

# NOTICE OF APPROVAL FOR DEVELOPMENT

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

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Approval Date	
Authority	Joint Regional Planning Panel
Reference	DA-2015/69
Contact	Fiona Prodromou 9562 1672

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**DRAFT**

HH Property Investments Pty Ltd  
Court Level / 504 Pacific Hwy  
ST LEONARDS NSW 2065

**Property:** 28-32 Innesdale Road & 25-29 Gertrude Street, WOLLI CREEK NSW 2205  
Lot 24 DP 4032, Lot 1 DP 932129, Lot 1 DP 923631, Lot 27 DP 4301,  
Lot A DP 308357, Lot 28 DP 4301, Lot B DP 308357, Lot 2 DP 1171103

**Proposal:** Demolition of existing structures and construction of two (2) residential flat buildings (nine and five storeys) comprising a total of 106 residential units over a basement car park podium with capacity for 137 vehicles & rooftop terraces

The above development is approved subject to the following conditions:

## GENERAL CONDITIONS

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

1. The term of this consent is limited to a period of **five** (5) 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><b>Plan</b></i>	<i><b>Drawn By</b></i>	<i><b>Dated</b></i>	<i><b>Received by Council</b></i>
<i><b>Architectural Plans</b></i>			
DA 3.07 Rev B (Detail Fence Design)	Marchese Partners International Pty Ltd	12/12/2014	20/01/2015

DA 3.02 Rev B (Elevation South)	Marchese Partners International Pty Ltd	12/12/2014	29/01/2015
DA 3.01 Rev B (Elevation North)	Marchese Partners International Pty Ltd	12/12/2014	29/01/2015
DA 3.06 Rev B (West Elevation)	Marchese Partners International Pty Ltd	12/12/2014	29/12/2014
DA 3.05 Rev B (East Elevation)	Marchese Partners International Pty Ltd	12/12/2014	29/12/2014
DA 7.03 Rev A External Finishes	Marchese Partners International Pty Ltd	12/12/2014	22/12/2014
DA 6.04 Rev B (Cross Ventilation South Building)	Marchese Partners International Pty Ltd	12/12/2014	22/12/2014
DA 6.03 Rev B (Cross Ventilation North Building)	Marchese Partners International Pty Ltd	12/12/2014	22/12/2014
DA 6.01 Rev B (Solar Access North Building)	Marchese Partners International Pty Ltd	12/12/2014	22/12/2014
DA 6.02 Rev B (Solar Access South Building)	Marchese Partners International Pty Ltd	12/12/2014	22/12/2014
DA 4.04 Rev B (Detailed Section Fixed Balcony Louvre)	Marchese Partners International Pty Ltd	12/12/2014	22/12/2014
DA 4.03 Rev B (Section Entrance Ramp)	Marchese Partners International Pty Ltd	12/12/2014	22/12/2014
DA 4.02 Rev B (Landscape Podium Section)	Marchese Partners International Pty Ltd	12/12/2014	22/12/2014
DA 4.01 Rev B (Section AA)	Marchese Partners International Pty Ltd	12/12/2014	22/12/2014
DA 3.04 Rev B	Marchese Partners	12/12/2014	29/12/2014

(Elevation Internal Building South)	International Pty Ltd		
DA 3.03 Rev B (Elevation Internal Building North)	Marchese Partners International Pty Ltd	12/12/2014	29/12/2014
DA 2.30 Rev B (Parking Entrance Plan)	Marchese Partners International Pty Ltd	12/12/2014	22/12/2014
DA 2.24 Rev B (Detailed Floor Plan Building South Level 1-4)	Marchese Partners International Pty Ltd	12/12/2014	22/12/2014
DA2.23 Rev B (Detailed Floor Plan Building South Ground Floor)	Marchese Partners International Pty Ltd	12/12/2014	22/12/2014
DA 2.22 Rev B (Detailed Floor Plan Building North L 7-8)	Marchese Partners International Pty Ltd	12/12/2014	22/12/2014
DA 2.21 Rev B (Detailed Floor Plan Building North Level 1-6)	Marchese Partners International Pty Ltd	12/12/2014	22/12/2014
DA 2.20 Rev B (Detailed Floor Plan Building North Ground Floor)	Marchese Partners International Pty Ltd	12/12/2014	22/12/2014
DA 2.12 Rev B (Roof Plan)	Marchese Partners International Pty Ltd	12/12/2014	22/12/2014
DA 2.11 Rev B (Roof Plan)	Marchese Partners International Pty Ltd	12/12/2014	22/12/2014
DA 2.10 Rev B Level 8 Floor Plan	Marchese Partners International Pty Ltd	12/12/2014	22/12/2014
DA 2.09 Rev B Level 7 Floor Plan	Marchese Partners International Pty Ltd	12/12/2014	22/12/2014
DA 2.08 Rev B	Marchese Partners	12/12/2014	22/12/2014

Level 6 Floor Plan	International Pty Ltd		
DA 2.07 Rev B Level 5 Floor Plan	Marchese Partners International Pty Ltd	12/12/2014	22/12/2014
DA 2.06 Rev B Level 4 Floor Plan	Marchese Partners International Pty Ltd	12/12/2014	22/12/2014
DA 2.05 Rev B Level 3 Floor Plan	Marchese Partners International Pty Ltd	12/12/2014	22/12/2014
DA 2.04 Rev B Level 2 Floor Plan	Marchese Partners International Pty Ltd	12/12/2014	22/12/2014
DA 2.03 Rev B Level 1 Floor Plan	Marchese Partners International Pty Ltd	12/12/2014	22/12/2014
DA 2.02 Rev B Ground Floor Plan	Marchese Partners International Pty Ltd	12/12/2014	22/12/2014
DA 2.01 Rev B Basement Level 1	Marchese Partners International Pty Ltd	12/12/2014	22/12/2014
DA 2.00 Rev B Basement Level 2	Marchese Partners International Pty Ltd	12/12/2014	22/12/2014
DA 1.03 Rev B Site Plan	Marchese Partners International Pty Ltd	12/12/2014	22/12/2014
<i>Stormwater Plans</i>			
Drawing C-2613-01 Issue 2	Kozarovski & Partners	30/01/2015	30/01/2015
Drawing C-2613-02 Issue 2	Kozarovski & Partners	30/01/2015	30/01/2015
Drawing C-2613-03 Issue 2	Kozarovski & Partners	30/01/2015	30/01/2015
<i>Landscape Plans</i>			
LP 00 – LP 08 Issue C	Matthew Higginson Landscape Architecture Pty Ltd	20/01/2015	20/01/2015

3. All new building work must be carried out in accordance with the provisions of the Building Code of Australia (BCA).
4. **A Construction Certificate must be obtained from Council or an Accredited Certifier prior to any building work commencing.**

5. The development must be implemented and all BASIX commitments thereafter maintained in accordance with BASIX Certificate Number 564611M\_03 other than superseded by any further amended consent and BASIX certificate.

**Note:** Clause 145(1)(a1) of the Environmental Planning & Assessment Regulation 2000 provides: A certifying authority must not issue a construction certificate for building work unless it is satisfied of the following matters: -

- (a1) that the plans and specifications for the building include such matters as each relevant BASIX certificate requires.

**Note:** Clause 154B(2) of the Environmental Planning & Assessment Regulation 2000 provides: "A certifying authority must not issue a final occupation certificate for a BASIX affected building to which this clause applies unless it is satisfied that each of the commitments whose fulfilment it is required to monitor has been fulfilled."

**Note:** For further information please see <http://www.basix.nsw.gov.au>.

6. This approval is not to be construed as permission to erect any structure on or near a boundary contrary to the provisions of the Dividing Fences Act.
7. Excavation, filling of the site (with the exception of the area immediately under the building envelope), or construction of retaining walls are not permitted unless shown on the approved plans and authorised by a subsequent construction certificate.
8. The materials and façade details approved under Condition 2 and any other relevant condition of this consent shall not be altered or amended at the construction certificate stage without a prior S96 application and approval under the Environmental Planning and Assessment Act.
9. The building fronting Gertrude Street shall be known as 25-29 Gertrude Street, Wolli Creek. The building fronting Innesdale Road shall be known as 28-32 Innesdale Road, Wolli Creek.
10. Parking spaces shall be allocated to residential apartments / non-residential units in the development in the following manner and this shall be reflected in any subsequent strata subdivision of the development:

**Allocated Spaces**

Studio apartments, 1 bedroom apartments and 2 bedroom apartments	1 space per apartment
3 bedroom apartments and 3+ bedroom apartments	2 spaces per apartment

**Non-Allocated Spaces**

Residential Visitor Spaces	1 space per 5 apartments
Car Wash Bay	1 space

Parking calculations that are not whole numbers must be rounded up to the nearest whole number.

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*.

11. Prior to the commencement of any building works on the property, any ownership issues arising from the desire to develop the drainage easement is to be resolved prior issue of initial Construction Certificate for the development.
  - 1.25 m wide open channel / easement in the middle of the site.

To allow for the easement to be uplifted, an alternative shall be discussed with the Council's Project Management and Design and Council's Corporate Asset Management Teams. Any works that are likely to cause changes to overland flow path / flood way shall be discussed with Council's Corporate Asset Management Team.

## DEVELOPMENT SPECIFIC CONDITIONS

The following conditions are specific to the Development Application proposal:

12. All loading, unloading and transfer of goods to and from the loading bay and premises shall take place wholly within the property. Loading areas are to be used only for the loading and unloading of goods, materials etc. except for garbage collection on collection days only.
13. Parking spaces shall not be enclosed without further approval of Council. The enclosure of car spaces is not permitted unless the enclosure complies with the design requirements of AS2890.1.
14. The existing and future owners (Registered Proprietor) of the property will be responsible for the operation and maintenance of the detention system, rain tank and pump system. The registered proprietor will:
  - i) permit stormwater to be temporarily detained by the system;
  - ii) keep the system clean and free of silt, rubbish and debris;
  - iii) maintain, renew and repair the whole or parts of the system so that it functions in a safe and efficient manner, and in doing so complete the same within the time and in the manner specified in written notice issued by the Council;
  - iv) carry out the matters referred to in paragraphs (ii) and (iii) at the proprietor's expense;
  - v) not make any alterations to the system or elements thereof without prior consent in writing of the Council;
  - vi) permit the Council or its authorised agents from time to time upon giving reasonable notice (but at any time and without notice in the case of emergency) to enter and inspect the land for compliance with the requirements of this clause;
  - vii) comply with the terms of any written notice issued by the Council in respect to the requirements of this clause within the time stated in the notice.

15. 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.
16. 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.
17. The use of the premises, building services, equipment, machinery and, ancillary fittings shall not give rise to an "offensive noise" as defined under the provisions of the Protection of the Environment Operations Act, 1997.
18. 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.
19. Monitored CCTV cameras shall be installed in and around the building to maximize surveillance opportunities. Digital or video technology should be used to record images from the cameras.
20. The visible light reflectivity from building materials used on the façade of the building shall not exceed 20% and shall be designed so as not to result in glare that causes any nuisance or interference to any person or place. A statement demonstrating compliance with these requirements shall be submitted to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate for the relevant stage of works.
21. Bicycle parking facilities shall be designed in accordance with AS2890.3:1993.  
The off-street parking areas associated with the subject development shall be designed strictly in accordance with AS2890.1 and AS2890.6.  
*A Visitor car space shall be shared with the car wash bay.*  
Commercial vehicle facilities shall be designed strictly in accordance with AS2890.2:2002.  
The loading bay area shall have minimum 4.5m height headroom clearance.
22. All 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.
23. Services or utility systems shall not be located within basement garbage rooms. Hot and cold water hose cocks shall be installed to garbage rooms & temporary waste holding area within the Innesdale Road frontage.  
A total of seven (7) x 1100 litre bins are to be provided on site to service the development.
24. In order to ensure the design quality / excellence of the development is retained:
  - i. The design architect is to have direct involvement in the design documentation, contract documentation and constructions changes of the project;
  - ii. The design architect is to have full access to the site and is to be authorised by the applicant to respond directly to the consent authority where information or clarification is required in the resolution of design issues throughout the life of the project;

- iii. Evidence of the design architect's commission is to be provided to Council prior to the release of the Construction Certificate.

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

- 25. Balustrades shall be constructed from a solid/opaque material to a minimum height of 1000mm. The top of the balustrade shall be a minimum height of 1200mm.
- 26. Ceiling heights for all habitable areas shall be a minimum of 2.7 metres and 2.4 m for non habitable areas, as measured vertically from finished floor level to the underside of the ceiling.
- 27. The contaminated site shall be remediated in accordance with 'State Environmental Planning Policy No 55 Remediation of Land' (SEPP55).  
All remediation works shall be carried out in accordance with the Site Remedial Action Plan titled, "Remediation Action Plan for Proposed Residential Development at 25-29 Gertrude St & 28-32 Innesdale Rd, Wolli Creek, NSW" prepared by Environmental Investigation Services (EIS) dated 17 March 2014 (Ref: E27889Krpt-RAP).
- 28. The wind amelioration measures as specified within the report prepared by SLR Global Environmental Solutions Report No. 610.14011-R3, dated 16 January 2015 are to be implemented on site.  
Should any further Wind Amelioration measures be required which modify the design of the development a further Section 96 Application must be submitted to Council.
- 29. Pergola structures at rooftop level do not form part of this approval.
- 30. Fencing to the loading/unloading bay within the Innesdale Road frontage of the development shall comprise a maximum height of 1.5m and be of aluminium blade construction, to match the window frames of the development.
- 31. Acid Sulfate Soils on site shall be managed in accordance with the Acid Sulfate Soils Management Plan reference E27889K-ASSMP prepared by Environmental Investigation Services, dated 28 January 2015.

## PRIOR TO ISSUE OF THE CONSTRUCTION CERTIFICATE

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

- 32. The following fees shall be paid to Council prior to the issue of a Construction Certificate. If payment is made after the end of the financial year, the amount shall be adjusted in accordance with Council's adopted fees and charges.
  - i. A Footpath Reserve Restoration Deposit of \$27,757.76. This is to cover repair of any damages, or other works to be done by Council. This includes construction, removal, or repair as required to: kerb and guttering, existing or new driveways; paved areas and concrete footpaths. The deposit may be lodged with Council in the form of a Bank Guarantee (Any proposed Bank Guarantee must not have an expiry date). The deposit will not be returned by Council until works are completed and all damage is restored and all specified works are completed by Council.
  - ii. An environmental enforcement fee of 0.25% of the cost of the works.
  - iii. A Soil and Water Management Sign (811) of \$16.50

- iv. An application for Boundary levels shall be made to Council's Customer Service Centre prior to issue of the Construction Certificate. All boundary works, egress paths, driveways and fences shall comply with this level.

A fee of \$380.00 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.

33. 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.
34. The connection of stormwater drainage pipes to the existing kerb inlet pit in Gertrude Street must be inspected by Council prior to backfilling. A payment of \$285.00 is required prior to the issue of the Construction Certificate for inspection of the connection and/or alteration to the Council pipeline. If payment is made after the end of the financial year the amount is to be adjusted in accordance with Council's adopted fees and charges. Where the inspection is unsatisfactory, each additional inspection will incur an extra charge.
35. A Section 94 contribution of \$1,311,759.55 shall be paid to Council. Such contributions are only used towards the provision or improvement of the amenities and services identified below. The amount to be paid is adjusted at the time of payment, in accordance with the contribution rates contained in Council's current Adopted Fees and Charges. The contribution is to be paid prior to the issue of any construction certificate for works above the floor level of the ground floor. (Payment of the contribution is not required prior to any separate construction certificates issued only for demolition, site preparation works and the construction of basement levels). The contribution is calculated from Council's adopted Section 94 contributions plan in the following manner:

Open Space	\$662,263.59
Community Services & Facilities	\$44,850.57
Town Centre & Streetscape Improvements	\$99,413.67
Wolli Creek Flood Mitigation & Stormwater	\$153,267.59
Wolli Creek Pedestrian & Cyclist Facilities	\$51,334.30
Wolli Creek Roads Traffic Management Residential	\$273,270.71
Plan Administration & Management	\$27,359.12

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

36. Prior to the issue of the Construction Certificate a certificate from a practicing Structural Engineer, registered with NPER, shall be submitted to Council stating that the subsurface structural components located on the boundary of the public road, including but not limited to the slabs, walls and columns, have been designed in accordance with all SAA Codes for the design loading from truck and vehicle loads.
37. In the case of residential building work for which the Home Building Act 1989 requires there to be a contract of insurance or owner builder's permit in force in accordance with Part 6 of that Act, that such a contract or permit is in place.
38. A suitable qualified engineer is to certify that the structure can withstand the forces of floodwater, scour, debris and buoyancy in a 0.5% AEP flood event.

All building materials shall be flood resistant, or flood compatible to a height of 500mm above the 1% AEP flood, or flow level. All internal electrical switches, power points or similar utilities liable to flood damage shall be set at a minimum of 500mm above the 1% AEP flood, or flow level. Details shall be provided and approved prior to the issue of a construction certificate.

39. Where the front fence is greater than 1200mm in height, the vehicular entry gates are to be set back a minimum of 900mm from the boundary and may only open inwards. The return fences including green walls on each side of the ramp are to be splayed at an angle of 45 degrees to the boundary. Details of the gates, fence and walls to be included in the documentation accompanying the Construction Certificate.
40. Compliance with Council's Development Control Plan (DCP) 2011 – Requirements for Access. Access in accordance with Australian Standard 4299 must be provided to and within 11 residential units, and between these units and their allocated carparking spaces. The allocated parking space will be located in close proximity to the access points of the building. The adaptable units are to be unit numbers 10/11/18/19/27/28/35/36/42/43/51. Please note that compliance with this condition requires the relevant unit(s) to be constructed to comply with all the essential (Type C) requirements of AS4299.

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

41. 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 Construction Certificate.
42. The relocation of the existing electricity supply pole in the road reserve at Innesdale Road, is required to avoid conflict with the new loading/unloading and temporary waste storage area. The relocation works shall be undertaken in accordance with the requirements of Ausgrid. The applicant shall enter into a contract with Ausgrid for the relocation works prior to the issue of the Construction Certificate, and the works must be completed prior to the commencement of the driveway works and issue of the Occupation Certificate. The applicant is responsible for all relocation costs, including costs associated with other cabling such as telecommunications cables.
43. 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.
44. If the development is likely to disturb or impact upon telecommunications infrastructure, written confirmation from the service provider that they have agreed to

the proposed works must be submitted to the Principal Certifying Authority prior to the issue of a Construction Certificate or any works commencing, whichever occurs first; and the arrangements and costs associated with any adjustment to telecommunications infrastructure shall be borne in full by the applicant/ developer.

45. Details shall be submitted to Council for assessment and approval pursuant to Section 138 of the Roads Act 1993 in relation to the following:
  - i) Construction of footpath and streetscape works.
  - ii) Construction of a vehicular entrance.
46. Prior to issue of the Construction Certificate, a longitudinal driveway profile shall be submitted to Principal Certifying Authority for assessment and approval. The profile shall start in the centre of the road and be along the critical edge (worst case) of the driveway. Gradients and transitions shall be in accordance with Council's Code. The profile shall be drawn to a scale of 1 to 20 and shall include all relevant levels, grades (%) and lengths.
47. 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.
48. Prior to the issue of the Construction Certificate, amended drainage plans shall be submitted to Principal Certifying Authority (PCA) for assessment and approval. The amended drainage plans shall identify stormwater management for the development and be prepared using a *Water Sensitive Urban Design (WSUD)* approach, as detailed in Council's Technical Specification Stormwater Management. The plans must be accompanied by a design certificate in the form specified by Council.  
  
The report shall identify, and discuss in detail, the measures put in place to re-use water, maintain groundwater quality, minimise at source generation of water pollutants, and convey stormwater flows through the site.  
  
*Note: The detailed plans are required to show the basement levels as tanked system and also to incorporate an oil separator.*
49. Prior to the issue of the Construction Certificate a Flood Evacuation Management Plan shall be submitted to Principal Certifying Authority (PCA) for assessment and approval. The Flood Evacuation Management Plan shall demonstrate whether evacuation provisions are required, and if so how they will be managed. Alternatively, where it is recommended that occupants stay within the building, how is this to be communicated to occupants. In this situation occupants need to escape above the PMF level plus 0.5 m. The plan is also to detail how the flood awareness of owners, residents or occupants, who change through time, can be preserved. The Plan shall be prepared by a suitably qualified and experienced Flood/Hydraulic Engineer.
50. The number of car parking spaces accommodated in the basement car park shall be restricted to 137. Prior to the issue of the Construction Certificate amended basement

car park design plans shall be submitted to, and approved by Principal Certifying Authority (PCA).

**51. Adjoining buildings founded on loose foundation materials**

The principal contractor must ensure that a professional engineer determines the possibility of any adjoining buildings founded on loose foundation materials being affected by piling, piers or excavation. The professional engineer (geotechnical consultant) must assess the requirements for underpinning any adjoining or adjacent buildings founded on such soil on a case by case basis and the principal contractor must comply with any reasonable direction of the professional engineer.

*Note:* A failure by contractors to adequately assess and seek professional engineering (geotechnical) advice to ensure that appropriate underpinning and support to adjoining land is maintained prior to commencement may result in damage to adjoining land and buildings. Such contractors are likely to be held responsible for any damages arising from the removal of any support to supported land as defined by section 177 of the Conveyancing Act 1919.

**52. Vibration monitoring**

Vibration monitoring equipment must be installed and maintained, under the supervision of a professional engineer with expertise and experience in geotechnical engineering, between any potential source of vibration and any building identified by the professional engineer as being potentially at risk of movement or damage from settlement and/or vibration during the excavation and during the removal of any excavated material from the land being developed.

If vibration monitoring equipment detects any vibration at the level of the footings of any adjacent building exceeding the peak particle velocity adopted by the professional engineer as the maximum acceptable peak particle velocity an audible alarm must activate such that the principal contractor and any sub-contractor are easily alerted to the event.

Where any such alarm triggers all excavation works must cease immediately.

Prior to the vibration monitoring equipment being reset by the professional engineer and any further work recommencing the event must be recorded and the cause of the event identified and documented by the professional engineer.

Where the event requires, in the opinion of the professional engineer, any change in work practices to ensure that vibration at the level of the footings of any adjacent building does not exceed the peak particle velocity adopted by the professional engineer as the maximum acceptable peak particle velocity these changes in work practices must be documented and a written direction given by the professional engineer to the principal contractor and any sub-contractor clearly setting out required work practice.

The principal contractor and any sub-contractor must comply with all work directions, verbal or written, given by the professional engineer.

A copy of any written direction required by this condition must be provided to the Principal Certifying Authority within 24 hours of any event.

Where there is any movement in foundations such that damaged is occasioned to any adjoining building or such that there is any removal of support to supported land the professional engineer, principal contractor and any sub-contractor responsible for such work must immediately cease all work, inform the owner of that supported land and take immediate action under the direction of the professional engineer to prevent any further damage and restore support to the supported land.

*Note: Professional engineer has the same mean as in Clause A1.1 of the BCA.*

*Note: Building has the same meaning as in section 4 of the Act i.e. "building includes*

*part of a building and any structure or part of a structure”.*

*Note: Supported land has the same meaning as in section 88K of the Conveyancing Act 1919.*

### 53. **Traffic Management**

- a. A traffic signal system is to be designed and installed to manage vehicular movement on and adjacent to the one-way ramp that provides vehicle access to the basement. The traffic signal system shall control traffic to ensure safe movement of vehicles on the ramp at all times.

A management plan for the traffic signals shall be approved by Council or an Accredited Certifier prior to the issue of the Construction Certificate. The management plan is to detail the criteria for the design, operation and maintenance of the traffic signal system.

- b. A suitably qualified and experienced engineer shall design traffic management facilities within the site to the requirements of AS2890.1:2004 and relevant Austroads Guidelines. The facilities designed by the engineer shall include signs (including vehicular guide signs, regulatory signs and warning signs), linemarking and pavement markers, and other controls such as traffic islands, median or separator, convex mirror and traffic signals to ensure safe movement of vehicles within the site at all times. The design shall also include details of the road pavements.

The design details shall be approved by Principal Certifying Authority (PCA) prior to the issue of the Construction Certificate.

54. Graffiti resistant materials are to be used on fences and all ground floor areas. Details to be provided prior to the issue of the Construction Certificate.
55. All recommendations contained in the report prepared by JK Geotechnics Ref: 26714Srpt2, dated 27 August 2014 shall be implemented. A report from a qualified engineer shall be submitted to the Certifying Authority addressing the recommendations prior to the issue of the relevant Construction Certificate.
56. A Waste Management Plan shall be prepared and implemented in accordance with Rockdale Technical Specification Waste Minimisation and Management.
57. The groundwater shall be assessed by a suitably qualified and experienced environmental consultant in accordance with relevant contaminated sites guidelines published by NSW Department of Environment Climate Change and Water. A copy shall also be submitted to Council if Council is not the Certifying Authority.
58. The low level driveway must be designed to prevent inflow of water from the road reserve, and ramp. The assessment of flows and design of prevention measures shall be in accordance with the requirements of Rockdale Technical Specification Stormwater Management. Details shall be included in the documentation presented with the Construction Certificate application.
59. Any part of the proposed building within 3m of the proposed detention rain tank or absorption trench / bio-retention shall be constructed on a pier and beam foundation with piers extending no less than 300mm below the bottom of the tank or trench base. This requirement shall be reflected on the Construction Certificate plans and supporting documentation.

60. A. In addition to complying with the requirements of the BCA, walls separating tenancies, shall be of discontinuous construction and satisfy the Association of Australian Acoustical Consultants (AAAC) 5 Star attribute for walls and provide an  $D'nT, w + Crt \geq 50$ .

A report shall be submitted to the Principal Certifying authority for approval prior to the issue of any Construction Certificate. The report is to include BCA requirements and details of the common walls between residential apartments.

A suitably qualified acoustic engineer with MIE Australia membership or employed by a consulting firm eligible for AAAC membership is to certify that the details provided in the said report satisfy the requirements of this condition, with the certification to be submitted to the Principal Certifying Authority for approval prior to the issue of any Construction Certificate.

- B. In addition to complying with the requirements of the BCA floors/ceilings separating tenancies shall be constructed to satisfy the AAAC 5 Star attribute for floors and provide an  $L'nTw \leq 45$ .

A report shall be submitted to the Principal Certifying authority for approval prior to the issue of any Construction Certificate for each of the building stages. The report is to include BCA requirements and details of floor/ceilings between residential apartments. Apartments designed with carpet covered floors shall be identified in the report.

A suitably qualified acoustic engineer with MIE Australia membership or employed by a consulting firm eligible for AAAC membership is to certify that the details provided in the said report satisfy the requirements of this condition, with the certification to be submitted to the Principal Certifying Authority for approval prior to the issue of any Construction Certificate for each of the building stages.

#### 61. **Stormwater Management**

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

Prior to the issue of the Construction Certificate the Certifying Authority shall be satisfied that a certificate has been issued by a suitably qualified Civil Engineer or a certificate has been issued in accordance with Section 109C of the Environmental Planning and Assessment Act 1979, in relation to the design, and the certificate states that the design complies with Rockdale Technical Specification – Stormwater Management.

The design shall address the following particular issues regarding Stormwater management and flood management:

- (i) The overflow from the rainwater tank must be set at or above the level of the 0.5% AEP level, as specified by Council's Flood Advice Letter.
- (ii) The development must allow for the passage of upstream catchment flows to Gertrude Street. Where these flows currently pass through the site, drainage facilities shall be provided to collect and discharge the flows to Gertrude Street.
- (iii) Integrate stormwater treatment into the landscape.

- (iv) The design of the stormwater bio retention system shall take into account depth of watertable with adequate provision for future fluctuations of watertable levels. (It is recommended that a minimum allowance for a watertable variation of at least +/- 0.5 metre beyond any expected fluctuation be provided). The actual water table fluctuation and fluctuation safety margin must be determined by a suitably qualified professional.
  - (iv) The stormwater reuse from proposed rain tanks. The size of the rainwater storage tank should be sized such that water can be reused without supply from town water for the majority of the year. As a minimum, the storage tank should be capable of storing the first 10-20mm of runoff from the site. Rainwater should be used for landscape irrigation, car washing, and toilet flushing in apartments and general cold water supply at lower levels.
  - (v) To incorporate an oil separator in accordance with Rockdale Technical Specification – Stormwater Management, section 7.5.4.
  - (vi) The piped drainage within the site should be capable of conveying the 5% AEP flow; and Overland flow paths (i.e. situated internally within the building and used when the flow in the piped drainage exceeds the 5% AEP flow) should be capable of conveying the 1% AEP flows.
62. All vertical plumbing, other than roofwater heads and downpipes, shall be concealed within the brickwork of the building. Any electrical kiosks or fire booster valves shall be located in unobtrusive locations away from entrances into the building. Utilities shall be embedded into the walls of the building so as not to detract from the overall appearance of the development and amenity of the streetscape.
- The fire hydrant & sprinkler booster at ground level fronting Innesdale Road shall be screened and covered, whilst ensuring appropriate access to NSW Fire & Rescue Services is provided. Colours, finishes and materials are to be consistent with the approved development and written approval is to be sought from NSW Fire & Rescue Services as to the suitability of selected screening for access purposes. Details to be submitted to Council for approval prior to the issue of the Construction Certificate.
63. The Landscape documentation prepared by Matthew Higginson Landscape Architecture Pty Ltd is to be amended to provide specific construction design details, including a detailed specification, in regards to:
- a. Planter finishes & treatment, soil depth, mulch and automatic irrigations system (required for all planters)
  - b. Treatment and specifications of seating, storage boxes, tables, counters, outdoor gym equipment, flooring and bbq's.
  - c. Clarification of proposed gravel and concrete surfacing. *Note gravel pathways in communal areas are not acceptable.*
  - g. Proposed green walls.
  - h. Details of sky lights at podium level.
- The above information shall be submitted and approved by Council prior to the issue of the Construction Certificate.

## PRIOR TO COMMENCEMENT OF WORKS

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

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

65. A Soil and Water Management Plan shall be prepared. The Plan must include details of the proposed erosion and sediment controls to be installed on the building site. A copy of the Soil and Water Management Plan must be kept on-site at all times and made available on request.

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

Council's warning sign for soil and water management must be displayed on the most prominent point on the building site, visible to both the street and site workers. The sign shall be erected prior to commencement of works and shall be displayed throughout construction.

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

67. 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.

68. 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.
69. 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.

70. The site shall be secured by a 1800 mm (minimum) high temporary fence for the duration of the work. Gates shall be provided at the opening points.
71. A hoarding or fence shall be erected between the work site and the public place when the work involved in the erection or demolition of a building:
  - i) is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or
  - ii) building involves the enclosure of a public place,

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

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

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

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

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

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

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

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

72. 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.

73. A Construction Management Plan (CMP) shall be prepared in accordance with the requirements of all relevant regulatory approval bodies. Access to the site for construction purposes via Princes Highway is not permitted. Prior to the commencement of works the applicant and Certifying Authority shall be satisfied that the Construction Management Plan has obtained all relevant regulatory approvals.

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.

The CMP and TMP shall be implemented during demolition, excavation and construction. Copies of the CMP and TMP shall be submitted to Council.

## DURING DEMOLITION / EXCAVATION / CONSTRUCTION

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

74. 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.
75. 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.
76. 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.
77. 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.

78. 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.
79. All waste generated on site shall be disposed of in accordance with the submitted Waste Management Plan.
80. All excavation and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards and guarded and protected to prevent them from being dangerous to life or property.

When excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building or an adjoining allotment of land, you shall:

- i) preserve and protect the building from damage and
- ii) underpin and support the building in an approved manner, if necessary and
- iii) give notice of intention to excavate below the level of the base of the footings of a building on an adjoining allotment of land to the owner at least 7 days prior to excavation and furnish particulars of the excavation to the owner of the building being erected or demolished.

**Note:** The owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this clause, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

In this conditions **allotment of land** includes a public road and any other public place.

Works shall not encroach onto or over adjoining properties, including retaining walls, fill material or other similar works. Soil shall not be lost from adjoining sites due to construction techniques employed on the subject site.

81. 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.
82. 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.
83. 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.
84. The following conditions are necessary to ensure minimal impacts during construction:
- i. Building, demolition and construction works not to cause stormwater pollution and being carried out in accordance with Section 2.8 of Council's Stormwater Pollution Control Code 1993. Pollutants such as concrete slurry, clay and soil shall not be washed from vehicles onto roadways, footways or into the stormwater system. Drains, gutters, roadways and access ways shall be maintained free of sediment. Where required, gutters and roadways shall be swept regularly to maintain them free from sediment.
  - ii. Stormwater from roof areas shall be linked via a temporary downpipe to an approved stormwater disposal system immediately after completion of the roof area.
  - iii. All disturbed areas shall be stabilised against erosion within 14 days of completion, and prior to removal of sediment controls.
  - iv. Building and demolition operations such as brickcutting, washing tools or paint brushes, and mixing mortar shall not be performed on the roadway or public footway or any other locations which could lead to the discharge of materials into the stormwater drainage system.
  - v. Stockpiles are not permitted to be stored on Council property (including nature strip) unless prior approval has been granted. In addition stockpiles of topsoil, sand, aggregate, soil or other material shall be stored clear of any drainage line or easement, natural watercourse, kerb or road surface.
  - vi. Wind blown dust from stockpile and construction activities shall be minimised by one or more of the following methods:
    - a) spraying water in dry windy weather
    - b) cover stockpiles
    - c) fabric fences
  - vii. Access to the site shall be restricted to no more than two 3m driveways. Council's footpath shall be protected at all times. Within the site, provision of a minimum of 100mm coarse crushed rock is to be provided for a minimum length of 2 metres to remove mud from the tyres of construction vehicles.

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

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

- viii. Any noise generated during construction of the development shall not exceed limits specified in any relevant noise management policy prepared pursuant to the Protection of the Environment Operations Act, 1997 or exceed approved noise limits for the site.
- 85. 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.
- 86. Existing site and/or street trees shall be adequately protected from damage during operations.
- 87. Trees located within adjoining properties or Council's nature strip shall not be removed or pruned without the written consent of Council in the form of a Permit issued under Council's Development Control Plan 2011.

## 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.

- 88. An Occupation Certificate shall be obtained in relation to the approved works prior to any use or occupation of the building.
  - 89. 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.
  - 90. 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.
- 91. A by-law shall be registered and maintained for the life of the development, which requires that:
    - (a) balconies are not to be used as clothes drying areas, storage of household goods and air-conditioning units that would be visible from the public domain;

- (b) an owner of a lot must ensure that all floor space within the lot complies with the acoustic conditions for floors specified in this consent;
- (c) notwithstanding subclause (b), in the event that a floor covering in the lot is removed, the newly installed floor covering shall have a weighted standardized impact sound pressure level not greater than L'nT,w 45 measured in accordance with AS ISO 140.7 and AS ISO 717.2. A test report from a qualified acoustic engineer employed by a firm eligible to membership of the Association of Australian Acoustical Consultants shall be submitted to the Owners Corporation within 14 days of the installation of the new floor covering demonstrating compliance with that standard. In the event that the standard is not complied with, the floor covering shall be removed and replaced with a floor covering that conforms to that standard in accordance with any directions given by the Owners Corporation.
- (d) the Body Corporate shall ensure that the mechanical bin tug incliner is to be available on site and maintained at all times. Bins are to be returned to basement storage rooms within 1 hour following collection to allow use of the area as a loading and unloading bay.
- (e) a requirement for residents to actively participate in recycling / diversion initiatives within the development.

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

- 92. The approved recommendations from the Flood Management Report shall be implemented prior to occupation of the development.
- 93. Lot 24 DP 4032, Lot 1 DP 932129, Lot 1 DP 923631, Lot 27 DP 4301, Lot A DP 308357, Lot 28 DP 4301, Lot B DP 308357, Lot 2 DP 1171103 are to be consolidated into one allotment. A copy of the plan of consolidation must be provided to the Principal Certifying Authority prior to release of the Occupation Certificate.
- 94. All works within the road reserve, which are subject to approval pursuant to Section 138 of the Roads Act 1993, shall be completed and accepted by council.
- 95. The underground placement of all low voltage street mains in that section of the street/s adjacent to the development, and associated services and the installation of underground supplied street lighting columns, shall be carried out at the applicant's expense. The works shall be completed and Ausgrid's requirements shall be met prior to issue of the Occupation Certificate.
- 96. 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.
- 97. A lighting maintenance policy shall be established for the development. Details to be provided to the PCA prior to the issue of the Construction Certificate.
- 98. Vehicles shall enter and exit the site in a forward direction at all times from the basement ramp. 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".

99. 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.
100. A convex mirror is to be installed at ramp and loading bay to provide increased sight distance for vehicles.

#### **Vehicle warning system**

Prior to the issue of the Occupation Certificate a traffic management and traffic safety system shall be installed to control traffic flow on the driveway / two-way ramp and ensure safety of vehicles on and around the ramp at all times. The system shall be designed by a suitably qualified and experienced traffic engineer, and meet the requirements of Australian Standard AS/NZS2890.1:2004.

101. 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 residence, and their visitors.
102. 137 off-street car spaces shall be provided in accordance with the submitted plan and shall be sealed and linemarked to the satisfaction of the PCA. The pavement of all car parking spaces, manoeuvring areas and internal driveways shall comply with Australian Standard AS3727 – Guide to Residential Pavements.
103. Prior to the issue of the Occupation Certificate, a registered surveyor shall certify that the driveway(s) over the footpath and within the property have been constructed in accordance with the approved driveway profile(s). The certification shall be based on a survey of the completed works. A copy of the certificate and a works-as-executed driveway profile shall be provided to Council if Council is not the Principal Certifying Authority.
104. The aircraft; traffic and mechanical plant noise reduction measures specified in the noise report prepared by Renzo Tonin & Associates (TG778-01F02 (r0)) dated 15 August 2014 shall be validated by a Certificate of Compliance prepared by the acoustic consultant and submitted to the Principal Certifying Authority (PCA) prior to the issue of an Occupation Certificate. If Council is not the PCA, a copy shall be submitted to Council concurrently.
105. A Landscape Architect shall provide a report to the certifying authority (with a copy provided to Council, if Council is not the principal certifying authority) stating that the landscape works have been carried out in accordance with the approved plans and documentation. The landscaping is to be maintained to the approved standard at all times.
106. Mechanical ventilation systems shall be certified by a suitably qualified and experienced engineer at the completion of installation prior to the issue of an Occupation Certificate.

107. 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.
108. Prior to occupation, a chartered professional engineer shall certify that the tanking and waterproofing has been constructed in accordance with the approved design and specification. A copy shall be provided to Council if council is not the Principal Certifying Authority.
109. 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.
110. Prior to occupation a Chartered Professional Engineer shall certify that the stormwater system has been constructed in accordance with the approved plans and as required by Rockdale Technical Specification Stormwater Management. The certificate shall be in the form specified in Rockdale Technical Specification Stormwater Management and include an evaluation of the completed drainage works. A works-as-executed drainage plan shall be prepared by a registered surveyor based on a survey of the completed works. A copy of the certificate and works-as-executed plan(s) shall be supplied to the Principal Certifying Authority. A copy shall be provided to Council if Council is not the Principal Certifying Authority.
111. All bio-retention systems must be inspected, and a compliance certificate under Part 4A of the EP&A Act issued prior to back filling and proceeding to subsequent stages of construction. Copies of the certificate are to be maintained by the principal certifying authority and be made available to Council officers upon request.
112. A benchmark shall be established adjacent to the site to Australian Height Datum to enable comparison to the flood standard.  
  
 The underground garage shall be floodproofed to a minimum of 500mm above the 1% Annual Exceedance Probability flood level. The levels shall be certified by a registered surveyor prior to construction of the driveway or other openings.  
  
 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 on 30 July 2014, *Referenced F08/691PO4, 14/105441*.
113. A positive covenant pursuant to the Conveyancing Act 1919 shall be created on the title of the lots that contain the stormwater rain tank pump system facility to provide for the maintenance of the detention facility.

114. 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.
115. The drainage system shall be constructed in accordance with the approved drainage plans and any amendments in red. All stormwater drainage plumbing work shall comply with the NSW Code of Practice: Plumbing and Drainage and Australian Standard AS3500.
- Drainage grates shall be provided at the boundary. Width of the drainage grates shall be in accordance with Rockdale Technical Specification Stormwater Management.
- A silt/litter arrestor pit as detailed in Rockdale Technical Specification Stormwater Management shall be provided prior to discharge of stormwater from the site.
116. The outside finished ground level shall be constructed a minimum of 200mm below the habitable floor level for the whole building perimeter.
117. Signs shall be displayed adjacent to all stormwater drains on the premises, clearly indicating "Clean water only - No waste".
118. The owner of the premises is required to comply with the following requirements when installing a rainwater tank:
- 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.
  - 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.
  - A first flush device shall be installed to reduce the amount of dust, bird faeces, leaves and other matter entering the rainwater tank.
119. A Public Positive Covenant shall be created on site, under Section 88E of the Conveyancing Act 1919, which requires the Owner's Corporation to ensure the maintenance, survival, repair and / or insurance of the green walls (rooftop structures and eastern wall of driveway entry) on the land.
- Council requires proof of lodgement of the signed 88E with the Land Titles Office prior to the issue of the Occupation Certificate. Where Council is not engaged as the Principal Certifying Authority for the issue of the Positive Covenant, Council must be provided with all relevant supporting information (such as works-as-executed plans for the green wall structure and landscape certification) prior to the issue of the Occupation Certificate.
120. A. Testing and evaluation of the wall insulation system and floor system is to be carried out at post construction stage by a suitably qualified acoustical engineer to confirm compliance with acoustic conditions within this consent. A report is to be submitted to the PCA and Council, prior to the issue of the Occupation Certificate.
- A. Prior to any field acoustic compliance testing of the walls and floors in accordance with this condition, a report shall be provided to the testing engineer/

organisation certifying that the walls and floors have been constructed in accordance with the details submitted with the Construction Certificate/s. Any variations to CC approved documentation shall be approved by the Principal Certifying authority and identified in the report.

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

A report demonstrating compliance with this condition is to be submitted to the Principal Certifying authority for approval prior to the issue of any Occupation Certificate for each of the building stages. The report is to include details of the walls and floors separating apartments. A copy of the report must be provided to Council if Council is not the Principal Certifying Authority.

121. A suitably qualified Wind Consultant shall confirm that the wind amelioration measures as specified within the report prepared by SLR Global Environmental Solutions reference 610.14011-R3 , dated 16 January 2015 have been implemented. Certification is to be submitted to Council prior to the issue of the Occupation Certificate.
122. The installation of rooftop facilities as indicated upon approved plans shall be finalised prior to issue of the Occupation Certificate.

## INTEGRATED DEVELOPMENT/EXTERNAL AUTHORITIES

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

### 123. **SYDNEY AIRPORT CORPORATION LIMITED**

The maximum height of the proposed building shall be 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.

### 124. **SYDNEY WATER**

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

Make an early application for the certificate, as there may be water and wastewater pipes to be built that can take some time. This can also impact on other services and buildings, driveways or landscape designs.

Applications must be made through an authorised Water Servicing Coordinator. For help either visit [www.sydneywater.com.au](http://www.sydneywater.com.au) > Plumbing , building and developing > Developing > Land development or telephone 13 20 92.

## 125. OFFICE OF WATER

### General

1. An authorisation shall be obtained from NSW Office of Water for the take of groundwater as part of the activity. Groundwater shall not be pumped or extracted for any purpose other than temporary construction dewatering at the site identified in the development application. The authorisation shall be subject to a currency period of 12 months from the date of issue and will be limited to the volume of groundwater take identified in the authorisation.
2. The design and construction of the building must prevent any take of groundwater after the authorisation has lapsed by making any below-ground levels that may be in contact with groundwater watertight for the anticipated life of the building. Waterproofing of below-ground levels must be sufficiently extensive to incorporate adequate provision for reasonably foreseeable high water table elevations to prevent potential future inundation.
3. Construction methods and material used in and for construction shall be designed to account for the likely range of salinity and pollutants which may be dissolved in groundwater, and shall not themselves cause pollution of the groundwater.

### Prior to excavation

4. Measurements of groundwater levels beneath the site from a minimum of three monitoring bores shall be taken. These measurements should be included in a report provided to the NSW Office of Water in support of the dewatering licence application, along with a schedule and indicative level predictions for the proposed ongoing water level monitoring from the date of consent until at least two months after the cessation of pumping shall be included in the report.
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 parameters (e.g. permeability predicted by slug-testing, pump-testing or other means) and calculation method shall be included in the report submitted to the NSW Office of Water in support of the dewatering licence.
6. A copy of a valid development consent for the project shall be provided in the report to the NSW Office of Water.
7. Groundwater quality testing shall be conducted on a suitable number of samples using a suitable suite of analytes and completed by a NATA-certified laboratory, with the results collated and certificates appended to a report supplied to the NSW Office of Water. Samples must be taken prior to the substantial commencement of dewatering, and a schedule of the ongoing testing throughout the dewatering activity shall be included in the report. Collection and testing and interpretation of results must be done by suitably qualified persons and NATA certified laboratory identifying the presence of any contaminants and comparison of the data against accepted water quality objectives or criteria.
8. The method of disposal of pumped water shall be nominated (i.e. reinjection, drainage to the stormwater system or discharge to sewer) and a copy of the written permission from the relevant controlling authority shall be provided to the NSW Office of Water. The disposal of any contaminated pumped groundwater (sometimes referred to as "tailwater") must comply with the provisions of the *Protection of the Environment Operations Act 1997* and any requirements of the relevant controlling authority.

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

#### During excavation

10. Engineering measures designed to transfer groundwater around the basement shall be incorporated into the basement construction to prevent the completed infrastructure from restricting pre-existing groundwater flows.
11. Piping, piling or other structures used in the management of pumped groundwater shall not create a flooding hazard. Control of pumped groundwater is to be maintained at all times during dewatering to prevent unregulated off-site discharge.
12. 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.
13. Pumped groundwater shall not be allowed to discharge off-site (e.g. adjoining roads, stormwater system, sewerage system, etc) without the controlling authorities approval and/or owners consent. The pH of discharge water shall be managed to be between 6.5 and 8.5. The requirements of any other approval for the discharge of pumped groundwater shall be complied with.
14. Dewatering shall be undertaken in accordance with groundwater-related management plans applicable to the excavation site. The requirements of any management plan (such as acid sulfate soils management plan or remediation action plan) shall not be compromised by the dewatering activity.
15. 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.
16. Access to groundwater management works used in the activity is to be provided to permit inspection when required by the NSW Office of Water under appropriate safety procedures.

#### Following excavation

17. 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.

#### 126. **AUSGRID**

- a) Prior to any development being carried out, the approved plans must be submitted to Ausgrid's local customer service office for approval to determine

- whether the development will affect Ausgrid's network or easements.
- b) The applicant must check the location of underground cables by using *Dial Before You Dig 3* and comply with the requirements of *NS156: Working Near or Around Underground Cables* (Ausgrid,2010).
- c) The development must comply with both the Reference Levels and the precautionary requirements of the *Draft Radiation Protection Standard for Exposure Limits to Electric and Magnetic Fields 0 Hz – 3 kHz* (ARPANSA, 2006).

## ROADS ACT

127. Construction related activities must not take place on the roadway without Council approval.

Short-term activities (including operating plant, materials delivery) that reduce parking spaces, affect access to a particular route or prevent or restrict the passage of vehicles along the road must not occur without a valid Temporary Roadside Closure Permit.

Activities involving occupation of the parking lane for durations longer than allowed under a Temporary Roadside Closure Permit require a Construction Zone Permit and must not occur prior to the erection of Works Zone signs by Council's Traffic and Road Safety Section.

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

128. 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.

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.

129. In addition to the works in the road reserve listed above, the following modification and/or improvement works to the road will be required to be undertaken at the applicant's expense:

- i) Construction of streetscape works in Gertrude Street and Innesdale Road.

**Note:** Detailed plans of the works are required to be submitted to Council for assessment and approval pursuant to *Section 138* of the *Roads Act 1993*, prior to the issue of the Construction Certificate.

130. 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.

131. 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.
  
132. Where applicable, the following works will be required to be undertaken in the road reserve at the applicant's expense:
 

Gertrude Street Frontage

  - Close obsolete driveways with new concrete kerb and gutter
  - Reconstruct the footpath with a new 1.5m wide concrete path on a 450mm building alignment
  - On completion of all concrete works turf and/or landscape the nature strip between the footpath and the kerb.

Innesdale Road Frontage

  - Close all obsolete driveways with new concrete kerb and gutter
  - Remove all obsolete driveway strips and aprons
  - Reconstruct the footpath with a new 1.5m wide concrete path on a 450mm building alignment
  - Turf and/or landscape the balance of the nature strip between the footpath and the kerb.

## DEVELOPMENT CONSENT ADVICE

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

Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets, please contact Dial before You Dig at [www.1100.com.au](http://www.1100.com.au) or telephone on 1100 before excavating or erecting structures (This is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial before You Dig service in advance of any construction or planning activities.
  
- c. *Telstra Advice - Telecommunications Act 1997 (Commonwealth)*

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

or impact on Telstra's assets in any way, you are required to contact: Telstra's Network Integrity Team on phone number 1800810443.

- d. If Council is appointed as the Principal Certifying Authority (PCA), a fee shall be paid before a Construction Certificate is issued. If the fee is paid after the end of the financial year, it will be adjusted in accordance with Council's adopted fees and charges. The fees charged encompass **all** matters related to ensuring that the proposed development is carried out in accordance with the approved plans and any post inspection issues that may arise.
- e. Where Council is **not** engaged as the Principal Certifying Authority for the issue of the Subdivision Certificate (Strata), and the Section 88B Instrument contains easements and/or covenants to which Council is a Prescribed Authority, the Council must be provided with all relevant supporting information (such as works-as-executed drainage plans and certification) prior to Council endorsing the Instrument.
- f. 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.
- g. The water from the rainwater tank should not be used for drinking, Sydney Water shall be advised of the installation of the rainwater tank.
- 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.

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## ADDITIONAL INFORMATION

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

- Section 82A allows Council to reconsider your proposal. Should you wish to have the matter reconsidered you should make an application under that section with the appropriate fee.
  - Under Section 97 of the Act applicants who are dissatisfied with the outcome of a consent authority have a right of appeal to the Land and Environment Court. This right must be exercised within six (6) months from the date of this notice. The Court's Office is situated at Level 1, 225 Macquarie Street, Sydney (Telephone 9228 8388), and the appropriate form of appeal is available from the Clerk of your Local Court.
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Should you have any queries please contact Fiona Prodromou on 9562 1672 .

Marta Gonzalez-Valdes  
**Coordinator Major Assessments**