

# NOTICE OF DETERMINATION

Section 96 of Environmental Planning and Assessment Act, 1979

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S96 Approval Date	
Authority	Joint Regional Planning Panel
Reference	DA-2013/60/E
Contact	Fiona Prodromou 9562 1672

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Rockdale Hotels Pty Ltd  
Level 10, 61 Lavender Street  
MILSONS POINT NSW 2061

**DRAFT**

**Property:** 20 Levey Street & 34-36 Marsh Street, WOLLI CREEK NSW 2205  
Lot 20 DP 4464, Lot 21 DP 663384, Lot 22 DP 4464, Lot 23 DP 4464, Lot 24 DP 4464, Lot 31 DP 4464, Lot 1 DP 128345, Lot 34 DP 4464, Lot A DP 364528, Lot B DP 364528, Lot 12 DP 4335, Lot A DP 407254, Lot B DP 407254, Lot 6 DP 6824, Lot 1, Lot 5 DP 16050, Lot 4 DP 6824

**Proposal:** *Demolition of existing dwelling house, tennis court and pool of hotel and construction of mixed use development of 3 buildings with heights of 11, 13 & 16 storeys in 8 stages, comprising ground floor retail and commercial areas, 333 residential units, parking for 501 vehicles with retention of existing Mercure Hotel building*

**[Amendment A – S96(2) amended on 15 April 2014]**

**[Amendment B – S96 modification made by Land & Environment Court following hearing on 28 May 2014]**

***[Amendment E – S96(2) amended on \_\_\_\_\_]***

Your application to modify Development Consent No. DA-2013/60 dated 17 April 2013 was considered under Section 96(2) of the Environmental Planning and Assessment Act 1979 and is approved subject to the following conditions:

## GENERAL CONDITIONS

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

1. The term of this consent is limited to a period of **five** (5) 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.*

<i>Plan</i>	<i>Drawn By</i>	<i>Dated</i>	<i>Received by Council</i>
<i>Architectural Plans</i>			
<i>DA 00 (Site Plan) P11</i>	<i>Spence Pearson Architects</i>	<i>08/01/2015</i>	<i>February 2015</i>
<i>DA 01 (Basement Plan) P11</i>	<i>Spence Pearson Architects</i>	<i>08/01/2015</i>	<i>February 2015</i>
<i>DA 02 (Ground Floor) P11</i>	<i>Spence Pearson Architects</i>	<i>08/01/2015</i>	<i>February 2015</i>
<i>DA 03 (Level 1) P11</i>	<i>Spence Pearson Architects</i>	<i>08/01/2015</i>	<i>February 2015</i>
<i>DA 04 (Level 2) P11</i>	<i>Spence Pearson Architects</i>	<i>08/01/2015</i>	<i>February 2015</i>
<i>DA 05 (Level 3) P11</i>	<i>Spence Pearson Architects</i>	<i>08/01/2015</i>	<i>February 2015</i>
<i>DA 06 (Level 4) P11</i>	<i>Spence Pearson Architects</i>	<i>08/01/2015</i>	<i>February 2015</i>
<i>DA 07 (Level 5) P11</i>	<i>Spence Pearson Architects</i>	<i>08/01/2015</i>	<i>February 2015</i>
<i>DA 08 (Level 6) P11</i>	<i>Spence Pearson Architects</i>	<i>08/01/2015</i>	<i>February 2015</i>
<i>DA 8.1 (Level 7) P11</i>	<i>Spence Pearson Architects</i>	<i>08/01/2015</i>	<i>February 2015</i>
<i>DA 8.2 (Level 8) P11</i>	<i>Spence Pearson Architects</i>	<i>08/01/2015</i>	<i>February 2015</i>
<i>DA 8.3 (Level 9) P11</i>	<i>Spence Pearson Architects</i>	<i>08/01/2015</i>	<i>February 2015</i>
<i>DA 09 (Level 10) P11</i>	<i>Spence Pearson Architects</i>	<i>08/01/2015</i>	<i>February 2015</i>
<i>DA 10 (Level 11) P11</i>	<i>Spence Pearson Architects</i>	<i>08/01/2015</i>	<i>February 2015</i>
<i>DA 10.1 (Level 12) P11</i>	<i>Spence Pearson Architects</i>	<i>08/01/2015</i>	<i>February 2015</i>
<i>DA 11 (Level 13) P11</i>	<i>Spence Pearson Architects</i>	<i>08/01/2015</i>	<i>February 2015</i>
<i>DA 12 (Level 14) P11</i>	<i>Spence Pearson Architects</i>	<i>08/01/2015</i>	<i>February 2015</i>

<i>DA 13 (Level 15) P11</i>	<i>Spence Pearson Architects</i>	<i>08/01/2015</i>	<i>February 2015</i>
<i>DA 14 (Sections 1 &amp; 2) P11</i>	<i>Spence Pearson Architects</i>	<i>08/01/2015</i>	<i>February 2015</i>
<i>DA 15 (Sections 3 &amp; 4) P11</i>	<i>Spence Pearson Architects</i>	<i>08/01/2015</i>	<i>February 2015</i>
<i>DA 15.1 (Detail Sections 1) P11</i>	<i>Spence Pearson Architects</i>	<i>08/01/2015</i>	<i>February 2015</i>
<i>DA 16 (Sections 5 &amp; 6) P11</i>	<i>Spence Pearson Architects</i>	<i>08/01/2015</i>	<i>February 2015</i>
<i>DA 17 (NE Elevation) P11</i>	<i>Spence Pearson Architects</i>	<i>08/01/2015</i>	<i>February 2015</i>
<i>DA 18 (NW Elevation) P11</i>	<i>Spence Pearson Architects</i>	<i>08/01/2015</i>	<i>February 2015</i>
<i>DA 19 (S Elevation) P11</i>	<i>Spence Pearson Architects</i>	<i>08/01/2015</i>	<i>February 2015</i>
<i>DA 20 (SW Elevation) P11</i>	<i>Spence Pearson Architects</i>	<i>08/01/2015</i>	<i>February 2015</i>
<i>DA 21 (Building C, SE Elevation) P11</i>	<i>Spence Pearson Architects</i>	<i>08/01/2015</i>	<i>February 2015</i>
<i>DA 22 (Building A, SW Elevation) P11</i>	<i>Spence Pearson Architects</i>	<i>08/01/2015</i>	<i>February 2015</i>
<i>DA 23 (Building B, SW Elevation &amp; Building A NE Elevation) P11</i>	<i>Spence Pearson Architects</i>	<i>08/01/2015</i>	<i>February 2015</i>
<i>DA 23.1 (Detail Sections 2) P11</i>	<i>Spence Pearson Architects</i>	<i>08/01/2015</i>	<i>February 2015</i>
<i>DA 24 (Adaptable Unit Plans) P11</i>	<i>Spence Pearson Architects</i>	<i>08/01/2015</i>	<i>February 2015</i>
<i>DA 25 (Adaptable Unit Plans) P11</i>	<i>Spence Pearson Architects</i>	<i>08/01/2015</i>	<i>February 2015</i>
<i>DA 29 (Materials and Finishes) P7</i>	<i>Spence Pearson Architects</i>	<i>20/12/2012</i>	<i>23 January 2013</i>
<b>Stormwater Plans</b>			
<b>3778 – DA – 001, Issue C, Sheets 1 of 5</b>	<b>EWFW</b>	<b>03/12/14</b>	<b>13/02/2014.</b>

3778 – DA – 001, Issue B, Sheets 2 to 5	EWFW	05/12/2012	23/01/ 2013
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[Amendment A – S96(2) amended on 15 April 2014]

[Amendment E – S96(2) amended on \_\_\_\_\_]

3. The development is to be carried out generally in accordance with the stamped-approved plans and the staging strategy outlined in the Statement of Environmental Effects, and accompanying documentation submitted in respect to this application.  
  
This development consent relates to the eight (8) Stages of the development as outlined on page 18 (table 5) of the Statement of Environmental Effects submitted with the application on 23 January 2013.
4. All new building work must be carried out in accordance with the provisions of the Building Code of Australia (BCA).
5. **A Construction Certificate must be obtained from Council or an Accredited Certifier for each of the eight (8) stages prior to any building work commencing in that respective stage of the development.**
6. *The development must be implemented and all BASIX commitments thereafter maintained in accordance with BASIX Certificate Number (440470M\_04) 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>.

[Amendment A – S96(2) amended on 15 April 2014]

[Amendment E – S96(2) amended on \_\_\_\_\_]

7. A separate development application shall be submitted for any subdivision of the site.
8. A separate development application shall be submitted to Council for the fit out and initial specific use/uses of the non residential components of the development.  
Additional conditions may be imposed on any such consent.  
**Note:** Parking and loading provisions in a mixed use development may preclude certain uses.
9. Some forms of signage require separate development consent. Please refer to relevant planning policies for more information.
10. Excavation, filling of the site (with the exception of the area immediately under the building envelope), or construction of retaining walls are permitted only where shown on the approved plans and authorised by a subsequent construction certificate.

11. Prominent house numbers are to be displayed, with a minimum number size of 150 mm in height for each number and letter in the alphabet.
12. All works are to be carried out in accordance with the integrated development conditions provided by NSW Office of Water and listed at the end of this consent.
13. *Parking spaces shall be allocated to residential apartments and non-residential uses within the development in the following manner:*
  - 306 residential parking spaces.
  - 135 hotel parking spaces.
  - 60 visitor / commercial parking spaces.

*Visitor parking spaces are to be shared spaces servicing the commercial and retail uses. In this regard, a Shared Parking Register is to be submitted to the Principal Certifying Authority in accordance with the requirements of clause 4.6 of Council's DCP 2011. Details are to be submitted to and approved by the PCA prior to the release of the Construction Certificate for the first stage of development.*

*The onsite car parking spaces allocated for residential use are not to be used other than by a resident within the respective building.*

*The onsite car parking spaces allocated for the hotel use are not to be used other than by hotel guests, function patrons and staff of the hotel use.*

*The strata subdivision of the site is to include a restriction on user pursuant to section 39 of the Strata Schemes (Freehold Development) Act, 1973 as amended, so burdening all car parking allotments in the strata plan and/or an appropriate documentary restriction pursuant to section 88B of the Conveyancing Act 1919, burdening all car parking part lots in the strata plan.*

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

**Note:** *This parking allocation condition applies to any Strata Certificate issued with respect to a Consent issued in accordance with Section 81 (1)(A) of the Environmental Planning and Assessment Act 1979 or a Complying Development Certificate issued in accordance with Part 6 of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.*

[Amendment A – S96(2) amended on 15 April 2014]

[Amendment E – S96(2) amended on \_\_\_\_\_]

14. The applicant shall be required to carry out certain works pursuant to section 80A(1)(f) of the Act, including the “streetscaping” of the Levey Street and Marsh Street frontages of the site and the placement underground of existing electricity services adjacent to the site. Exact details of the required works are to be included in the relevant staged Construction Certificates submitted to Council. Council will not give credits for carrying out any such work against the applicant's monetary development contributions (except for the “streetscaping” of the Levey Street and Marsh Street frontages of the site).
15. In accordance with the Statement of Environmental Effects submitted with the application (sections 1.0, 3.0 and 3.15) and pursuant to Rockdale Section 94 Contributions Plan 2004, land along the south-western boundary of the site is to be dedicated to Council at no cost to Council for the purpose of a new public road, in

accordance with the plans submitted with the application and prior to the issue of the Construction Certificate for Stage 8.

A plan of subdivision for the dedication of the road showing the new lot(s) shall be registered with the NSW Department of Lands prior to the issue of the first Occupation Certificate.

16. In accordance with the Statement of Environmental Effects submitted with the application (sections 1.0, 3.0 and 3.15) and acceptance by the NSW Roads and Maritime Services (RMS), land at the north-eastern corner of the site is to be dedicated to the RMS at no cost for the purpose of a public road [or whatever purpose the RMS specifies], the exact dimensions (10m) and extent of the land to be dedicated being in accordance with the plan prepared by the RMS showing the F6 corridor attached to the letter from the Sydney Regional Development Advisory Committee dated 19 February 2010. The land is to be dedicated prior to the issue of the Construction Certificate for Stage 8 of the development.

A plan of subdivision for the dedication of the road shall be registered with the NSW Department of Lands prior to the issue of the first Occupation Certificate.

17. The detailed design of the northern vehicular access point to Levey Street shall address the following matters:
  - Safety for vehicles, pedestrians and bicycles; and
  - Measures to deter illegal movements of vehicles from Levey Street through the site into Marsh Street.

The above matters are to be addressed prior to issue of first Construction Certificate.

18. The nominal width of the road reservation for the future Gertrude Street extension shall be 23m.
19. Provision shall be made for the relocation of any services within the Gertrude Street reservation, as may be reasonably required by the relevant service provider. Details of the relocation and confirmation of the requirements of the relevant service providers shall be submitted with the first Construction Certificate seeking approval for the first stage of the scheme. Council will not give credits for carrying out any such work against the applicant's monetary development contributions.
20. The basements of the development shall be designed as fully tanked and waterproofed systems, to the requirements of the Groundwater Resource Handbook, published by the Sydney Coastal Council's Group.
21. Monitored CCTV facilities shall be implemented throughout the development to maximize surveillance opportunities. Digital or video technology should be used to record images from the cameras. Areas of focus include the basement car park (including entry and exits), main entry areas to the development and garbage/storage areas. Details to be provided prior to the issue of the Construction Certificate for each relevant stage of the scheme.
22. A lighting maintenance policy shall be established for the development. Details to be provided prior to the issue of the Construction Certificate for stages 4, 5 and 7. Lighting shall be designed to the Australian and New Zealand Lighting Standards. Australia and New Zealand Lighting Standard 1158.1 – Pedestrian, requires lighting engineers and designers to consider crime risk and fear when selecting lamps and lighting levels.

23. Where applicable, security mirrors shall be installed within corridors and on blind corners to enable users to see around blind corners.
24. Signage shall be erected at entry/exit points and throughout the development to assist users and warn intruders they may be prosecuted.
25. As malicious damage (graffiti) is often an offence committed at such developments, strong consideration is to be given to the use of graffiti resistant materials, particularly on fences and all ground floor areas. Details to be provided prior to the issue of the Construction Certificate for stages 4, 5 and 7 of the scheme.
26. 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.
- 26A. *The development shall comprise a maximum of 333 dwellings, being 27 x studio, 103 x 1 bedroom, 195 x 2 bedroom, 19 x 3 bedroom.*  
 [Amendment A – S96(2) inserted on 15 April 2014]  
 [Amendment E – S96(2) amended on \_\_\_\_\_]
- 26B. Prior to the issue of any Strata Certificate for the development, Rockdale City Council is to approve the parking allocation upon the subject site. Detailed plans and information are to be submitted to Council depicting parking on site and its intended allocation.  
 [Amendment A – S96(2) inserted on 15 April 2014]
- 26C. *The maximum height of buildings on site shall be as follows;*  
*Building A – 42.23RL*  
*Building B – 47.4RL*  
*Building C – 53.35RL.*  
 [Amendment A – S96(2) inserted on 15 April 2014]  
 [Amendment E – S96(2) amended on \_\_\_\_\_]

## DEVELOPMENT SPECIFIC CONDITIONS

The following conditions are specific to the Development Application proposal:

27. Materials, goods or machinery shall not be stored, placed or otherwise permitted to stand between the building line and the street alignment.
28. All loading, unloading and transfer of goods to and from the loading bay and premises shall take place wholly within the property.  
 Loading areas are to be used only for the loading and unloading of goods, materials etc. not for any other purpose.
29. 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.
30. The existing and future owners (Registered Proprietor) of the property will be responsible for the efficient operation and maintenance of the pump (rainwater tank) 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 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.
31. 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
32. The overland flow path shall not be obstructed, restricted or altered without the approval of Rockdale City Council.
33. The rainwater tank shall be routinely de-sludged and all contents from the de-sludging process disposed – solids to the waste disposal and de-sludged liquid to the sewer.
34. The development shall be designed to be consistent with the recommendations contained in the DA Noise Assessment report prepared by Wilkinson Murray Pty Limited dated August 2012 Ref: 12205 Version C.
35. The proposed development, including all buildings and overhangs, is to be located wholly within the revised boundaries of the subject site.
36. *The overall development must not exceed a floor space ratio (FSR) of 3:1 calculated in accordance with the Rockdale Local Environmental Plan 2011. For the purpose of the calculation of FSR, the total floor space area of the approved development is 2.882:1.*
- Prior to the Construction Certificate being issued for stages 4, 5 and 7, a written verification must be provided to Council prepared by a qualified surveyor confirming that the building in each respective stage has a maximum gross floor area of 6,626sq/m (Building A), 10958sq/m (Building B) and 10,130sq/m (Building C), respectively.*
- [Amendment A – S96(2) amended on 15 April 2014]
- [Amendment E – S96(2) amended on \_\_\_\_\_]
37. Wind measures and treatments identified in the Wind Report numbered WA784-



02F02(REV2) prepared by Windtech Consultants Pty Ltd dated 19 December 2012 are to be incorporated within the proposed development. Details are to be submitted to and approved by Council when included with the Construction Certificate at the relevant stage of development.

38. The following additional information being submitted to and approved by Council prior to the issue of the Construction Certificate for stage four of the development for works above the floor level of the ground floor:
  - a) Details of the interface with the park to the north of the site;
  - b) Details showing adequate soil depths provided capable of accommodating plantings within the site and fencing details along the boundary with the park to the north; and
  - c) Possible improvements to the unit layouts to improve their "furnishability" and use by future occupants.
39. All external glazing shall have a maximum reflectivity of 20%.
40. All existing and proposed lights shall comply with the Australian Standard AS4282 - 1997 "Control of the Obtrusive Effects of Outdoor Lighting". In this regard, the lighting of the premises shall be directed so as not to cause nuisance to the owners or occupiers of adjacent/adjoining premises or to motorists on adjoining or nearby roads.
41. [Amendment B – deleted by Land & Environment Court modification following hearing on 28/5/14]
42. The inter-tenancy walls between apartments and the walls between apartments and the carpark shall be insulated to achieve a DnT, w + Ctr of not less than 48.  
[Amendment B – inserted by Land & Environment Court modification following hearing on 28/5/14]
- 42A. The development shall be carried out in accordance with the noise reduction measures specified in the DA noise assessment report prepared by Wilkinson Murray Pty Limited dated August 2012 Ref:12205 Version C, and in particular the windows in the following rooms in Block C shall be glazed as described:
  - (a) 6.38mm thick laminated glass to the bedrooms on or near the eastern façade and the living rooms on the southern façade;
  - (b) 8.38mm thick laminated glass to the living rooms on or near the eastern façade;
  - (c) 10.38mm thick laminated glass to the bedrooms on the eastern façade,
 With all windows to incorporate Q-Lon seals or similar.  
[Amendment B – inserted by Land & Environment Court modification following hearing on 28/5/14]

42B. A by-law shall be registered and maintained for the life of the development which requires that:

- (a) An owner of a lot must ensure that all floor space within the lot complies with condition 43.
- (b) Notwithstanding subclause (1), 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.

[Amendment B – inserted by Land & Environment Court modification following hearing on 28/5/14]

[Amendment B – deleted by Land & Environment Court modification following hearing on 28/5/14]

43. The impact sound insulation of floors between apartments shall not exceed an L'nT, w 48 for a kitchen, laundry and bathroom provided that the remainder of the floor is carpeted. Where the remainder of the floor is not carpeted then impact sound insulation of that floor shall not exceed L'nT, w 45.

[Amendment B – inserted by Land & Environment Court modification following hearing on 28/5/14]

44. All vertical plumbing, other than roofwater heads and downpipes, shall be concealed within the materials of the building.

45. Where natural ventilation fails to comply with the provisions of the Building Code of Australia, mechanical ventilation shall be provided in accordance with Australian Standard, 1668, Part 2.

46. Ceiling heights for all habitable and non-habitable areas shall be measured vertically from finished floor level to the underside of the ceiling and shall be designed to a height that is in accordance with the provisions of the Residential Flat Design Code.

[Amendment A – S96(2) amended on 15 April 2014]

47. Receptacles are to be provided in commercial development for the disposal of cigarette rubbish. The receptacles are to be located adjacent to the entrances of the buildings on private property. The receptacles are to be attractive and functional and maintenance of the receptacles is the responsibility of the building owner/manager.

48. 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.

49. 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), except that the stormwater pollution targets for development and redevelopment is adjusted to suite the site constraints and shall be within 10% tolerance of Council's target.

[Amendment A – S96(2) amended on 15 April 2014]

50. The following conditions apply to the management of flood risk.
- A flood evacuation plan is to be prepared for each building stage, being stages 4, 5 and 7 of the development. 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).
  - All local services (power, water, gas, telephone) within the sub-podium levels must be flood protected to the 0.5% AEP level.
  - Underground car parking areas are to be flood proofed. The flood proofing system is to be independent of the stormwater drainage system.
  - 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.
  - All local services (power, water, gas, telephone) within the sub-podium levels must be flood protected to the 0.5% AEP level. All building materials shall be flood resistant, or flood compatible to a height of 500mm above the 0.5% AEP flood, or flow level.
51. The following conditions apply to the design and provision of stormwater drainage.
- All pipelines within the internal road network shall have a minimum internal diameter of 150mm, and shall be RCP or FRC or PVC sewer grade.
  - 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.
  - 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.

[Amendment A – S96(2) amended on 15 April 2014]

## PRIOR TO ISSUE OF THE CONSTRUCTION CERTIFICATE

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

52. A Footpath Reserve Restoration Deposit of \$125,910.77 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.

53. A footpath inspection fee of \$440.70 shall be paid to Council with lodgement of the Construction Certificate with Council, or by the PCA when submitting the copy to Council.
54. A fee is payable to Council for a Soil and Water Management Sign (811) of \$15.45. 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.
55. An environmental enforcement fee of 0.25% of the cost of the works shall be paid to Council prior to the issue of a construction certificate in accordance with Rockdale Council's City Plan (adopted fees and charges).
56. 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.
57. An application for Boundary levels shall be made to Council's Customer Service Centre prior to issue of the relevant Construction Certificate. All boundary works, egress paths, driveways and fences shall comply with this level.  
A fee of \$690 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.
58. The connection of stormwater drainage pipes to the existing kerb inlet pit in Levey and Marsh Streets must be inspected by Council prior to backfilling. A payment of \$585.50 is required prior to the issue of the relevant Construction Certificates 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.
59. *A Section 94 contribution of \$4,606,315.15 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 the construction certificate for the respective stage of development 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 and applies to only three of the eight stages of development in the following manner:*

**Stage 4 (Building A):**

Open Space	\$551,689.35
Town Centre & Streetscape Improvements	\$83,022.24
Roads Traffic Management & Public Parking	\$261,025.65

<i>Flood Mitigation and Stormwater</i>	<i>\$128,800.26</i>
<i>Pedestrian and Cyclist</i>	<i>\$43,138.55</i>
<i>Plan Administration &amp; Management</i>	<i>\$23,458.59</i>
<i>Community Services &amp; Facilities</i>	<i>\$35,965.82</i>
<i>Total for Stage 4</i>	<i>\$1,127,100.46</i>

**Stage 5 (Building B):**

<i>Open Space</i>	<i>\$905,212.74</i>
<i>Town Centre &amp; Streetscape Improvements</i>	<i>\$135,956.82</i>
<i>Roads Traffic Management &amp; Public Parking</i>	<i>\$385,346.52</i>
<i>Flood Mitigation and Stormwater</i>	<i>\$209,891.88</i>
<i>Pedestrian and Cyclist</i>	<i>\$70,299.66</i>
<i>Plan Administration &amp; Management</i>	<i>\$37,632.00</i>
<i>Community Services &amp; Facilities</i>	<i>\$60,819.42</i>
<i>Total for Stage 5</i>	<i>\$1,805,159.04</i>

**Stage 7 (Building C):**

<i>Open Space</i>	<i>\$836,288.99</i>
<i>Town Centre &amp; Streetscape Improvements</i>	<i>\$125,643.30</i>
<i>Roads Traffic Management &amp; Public Parking</i>	<i>\$363,1630.67</i>
<i>Flood Mitigation and Stormwater</i>	<i>\$194,117.35</i>
<i>Pedestrian and Cyclist</i>	<i>\$65,015.77</i>
<i>Plan Administration &amp; Management</i>	<i>\$34,889.81</i>
<i>Community Services &amp; Facilities</i>	<i>\$55,936.76</i>
<i>Total for Stage 7</i>	<i>\$1,674,055.65</i>

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

[Amendment A – S96(2) amended on 15 April 2014]

[Amendment E – S96(2) amended on \_\_\_\_\_]

60. Prior to the issue of the Construction Certificate a certificate for each relevant stage of development 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.
61. Detailed Landscape plans are to be prepared by a qualified Landscape Architect and shall be submitted to Council for approval prior to the issue of the Construction Certificate for the relevant stage of the development. The plan shall be at a scale of 1:100 or 1:200 and comply with the DCP and Rockdale Technical Specification

Landscape and all other relevant conditions of this Consent.

[Amendment A – S96(2) amended on 15 April 2014]

62. 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.
63. 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.
64. The building shall be constructed of a masonry or brick wall construction with select coloured finishes as per the approved schedule of finishes on the approved Materials and Finishes plan in condition 2. This requirement shall be reflected on the Construction Certificate plans and supporting documentation.
65. Compliance with Council's Development Control Plan (DCP) 2011. Access in accordance with Australian Standard 4299 must be provided to and within thirty three (33) residential units, and between these units and their allocated car parking spaces. The allocated parking spaces will be located in close proximity to the access points of the building. 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 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.

[Amendment A – S96(2) amended on 15 April 2014]

66. Compliance with Council's Development Control (DCP) 2011 in relation to requirements for access. Compliance with this condition will require the design and fitout of the commercial/retail areas to be in accordance with Australian Standard 1428.1-2009.

**Note:** Compliance with Council's Development Control Plan (DCP) 2011 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.

67. *Compliance with Council's Development Control Plan (DCP) 2011. Compliance with this condition requires a minimum of thirty four (34) accessible car parking spaces to be provided. The car spaces shall be identified and reserved at all times and be in the vicinity to lifts or as close as possible to public areas and facilities.*

*The car spaces shall have minimum dimensions in accordance with AS 2890.6 and all spaces shall have an uninterrupted minimum headroom clearance of 2.5 metres free of all obstructions, such as service pipes, fittings etc for use by vehicles fitted with roof mounted wheelchair racks.*

[Amendment A – S96(2) amended on 15 April 2014]

[Amendment C – S96(2) amended on 11 July 2014]

[Amendment E – S96(2) amended on \_\_\_\_\_]

68. The applicant shall confer with Ausgrid to determine if an electricity distribution substation is required. Written confirmation of Ausgrid's requirements shall be obtained prior to issue of the Stage 1 Construction Certificate.

The applicant shall confer with Ausgrid to determine if installation of electricity conduits in the footway is required. Written confirmation of Ausgrid's requirements shall be obtained prior to issue of the Stage 1 Construction Certificate.

The applicant shall confer with Ausgrid to determine if satisfactory clearances to any existing overhead High Voltage mains will be affected. Written confirmation of Ausgrid's requirements shall be obtained prior to issue of the relevant Construction Certificate.

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

70. Any building proposed to be erected over or near the existing Sydney Water pipeline is to be approved by Sydney Water. A copy of Sydney Water's approval and requirements are to be submitted to Council prior to issuing of the relevant Construction Certificate.

71. 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.

72. 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 each relevant stage of 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 each stage of development. The insurance cover shall be a minimum of \$10 million.

73. Prior to issue of the Construction Certificate for each building stage (stages 4, 5 and 7), a longitudinal driveway profile shall be submitted to Council or an Accredited Certifier for assessment and approval. The profile shall start in the centre of the road and be along the critical edge (worst case) of the driveway. Gradients and transitions shall be in accordance with Council's Code. The profile shall be drawn to a scale of 1 to 20 and shall include all relevant levels, grades (%) and lengths.

74. 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.
75. A detailed noise impact assessment of air-conditioning and mechanical ventilation system shall be conducted by a suitably qualified and experienced acoustic consultant prior to the issue of construction certificate to determine acoustic treatments required to ensure any ventilation system noise does not exceed the relevant acoustic criteria and legislative requirements. A copy of the report shall be submitted to Principal Certifying Authority prior to the issue of a Construction Certificate for each relevant building stage.
76. 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.

77. The air conditioning and mechanical ventilation system shall comply with the requirements of the Building Code of Australia, and/or relevant standards AS1668.1-1998 The Use of Ventilation and Air-conditioning in Buildings Part 1: Fire and Smoke Control in Multi-compartment Buildings, and/or AS 1668.2 - 2002: The Use of Ventilation and Air-conditioning in Buildings Part 2: Ventilation Design for Indoor Air Contaminant Control.
- The system shall be certified by a suitably qualified and experienced engineer at the completion of installation prior to the issue of an Occupation Certificate for each relevant stage. A copy of the certificate shall be provided to the Principal Certifying Authority (PCA). A copy shall also be provided to Council if Council is not the PCA.
78. An additional groundwater investigation and testing report prepared by a suitably qualified and experienced consultant shall be submitted to Council prior to the issue of a construction certificate.



A Site Remedial Action Plan (SRAP) prepared by a suitably qualified and experienced Contaminated Land Consultant, shall be submitted to Council being the Regulatory Authority for the management of contaminated land prior to the issue of Construction Certificate. It is preferable that the plan be prepared by the same consultant who assessed the site for contamination. An accredited site auditor under the Contaminated Land Management Act 1997 shall review the site remedial action plan and provide a progress site audit report to Council prior to the issue of construction certificate.

79. Stormwater management requirements for the development site, including the final discharge/end connection point, must comply with Rockdale Technical Specification Stormwater Management.
80. 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.
81. A geotechnical engineer shall determine the soil absorption rate and satisfy the other requirements of Rockdale Technical Specification Stormwater Management relating to the water table, impact on footings, etc prior to design of the drainage system. A copy of the report shall be forwarded to Council prior to the issue of the Construction Certificate.
82. Prior to the issue of the Construction Certificate for each relevant building stage, detailed drainage design plans for the management of stormwater are to be submitted to Council or an Accredited Certifier for assessment and approval.  
  
Design certification, in the form specified in Rockdale Technical Specification Stormwater Management, and drainage design calculations are to be submitted with the plans. Rockdale Technical Specification Stormwater Management sets out the minimum documentation requirements for detailed design plans.

## PRIOR TO COMMENCEMENT OF WORKS

The following conditions must be completed prior to the commencement of works for each relevant stage of development.

83. 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.
84. 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.
85. 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.

Sediment control devices shall not be located beneath the driplines of trees, which are to be retained.

86. 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.
87. 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.
88. Prior to the commencement of work, Tree Protection Zones shall be established in accordance with AS4970-2009 (Protection of trees on Development Sites) with protective fences at least 1.8 metres high erected around each tree or group of trees which are required to be retained. The protective fences shall consist of chain wire mesh temporary fence panels securely mounted and braced to prevent movement, shall be in place **prior to the commencement of any work on site** and shall remain until the completion of all building and hard landscape construction. Excavations for services, waste bins, storage of materials and equipment, site residue, site sheds, vehicle access or cleaning of tools and equipment are **not** permitted within the Tree Protection Zones at any time. A Site Arborist with minimum AQF Level 5 qualifications in Arboriculture and extensive experience in protection of trees on development sites shall be appointed to supervise and certify the installation of tree protection measure and to supervise any works of any description within the nominated Tree Protection Zones.
  89. Prior to the commencement of any work on site, a sign shall be placed in a prominent position on each protective fence identifying the area as a **Tree Protection Zone** and prohibiting vehicle access, waste bins, storage of materials and equipment, site residue and excavations within the fenced off area.
  90. A Site Health & Safety Plan shall be prepared prior to the commencement of remediation works by a person competent to do so. All works shall be carried out in accordance with this plan. This plan shall include:
    - hazard identification and control
    - site security
    - personal protective equipment
    - work zones and decontamination procedures

- contingency plans and incident reporting ; and
  - environmental monitoring.
91. 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.
92. The relevant stages of development on the site that are the subject of construction or any significant improvement works shall be secured by a 1800mm (minimum) high temporary fence for the duration of the work. Gates shall be provided at the opening points.
- [Amendment A – S96(2) amended on 15 April 2014]
93. Where construction/building works require the use of a public place including a road or footpath, approval under Section 68 of the Local Government act 1993 for a Barricade Permit is to be obtained from Council prior to commencement of work. Details of the barricade construction, area of enclosure and period of work are required to be submitted to the satisfaction of Council.
94. 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,
- a hoarding or fence shall be erected between the work site and the public place.
- When necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place.
- Any such hoarding, fence or awning is to be removed when the work has been completed.
- The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.
95. 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.
96. A system of fire and smoke alarms and/or detection system (as applicable) shall be provided throughout the building. Details shall be submitted for assessment and approval prior to commencement of works.
97. 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.
98. 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.

99. A hazardous materials survey from a suitably qualified and experienced person shall be carried out and a report shall be provided to the Principal Certifying Authority. Any hazardous materials found shall be handled and disposed off in accordance with relevant guidelines and legislative requirements.

## DURING DEMOLITION / EXCAVATION / CONSTRUCTION

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

100. 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.

101. 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.

Hours of construction for internal fit out works including installing plasterboard linings, painting, tiling, laying carpet and the fit out of internal services, shall be confined to between 7.00 am and 8.00 pm Mondays to Fridays, and between 7.00 am and 5.00 pm Saturdays with no work being carried out on Sundays and all public holidays. The works are to be conducted on the site in accordance with the general recommendations outlined in the Acoustic Report prepared by Acoustic Logic dated 9 September 2014.

[Amendment D – S96(1A) amended on 1 October 2014]

- 101A. The hours of construction may only be varied in order to undertake works with the prior written approval of Council. Any request to alter these hours of construction shall be:
- a) justified and considered on a case by case basis
  - b) accompanied by details of the nature and need for activities to be undertaken during the varied construction hours
  - c) accompanied by written confirmation from any relevant agency or stakeholder that:
  - d) consultation to vary the hours of construction has been undertaken
  - e) acknowledgement of the necessity of the works to be undertaken
  - f) agreement of the dates and times of the extension to hours of construction
  - g) accompanied by any information necessary to evaluate the amenity or environmental impacts of the proposal

Upon approval of a variation the proponent must notify all occupants of the adjacent residential buildings by letter, prior to the commencement of work. The notification letter is to provide details of the dates and times of the extended construction hours

[Amendment D – S96(1A) inserted on 1 October 2014].

- 101B. A complaint handling procedure is to be implemented and a complaints register maintained in accordance with the Complaints Handling requirements outlined in section 9 of the Acoustic Report prepared by Acoustic Logic dated 9 September 2014. If a complaint is received the complaint should be recorded on a Complaint Form.

The complaint form should list:

- a) The name and address of the complainant (if provided),
- b) The time and date the complaint was received,
- c) The nature, time and date of the complaint,
- d) The name of the staff who received the complaint,
- e) Actions taken to investigate the complaint, and a summary of the results of the investigation,
- f) Indicate what was occurring at the time the noise was heard if possible,
- g) Required remedial action, if required,
- h) Validation of the remedial action,
- i) Summary of feedback to the complainant,
- j) A permanent register of complaints should be held on the premises which shall be reviewed monthly by staff to ensure any complaints are responded to. All complaints received shall be reported to management with initial action/investigation commencing within 2 days. The complainant should also be notified of the results and actions arising from the investigation.
- k) Copies of all complaints shall be forwarded to Council for records purposes quarterly.

[Amendment D – S96(1A) inserted on 1 October 2014]

Reasons for additional conditions:

- To minimise disturbance and noise impacts to surrounding residents.
- To ensure accountability and appropriate management of the extended construction hours
- Provide an opportunity for residents to object in case of excessive noise emissions.

[Amendment D – S96(1A) inserted on 1 October 2014]

102. For Class 2, 3 and 4 structures, the building works are to be inspected during construction, by the principal certifying authority (or other suitably qualified person on behalf of the principal certifying authority) to monitor compliance with Council's approval and the relevant standards of construction encompassing the following stages:

- i) after excavation for, and before the placement of, any footing, and
- ii) prior to covering waterproofing in any wet areas, for a minimum of 10% of rooms with wet areas within a building, and
- iii) prior to covering any stormwater drainage connections, and
- iv) after the building work has been completed and prior to any occupation certificate being issued in relation to the building.

Documentary evidence of compliance with Council's approval and relevant standards of construction is to be obtained prior to proceeding to the subsequent stages of construction and copies of the documentary evidence are to be maintained by the principal certifying authority and be made available to Council officers upon request.

103. 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.
104. Ground water shall only be pumped or drained to Council's stormwater system if the water is clean and unpolluted. The standard used to determine the acceptability of the quality of the water is the 'Australian and New Zealand Environment and Conservation Council - Australian Water Quality Guidelines for Fresh and Marine Waters 1992'.
 

**Note:** Prior treatment and/or filtration of the water may be necessary to achieve acceptable quality, including a non-filterable residue not exceeding 50 milligrams/litre or small quantities may be removed by the services of a Licenced Liquid Waste Transporter. It is an offence under the provisions of the Protection of the Environment Operations Act 1997 to pollute the stormwater system.
105. 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.
106. All waste generated on site shall be disposed of in accordance with the submitted Waste Management Plan.
107. 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.

108. 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.
109. 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.

110. 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.
111. Additional soil sampling shall be taken and analysed following the demolition of the tennis courts, swimming pool and change room. A report shall be prepared by a suitably qualified and experienced environmental consultant  
 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.
112. Wind blown dust from stockpile and construction activities shall be minimised by one or more of the following methods:
  - i) spraying water in dry windy weather
  - ii) cover stockpiles
  - iii) fabric fences
113. 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.
114. 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.
115. 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.
116. The new building work shall be protected in accordance with the provisions of AS 3660.1-2000 "Termite Management - Part 1: New Building Work", as required by Part 3.1.3 of the Building Code of Australia. Certification is required to be submitted to the Principal Certifying Authority (PCA), prior to the next stage of works to ensure that the selected method of treatment is in compliance with the relevant provisions of the standard. Such certification is to be prepared by a suitably qualified person.
117. The contaminated site shall be remediated in accordance with 'State Environmental Planning Policy No 55 Remediation of Land' (SEPP55).
118. The Management Strategy for acid sulphate soils contained in the Acid Sulphate Soil Investigation and Management Plan prepared by EIS Environmental Investigation Services dated December 2009 Ref: E17427K-RPT2.1 shall be implemented.
119. 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.
120. 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.

121. All disturbed areas shall be stabilised against erosion within 14 days of completion, and prior to removal of sediment controls.
122. Stormwater from roof areas shall be linked via a temporary downpipe to an approved stormwater disposal system immediately after completion of the roof area.
123. 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.

**Note:** The Applicant may be liable to prosecution under the Environmental Planning and Assessment Act 1979 for a breach of an approval condition, or under the Protection of the Environment Operations Act 1997, if its employees, agents or sub-contractors allow sediment, including soil, excavated material, building materials, or other materials to be pumped, drained or allowed to flow to the street, stormwater pipes or waterways. The Applicant shall ensure that its employees, agents or sub-contractors understand and maintain sediment control measures.

124. Owners/Applicants/Builders and demolishers are required to confine access to building and demolition sites to no more than two 3m driveways, and provide a footpath protection pad over Council's footpath at these points (see attached detail). Within the site, provision of a minimum of 100mm coarse crushed rock is to be provided for a minimum length of 2 metres to remove mud from the tyres of construction vehicles.

An all weather drive system or a vehicle wheel wash, cattle grid, wheel shaker or other appropriate device, shall be installed prior to commencement of any site works or activities, to prevent mud and dirt leaving the site and being deposited on the street. Vehicular access is to be controlled so as to prevent tracking of sediment onto adjoining roadways, particularly during wet weather or when the site is muddy. Where any sediment is deposited on roadways it is to be removed by means other than washing and disposed of appropriately.

In addition builders / demolishers are required to erect a 1.5m high fence along the whole of the street alignment other than at the two openings. Such protection work, including fences, is to be constructed, positioned and maintained in a safe condition to the satisfaction of the Principal Certifying Authority, prior to the demolition of the existing structures and commencement of building operations.

125. 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.
126. The existing trees along the Marsh Street and northern (public park) frontages of the site as shown in the Landscape Plans (dwgs DA01 and Da02) by Aspect Studios dated 30.08.12 shall not be removed or pruned, including root pruning, without the

written consent of Council in the form of a Permit issued under Council's Development Control Plan 2011. All other existing trees within the subject site may be removed.

127. Any pruning of branches or roots of trees growing from within adjoining properties requires the prior written consent of the tree's owners and the prior written consent of Council in the form of a Permit issued under Council's Development Control Plan 2011. The work must be carried out in accordance with AS4373:2007 by an experienced Arborist with minimum AQF Level 2 qualifications in Arboriculture.
128. Underground Services such as pipelines or cables to be located close to trees, must be installed by boring or by such other method that will not damage the tree rather than open trench excavation. The construction method must be approved by Council's Tree Management Officer.
129. An ecologist or suitably qualified wildlife handler (eg WIRES representative) shall be present for the removal of the two potential hollow-bearing trees as identified and recommended in the Flora and Fauna Assessment by NGH Environmental.

## 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.

130. An Occupation Certificate shall be obtained for Buildings A, B and C (in stages 4, 5 and 7 respectively) in relation to the approved works prior to any use or occupation of the respective building or part thereof.  
[Amendment A – S96(2) amended on 15 April 2014]
- 130A. *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.*  
*Proof of registration of the By Law shall be submitted to Council prior to the issue of the Occupation Certificate.*  
*[Amendment E-S96(2) inserted on \_\_\_\_\_]*
131. Appropriate signage and tactile information indicating accessible facilities shall be provided at the main entrance directory, or wherever directional signage such as lifts or building directories or information is provided to those buildings where access and facilities for people with disabilities has been provided. Such signage shall have regard to the provisions of AS1428.1 and AS1428.2.
132. Tactile differentiation on floor surfaces indicating change of gradient shall be provided to those buildings where access and facilities for people with disabilities has been provided. This includes the external parts of the building, eg. access walkways and ramps. Such differentiation shall have regard to the provisions of AS1428.4.
133. 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.

134. 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.
135. Ground level surfaces are to be treated with anti-graffiti coating to minimise the potential of defacement. In addition, any graffiti evident on the exterior facades and visible from a public place shall be removed forthwith.
136. The approved recommendations from the Flood Management Report shall be implemented for each stage of development prior to occupation of that stage.
137. 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.
138. 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 associated with each stage of development shall be completed and Ausgrid's requirements shall be met prior to issue of the Occupation Certificate for the respective stage of development.
139. 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 for Building A (Stage 4 of the development).
140. The vehicular entry driveway in Gertrude Street is to be clearly marked and signposted "delivery vehicles only" from the street.
141. 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".
142. 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.
143. The width of the double driveway at the boundary shall be a maximum of 8 metres.
144. The gate for the basement shall be located in order to permit the queuing of two (2) vehicles when waiting to enter the basement garage. The control mechanism for the gate shall be arranged such that access to the basement garage for registered proprietors of the commercial units, and their visitors, does not require security clearance or assisted entrance between the hours of 7:30am to 6:00pm Monday to

Saturday and 7:30am to 1:00pm on Sunday. Where the hours of operation of the commercial units are approved outside of these hours, the access arrangements shall match the approved hours of operation.

145. *A minimum total of 501 off-street car spaces shall be provided for the overall development 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.*

[Amendment A – S96(2) amended on 15 April 2014]

*[Amendment E – S96(2) amended on \_\_\_\_\_]*

146. 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 development.

147. Prior to occupation of Buildings A, B and C, a registered surveyor shall certify that the driveway(s) over the footpath and within the property servicing each respective building has 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.

148. [Amendment B – deleted by Land & Environment Court modification following hearing on 28 May 2014]

149. Testing and evaluation of the wall insulation system is to be carried out at post construction stage by a suitably qualified acoustical engineer to confirm compliance with condition 42. A report is to be submitted to the Principal Certifying Authority prior to the issue of an occupation certificate for each building stage (stages 4, 5 and 7).

[Amendment B – deleted by Land & Environment Court modification following hearing on 28 May 2014]

[Amendment B – inserted by Land & Environment Court modification following hearing on 28 May 2014]

150. Testing and evaluation of the floor system is to be carried out at post construction stage by a suitably qualified acoustical engineer to confirm compliance with condition 43. A report is to be submitted to the Principal Certifying Authority prior to the issue of an occupation certificate for each building stage (stages 4, 5 and 7).

[Amendment B – inserted by Land & Environment Court modification following hearing on 28 May 2014]

151. All the noise reduction measures specified in the DA Noise Assessment report prepared by Wilkinson Murray Pty Limited dated August 2012 Ref: 12205 Version C and all other relevant conditions of consent shall be validated by a Certificate of Compliance prepared by an acoustic consultant and submitted to the Principal Certifying Authority (PCA) prior to the issue of the Occupation Certificate for that relevant stage of the development. If Council is not the PCA, a copy shall be submitted to Council concurrently.
152. 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.
153. 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.
154. 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.
155. An accredited site auditor under the Contaminated Land Management Act 1997 shall review the Validation Report prepared by the contaminated land consultant and issue a Site Audit Statement (SAS). The accredited auditor shall provide Council being the Regulatory Authority for the management of contaminated land, with a copy of the Site Audit Report and Site Audit Statement, prior to issue of the Occupation Certificate, clearly demonstrating that the site is suitable for the intended use. Conditions imposed on the SAS shall form part of this consent. In circumstances where the SAS conditions (if applicable) are not consistent with the consent, the consent shall prevail to the extent of inconsistency and a S96 application pursuant to the Environmental Planning & Assessment Act 1979 will be required.
156. Prior to occupation of each relevant stage, 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.
157. 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.

158. A certificate from a Registered Surveyor shall be provided to the Principal Certifying Authority certifying that the garage floor/parking level is either constructed at or above 0.5% A.E.P Annual Exceedance Probability (AEP) Flood Level OR [in the case of the garage floor/parking level being below the 0.5% A.E.P Annual Exceedance Probability (AEP) Flood Level] the garage floor/parking level is protected from inundation to a minimum of 500mm above the 0.5% A.E.P Annual Exceedance Probability (AEP) Flood Level. A copy of the certificate shall be provided to Council where Council is not the Principal Certifying Authority.
159. Prior to occupation of each relevant stage, a Chartered Professional Engineer shall certify that the stormwater system has been constructed in accordance with the approved plans and as required by Rockdale Technical Specification Stormwater Management. The certificate shall be in the form specified in Rockdale Technical Specification Stormwater Management and include an evaluation of the completed drainage works. A works-as-executed drainage plan shall be prepared by a registered surveyor based on a survey of the completed works. A copy of the certificate and works-as-executed plan(s) shall be supplied to the Principal Certifying Authority. A copy shall be provided to Council if Council is not the Principal Certifying Authority.
160. All new street trees are to incorporate the tree grates and paving treatment as specified in the Wolli Creek and Bonar St - PDP.
161. The minimum distance between the outside finished surface level and the underside of the adjacent floor shall be 300mm in all cases where overland flow produced by the 1% AEP rainfall exceeds a depth of 100mm.
162. Flow through fencing shall be provided along the bottom of the fencing for the width and depth of overland flow. Details of approved types of flow through fencing can be obtained from Council.
163. Materials which may be damaged by flood waters shall be stored, or able to be stored at or above 2.85 metres Australian Height Datum, which is 500mm above the 1% Annual Exceedance Probability (AEP) Flood.
164. A benchmark shall be established adjacent to the site to Australian Height Datum to enable comparison to the flood standard.
165. The underground basement level shall be floodproofed to a minimum of 500mm above the 0.5% Annual Exceedance Probability flood level. The levels are to be certified by a registered surveyor prior to construction of the driveways and/or other openings within the site.
166. The development shall comply with Rockdale Development Control Plan (DCP) 2011, and the Planning Considerations and Development Controls listed in the Flood Advice letter issued by Council in relation to the scheme.
167. 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.
168. Drainage grates shall be provided at the boundary. Width of the drainage grates shall be in accordance with Rockdale Technical Specification Stormwater Management.

169. 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.
170. The outside finished ground level shall be constructed a minimum of 200mm below the habitable floor level for the whole building perimeter.
171. Signs shall be displayed adjacent to all stormwater drains on the premises, clearly indicating "Clean water only - No waste".
172. The owner of the premises shall inform Sydney Water that a Rainwater tank has been installed in accordance with applicable requirements of Sydney Water.

The overflow from the rainwater tank shall be directed to the storm water system.

A first flush device shall be installed to reduce the amount of dust, bird faeces, leaves and other matter entering the rainwater tank.

All plumbing work proposed for the installation and reuse of rainwater shall comply with the NSW Code of Practice: Plumbing and Drainage and be installed in accordance with Sydney Water "Guidelines for rainwater tanks on residential properties".

173. *The maximum height of the proposed building at 53.35 metres relative to Australian Height Datum (AHD). This height is inclusive of all vents, chimneys, aerials, TV antennae and construction cranes etc. No permanent or temporary structure is to exceed this height without further approval from Sydney Airport Corporation Limited.*

**Note:** Under Section 186 of the Airports Act 1996, it is an offence not to give information to the Airport Operator that is relevant to a proposed "controlled activity" and is punishable by a fine of up to 50 penalty units.

*For further information on Height Restrictions please contact SACL on 9667 9246.*

#### ***Bird and Obstacle Hazard Management***

*To minimise the potential for bird habitation and roosting, the Proponent must ensure the following plans are prepared prior to construction commencing:*

- *Landscape Plan which only includes non-bird attracting plant species;*
- *Site Management Plan which minimises the attractiveness for foraging birds, i.e. site is kept clean regularly, refuse bins are covered, and detention ponds are netted.*
- *The proposed development incorporates ant-bird roosting measures to discourage bird habitation.*

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

*All trees to be planted shall not be capable of intruding into the Obstacle Limitation Surface when mature.*

*[Amendment E – Section 96(2) amended on \_\_\_\_\_]*

174. Any land required for road purposes shall be dedicated as public road at no cost to the RMS and Council.

175. *All traffic entering and exiting the site over the driveway at the eastern end of the site fronting Marsh Street should be left-in and left-out only.*

*All vehicles must enter and exit the subject site in a forward direction.*

*All construction vehicles must be accommodated on site during construction.*

*[Amendment E – S96(2) amended on \_\_\_\_\_]*

176. The proposed development should be designed such that road traffic noise from Marsh Street is mitigated by durable materials and complies with the requirements of Clause 102 - (Impact of road noise or vibration on non-road development) of State Environmental Planning Policy (Infrastructure) 2007.

177. Detailed design plans and hydraulic calculations of any changes to the stormwater drainage system are to be submitted to the RTA for approval, prior to the commencement of any works.

Details should be forwarded to :-

The Sydney Asset Management

PO Box 973

Parramatta CBD NSW 2124

A plan checking fee may be payable and a performance bond may be required before the RMS's approval is issued. With regard to the Civil Works requirement please contact the RMS's Project Engineer, External Works Ph: 8849 2114 or Fax: 8849 2766.

178. A Demolition and Construction Traffic Management Plan detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control should be submitted to Council, for approval, prior to the issue of the Construction Certificate for the first stage.
179. The developer shall be responsible for all public utility adjustment/relocation works, necessitated by the above work and as required by the various public utility authorities and/or their agents and all road works/regulatory signposting associated with the proposed development shall be at no cost to RMS.
180. The layout of the proposed car parking areas, loading docks and access driveway on Levey Street associated with the subject development (including, grades, turn paths, sight distance requirements, aisle widths, aisle lengths, loading area dimensions and parking bay dimensions) should be in accordance with AS2890.1- 2004 and AS2890.2 - 2002 for large vehicles.
181. The developer is to submit detailed design drawings and geotechnical reports relating to the excavation of the site and support structures to the RMS for assessment (prior to the approval of the relevant Construction Certificate for each building stage). The developer is to meet the full cost of the assessment by the RMS.

This report would need to address the following key issues:

- The impact of excavation/rock anchors on the stability of the Marsh Street and detailing how the carriageway would be monitored for settlement.
- The impact of the excavation on the structural stability of the Marsh Street.



- Any other issues that may need to be addressed (Contact: Project Manager, external works Suppiah Thillainadesan on Ph: 8849 2114) for details.

**182. General Terms of Approval – for works requiring a Controlled Activity Approval under the Water Management Act 2000**

General

1. An authorisation shall be obtained 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.
2. The design and construction of the structure shall preclude the need for permanent dewatering by waterproofing those areas that may be impacted by any water table (i.e. a fully tanked structure) with adequate provision for unforeseen fluctuations of water table levels to prevent potential future inundation.
3. Construction methods and material used in and for construction shall not cause pollution of the groundwater.

Prior to excavation

4. Measurements of groundwater levels beneath the site from a minimum of three monitoring bores shall be taken and a report provided to the NSW Office of Water. A schedule and indicative plans of 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.
5. 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 calculation method shall be included in the report.
6. A copy of a valid development consent for the project shall be provided to the NSW Office of Water.
7. Groundwater quality testing shall be conducted and a report supplied to the NSW Office of Water. Samples must be taken prior to the commencement of pumping, 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.
8. The method of disposal of pumped water shall be nominated (i.e. street 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 (tailwater) must comply with the provisions of the *Protection of the Environment Operations Act 1997* and any requirements of the relevant controlling authority.

9. Contaminated groundwater shall not be reinjected into any aquifer. 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 (tailwater) 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

10. Piping or other structures used in the management of pumped groundwater (tailwater) shall not create a flooding hazard. Control of pumped groundwater (tailwater) is to be maintained at all times during dewatering to prevent unregulated off-site discharge.
11. 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.
12. Pumped groundwater (tailwater) 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 (tailwater) shall be complied with.
13. 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 sulphate soils management plan or remediation action plan) shall not be compromised by the dewatering activity.
14. 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.
15. 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 precautions.

#### Following excavation

16. 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.
183. 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.
184. 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.
185. All driveway, footpath, or road and drainage modification and/or improvement works to be undertaken in the road reserve shall be undertaken in accordance with Council's Subdivision and Civil Works Construction Specification (AUS-SPEC 1). Amendment to the works specification shall only apply where approved by Council. Where a conflict exists between design documentation or design notes and AUS-SPEC 1, the provisions of AUS-SPEC 1 shall apply unless otherwise approved by Council.
186. 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 \$587.60 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 drainage works;
    - c) Completion of Road works; and
    - d) 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 six (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).

- 187. 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.
- 188. 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.
- 189. 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.
- 190. The design and construction of the gutter crossing along Marsh Street shall be in accordance with RMS requirements. Details of these requirements should be obtained from RMS'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 RMS 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 RMS.

191. All works associated with the proposed development shall be at no cost to the RMS.

## DEVELOPMENT CONSENT ADVICE

- a. You are advised to consult with your utility providers (i.e. Energy Aust, Telstra etc) in order to fully understand **their** requirements **before** commencement of any work.
- b. If Council is appointed as the Principal Certifying Authority (PCA), a fee shall be paid before a Construction Certificate is issued. If the fee is paid after the end of the financial year, it will be adjusted in accordance with Council's adopted fees and charges. The fees charged encompass **all** matters related to ensuring that the proposed development is carried out in accordance with the approved plans and any post inspection issues that may arise.
- c. If Council is the Principal Certifying Authority for the development, a drainage inspection fee of \$292.75 shall be paid prior to the issue of the Construction Certificate. If payment is made after the end of the financial year, the amount shall be adjusted in accordance with Council's adopted fees and charges.

NB: This fee does not include a confined space entry into the on-site detention tank. Where a confined space entry is required, an additional fee of \$428.55 is payable. A confined space entry will be required where:

- a) Information provided in the works-as-executed drawing and engineering certification is inconclusive as to the compliance of the system with the approved plans; and/or
  - b) Visual inspection from outside the tank is inconclusive as to the compliance of the system with the approved plans.
- d. Where Council is **not** engaged as the Principal Certifying Authority for the issue of the Subdivision Certificate (Strata), and the Section 88B Instrument contains easements and/or covenants to which Council is a Prescribed Authority, the Council must be provided with all relevant supporting information (such as works-as-executed drainage plans and certification) prior to Council endorsing the Instrument.
  - e. All asbestos fibre demolition material and asbestos dust shall be handled, stored and removed in accordance with the relevant legislation and guidelines including:
    - Work Health and Safety Act 2011
    - Work Health and Safety Regulation 2011
    - Code of Practice for the Safe Removal of Asbestos [NOHSC: 2002 (2005)]
    - Code of Practice for the Management and Control of Asbestos in Workplaces [NOHSC: 2018 (2005)]
    - Protection of the Environment Operations (Waste) Regulation 2005

All work procedures shall be devised to minimise the release of dust and fibres. A checklist of safety precautions when working with asbestos is available in Health & Safety Guidelines prepared by the WorkCover Authority of NSW. Collection, storage

and transportation is subject to the Protection of the Environment Operations (Waste) Regulation 2005.

- f. The water from the rainwater tank should not be used for drinking, Sydney Water shall be advised of the installation of the rainwater tank.
- g. If the development is **not** subject to BASIX, a mandatory rainwater tank may be required. Rainwater tank requirements for development **not** subject to BASIX are specified in Council's DCP 78.
- h. 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.
- i. Residents and tenants of the development are ineligible for parking permits in any Resident Parking Scheme that either exists or is proposed to be created by Council for any street surrounding the development. This restriction is required to be included into the Strata By-Laws of the development at the time of Strata Subdivision.
- j. 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.
- k. The car park area should be secured and monitored to minimize the opportunity for intruders to access such areas.
- l. A new Construction Certificate may be required to be submitted to and approved by your Principal Certifying Authority prior to carrying out works the subject of the proposed amendment/s.

[Amendment A – S96(2) inserted on 15 April, 2014]

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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 further queries please contact Fiona Prodromou on 9562 1672 .

Marta Gonzalez-Valdes  
**Coordinator Major Assessments**