

NOTICE OF APPROVAL FOR DEVELOPMENT

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

Approval Date	
Authority	Joint Regional Planning Panel
Reference	DA-2014/346
Contact	Shaylin Moodliar 9562 1583

Benson McCormack Pty Ltd
Studio 5, 505 Balmain Road
LILYFIELD NSW 2040

DRAFT

Property: 2-8 Loftus Street TURRELLA, 1 & 3 Edward Street TURRELLA NSW 2205
Lot 24 DP 4274, Lot 25 DP 4274, Lot 31 DP 4274, Lot 32 DP 4274, Lot
33 DP 4274, Lot 34 DP 4274, Lot 27 DP 4274, Lot 26 DP 4274

Proposal: Integrated Development - Demolition of existing structures and
construction of a part five (5) & part six (6) storey residential flat
building containing 78 residential units with 2 basement car parking
levels and ground floor level car parking for 97 vehicles

The above development is approved subject to the following conditions:

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

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

1. The submission of amended architectural plans showing:
 - a. The removal of apartment units B.48-B.54 from the Level 5 Plan (i.e. the seventh storey) along the Loftus Street frontage.
 - b. The relocation of the electricity kiosk from the Hirst Street frontage to be incorporated within the building envelope.
 - c. The incorporation of three (3) x three-bedroom apartment units within the building envelope.
2. The submission of amended landscape plans addressing the following:
 - a. Details to show landscape levels, planter details, proposed soil depths and a full plant schedule (including proposed plant numbers) as per the requirements of the Rockdale Development Control Plan (RDCP 2011).
 - b. Any existing conflicts or discrepancies between the stormwater plan in terms of pit locations must be resolved and correctly indicated.
 - c. The relocation of the electricity kiosk from the Hirst Street frontage to be incorporated within the building envelope.
 - d. Fencing details and materials consistent with the architectural plans.

3. The submission of a complete schedule of finishes (including details where external louvers, external walls to the garbage area, perforated screens or screen panels to the windows/balconies are provided), render colours, balustrade colour/finishes, window frame samples and details, type of paving for the entry and balconies/courtyards, internal fencing/privacy screen details surrounding the open space on the ground floor apartments and paint colours/finishes.
4. As a result of point (1a), the submission of an amended BASIX Certificate reflecting the changes.

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.

Upon receiving written notification from Council that the above requirements have been satisfied, your consent will become operable and will be 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.

Plan/ Report	Revision	Author	Dated	Received by Council
A-0101A – Basement 4 Plan	A	Benson McCormack Architect	October 2014	31 October 2014
A-0101B – Basement 2 & 3 Plan	C	Benson McCormack Architect	October 2014	31 October 2014
A-0102C – Ground Floor Plan (Loftus Street)	C	Benson McCormack Architect	October 2014	31 October 2014
A-0103 – Ground Floor Plan (Edward Street)	B	Benson McCormack Architect	September 2014	31 October 2014
A-0104 – Level 1 Plan	B	Benson McCormack Architect	September 2014	31 October 2014
A-0105 – Level 2 Plan	B	Benson McCormack Architect	September 2014	31 October 2014

A-0106 – Level 3 Plan	B	Benson McCormack Architect	September 2014	31 October 2014
A-0107 – Level 4 Plan	B	Benson McCormack Architect	September 2014	31 October 2014
A-0108 – Level 5 Plan	B	Benson McCormack Architect	September 2014	31 October 2014
A-0109 – Roof Plan	B	Benson McCormack Architect	September 2014	31 October 2014
A-0200 – East Elevation	B	Benson McCormack Architect	September 2014	12 September 2014
A-0201 – West Elevation	B	Benson McCormack Architect	September 2014	12 September 2014
A-0202 – South Elevation	B	Benson McCormack Architect	September 2014	12 September 2014
A-0203 – North Elevation	B	Benson McCormack Architect	September 2014	12 September 2014
A-0220 – Section AA	C	Benson McCormack Architect	October 2014	31 October 2014
A-0221 – Section BB	C	Benson McCormack Architect	October 2014	31 October 2014
A-0222 – Section CC	C	Benson McCormack Architect	October 2014	31 October 2014
A-0223 – Section DD	C	Benson McCormack Architect	October 2014	31 October 2014
A-1001 – East Elevation Materials & Finishes	B	Benson McCormack Architect	September 2014	18 September 2014
A-1002 – West Elevation Materials & Finishes	B	Benson McCormack Architect	September 2014	18 September 2014
A-1003 – South Elevation Materials	B	Benson McCormack	September 2014	18 September 2014

& Finishes		Architect		
A-1004 – North Elevation Materials & Finishes	B	Benson McCormack Architect	September 2014	18 September 2014
A-1005 – Section AA Materials & Finishes	B	Benson McCormack Architect	September 2014	18 September 2014
A-1006 – Section BB Materials & Finishes	B	Benson McCormack Architect	September 2014	18 September 2014
A-1007 – Section CC Materials & Finishes	B	Benson McCormack Architect	September 2014	18 September 2014
A-1008 – Section DD Materials & Finishes	B	Benson McCormack Architect	September 2014	18 September 2014

3. All new building work must be carried out in accordance with the provisions of the Building Code of Australia (BCA).
4. **A Construction Certificate must be obtained from Council or an Accredited Certifier prior to any building work commencing.**
5. The development must be implemented and all BASIX commitments thereafter maintained in accordance with BASIX Certificate Number (544220M_02) other than superseded by any further amended consent and BASIX certificate.
Note: Clause 145(1)(a1) of the Environmental Planning & Assessment Regulation 2000 provides: A certifying authority must not issue a construction certificate for building work unless it is satisfied of the following matters: -
 - (a1) that the plans and specifications for the building include such matters as each relevant BASIX certificate requires.**Note:** Clause 154B(2) of the Environmental Planning & Assessment Regulation 2000 provides: "A certifying authority must not issue a final occupation certificate for a BASIX affected building to which this clause applies unless it is satisfied that each of the commitments whose fulfilment it is required to monitor has been fulfilled."
Note: For further information please see <http://www.basix.nsw.gov.au>.
6. A separate approval is required for the strata subdivision.
Note: Some forms of signage require separate development consent. Please refer to relevant planning policies for more information.
7. 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.
8. 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.

9. The materials and façade details approved under Condition 2 and any other relevant condition of this consent shall not be altered or amended at the construction certificate stage without a prior S96 application and approval under the Environmental Planning and Assessment Act.
10. No occupation or works are to be carried out on public land (including a road or footpath) or access provided over a public reserve adjacent to the development site without approval being obtained from Rockdale City Council and the necessary fee paid under the Roads Act 1993 and/or the Local Government Act 1993.

Note: Approval under the Roads Act or Local Government Act cannot be granted by a Principal Certifying Authority or by a Private Certifier. Failure to obtain approval may result in fines or prosecution.

11. Mail boxes must be installed along the street frontage of the property boundary in accordance with Australia Post Guidelines. Prominent building numbers are to be displayed, with a minimum number size of 150 mm in height for each number and/or letter in the alphabet.

The development shall comprise the following address details. New address information as follows shall be reflected on any subdivision application for the site.

- i) The unit numbers are not to be prefixed with “A” & “B” as shown on the architectural plans.
- ii) The units with access from Edward Street will be known as 9 Hirst Street, Turrella with the unit numbers known as follows:
 - Ground floor units shall be known as G01/9 Hirst Street, G02/9 Hirst Street, G03/9 Hirst Street, etc
 - First floor units shall be known as 101/9 Hirst Street, 102/9 Hirst Street, 103/9 Hirst Street, etc
 - Second floor units shall be known as 201/9 Hirst Street, 202/9 Hirst Street, 203/9 Hirst Street, etc
 - Third floor units shall be known as 301/9 Hirst Street, 302/9 Hirst Street, 303/9 Hirst Street, etc
 - Fourth floor units shall be known as 401/9 Hirst Street, 402/9 Hirst Street, 403/9 Hirst Street, etc
 - Fifth floor units shall be known as 501/9 Hirst Street, 502/9 Hirst Street, 503/9 Hirst Street, etc
- iii) The units with access from Loftus Street will be known as 2-8 Loftus Street, Turrella with the unit numbers known as follows:
 - Ground floor units shall be known as G01/2-8 Loftus Street, G02/2-8 Loftus Street, G03/2-8 Loftus Street, etc
 - First floor units shall be known as 101/2-8 Loftus Street, 102/2-8 Loftus Street, 103/2-8 Loftus Street, etc
 - Second floor units shall be known as 201/2-8 Loftus Street, 202/2-8 Loftus Street, 203/2-8 Loftus Street, etc
 - Third floor units shall be known as 301/2-8 Loftus Street, 302/2-8 Loftus Street, 303/2-8 Loftus Street, etc

- Fourth floor units shall be known as 401/2-8 Loftus Street, 402/2-8 Loftus Street, 403/2-8 Loftus Street, etc
- Fifth floor units shall be known as 501/2-8 Loftus Street, 502/2-8 Loftus Street, 503/2-8 Loftus Street, etc
- Sixth floor units shall be known as 601/2-8 Loftus Street, 602/2-8 Loftus Street, 603/2-8 Loftus Street, etc

DEVELOPMENT SPECIFIC CONDITIONS

The following conditions are specific to the Development Application proposal:

12. All loading, unloading and transfer of goods to and from the loading bay and premises shall take place wholly within the property.
Loading and unloading within the site shall be restricted to commercial vehicles not exceeding the size and mass description of the Small Rigid Vehicle (SRV) from AS2890.2:2002. Commercial vehicles greater in size and mass than the 4.0 tonnes are not permitted to enter the site.
13. 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.
14. The existing and future owners (Registered Proprietor) of the property will be responsible for the operation and maintenance of the detention system. The registered proprietor will:
 - i) permit stormwater to be temporarily detained by the system;
 - ii) keep the system clean and free of silt, rubbish and debris;
 - iii) maintain, renew and repair the whole or parts of the system so that it functions in a safe and efficient manner, and in doing so complete the same within the time and in the manner specified in written notice issued by the Council;
 - iv) carry out the matters referred to in paragraphs (ii) and (iii) at the proprietor's expense;
 - v) not make any alterations to the system or elements thereof without prior consent in writing of the Council;
 - vi) permit the Council or its authorised agents from time to time upon giving reasonable notice (but at any time and without notice in the case of emergency) to enter and inspect the land for compliance with the requirements of this clause;
 - vii) comply with the terms of any written notice issued by the Council in respect to the requirements of this clause within the time stated in the notice.
15. The existing and future owners (Registered Proprietor) of the property will be responsible for the efficient operation and maintenance of the pump system.
The Registered Proprietor will:
 - i) permit stormwater to be temporarily detained and pumped by the system;

- ii) keep the system clean and free of silt, rubbish and debris;
 - iii) maintain, renew and repair the whole or parts of the system so that it functions in a safe and efficient manner; and in doing so complete the same within the time and in the manner specified in written notice issued by the Council;
 - iv) carry out the matters referred to in paragraphs (ii) and (iii) at the proprietor's expense;
 - v) not make alterations to the system or elements thereof without prior consent in writing of the Council.
 - vi) permit the Council or its authorised agents from time to time upon giving reasonable notice (but at any time and without notice in the case of emergency) to enter and inspect the land for compliance with the requirement of this clause;
 - vii) comply with the terms of any written notice issued by the Council in respect to the requirements of this clause within the time stated in the notice.
16. All wastewater and stormwater treatment devices (including drainage systems, sumps and traps) shall be regularly maintained in order to remain effective. All solid and liquid wastes collected from the device shall be disposed of in accordance with the Protection of the Environment Operations Act, 1997.
 17. The use of the premises, building services, equipment, machinery and, ancillary fittings shall not give rise to an "offensive noise" as defined under the provisions of the Protection of the Environment Operations Act, 1997.
 18. The use of mechanical plant (including mechanical garbage bin trolley lift, air conditioners, fans, compressors, condensers, freezers, swimming pool or spa pumps (whether commercial or domestic) shall not cause sound pressure levels in excess of the criteria given in the NSW Industrial Noise Policy - 2000.
 19. The following conditions are to ensure compliance with the Australian Standards:
 - i) Bicycle parking facilities shall be designed in accordance with AS2890.3:1993.
 - ii) The off-street parking areas associated with the subject development shall be designed strictly in accordance with AS2890.1 and AS2890.6.
 - iii) Internal height clearance shall be designed throughout the car park and access driveway in accordance with AS2890.1 and AS2890.6.
 - iv) Commercial vehicle facilities shall be designed strictly in accordance with AS2890.2:2002. The proposed loading bays shall be designed to accommodate a Small Rigid Vehicle (SRV) in terms of forward direction entry and exit, height clearance (3.5m) and swept path within the ramp.
 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.

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 'Acoustic insulation between floors & walls & Mechanical Ventilation System' report Ref No. 2014-055, prepared by Acoustic Solutions Pty Ltd, dated 8 April 2014 and received by Council on 13 May 2014 is to be reviewed to incorporate the following:
 - a) Approved architectural plans and any resulting changes in the design.
 - b) Demonstrate compliance with RMS conditions.
 - c) Demonstrating compliance with Rockdale DCP 2011.

The amended report shall be submitted to Council for approval prior to the issue of the Construction Certificate.

The development must be carried out in accordance with the recommendations of the acoustic report.

24. In order to ensure the design quality / excellence of the development is retained:
 - i. The design architect is to have direct involvement in the design documentation, contract documentation and constructions changes of the project;
 - ii. The design architect is to have full access to the site and is to be authorised by the applicant to respond directly to the consent authority where information or clarification is required in the resolution of design issues throughout the life of the project;
 - iii. Evidence of the design architect's commission is to be provided to Council prior to the release of the Construction Certificate.

The design architect of the project is not to be changed without prior notice and approval of the Council.

25. All 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.
26. The contaminated site shall be remediated in accordance with 'State Environmental Planning Policy No 55 Remediation of Land' (SEPP55). All remediation and validation works shall be carried out in accordance with the Site Remedial Action Plan called 'Jabbs Developments: Remediation Action Plan' 2-8 Loftus Street and 1-7 Edward Street Turrella NSW, Report No.E22130 AB, dated 9 September 2014 and prepared by Environmental Investigations Australia Pty Ltd.

PRIOR TO ISSUE OF THE CONSTRUCTION CERTIFICATE

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

27. The following fees shall be paid to Council prior to the issue of a Construction Certificate. If payment is made after the end of the financial year, the amount shall be adjusted in accordance with Council's adopted fees and charges.
 - i. A Footpath Reserve Restoration Deposit of \$64,770.00. This is to cover repair of any damages, or other works to be done by Council. This includes construction, removal, or repair as required to: kerb and guttering, existing or new driveways; paved areas and concrete footpaths. The deposit may be lodged with Council in the form of a Bank Guarantee (Any proposed Bank Guarantee must not have an expiry date). The deposit will not be returned by Council until works are completed and all damage is restored and all specified works are completed by Council.
 - ii. An environmental enforcement fee of 0.25% of the cost of the works.
 - iii. A Soil and Water Management Sign (811) of \$16.50.
 - iv. A fee of \$570.00 is payable to Council for the determination of boundary levels. All boundary works, egress paths, driveways and fences shall comply with this level.
28. For work costing \$25,000 or more, a Long Service Leave Levy shall be paid. For further information please contact the Long Service Payments Corporation on their Helpline 13 1441.
29. A Section 94 contribution of \$1,523,143.85 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 compliance certificate / subdivision certificate / construction certificate for works above the floor level of the ground floor. (Payment of the contribution is not required prior to any separate construction certificates issued only for demolition, site preparation works and the construction of basement levels). The contribution is calculated from Council's adopted Section 94 contributions plan in the following manner:

Open Space	\$623,796.04
Community Services & Facilities	\$32,794.41
Town Centre & Streetscape Improvements	\$17,417.45
Pollution Control	\$48,634.57
Bonar Street Precinct Infrastructure	\$785,150.69
Plan Administration & Management	\$15,350.69

Copies of Council's Section 94 Contribution Plans may be inspected at Council's Customer Service Centre, Administration Building, 2 Bryant Street, Rockdale.
30. 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.

31. In the case of residential building work for which the Home Building Act 1989 requires there to be a contract of insurance or owner builder's permit in force in accordance with Part 6 of that Act, that such a contract or permit is in place.
32. A 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.
33. All building materials shall be flood resistant, or flood compatible to a height of 500mm above the 1% AEP flood, or flow level. All internal electrical switches, power points or similar utilities liable to flood damage shall be set at a minimum of 500mm above the 1% AEP flood, or flow level. Details shall be provided and approved prior to the issue of a construction certificate.
34. Compliance with Rockdale Development Control Plan (RDCP 2011) in relation to requirements for access. Access in accordance with Australian Standard 4299 must be provided to and within eight (8) residential units, and between three units and its allocated car parking spaces. The allocated parking space will be located in close proximity to the access points of the building.

Please note that compliance with this condition requires the relevant unit(s) to be constructed to comply with all the essential (Type C) requirements of AS4299.

Note: Compliance with the RDCP 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.

35. The following conditions must be adhered to:
 - i) The applicant shall confer with Ausgrid to determine if an electricity distribution substation is required.
 - ii) The applicant shall confer with Ausgrid to determine if installation of electricity conduits in the footway is required.
 - iii) The applicant shall confer with Ausgrid to determine if satisfactory clearances to any existing overhead High Voltage mains will be affected.

Note: No structures (including an electricity distribution substation and installation of electricity conduits) are to be installed within the 2.05m long road widening reserve along Hirst Street.

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

36. 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 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.
37. Prior to issue of the Construction Certificate, 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.

38. The subsurface structure shall be designed with a waterproof retention system (ie tanking and waterproofing) with adequate provision for future fluctuation of the water table. The subsurface structure is required to be designed with consideration of uplift due to water pressure and “flotation” (buoyancy) effects. Subsoil drainage around the subsurface structure must allow free movement of groundwater around the structure, but must not be connected to the internal drainage system. The design of subsurface structure, tanking and waterproofing, and subsoil drainage shall be undertaken by a suitably experienced Chartered Professional Engineer(s). Design details and construction specifications shall be included in the documentation accompanying the Construction Certificate.

39. To ensure the proposal does not provide additional gross floor area in terms of the surplus residential car parking spaces and to increase the deep soil planting, residential/visitor car parking spaces numbered 13 (B4 level), 6, 7, 8 & 23 (B2 Level) and 8, 9, 10 & V8 (B1 Level) must be deleted and wall setback accordingly.

Details shall be reflected on the Construction Certificate plans and supporting documentation and submitted to the Principal Certifying Authority (PCA) prior to the issue of the Construction Certificate.

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

Prior to the issue of the 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.

41. All recommendations contained in the report prepared by Environmental Investigations Australia dated 23 April 2014, Ref: E22130 AA shall be implemented.
42. Prior to Construction Certificate being issued a Geotechnical report shall be undertaken.

The report must include an investigation to determine the design parameters appropriate to the specific development and site. This would typically include:

- Location & level of nearby foundations/footings and driveways (site and neighbouring)
- Proposed method of excavation
- Permanent and temporary support measures for excavation

- To protect the amenity of adjoining properties. NB: The proposed construction of the basement carpark is within the influence line of the boundary / neighboring building / foundation
- Ground-water levels (if any)
- Batter slopes
- Potential vibration caused by method of excavation
- De-watering including seepage and off site disposal rate (if any)

Where a Private Certifier issues the Construction Certificate a copy of the above documentation must be provided to Council, once the Construction Certificate is issued.

NB:

- (i) From the proposed basement pumped discharge drainage systems are permitted subject to complying with the design criteria listed in DCP.
 - (ii) The design of the basement structure will require consideration of the effects of the water table, both during and after construction (Tanking and waterproofing construction).
43. The Flood Evacuation Management Plan shall demonstrate whether evacuation provisions are required, and if so how they will be managed. Alternatively, where it is recommended that occupants stay within the building, how is this to be communicated to occupants. In this situation occupants need to escape above the PMF level plus 0.5 m. The plan is also to detail how the flood awareness of owners, residents or occupants, who change through time, can be preserved. The Plan shall be prepared by a suitably qualified and experienced Flood/Hydraulic Engineer.
44. The internal basement ramps are too steep for garbage bins to be adequately located along the Loftus Street bin collection area. A garbage bin trolley lift must be constructed from the ground level car parking level (RL 13.50) to the loading bays (RL 12.66) to ensure the garbage bins up to 1100 litres within the two (2) garbage rooms are safely moved, without disruption to the residential car park, to the temporary bin collection area along Loftus Street.
- Details shall be reflected on the Construction Certificate plans and supporting documentation and submitted to the Principal Certifying Authority (PCA) prior to the issue of the Construction Certificate.
45. Details of internal storage and storage within the basement must be provided in accordance with SEPP 65 in the following manner (where at least 50% of the required storage is to be provided within the apartments):
- a) one-bedroom apartments must provide a minimum 6 cubic metres of storage
 - b) two-bedroom apartments must provide a minimum 8 cubic metres of storage
 - c) three-bedroom or more apartments must provide a minimum 10 cubic metres of storage.

Details satisfying this requirement shall be provided to the Principal Certifying Authority prior to the issue of the Construction Certificate.

46. The following conditions must be adhered to:

- Monitored CCTV facilities shall be implemented throughout the development. Areas of focus include the basement car parking levels (including entry and exits), main entry areas to the development and garbage/storage areas.
- Monitored CCTV cameras shall be installed in and around the building to maximise surveillance opportunities. Digital or video technology should be used to record images from the cameras.
- Intercom facilities shall be installed into entry/exit points to enable residents to communicate and identify with people prior to admitting them to the development.

Details shall be reflected on the Construction Certificate plans and supporting documentation and submitted to the Principal Certifying Authority (PCA) prior to the issue of the Construction Certificate.

47. A Waste Management Plan shall be prepared and implemented in accordance with Rockdale Technical Specification Waste Minimisation and Management.

48. The low level driveway must be designed to prevent inflow of water from the road reserve. The assessment of flows and design of prevention measures shall be in accordance with the requirements of Rockdale Technical Specification Stormwater Management. Details shall be included in the documentation presented with the Construction Certificate application.

Recommend the required crest level in the driveway to protect the low level driveway from flooding.

Note: Where a crest is required, a longitudinal surface profile must be also be submitted for assessment.

49. A dedicated car wash bay is required. A tap shall be provided. A sign shall be fixed saying 'Car Wash Bay'. The runoff shall be directed and treated as per Rockdale Technical Specification Stormwater Management. Details shall be provided with the plans accompanying the Construction Certificate.

50. All basement 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.

51. Prior to the issue of the Construction Certificate, detailed drainage design plans for the management of stormwater are to be submitted to Principal Certifying Authority for assessment and approval. Design certification, in the form specified in Rockdale Technical Specification Stormwater Management, and drainage design calculations are to be submitted with the plans. Council's Rockdale Technical Specification Stormwater Management sets out the minimum documentation requirements for detailed design plans. Stormwater management requirements for the development site, including the final discharge/end connection point, must comply with Rockdale Technical Specification Stormwater Management.

A hydrological report is required to be submitted confirming the volume of storage for the on-site detention system. The volume of storage shall be determined using the

Swinbourne Method, by either Council's Technical Specification Stormwater Management, Calculation sheet F.1. The stormwater reuse details in accordance with Rockdale Technical Specification – Stormwater Management, section 7.2. The analysis and reporting shall be prepared by a suitably experienced Chartered Professional Engineer.

- a) The detailed plans are required to show the basement levels as a tanked system. (Refer Geotechnical report)
- b) To incorporate an oil separator.

PRIOR TO COMMENCEMENT OF WORKS

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

- 52. A dilapidation survey shall be undertaken of all properties and/or Council infrastructure, including but not limited to all footpaths, kerb and gutter, stormwater inlet pits, and road carriageway pavements, in the vicinity which could be potentially affected by the construction of this development. Any damage caused to other properties during construction shall be rectified. A copy of the dilapidation survey and an insurance policy that covers the cost of any rectification works shall be submitted to the Accredited Certifier (AC) or Council prior to Commencement of Works. The insurance cover shall be a minimum of \$10 million.

- 53. A Soil and Water Management Plan shall be prepared. 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.

- 54. 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.

- 55. 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.

56. 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.
57. 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.
58. 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.

59. 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.
60. Consultation with Ausgrid is essential prior to commencement of work. Failure to notify Ausgrid may involve unnecessary expense in circumstances such as:
 - i) where the point of connection and the meter board has been located in positions other than those selected by Ausgrid or
 - ii) where the erection of gates or fences has restricted access to metering equipment.
61. Where clearances to any existing overhead High Voltage mains are affected, the builder shall make arrangements with Ausgrid for any necessary modification to the electrical network in question. These works shall be at the applicant's expense. Ausgrid's requirements under *Section 49 Part 1* of the *Electricity Supply Act 1995* shall be met prior to commencement of works or as agreed with Ausgrid.
62. The following is required to be carried out with respect to road and road related infrastructure.
 - The applicant shall design and construct the widening of the Hirst Road carriageway along the entire frontage of the site, including new paving, kerb and gutter and any necessary relocation of services. The design of the works being to the satisfaction of Council's City Infrastructure section.
 - The applicant shall design and construct the streetscaping of the entire Hirst Road and Loftus Road frontages of the site, including all paving, footpaths, tree planting, landscaping, lighting, undergrounding of electricity and other services, and the provision of car parking bays, including any associated linemarking and signage. Such work to be in designed and carried out in accordance with the specifications in Rockdale DCP and the Wolli Creek Streetscape Design Manual to the satisfaction of Council's City Infrastructure section.

No works shall commence until approval has been obtained for the design of all road and streetscape works listed above under the *Roads Act 1993*, the *Transport Administration Act 1988* and the *Road Transport (Safety and Traffic Management) Act 1999*.

DURING DEMOLITION / EXCAVATION / CONSTRUCTION

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

63. 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.
64. Hours of construction shall be confined to between 7.00 am and 6.30 pm Mondays to Fridays, inclusive, and between 8.00 am and 3.30 pm Saturdays with no work being carried out on Sundays and all public holidays.
65. 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.
66. 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.
67. All waste generated on site shall be disposed of in accordance with the submitted Waste Management Plan.
68. 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.
69. 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.
70. 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.

71. All demolition work shall be carried out in accordance with AS2601 – 2001: The Demolition of Structures and with the requirements of the WorkCover Authority of NSW.
72. Adopt and implement all recommendations contained in the Acid Sulfate Soil Management Plan prepared by Environmental Investigations Australia Report No. E22130 AC dated the 9 September 2014.
73. The following conditions must be adhered to:
 - Notify NSW WorkCover at least five days prior to any commencement of any asbestos works by a suitably licensed asbestos removalist.
 - Hazardous and/or intractable wastes arising from the demolition process shall be removed and disposed of in accordance with the requirements of the relevant statutory authorities (NSW WorkCover Authority and the NSW Environment Protection Authority), together with the relevant regulations, including:
 - Work Health and Safety Act 2011
 - Work Health and Safety Regulation 2011
 - Protection of the Environment Operations (Waste) Regulation 2005.
 - 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 (2011)]
 - Code of Practice for the Management and Control of Asbestos in Workplaces [NOHSC: 2018 (2011)]
 - 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. A NSW WorkCover licensed Asbestos removalist shall be engaged to carry all asbestos, demolition and removal works.

74. 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.
75. 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.

76. An Occupation Certificate shall be obtained in relation to the approved works prior to any use or occupation of the building.
77. 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.
78. All excess excavated material, demolition material, vegetative matter and builder's rubbish shall be removed to the Waste Disposal Depot or the Regional Tip prior to final inspection.
- Note:** Burning on site is prohibited.
79. A by-law shall be registered and maintained for the life of the development, which requires that:
- (a) balconies are not to be used as clothes drying areas, storage of household goods and air-conditioning units that would be visible from the public domain;
 - (b) an owner of a lot must ensure that all floor space within the lot complies with the acoustic conditions for floors specified in this consent;
 - (c) an owner of a lot must ensure that the mechanical garbage bin trolley lift is in use and maintained at all times;
 - (d) Notwithstanding subclause (b), in the event that a floor covering in the lot is removed, the newly installed floor covering shall have a weighted standardized impact sound pressure level not greater than L'nT,w 45 measured in accordance with AS ISO 140.7 and AS ISO 717.2. A test report from a qualified acoustic engineer employed by a firm eligible to membership of the Association of Australian Acoustical Consultants shall be submitted to the Owners Corporation within 14 days of the installation of the new floor covering demonstrating compliance with that standard. In the event that the standard is not complied with, the floor covering shall be removed and replaced with a floor covering that conforms to that standard in accordance with any directions given by the Owners Corporation.

Proof of registration of the By Law shall be submitted to Council prior to the issue of the Occupation Certificate.

80. The Flood Evacuation Management Plan shall demonstrate whether evacuation provisions are required, and if so how they will be managed. Alternatively, where it is recommended that occupants stay within the building, how is this to be communicated to occupants. In this situation occupants need to escape above the PMF level plus 0.5 m. The plan is also to detail how the flood awareness of owners, residents or occupants, who change through time, can be preserved. The Plan shall be prepared by a suitably qualified and experienced Flood/Hydraulic Engineer.
81. Lot 24 in DP 4274, Lot 25 in DP 4274, Lot 26 in DP 4274, Lot 27 in DP 4274, Lot 31 in DP 4274, Lot 32 in DP 4274, Lot 33 in DP 4274 and Lot 34 in DP 4274 are to be consolidated into one allotment. A copy of the plan of consolidation must be provided to the Principal Certifying Authority prior to release of the Strata Certificate.
82. 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.
83. The underground placement of all low voltage street mains in that section of the street/s adjacent to the development, and associated services and the installation of underground supplied street lighting columns, shall be carried out at the applicant's expense. The works shall be completed and Ausgrid's requirements shall be met prior to issue of the Occupation Certificate.
84. Where an electricity substation is required by Ausgrid, a final film survey plan shall be endorsed with an area having the required dimensions as agreed with Ausgrid over the location of the proposed electricity distribution substation site. The substation must be located within the boundary of the development site, or within the building, subject to compliance with the BCA. The substation site shall be dedicated to Council as public roadway, or as otherwise agreed with Ausgrid. Ausgrid's requirements shall be met prior to release of the issue of the Occupation Certificate.
85. Prior to the issue of the Occupation Certificate, all roadworks and streetscape works are to be completed, and all conditions associated with the approval of the design under the *Roads Act 1993*, the *Transport Administration Act 1988* and the *Road Transport (Safety and Traffic Management) Act 1999* shall be satisfied.
86. Vehicles shall enter and exit the site in a forward direction at all times. A plaque with minimum dimensions 300mm x 200mm shall be permanently fixed to the inside skin of the front fence, or where there is no front fence a prominent place approved by the Principal Certifying Authority, stating the following: "Vehicle shall enter and exit the site in a forward direction at all times".
87. Prior to completion of the building works, a full width vehicular entry is to be constructed to service the property. Any obsolete vehicular entries are to be removed and reconstructed with kerb and gutter. This work may be done using either a Council quote or a private contractor. There are specific requirements for approval of private contractors.
88. The dedication to Council of a 2.05m width Hirst Street frontage and 3m x 3m corner splay at Loftus street, Hirst street intersection. The area shall be kept clear without any structures.

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

89. A pedestrian warning system shall be installed by the Developer on the vehicular entrance from Loftus Street.
90. Ninety-seven (97) off-street car spaces shall be provided in accordance with the submitted plan and shall be sealed and line marked to Council's satisfaction. The pavement of all car parking spaces, manoeuvring areas and internal driveways shall comply with Australian Standard AS3727 – Guide to Residential Pavements / Austroads Pavement Design – A Guide to the Structural Design of Road Pavements 2004.

91. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation.

Application must be made through an authorised Water Servicing Coordinator. Please refer to the Building Developing and Plumbing section of the web site www.sydneywater.com.au then refer to "Water Servicing Coordinator" under "Developing Your Land" or telephone 13 20 92 for assistance.

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

The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to occupation of the development.

92. 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.
93. Where the installation of electricity conduits is required in the footway, the builder shall install the conduits within the footway across the frontage/s of the development site, to Ausgrid's specifications. Ausgrid will supply the conduits at no charge. A Road Opening Permit must be obtained from Council prior to the installation of the conduits. The builder is responsible for compaction of the trench and restoration of the footway in accordance with Council direction. A Compliance Certificate from Ausgrid shall be obtained prior to the issue of the Occupation Certificate.
94. Prior to any field acoustic compliance testing of the walls and floors a report shall be provided to the testing engineer certifying that the walls and floors have been constructed in accordance with the details submitted with the documentation provided for the Construction Certificate. Any variations to CC approved documentation shall be approved by the Principal Certifying Authority and identified in the report.

Field testing and evaluation of the wall and floor insulation systems is to be carried out at a post construction stage by a suitably qualified acoustic engineer with MIE Australia membership or employed by a consulting firm eligible for AAAC membership to demonstrate compliance with acoustic conditions within this consent.

A report is to be submitted to Council and the Principal Certifying Authority prior to the issue of the Occupation Certificate. The report is to include details of the walls and floors separating apartments within the development.

95. The noise reduction measures specified in the 'Acoustic insulation between floors & walls & Mechanical Ventilation System' report Ref No. 2014-055, prepared by Acoustic Solutions Pty Ltd, dated 8 April 2014 and received by Council on 13 May 2014 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.
96. 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.

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.
97. Prior to occupation or use of the premises, 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.
98. 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.
99. A Site Audit Statement (SAS) shall be submitted to Council being the Regulatory Authority for the management of contaminated land, prior to the issue of Occupation Certificate, clearly demonstrating that the site is suitable for the intended use. Conditions imposed on the SAS shall form part of this consent. In circumstances where the SAS conditions (if applicable) are not consistent with the consent, the consent shall prevail to the extent of inconsistency and a S96 application pursuant to the Environmental Planning & Assessment Act 1979 will be required.
100. Prior to occupation, a chartered professional engineer shall certify that the tanking and waterproofing has been constructed in accordance with the approved design and specification. A copy shall be provided to Council if council is not the Principal Certifying Authority.
101. A certificate from a Registered Surveyor shall be provided to the Principal Certifying Authority (PCA) certifying that the habitable floor levels are constructed a minimum of

500mm above the 1% Annual Exceedance Probability (A.E.P) Flood Level. A copy of the certificate shall be provided to Council where Council is not the Principal Certifying Authority.

102. Prior to occupation a Chartered Professional Engineer shall certify that the stormwater system has been constructed in accordance with the approved plans and as required by Rockdale Technical Specification Stormwater Management. The certificate shall be in the form specified in Rockdale Technical Specification Stormwater Management and include an evaluation of the completed drainage works. A works-as-executed drainage plan shall be prepared by a registered surveyor based on a survey of the completed works. A copy of the certificate and works-as-executed plan(s) shall be supplied to the Principal Certifying Authority. A copy shall be provided to Council if Council is not the Principal Certifying Authority.
103. The following flood advice must be adhered to:
 - i) A benchmark shall be established adjacent to the site to Australian Height Datum to enable comparison to the flood standard.
 - ii) The underground car parking levels 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.
 - iii) The development shall comply with RDCP 2011, and the Planning Considerations and Development Controls listed in the Flood Advice letter issued by Council on dated 29 April 2014, Ref: F08/691P04, 14/65052.
104. A kerb / bund shall be provided along the three street boundaries to prevent surface flows entering the site.
105. A positive covenant pursuant to the Conveyancing Act 1919 shall be created on the title of the lots that contain the stormwater detention facility to provide for the maintenance of the detention facility.
106. 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.
107. The drainage system shall be constructed in accordance with the approved drainage plans and any amendments in red. All stormwater drainage plumbing work shall comply with the NSW Code of Practice: Plumbing and Drainage and Australian Standard AS3500.

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

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

INTEGRATED DEVELOPMENT/EXTERNAL AUTHORITIES

The following conditions have been imposed in accordance with Section 91A of the

108. **Sydney Airport**

The maximum height of the proposed building is 35.50 metres relative to Australian

Height Datum (AHD). This height is inclusive of all vents, chimneys, aerials, TV antennae and construction cranes etc. No permanent or temporary structure is to exceed this height without further approval from Sydney Airport Corporation Limited (SACL).

In accordance with Regulation 14(1)(b) of the Airports (Protection of Airspace) Regulations 1996 the following conditions must be adhered to:

- i) The building must not exceed a maximum height of 35.50 metres relative to Australian Height Datum (AHD).
- i) Separate approval must be sought under the Airports (Protection of Airspace) Regulations 1996 for any cranes required to construct the building. At the completion of the construction of the building a certified surveyor is to notify (in writing) the airfield design manager of the finished height of the building.

The Proponent must consult with Sydney Airport Corporation Limited on the preparation of each plan.

Breaches of approval conditions are subject to significant penalties under Sections 185 and 187 of 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 9246.

109. **NSW Office of Water**

General

An authorisation shall be obtained from NSW Office of Water for the take of groundwater as part of the activity. Groundwater shall not be pumped or extracted for any purpose other than temporary construction dewatering at the site identified in the development application. The authorisation shall be subject to a currency period of 12 months from the date of issue and will be limited to the volume of groundwater take identified in the authorisation.

The design and construction of the building must prevent any take of groundwater after the authorisation has lapsed by making any below-ground levels that may be in contact with groundwater watertight for the anticipated life of the building. Waterproofing of below-ground levels must be sufficiently extensive to incorporate adequate provision for reasonably foreseeable high water table elevations to prevent potential future inundation.

Construction methods and material used in and for construction shall be designed to account for the likely range of salinity and pollutants which may be dissolved in groundwater, and shall not themselves cause pollution of the groundwater.

Prior to excavation

Measurements of groundwater levels beneath the site from a minimum of three monitoring bores shall be taken. These measurements should be included in a report provided to the NSW Office of Water in support of the dewatering licence application, along with a schedule and indicative level predictions for the proposed ongoing water level monitoring from the date of consent until at least two months after the cessation of pumping shall be included in the report.

A reasonable estimate of the total volume of groundwater to be extracted shall be

calculated and a report provided to the NSW Office of Water. Details of the parameters (e.g. permeability predicted by slug-testing, pump-testing or other means) and calculation method shall be included in the report submitted to the NSW Office of Water in support of the dewatering licence.

A copy of a valid development consent for the project shall be provided in the report to the NSW Office of Water.

Groundwater quality testing shall be conducted on a suitable number of samples using a suitable suite of analytes and completed by a NATA-certified laboratory, with the results collated and certificates appended to a report supplied to the NSW Office of Water. Samples must be taken prior to the substantial commencement of dewatering, and a schedule of the ongoing testing throughout the dewatering activity shall be included in the report. Collection and testing and interpretation of results must be done by suitably qualified persons and NATA certified laboratory identifying the presence of any contaminants and comparison of the data against accepted water quality objectives or criteria.

The method of disposal of pumped water shall be nominated (i.e. reinjection, drainage to the stormwater system or discharge to sewer) and a copy of the written permission from the relevant controlling authority shall be provided to the NSW Office of Water. The disposal of any contaminated pumped groundwater (sometimes referred to as "tailwater") must comply with the provisions of the *Protection of the Environment Operations Act 1997* and any requirements of the relevant controlling authority.

Contaminated groundwater (i.e. above appropriate NEPM 2013 investigation thresholds) shall not be reinjected into any aquifer without the specific authorisation of the NSW Environment Protection Authority (any such discharge would be regulated through a licence issued under the Protection of the Environment Operations Act 1997 [POEO Act]). The reinjection system design and treatment methods to remove contaminants shall be nominated and a report provided to the NSW Office of Water. The quality of any pumped water that is to be reinjected must be compatible with, or improve the intrinsic or ambient groundwater in the vicinity of the reinjection site.

During excavation

Engineering measures designed to transfer groundwater around the basement shall be incorporated into the basement construction to prevent the completed infrastructure from restricting pre-existing groundwater flows.

Piping, piling or other structures used in the management of pumped groundwater shall not create a flooding hazard. Control of pumped groundwater is to be maintained at all times during dewatering to prevent unregulated off-site discharge.

Measurement and monitoring arrangements to the satisfaction of the NSW Office of Water are to be implemented. Monthly records of the volumes of all groundwater pumped and the quality of any water discharged are to be kept and a report provided to the NSW Office of Water after dewatering has ceased. Daily records of groundwater levels are to be kept and a report provided to the NSW Office of Water after dewatering has ceased.

Pumped groundwater shall not be allowed to discharge off-site (e.g. adjoining roads, stormwater system, sewerage system, etc) without the controlling authorities approval and/or owners consent. The pH of discharge water shall be managed to be between 6.5 and 8.5. The requirements of any other approval for the discharge of pumped groundwater shall be complied with.

Dewatering shall be undertaken in accordance with groundwater-related management plans applicable to the excavation site. The requirements of any management plan (such as acid sulfate soils management plan or remediation action plan) shall not be compromised by the dewatering activity.

The location and construction of groundwater extraction works that are abandoned are to be recorded and a report provided to the NSW Office of Water after dewatering has ceased. The method of abandonment is to be identified in the documentation.

Access to groundwater management works used in the activity is to be provided to permit inspection when required by the NSW Office of Water under appropriate safety procedures.

Following excavation

All monitoring records must be provided to the NSW Office of Water after the required monitoring period has ended together with a detailed interpreted hydrogeological report identifying all actual resource and third party impacts.

ROADS ACT

110. 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 Works Zone signs by Council's Traffic and Road Safety Section.

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

111. Where applicable, the following works will be required to be undertaken in the road reserve at the applicant's expense:

- i) construction of a concrete footpath along the frontage of the development site;
- ii) construction of a new fully constructed concrete vehicular entrance/s;
- iii) 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.

112. 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.

113. Where the works are undertaken by a Private licensed Contractor, the contractor shall:

- i) Undertake quality system testing as specified in Specification CQS of AUS-SPEC. Records of quality testing shall be made available to Council at the completion of the works;
- ii) Engage a supervising engineer (superintendent). The supervising engineer shall, upon completion of the works, submit an engineering certificate for the completed works.
- iii) Provide Council with one (1) copy of works as executed drawings upon completion of the works. The works as executed drawings shall be based on a survey of the works by a registered surveyor.
- iv) Make a payment to Council of \$787.00 for inspection of the works. The payment shall be made prior to the commencement of works. If payment is to be made after the end of financial year, this amount shall be adjusted in accordance with Council's adopted fees and charges.
- v) Provide Council with 48 hours notice of the following:
 - a) Commencement of the works
 - b) Completion of excavation;
 - c) Completion of laying drains;
 - d) Completion of back filling; and
 - e) Completion of works.

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

- vi) Maintain the works for the duration of the Defects Correction Period, which shall be 6 months. (The Defects Correction Period commences on the date of acceptance of the completed works by Council). During this period the contractor shall:
 - a) Keep the works clean and free of silt, rubbish and debris;
 - b) Maintain, renew and repair, either in whole or in part, defective works as identified in written notice by the Council so that the works function in a safe and efficient manner, and in doing so complete the same within the time and in the manner specified in written notice issued by the Council;
 - c) Carry out the matters referred to in paragraphs (i) and (ii) at the contractor's expense;

- d) Not make alterations to the system or elements thereof without prior consent in writing of the Council;
- e) Comply with the terms of any written notice issued by the Council in respect to the requirements of this condition within the time stated in the notice.

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

- 114. 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.
- 115. Any driveway works to be undertaken in the footpath reserve by a private contractor requires an "Application for Consideration by a Private Contractor" to be submitted to Council together with payment of the application fee. Works within the footpath reserve must not start until the application has been approved by Council.
- 116. Following completion of concrete works in the footpath reserve area, the balance of the area between the fence and the kerb over the full frontage of the proposed development shall be turfed with either buffalo or couch (**not kikuyu**) or landscaped. If landscaping is proposed rather than turfing, details shall be submitted to the Property and Community Services Department for approval.
- 117. Public infrastructure works in the public road reserve shall not commence without prior approval of the design in accordance with the *Roads Act 1993*, the *Transport Administration Act 1988* and the *Road Transport (Safety and Traffic Management) Act 1999*.

DEVELOPMENT CONSENT ADVICE

- a. You are advised to consult with your utility providers (i.e. Energy Aust, Telstra etc) in order to fully understand **their** requirements **before** commencement of any work.
- b. *Telstra Advice – Dial Before You Dig*

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

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

Telstra (and its authorised contractors) are the only companies that are permitted to

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

- d. If Council is appointed as the Principal Certifying Authority (PCA), a fee shall be paid before a Construction Certificate is issued. If the fee is paid after the end of the financial year, it will be adjusted in accordance with Council's adopted fees and charges. The fees charged encompass **all** matters related to ensuring that the proposed development is carried out in accordance with the approved plans and any post inspection issues that may arise.
- e. 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.
- f. Demolition and construction shall minimise the emission of excessive noise and prevent "offensive noise" as defined in the Protection of the Environment Operations Act 1997. Noise reduction measures shall include, but are not limited to the following strategies:
 - choosing quiet equipment
 - choosing alternatives to noisy activities
 - relocating noise sources away from affected neighbours
 - educating staff and contractors about quiet work practices
 - informing neighbours of potentially noise activities in advance
 - equipment, such as de-watering pumps, that are needed to operate on any evening or night between the hours of 8 p.m. and 7 a.m. or on any Sunday or Public Holiday, shall not cause a noise nuisance to neighbours of adjoining or nearby residences. Where the emitted noise exceeds 5 dB(A) [LAeq(15m)] above the background sound level [LA90] at the most affected point on the nearest residential boundary at any time previously stated, the equipment shall be acoustically insulated, isolated or otherwise enclosed so as to achieve the sound level objective.
- g. In the event of any inconsistency between conditions of this approval and the drawings/documents referred to in condition 2, the conditions of this approval prevail.

ADDITIONAL INFORMATION

- To confirm the date upon which this consent becomes effective, refer to Section 83 of the Environmental Planning and Assessment Act, 1979. Generally the consent becomes

effective from the determination date shown on the front of this notice. However if unsure applicants should rely on their own enquiries.

- To confirm the likelihood of consent lapsing, refer to Section 95 of the Act. Generally consent lapses if the development is not commenced within five years of the date of approval. However if a lesser period is stated in the conditions of consent, the lesser period applies. If unsure applicants should rely on their own enquiries.
- Section 82A allows Council to reconsider your proposal. Should you wish to have the matter reconsidered you should make an application under that section with the appropriate fee.
- Under Section 97 of the Act applicants who are dissatisfied with the outcome of a consent authority have a right of appeal to the Land and Environment Court. This right must be exercised within six (6) months from the date of this notice. The Court's Office is situated at Level 1, 225 Macquarie Street, Sydney (Telephone 9228 8388), and the appropriate form of appeal is available from the Clerk of your Local Court.

Should you have any queries please contact Shaylin Moodliar on 9562 1583.

Marta Gonzalez-Valdes
Coordinator Major Assessments