wall;
  - vii) the work required to stabilise the excavation;
  - viii) the work required to stabilise the footpath area;
  - ix) the design of each roof truss type showing the layout of each truss on a marking plan and the method of connecting each truss to its supporting members of the method of bracing;
  - x) all structural steel work;
  - xi) first floor joists;
  - xii) fire rated ceilings/fire protective ceilings.
46. 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.
47. Clearance height to the main waste storage rooms is to be a minimum of 4.5 metres. Garbage bins sizes for the units is to be 1,100 litre mobile bins and commercial premises depending the business type either 240 litre and/or 1,100 litre mobile bins. Rear loader compactors are to access and service the bins on site.
  48. 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.
  49. A total section 94 contribution of \$3,919,107.22 (comprising \$1,588,097.69 for building 3 and \$2,331,009.53 for building 5) 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:

**BUILDING 3**

Child Care Services	\$ 2,770.56
Community Services	\$ 3,332.07
Library Services	\$ 40,113.90
Wolli Creek Regional Open Space Fund	\$ 74,325.51
Wolli Creek City Wide Open Space Fund Residential	\$126,195.61
Wolli Creek Local Open Space Fund	\$546,027.47
Wolli Creek Local Streetscape Fund	\$ 99,511.21
Wolli Creek City Wide TC & Streetscape Fund	\$ 13,212.36
Wolli Creek Flood Mitigation & Stormwater	\$176,346.50
Wolli Creek Pedestrian & Cyclist Facilities	\$ 59,059.99
Wolli Creek Admin & Mgt Residential	\$ 32,964.36
Wolli Creek Roads Traffic Mgt Residential	\$414,238.15

**BUILDING 5**

Child Care Services	\$ 4,437.82
Community Services	\$ 5,023.97
Library Services	\$ 64,255.49
Wolli Creek Regional Open Space Fund	\$119,056.33
Wolli Creek City Wide Open Space Fund Residential	\$194,700.18
Wolli Creek Local Open Space Fund	\$822,217.60
Wolli Creek Local Streetscape Fund	\$149,846.68
Wolli Creek City Wide TC & Streetscape Fund	\$ 21,163.86
Wolli Creek Flood Mitigation & Stormwater	\$265,542.59
Wolli Creek Pedestrian & Cyclist Facilities	\$ 88,936.09
Wolli Creek Admin & Mgt Residential	\$ 48,500.17
Wolli Creek Roads Traffic Mgt Residential	\$547,328.75

50. 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.
51. An amended landscape plan and related documentation shall be prepared by a qualified Landscape Architect and 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. The plans shall show the following:
- A Lighting Plan demonstrating compliance with a category P3 lighting rating along the public thoroughfare;
  - All streetscape works outside the site boundary (eg. street lighting, tree species and planting details, tree protection measures, paving type and levels, kerb and gutter, carparking, signage and so on);
  - The proposed *Eucalyptus tereticornus* tree species to the neighbourhood park are to be deleted and substituted with a better suited medium sized evergreen species at appropriate spacings;
  - The proposed *Platanus hybrida* tree species to the neighbourhood park is to be deleted and substituted with a better suited medium sized deciduous tree species at an appropriate spacing from, and complementary too, the evergreen trees; and
  - The Planting Schedule is to be amended to include numbers for all proposed species.
52. 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 six (6) residential units, and between these units and their allocated car parking space. A minimum of one (1) 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. 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 units are to be unit numbers 02 and 07 Levels 1 and 3 of Building 5 and unit number 02 of Levels 1 and 2 of Building 3. Please note that compliance with this condition requires the relevant units 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.

53. The applicant shall confer with Energy Australia to determine if an electricity distribution substation is required. Written confirmation of Energy Australia's requirements shall be obtained prior to issue Construction Certificate.
54. 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.
55. The applicant shall confer with Energy Australia to determine if installation of electricity conduits in the footway is required. Written confirmation of Energy Australia's requirements shall be obtained prior to issue Construction Certificate.
56. The applicant shall confer with Energy Australia to determine if satisfactory clearances to any existing overhead High Voltage mains will be affected. Written confirmation of Energy Australia's requirements shall be obtained prior to issue Construction Certificate
57. All low voltage street mains in that section of the street/s adjacent to the development shall be placed underground. This shall include any associated services and the installation of underground supplied street lighting columns where necessary. The applicant shall confer with Energy Australia to determine Energy Australia requirements. Written confirmation of Energy Australia's requirements shall be obtained prior to issue Construction Certificate.
58. 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.
59. 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.
60. A suitable qualified engineer is to certify that the structure can withstand the forces of floodwater, scour, debris and buoyancy in a 1% AEP flood event and a PMF event.
61. 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 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 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.

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

115 car parking spaces, 22 motor cycle spaces and 2 car wash bays are to be provided at basement level in accordance with the approved plans. In addition, 92 residential spaces within Stages 1 and 2 and 40 retail spaces within Stage 1 and the Verge are to be allocated to residences and business suites within buildings 3 and 5. All car spaces are to be allocated to dwellings/business suites 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 25 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.

- 63. 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.
- 64. 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. 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.
- 65. The groundwater shall be assessed by a suitably qualified and experienced environmental consultant in accordance with relevant contaminated sites guidelines published by NSW Department of Environment Climate Change and Water. A copy of the report shall be submitted to Principal Certifying Authority prior to the issue of the Construction Certificate. A copy shall also be submitted to Council if Council is not the Principal Certifying Authority.
- 66. Amened plans are to be submitted for approval by the Principal Certifying Authority showing a roof top BBQ area on the western side of Building 3. The space shall be divided into two smaller spaces each provided with a BBQ, outdoor sink, tables and seating and appropriate screening for wind protection and privacy. An accessible toilet shall be provided with this facility. The lift shall be extended to service this area.

67. Dedicated car wash bays (2) are 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.

68. 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.

69. 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.

70. All building materials shall be 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. Details shall be provided and approved prior to the issue of a construction certificate.

71. Prior to the issue of a Construction Certificate, an Acoustic Report, prepared by a suitably qualified and experienced Acoustic Consultant shall be submitted to the Accredited Certifier (AC), detailing any necessary modifications to the structure of the building to reduce the intrusion of rail traffic noise into occupied rooms.

The measurement methodology shall comply with the requirements of Australian Standard 2377-2002 *'Methods for the measurement of railbound vehicle noise'* and shall take into consideration the criteria contained in the NSW State Rail Publication *"Rail Related Noise and Vibration"* 1995. Measurements shall be taken at a position close to the façade of the proposed building facing the railway line. If this position is not practical, other positions can be used and the noise level at the façade position shall then be calculated (no façade correction shall be applied).

The design sound levels shall comply with the requirements of Australian standard 2107-2000 *'Recommended Design Sound Levels and Reverberation Times for Building Interiors'*.

Where Council is not the Principal Certifying authority, a copy of the report shall be provided to Council concurrently.

72. Prior to the issue of a Construction Certificate, an Acoustic Report, prepared by a suitably qualified and experienced Acoustic Consultant shall be submitted to the Accredited Certifier (AC), detailing any necessary modifications to the structure of the building to reduce the intrusion of rail traffic vibration into occupied rooms.

The measurement methodology and frequency weighting shall comply with the requirements of International Standard 2631-2 - 2003 'Mechanical Vibration and shock - Evaluation of human exposure to whole-body vibration. Part 2 - Vibration in buildings.

73. A report on the Electrolysis Risk to the development from stray currents, and the measures that will be taken to control the risk shall be prepared by an Electrolysis expert. The expert's report must be submitted to Rail for review by the Senior Electrolysis Engineer or nominated Electrolysis Section personnel prior to release of the Construction Certificate.
74. The approved plans must be submitted to a Sydney Water Quick Check agent or Customer Centre to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met. Plans will be appropriately stamped. For Quick Check agent details please contact Sydney Water.

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

## PRIOR TO COMMENCEMENT OF WORKS

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

75. 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.
76. 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.

77. Soil and sedimentation controls are to be put in place prior to commencement of any work on site. The controls are to be maintained in effective working order during construction.



The controls are to be designed and installed in accordance with the Soil and Water Management for Urban Development Guidelines produced by the Southern Sydney Regional Organisation of Council. Copies of the guidelines are available from Council.

78. 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.
79. 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.
80. 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
81. 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.
82. 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.

- 83. 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.
- 84. Consultation with Energy Australia is essential prior to commencement of work. Failure to notify Energy Australia may involve unnecessary expense in circumstances such as:
  - i) where the point of connection and the meter board has been located in positions other than those selected by Energy Australia or
  - ii) where the erection of gates or fences has restricted access to metering equipment.
- 85. Where clearances to any existing overhead High Voltage mains are affected, the builder shall make arrangements with Energy Australia for any necessary modification to the electrical network in question. These works shall be at the applicant's expense. Energy Australia's requirements under *Section 49 Part 1* of the *Electricity Supply Act 1995* shall be met prior to commencement of works or as agreed with Energy Australia.

## DURING DEMOLITION / EXCAVATION / CONSTRUCTION

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

- 86. 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.
- 87. 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.

88. 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.
89. 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.
90. All waste generated on site shall be disposed of in accordance with the submitted Waste Management Plan
91. 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.
92. 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.

93. 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.
94. 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.
95. All contractors shall comply with the following during all stages of demolition and construction:
  - A Waste Container on Public Road Reserve Permit must be obtained prior to the placement of any waste container or skip bin in the road reserve (i.e. road or footpath or nature strip). Where a waste container or skip bin is placed in the road reserve without first obtaining a permit, the Council's fees and penalties will be deducted from the Footpath Reserve Restoration Deposit. Permits can be obtained from Council's Customer Service Centre.
  - A Road Opening Permit must be obtained prior to any excavation in the road reserve (i.e. road or footpath or nature strip). Where excavation is carried out on the road reserve without first obtaining a permit, the Council's fees and penalties will be deducted from the Footpath Reserve Restoration Deposit. Permits can be obtained from Council's Customer Service Centre.
  - A Hoarding Permit must be obtained prior to the erection of any hoarding (Class A or Class B) in the road reserve (i.e. road or footpath or nature strip). Where a hoarding is erected in the road reserve without first obtaining a permit, the Council's fees and penalties will be deducted from the Footpath Reserve Restoration Deposit. Permits can be obtained from Council's Customer Service Centre.
  - A Crane Permit must be obtained from Council prior to the operation of any activity involving the swinging or hoisting of goods across or over any part of a public road by means of a lift, hoist or tackle projecting over the footway. Permits can be obtained from Council's Customer Service Centre.
  - A Permit to Dewater or Pump Out a site must be obtained prior to the discharge of pumped water into the road reserve, which includes Council stormwater pits and the kerb and gutter. Permits can be obtained from Council's Customer Service Centre.

96. 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.

97. 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.

98. 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.
99. 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.
100. The approved recommendations from the Flood Management Report shall be implemented prior to occupation of the building for the relevant stage of works.
101. 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.
102. 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.
103. 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](http://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.

104. 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.
105. 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.

106. 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.
107. 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.
108. 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.
109. 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 Council's DCP 78 - Stormwater Management. The certificate shall be in the form specified in DCP 78 and include an evaluation of the completed drainage works. A works-as-executed drainage plan shall be prepared by a registered surveyor based on a survey of the completed works. A copy of the certificate and works-as-executed plan(s) shall be supplied to the Principal Certifying Authority. A copy shall be provided to Council if Council is not the Principal Certifying Authority.
110. A certificate from a Registered Surveyor shall be provided to the Principal Certifying Authority (PCA) certifying that the habitable/commercial floor level is constructed a minimum of 500mm above the 0.5% Annual Exceedance Probability (A.E.P) Flood Level. A copy of the certificate shall be provided to Council where Council is not the Principal Certifying Authority.
111. A benchmark shall be established adjacent to the site to Australian Height Datum to enable comparison to the flood standard.
112. The underground garage shall be floodproofed to a minimum of 500mm above the 1% Annual Exceedance Probability flood level. The levels shall be certified by a registered surveyor prior to construction of the driveway or other openings.
113. 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.
114. The underground placement of all low voltage street mains in that section of the street/s adjacent to the development, and associated services and the installation of underground supplied street lighting columns, shall be carried out at the applicant's expense. The works shall be completed and Energy Australia's requirements shall be met prior to issue of the Occupation Certificate.

115. The outside finished ground level shall be constructed a minimum of 200mm below the habitable floor level for the whole building perimeter.
116. Signs shall be displayed adjacent to all stormwater drains on the premises, clearly indicating "Clean water only - No waste"
117. Where an electricity substation is required by Energy Australia, a final film survey plan shall be endorsed with an area having the required dimensions as agreed with Energy Australia over the location of the proposed electricity distribution substation site. The substation must be located within the boundary of the development site, or within the building, subject to compliance with the BCA. The substation site shall be dedicated to Council as public roadway, or as otherwise agreed with Energy Australia. Energy Australia's requirements shall be met prior to release of the issue of the Occupation Certificate.
118. The dedication to Council of a corner splay at the intersection of Magdalene Terrace and Spark Lane, shown (RW) in Draft Stratum Subdivision Plan for public road dedication purposes.  
  
Council requires proof of lodgement of the signed Subdivision/Strata Certificate and 88B Instrument with the Land Titles Office.
119. Prior to occupation, a registered surveyor shall certify that the driveway(s) over the footpath and within the property have been constructed in accordance with the approved driveway profile(s). The certification shall be based on a survey of the completed works. A copy of the certificate and a works-as-executed driveway profile shall be provided to Council if Council is not the Principal Certifying Authority.
120. Where the installation of electricity conduits is required in the footway, the builder shall install the conduits within the footway across the frontage/s of the development site, to EnergyAustralia's specifications. EnergyAustralia will supply the conduits at no charge. A Road Opening Permit must be obtained from Council prior to the installation of the conduits. The builder is responsible for compaction of the trench and restoration of the footway in accordance with Council direction. A Compliance Certificate from Energy Australia shall be obtained prior to the issue of the Occupation Certificate.
121. A positive covenant pursuant to the Conveyancing Act 1919 shall be created on the title of the lots that contain the stormwater bioretention facility to provide for the maintenance of the bioretention facility.
122. The pump system, including all associated electrical and control systems, shall be tested and inspected by a suitably qualified and experienced person. Records of testing shall be retained and provided to the certifying hydraulic engineer and/or PCA upon request.
123. 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.
124. An accredited auditor under the Contaminated Land Management Act 1997 shall review the Validation Report prepared by the contaminated land consultant and issue a Site Audit Statement. The accredited auditor shall provide Council being the Regulatory Authority for the management of contaminated land, with a copy of the Site Audit Report and Site Audit Statement, prior to issue of the Occupation Certificate.
  125. The noise reduction measures specified in the noise report prepared by Acoustic Logic – Discovery Point – Stage 3 & 5 Noise Impact Assessment Project Number 20131129.1 Document Reference 20131129.1/1112A/R1/BW dated 11 December 2013 shall be validated by a Certificate of Compliance prepared by the acoustic consultant and submitted to the Principal Certifying Authority (PCA) prior to the issue of an Occupation Certificate. If Council is not the PCA, a copy shall be submitted to Council concurrently.

## 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.

126. 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.
127. 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.
128. The dedication to Council of a corner splay at the intersection of Magdalene Terrace and Spark Lane, shown (RW) in Draft Stratum Subdivision Plan for public road dedication purposes.  
  
Council requires proof of lodgement of the signed Subdivision/Strata Certificate and 88B Instrument with the Land Titles Office.
129. Where Council is the Principal Certifying Authority, a linen plan and four (4) copies for the endorsement of the General Manager shall be submitted prior to lodgement with the Land and Property Information office. If applicable, an original and four (4) copies of the 88B Instrument are to be submitted
130. 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.
131. 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.

132. 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.

133. 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.

134. 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.

135. 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 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.

136. 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](http://www.sydneywater.com.au) then refer to "Water Servicing Coordinator" under "Developing Your Land" or telephone 13 20 92 for assistance.

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

The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to release of the Subdivision/Strata Certificate.

137. Where the installation of electricity conduits is required in the footway, the builder shall install the conduits within the footway across the frontage/s of the development site, to Energy Australia's specifications. Energy Australia will supply the conduits at no charge. A Road Opening Permit must be obtained from Council prior to the installation of the conduits. The builder is responsible for compaction of the trench and restoration of the footway in accordance with Council direction. A Compliance Certificate from Energy Australia shall be obtained prior to the issue of the Subdivision Certificate.

## INTEGRATED DEVELOPMENT/EXTERNAL AUTHORITIES

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

### 138. **RAILCORP**

1. All excavation, shoring and piling works with 25m of the rail corridor are to be supervised by a geotechnical engineer experienced with such excavation projects.
2. No rock anchors/bolts are to be installed into Sydney Trains property.
3. The effect of construction induced settlement due to groundwater drawdown potentially leading to track settlement is to be avoided at all times.
4. The following items are to be submitted to Sydney Trains for review and endorsement prior to the issuing of a Construction Certificate:
  - Machinery to be used during excavation/construction.
  - If required by Sydney Trains, track monitoring plan detailing the proposed method of track monitoring during excavation and construction phases.
  - If required by Sydney Trains, 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 Sydney Trains that this condition has been complied with.

5. No modifications may be made to that approved design without the consent of Sydney Trains.
6. No work is permitted within the rail corridor, or rail easements, at any time unless prior approval or an Agreement has been entered into with Sydney Trains.
7. 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 Sydney Trains 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 Sydney Trains advising that the maintenance plan has been prepared to its satisfaction.
8. 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 Sydney Trains 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 Sydney Trains.

9. Prior to the commencement of works, the Applicant shall peg-out the common boundary with the rail corridor and/or rail easement to ensure that there is no encroachment. This work is to be undertaken by a registered surveyor.
10. 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.
11. 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.
12. 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 windows, louvres, enclosed balconies, window restrictors etc) which prevent the throwing of objects onto the rail corridor. These measures are to comply with Sydney Trains 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 Drawings.
13. 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 Sydney Trains.  
  
The Principle Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.
14. 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 Sydney Trains 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 Sydney Trains confirming that this condition has been satisfied.
15. 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.
16. Prior to the issuing of a Construction Certificate the Applicant is to submit to Sydney Trains a plan showing all craneage and other aerial operations for the development and must comply with all Sydney Trains requirements. The

Principle Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from the Sydney Trains confirming that this condition has been satisfied.

17. The Applicant is to obtain Sydney Trains endorsement prior to the installation of any hoarding or scaffolding facing the common boundary with the rail corridor.
18. Prior to the issuing of an Occupation Certificate the Applicant is to submit the as-built drawings to Sydney Trains and Council.

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

## ROADS ACT

139. 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 RTA.

Permit application forms should be lodged at Council's Customer Service Centre allowing sufficient time for evaluation. An information package is available on request.

140. 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.

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.

141. 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.

142. The following details shall be submitted to Council for assessment and approval pursuant to *Section 138* of the *Roads Act 1993*, in relation to the awning over Magdalene Terrace:

- i) Detailed design plans and specifications, including structural details; and
- ii) Design certificate.

The awning shall be designed by a Chartered Professional Engineer (Structural).

**Note:** Awnings are required to be set back a minimum of 600 mm from the kerb face and be a minimum height of 2.4 metres above the footpath level. Drainage from the awning shall be connected to the stormwater system for the development.

Following completion of the installation of the awning a certificate from a Chartered Professional Engineer (Structural) shall be submitted to Council stating that the awning has been constructed in accordance with the design plans and specifications.

143. The design and construction of the gutter crossing shall be in accordance with RTA requirements. Details of these requirements should be obtained from RTA's Project Services Manager, Traffic Projects Section, Blacktown (Ph 02 8814 2144).

Detailed design plans of the proposed gutter crossing are to be submitted to the RTA for approval prior to the commencement of any roadworks.

It should be noted that a plan checking fee (amount to be advised) and lodgment of a performance bond may be required from the applicant prior to the release of the approved road design plans by the RTA.

## 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](http://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.

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## ADDITIONAL INFORMATION

- To confirm the date upon which this consent becomes effective, refer to Section 83 of the Environmental Planning and Assessment Act, 1979. Generally the consent becomes effective from the determination date shown on the front of this notice. However if unsure applicants should rely on their own enquiries.
- To confirm the likelihood of consent lapsing, refer to Section 95 of the Act. Generally consent lapses if the development is not commenced within five years of the date of approval. However if a lesser period is stated in the conditions of consent, the lesser period applies. If unsure applicants should rely on their own enquiries.

- Section 82A allows Council to reconsider your proposal. Should you wish to have the matter reconsidered you should make an application under that section with the appropriate fee.
  - Under Section 97 of the Act applicants who are dissatisfied with the outcome of a consent authority have a right of appeal to the Land and Environment Court. This right must be exercised within 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.
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Should you have any queries please contact Marta M Gonzalez-Valdes on 9562 1743.

Luis Melim  
**Manager Development Services**