



# ROCKDALE CITY COUNCIL

## Planning Assessment Report

### Application Details

<b>Application Number:</b>	DA-2015/279
<b>Date of Receipt:</b>	3 February 2015
<b>Property:</b>	19 Willis Street, WOLLI CREEK NSW 2205 SP 37252 Lot 1 DP 802439
<b>Owner:</b>	The Prop Of Strata Plan 37252
<b>Applicant:</b>	Lateral Estate Pty Limited
<b>Proposal:</b>	19-21 Willis Street, WOLLI CREEK NSW 2205 - Integrated Development - Construction of two x eight (8) storey residential flat buildings comprising 67 residential units, basement parking and demolition of existing structures.
<b>Recommendation:</b>	Approved
<b>No. of submissions:</b>	Nil
<b>Author:</b>	Pascal van de Walle
<b>Date of Report:</b>	

### Key Issues

The key issues with the proposal include:

- **Floor Space Ratio (FSR)** - the proposal exceeds the maximum FSR and the applicant has submitted a clause 4.6 variation. The applicant and Council officer's disagree on the areas that are to be included as gross floor area (GFA). It is Council officer's opinion that the external access corridors for Building B2 should be included in the GFA calculations. This position is based on legal advice provided by Michael Astill (Barrister). The applicant disagrees, and their position is based on legal advice provided by Gadens. The applicant has, however, included both approaches in their clause 4.6 variation to allow the JRPP to make a determination. Furthermore, Council officer's do not agree with the extent of the FSR variation proposed and a condition is proposed requiring that an area of 95.3m<sup>2</sup> be deleted from the proposal to ensure that, on balance, the proposal satisfies the objectives of the controls. This reduction in FSR will also facilitate compliance with the car parking requirements and objectives of the building separation requirements (discussed separately below).
- **Building Separation** - the proposed buildings have a separation distance of between 13m and 16.6m for the full seven stories above the podium level. The narrow separation distance has

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adverse impacts on the amenity of the future residents of the subject site and adjoining properties, and a condition is proposed in the draft Notice of Determination requiring that the building separation be increased at Levels 5-7 of Building B1 to ensure that the objectives of the requirement are achieved.

- **Car Parking** - the proposal has a shortfall of 2 car spaces. A condition is proposed requiring that compliance be achieved with the parking requirements. This can be achieved by a reconfiguration of the units where the GFA is proposed to be deleted.
- **Building Height** - the proposal includes a minor variation to the maximum 28m height permitted under Clause 4.3. The variation relates to the lift and the canopy for the rooftop communal open space area only. The applicant has submitted a detailed justification in accordance with clause 4.6, and the variation is supported.
- **Trees** - The application has been amended to retain the mature and healthy Lemon Scented Gum that is located toward the northern corner of the site and which is of '*high significance*'.
- **Excavation adjacent to Illawarra Rail Corridor** - the subject site is located adjacent to the Illawarra Railway line and the proposal has been amended in accordance with Sydney Trains requirements to mitigate adverse impacts to the rail infrastructure. Sydney Trains granted concurrence to the proposal on 20 July 2015.
- **Integrated Development (NSW Office of Water)** - the proposal includes excavation works for two levels of basement car parking that will transect the water-table and require temporary dewatering during the construction phase. The NSW Office of Water (NOW) issued their General Terms of Approval (GTA's) on 21 April 2015.

## Recommendation

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That this Development Application be **APPROVED** pursuant to Section 80(1)(a) of the Environmental Planning and Assessment Act 1979 and subject to the conditions of consent attached to this report.

## Background

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### History

There are no relevant approvals for the subject site, however there are several recent approvals for similar developments on nearby sites including the following:

- DA-2013/181 - **9-11 Arncliffe Street** - Approved 7 August 2013 - Integrated Development - Demolition of existing buildings and construction of an eight storey mixed use development comprising a ground floor retail shop and 39 residential units and 2 levels of basement parking
- DA-2014/27 - **1-3 Willis Street & 1 Guess Avenue** - Approved 17 February 2014 - Integrated

Development - Construction of an eight (8) storey mixed use development over two (2) levels of basement parking, and demolition of existing structures.

- DA-2014/89 - **4-10 Willis Street** - Approved on 5 May 2014 - Integrated Development - Construction of an eight (8) storey residential flat building including roof terrace, comprising 68 apartments and parking for 87 vehicles, and demolition of the existing structures.
- DA-2014/122 - **13-21 Arncliffe Street** - Approved 15 May 2014 - Integrated Development - Construction of an eight (8) storey mixed use development with rooftop terrace comprising 60 residential units (38 x 2 bed / 18 x 1 bed / 4 x 3 bed) 4 commercial tenancies, basement and ground level carparking for 84 vehicle, and demolition of existing structures.
- DA-2014/122/A - **13-21 Arncliffe Street** - Under Assessment - Section 96(2) Application to modify DA-2014/122 to increase height of building, increase in residential units from 60 to 75, carparking from 84 to 103 spaces and deletion of communal rooftop terrace.
- DA 2014/335 - **40-50 Arncliffe Street** - Approved 13 November 2014 - Integrated development - Construction of 2 x eight (8) storey residential flat buildings with rooftop terrace areas, comprising 175 residential units and basement parking, and demolition of existing structures.
- DA 2013/51 - **30 Arncliffe Street** - Approved 11 February 2013 - Integrated Development - Construction of a mixed use development comprising 41 residential units and 3 commercial units and two basement carparking levels with a total of 56 car spaces, and demolition of existing structures.
- DA 2012/180 - **52 Arncliffe Street** - Approved 27 June 2012 - Integrated Development - Construction of residential flat building comprising one-hundred and fifty (150) residential units and two (2) basement levels with capacity for 190 vehicles, and demolition of existing structures.
- DA 2012/180/A - **52 Arncliffe Street** - Withdrawn - Section 96(2) Application to modify DA 2012/180 to include twelve (12) additional residential units to create a total of 162 residential units and 200 carparking spaces.
- DA 2012/180/B - **52 Arncliffe Street** - Approved 14 August 2013 - Section 96(2) Application to modify DA 2012/180 to include six (6) additional residential units to create a total of 156 residential units and 200 car parking spaces.

A plan showing locations of the nearby developments is provided below (**Figure 1**):



**Figure 1: Plan of Development Application's in the Wollie Creek area.**

## Proposal

Council is in receipt of a development application DA-2015/279 at 15-21 Willis Street, Wollie Creek, which seeks consent for the construction of two x eight (8) storey residential flat buildings comprising 67 residential units, basement parking and demolition of existing structures. The application does not include subdivision.

The proposal consists of:

### Demolition

Demolition of all existing structures on site.

### Construction

Construction of two x eight (8) storey residential flat buildings containing 67 residential units comprising:

- 21 x 1 bedroom units (31%),
- 41 x 2 bedroom units (61%) and
- 5 x 3 bedroom units (8%), as follows:

*Building B1 (fronting Guess Avenue) = 45 Units*

	Ground Floor	Level 1	Level 2	Level 3	Level 4	Level 5	Level 6	Level 7	TOTAL
1 Bed Unit	-	2	2	2	2	2	2	2	14
2 Bed Unit	3	3	3	3	3	3	4	4	26
3 Bed Unit	-	1	1	1	1	1	-	-	5
<b>TOTAL</b>	<b>3</b>	<b>6</b>	<b>6</b>	<b>6</b>	<b>6</b>	<b>6</b>	<b>6</b>	<b>6</b>	<b>45</b>

*Building B2 (fronting Willis Street) = 22 Units*

	Ground Floor	Level 1	Level 2	Level 3	Level 4	Level 5	Level 6	Level 7	TOTAL
1 Bed Unit	-	1	1	1	1	1	1	1	7
2 Bed Unit	1	2	2	2	2	2	2	2	15
3 Bed Unit	-	-	-	-	-	-	-	-	0
<b>TOTAL</b>	<b>1</b>	<b>3</b>	<b>3</b>	<b>3</b>	<b>3</b>	<b>3</b>	<b>3</b>	<b>3</b>	<b>22</b>

#### Parking

- 74 residential car spaces (including 7 accessible spaces);
- 11 visitors spaces (including 1 accessible space);
- 6 motorcycle spaces; and
- 20 bicycle spaces.

#### Communal Open Space

The proposal as amended includes two (2) areas of communal open space - a 409m<sup>2</sup> area at podium level and a 130m<sup>2</sup> area at roof top level.

Photomontages of the proposal are provided below:





**Figure 2 - Guess Avenue facade**



**Figure 3 - Willis Street facade** (Note - minor amendments have been made to the Willis Street building, however the image is reflective of the general design, materials and scale of development).

## Site location and context

The site is located in the B4 Mixed Use zone, and also within the Wolli Creek Special Precinct under Council's Development Control Plan 2011.

The subject site has an irregular shape, with two street frontages and its north-western frontage to the Illawarra Rail Line. The frontage to Willis Street is approximately 36m, the frontage to Guess Avenue is approximately 44.2m and the frontage to the Rail Line is 54.275m. The total site area is 1,760m<sup>2</sup>.

The topography of the site is almost flat, however the adjoining rail line is located at the top of an embankment and is therefore elevated approximately 3.5 metres above the site.

The site contains a single Eucalyptus tree which is located at its northern corner that is proposed to be retained, however is otherwise generally void of planting. Mature trees are located immediately north of the site within the embankment leading up to the rail line. This land is owned by Railcorp.

Existing development on the site includes one and two storey industrial buildings with ancillary structures which are currently occupied by commercial and industrial uses including a mechanical repairs business and environmental consulting firms. The site is flood affected and within Class 3 Acid Sulfate Soils.

The surrounding area is characterised by low scale industrial buildings, however the area is undergoing substantial change from industrial (employment lands) to a mixed retail, commercial and residential development. At the time of writing this report, construction works for several residential flat buildings and mixed use developments was taking place.

The land opposite the site in Guess Avenue is currently used for industrial purposes, however it is zoned special uses and open space under RLEP 2011. Mt Olympus Drive is also located opposite the site. Guess Avenue is a major thoroughfare within Wolli Creek.



**Figure 4 - Site Location**

## Statutory Considerations

### *Environmental Planning and Assessment Act, 1979*

An assessment of the application has been undertaken pursuant to the provisions of the *Environmental Planning and Assessment Act, 1979*.

#### **S.91A - Development that is Integrated Development**

The proposal includes excavation works for two levels of basement car parking that will transect the water-table and require temporary dewatering during the construction phase. The proposal is therefore Integrated Development pursuant to Section 91 of the Environmental Planning and Assessment Act 1979, and was referred to the NSW Office of Water (NOW) for consideration. The NOW deemed that the construction dewatering proposed for the project would be an 'aquifer interference activity' in accordance with the definition in the Water Management Act 2000, and issued General Terms of Approval (GTA's) appropriate to this activity on 21 April 2015 which have been included in the Draft Notice of Determination.

#### **S.79C(1) - Matters for Consideration - General**

##### **S.79C(1)(a)(i) - Provisions of Environmental Planning Instruments**

The following Environmental Planning Instruments are relevant to this application:

##### **State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004**

The applicant has submitted a BASIX Certificate for the proposed development. The Certificate number is 593997M\_04 (dated 5 June 2015).



The commitments made result in the following reductions in energy and water consumption:

Reduction in Energy Consumption - 20%

Reduction in Water Consumption - 40%

Thermal Comfort - Pass

A condition has been imposed on the consent to ensure that these requirements are adhered to.

### **State Environmental Planning Policy (Infrastructure) 2007**

SEPP (Infrastructure) 2007 has been considered in the assessment and the following key matters are of relevance to this proposal:

#### ***Clause 45 - Development likely to affect an electricity transmission or distribution network***

The proposal includes works within 5 metres of an exposed overhead electricity power line and draft conditions require the placement of power lines underground. The application was therefore referred to Ausgrid in accordance with clause 45 inviting comments about potential safety risks.

Ausgrid confirmed by letter dated 23 February 2015 that the proposal is satisfactory subject to recommended conditions of consent, as well as a requirement that the applicant submit the appropriate Connection Application to determine the availability of Electrical supply and connection.

#### ***Clause 86 - Excavation in, above or adjacent to rail corridors***

The proposal involves excavation within 25 metres of the Illawarra rail corridor and requires the concurrence of the rail authority in accordance with clause 86(1)(b). On 20 July 2015, Sydney Trains (on behalf of Railcorp) provided concurrence to the proposal subject to recommended conditions of consent. These conditions have been incorporated into the draft notice of determination.

#### ***Clause 87 - Impact of rail noise or vibration on non-rail development***

A building for residential use adjacent to a rail corridor requires that measures are taken to ensure that noise impacts within the dwelling do not exceed the following LAeq (equivalent continuous noise levels):  
(a) in any bedroom in the building—35 dB(A) at any time between 10.00 pm and 7.00 am; and  
(b) anywhere else in the building (other than a garage, kitchen, bathroom or hallway) - 40dB(A) at any time.

An amended Acoustic Report prepared by Acoustic Logic, dated 20 January 2015 (Revision 2, Ref: 20141362.1/2001A/R2/TA), was submitted with the application and recommends measures to ensure that the required noise levels are achieved. The proposed measures include laminated glazing as detailed in Table 4 of the report, combined with appropriate design of the window mullions, perimeter seals and proper installation to meet the minimum STC as detailed in Table 5 of the report. In this regard the proposal is considered satisfactory subject to recommended conditions requiring implementation of the recommended measures and certification prior to Occupation.

### **State Environmental Planning Policy No 55—Remediation of Land**

The site and surrounding area has been used for a range of commercial and industrial land uses, and the site is currently occupied by a mechanical repairs business and environmental consulting firms. The

site is therefore potentially contaminated and, in accordance with the requirements of SEPP 55, a Detailed Site Investigation Report prepared by Environmental Investigations (dated 28 January 2015) was submitted with the application.

The report concluded that the site can be made suitable for the proposed residential uses after appropriate management and remediation has been carried out in accordance with a Remediation Action Plan (RAP). A RAP prepared by Environmental Investigations (E22334 AC\_ Rev1 dated the 12 June 2015) was therefore submitted to Council on 15 June 2015 which concludes "*that the site can be made suitable for the approved development following the implementation of this RAP*". Council's Environmental Health Officers have assessed the report and are satisfied with the submitted reports. Standard conditions have been included in the draft Notice of Determination.

Therefore, in accordance with Clause 7(1)(b) of SEPP 55, Council is satisfied that the land can be made suitable for the proposed residential use, and the proposed development satisfies the requirements & objectives of the SEPP.

### **State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development**

In accordance with clause 30 of this policy, the consent authority must take into consideration the following:

#### ***(a) The advice of the Design Review Panel (DRP)***

The proposal was considered by the Design Review Panel on 27 February 2015. The panel found that the volumes and aesthetics of the buildings were generally satisfactory, however that a number of issues required resolution prior to determination. The applicant has submitted amended plans which address the issues raised by the DRP. The key issues are discussed below:

- **Issue:** Removal of the significant site tree is not supported. The tree acts as a local landmark, screens the rail corridor and enhances the neighbourhood's visual and physical amenity.  
**Comment:** The tree is now proposed to be retained.
- **Issue:** The proposed location of the garbage storage area and electricity substation at the termination of Willis Street is not supported.  
**Comment:** The applicant has relocated the garbage storage area into a room within the building and provided planting to screen the substation. A photomontage submitted with the amended proposal demonstrates that the screen planting combined with the existing Casurina Trees will provide a satisfactory outcome for the termination of Willis Street subject to their ongoing maintenance by the Strata body.
- **Issue:** The provision of a deep soil setback with large tree planting along the site's northern boundary is strongly recommended to improve the amenity for future residents (i.e. provide screening between the building and the railway), provide consistency with setbacks of other approved development along the railway, and improve the neighbourhoods amenity. This would also assist to ameliorate the impacts of the constrained street setbacks which provided limited planting and balconies projecting over deep soil zones.

*Comment:* The proposal has been amended to provide a 3 metre deep soil zone with large tree planting for the majority of the northern setback area.

- *Issue:* The proposal creates a 13 metre wide space between the two building footprints which is not compliant with the RFDC. It also creates severely constrained street setbacks with building mass projecting above deep soil zones restricting significant planting. The Panel is concerned that this proposal is establishing a precedent for over-development south of the site, and substantial compensatory public domain and landscape measures should be provided.  
*Comment:* The application has been amended to provide a deep soil zone along the northern boundary, the existing tree will be retained, and the building has been stepped back at its southern side to minimise impacts on the amenity of the proposed development on the sites to the south (9-13 Willis Street). Communal open space has also been provided at roof top level, which allows larger scale planting to be provided in the central courtyard area to improve privacy and amenity for future residents. An additional setback at the upper levels of Building B1 is recommended as discussed in response to Clause 4.6 of RLEP 2011. Subject to these modifications, the amended proposal is considered to address the issues raised.
- *Issue:* The south walls should be realigned with the boundary line to eliminate unworkable residual spaces.  
*Comment:* The proposal has been amended as recommended.
- *Issue:* Car parking to be provided in an appropriate footprint, otherwise the yield of the development may not be achievable.  
*Comment:* The basement footprint has been reduced to allow additional deep soil planting along the site's northern boundary, and an additional level of parking has been provided to generally comply with Council requirements.
- *Issue:* The proposed deep soil does not comply with minimum requirements and will have adverse impacts on energy consumption and microclimate.  
*Comment:* Additional deep soil has been provided and is considered satisfactory.
- *Issue:* The provision of roof top communal open space with BBQ and associated facilities is recommended, to allow provision of increased areas of planting at podium level to improve privacy and outlook between the two proposed buildings.  
*Comment:* The proposal has been amended as recommended.
- *Issue:* Bicycle parking to be removed from the entry lobbies and provided in a secure space.  
*Comment:* Secure bicycle parking has been provided at ground floor level. The area has good passive surveillance and allows storage for at least 10 bicycles.
- *Issue:* The chair lift from Guess Avenue needs to be redesigned to comply with Accessibility requirements.  
*Comment:* The entrance to both buildings has been amended and significantly improved.

**(b) The ten design quality principles**

## SEPP 65 PRINCIPLES

Principle	Yes/No	Compliance
<p><b>Context:</b> Good design responds and contributes to its context. Context can be defined as the key natural and built features of an area.</p> <p>Responding to context involves identifying the desirable elements of a location's current character or, in the case of precincts undergoing a transition, the desired future character as stated in planning and design policies. New buildings will thereby contribute to the quality and identity of the area.</p>	Yes	<p>The area is undergoing a transition from an industrial to high density mixed use area containing retail, commercial and residential uses to take advantage of the proximity to the railway station.</p> <p>The design is generally consistent with the desired future character of the area in terms of height, bulk and scale.</p>
<p><b>Scale:</b> Good design provides an appropriate scale in terms of the bulk and height that suits the scale of the street and the surrounding buildings.</p> <p>Establishing an appropriate scale requires a considered response to the scale of existing development. In precincts undergoing a transition, proposed bulk and height needs to achieve the scale identified for the desired future character of the area.</p>	Yes - subject to condition	<p>The building height complies with the Council's LEP requirements (other than the minor variation for the lift overruns and canopy to the rooftop terrace which is supported by a clause 4.6 variation), and the scale of development when viewed from the street frontages is consistent with nearby approved developments and also consistent with the desired future character of the area. The separation distance of 13m between the two proposed buildings is found to be inadequate and a condition is proposed requiring that the building separation be increased at the upper levels (Levels 5-7).</p>
<p><b>Built Form:</b> Good design achieves an appropriate built form for a site and the building's purpose, in terms of building alignments, proportions, building type and the manipulation of building elements.</p> <p>Appropriate built form defines the public domain, contributes to the character of streetscapes and parks, including their views and vistas, and provides internal amenity and outlook</p>	Yes	<p>The built form of the amended proposal is satisfactory, with appropriate use of articulation to the facades via the incorporation of balconies, pedestrian entries at ground level, upper level voids and a range materials which adds visual interest to the facades.</p>



<p><b>Density:</b> Good design has a density appropriate for a site and its context, in terms of floor space yields (or number of units or residents).</p> <p>Appropriate densities are sustainable and consistent with the existing density in an area or, in precincts undergoing a transition, are consistent with the stated desired future density. Sustainable densities respond to the regional context, availability of infrastructure, public transport, community facilities and environmental quality.</p>	Yes	<p>The proposal exceeds the maximum FSR and a clause 4.6 variation has been submitted. It is recommended that the parts of Building B1 be reduced at the upper levels, as discussed in detail in response to clause 4.6 of RLEP 2011. The amended proposal will continue to exceed the maximum FSR permitted, however would be compliant with the objectives of the control and clause 4.6. As such, subject to the recommended changes, the proposal is consistent with the desired density and future character of the area.</p>
<p><b>Resource, Energy and Water Efficiency:</b> Good design makes efficient use of natural resources, energy and water throughout its full life cycle, including construction.</p> <p>Sustainability is integral to the design process. Aspects include demolition of existing structures, recycling of materials, selection of appropriate and sustainable materials, adaptability and reuse of buildings, layouts and built form, passive solar design principles, efficient appliances and mechanical services, soil zones for vegetation and reuse of water.</p>	Yes	<p>The application has been amended to include a deep soil landscape zone along the sites northern boundary. Solar access is maximised to dwellings particularly given the orientation of the buildings and internal layout of the units, with the majority of dwellings receiving northern or western sunlight. Communal open space at podium level will receive adequate sunlight, and the rooftop communal open space receives sunlight from all areas given its rooftop location. A BASIX certificate also confirms the provision of appropriate energy efficiency measures within the development.</p>

<p><b>Safety and Security:</b> Good design optimises safety and security, both internal to the development and for the public domain.</p> <p>This is achieved by maximising overlooking of public and communal spaces while maintaining internal privacy, avoiding dark and non-visible areas, maximising activity on streets, providing clear, safe access points, providing quality public spaces that cater for desired recreational uses, providing lighting appropriate to the location and desired activities, and clear definition between public and private spaces.</p>	Yes	<p>The front entry foyer of the development has been brought forward, improving safety and security for future occupants, and access to the basement car parking area is restricted. Communal open space areas can only be accessed by occupants of the building. The design provides for casual surveillance to Willis Street, Guess Avenue, the railway line and the future public open space areas on the opposite side of Guess Avenue. As such, the proposal provides a good level of safety and security internally and to the public domain.</p>
<p><b>Landscape:</b> Good design recognises that together landscape and buildings operate as an integrated and sustainable system, resulting in greater aesthetic quality and amenity for both occupants and the adjoining public domain.</p> <p>Landscape design builds on the existing site's natural and cultural features in responsible and creative ways. It enhances the development's natural environmental performance by co-ordinating water and soil management, solar access, micro-climate, tree canopy and habitat values. It contributes to the positive image and contextual fit of development through respect for streetscape and neighbourhood character, or desired future character.</p> <p>Landscape design should optimise useability, privacy and social opportunity, equitable access and respect for neighbours' amenity, and provide for practical establishment and long term management.</p>	Yes	<p>The proposal was amended to provide additional deep soil and dense planting adjoining the western boundary of the site to the Railway line which is beneficial to future occupants in terms of amenity.</p> <p>The amended proposal also includes additional landscape and tree planting at podium level for amenity of the residents as recommended by the DRP.</p> <p>Additional planting is provided at the Guess Avenue street frontage, and large pots are provided within the rooftop communal open space areas to allow a range of planting. This will add visual interest and amenity for future occupants of the development. Species selection on site is appropriate and adequate rainwater tanks have been provided on site, to enable the irrigation of landscaped areas on site.</p>

<p><b>Amenity:</b> Good design provides amenity through the physical, spatial and environmental quality of a development. Optimising amenity requires appropriate room dimensions and shapes, access to sunlight, natural ventilation, visual and acoustic privacy, storage, indoor and outdoor space, efficient layouts and service areas, outlook and ease of access for all age groups and degrees of mobility.</p>	<p>Yes</p>	<p>The proposal satisfies the solar access and cross ventilation requirements of the SEPP. The units and rooms are of adequate size and dimensions, and storage has also been provided in accordance with SEPP 65. Development at the Willis Street frontage has been reorganised to provide some landscape planting, relocate the fire stairs and significantly improve the building entry and its relationship with the public domain. The existing site tree has been retained, and privacy has been appropriately provided for. The level of amenity afforded by the rooftop communal open space areas will significantly benefit the proposed apartments, and the deletion of some GFA as recommended in the discussion under clause 4.6 will ensure that a satisfactory level of amenity is provided for and from the development. Overall, the amended design has significantly improved the level of amenity that will be afforded to future residents (as well as future residents of adjoining sites).</p>
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<p><b>Social Dimensions and Housing Affordability:</b> Good design responds to the social context and needs of the local community in terms of lifestyles, affordability, and access to social facilities.</p> <p>New developments should optimise the provision of housing to suit the social mix and needs in the neighbourhood or, in the case of precincts undergoing transition, provide for the desired future community.</p> <p>New developments should address housing affordability by optimising the provision of economic housing choices and providing a mix of housing types to cater for different budgets and housing needs.</p>	Yes	<p>The site is well located near a railway station and the proposal includes a variety of apartment sizes and layouts. The proposal does not comply with the unit mix requirement in RDCP 2011, however the variation is minor and supported in this case. The proposal is therefore satisfactory in this regard.</p>
<p><b>Aesthetics:</b> Quality aesthetics require the appropriate composition of building elements, textures, materials and colours and reflect the use, internal design and structure of the development. Aesthetics should respond to the environment and context, particularly to desirable elements of the existing streetscape or, in precincts undergoing transition, contribute to the desired future character of the area.</p>	Yes	<p>A range of materials, colours and finishes is proposed to provide for a satisfactory contemporary development in the context of the site and the Wolli Creek locality. The Design Review Panel also found the aesthetics of the building to be generally acceptable.</p>

**(c) The Residential Flat Design Code.**

The Residential Flat Design Code is a publication by the State Government which further expands on the 10 design quality principles by providing some detailed practical guidance for the design of residential flat buildings. The proposal has been assessed against the Residential Flat Design Code.

The proposed development is considered to have performed adequately in respect to the matters contained within the Code, including amenity, responsive site design and provision of appropriate communal open space.

Residential Flat Design Code		
Development standard	Yes / No	Compliance



Apartment building depth 10-18m, with wider buildings need to demonstrate satisfactory daylight and natural ventilation	Yes	8.54m - 16.3m
Building Separation Up to 4 storey - 12m between habitable rooms/balconies 5 to 8 storey - 18m between habitable rooms/balconies	<b>No However acceptable subject to recommended condition.</b>	The proposed separation distance does not satisfy the objectives of the requirement, nor strictly comply with the 18m separation required for Levels 5-7 (i.e. the 6th to 8th floor). A condition is proposed requiring an increase in the separation distance at upper levels. This matter is discussed in detail in response to clause 4.6 of RLEP 2011. Subject to the proposed modification, the separation distance meets the objectives and is acceptable in this case.
Single-aspect apartments should be limited in depth to 8metres from a window	Yes	Maximum 7.65m single aspect unit depth.
The back of a kitchen should be no more than 8 metres from a window	Yes	7.5m maximum from a window
Provide primary balconies to all apartments with minimum depth of 2 metres	Yes	Minimum 2m balcony depth
The ground floor retail and commercial spaces and first floor spaces (regardless of use) should have a clear ceiling height of 3.3 m.	N/A	N/A
Habitable rooms to be a minimum 2.7metres ceiling height	Yes	Minimum 2.7m floor to ceiling height
Accessible storage to apartments: One bed = 6m <sup>3</sup> Two bed = 8m <sup>3</sup> Three bed = 10m <sup>3</sup> Minimum 50% in apartment	Yes	Storage provided within apartments and at basement level as shown in the approved plans (and required by conditions of consent).
Living rooms and private open space for at least 70% of apartment receive a minimum of 3 hours sunlight between 9am and 3pm in mid-winter. In dense urban areas a minimum of two hours may be acceptable	Yes	87% (57 of 62 units) receive 3 hours solar access in midwinter

Limit single-aspect apartments with southerly aspect to 10%	<b>No - Minor variation supported</b>	10.5% (7 of 67 units) are single south-westerly orientated, and will receive some late afternoon sun. The units have a generous width of 10 metres and a maximum depth of 6.2 metres, and will therefore allow adequate light to be obtained to all parts of the unit.
60% of residential units should be naturally cross ventilated.	Yes	73% (49 of 67 units) naturally cross ventilated
25% of kitchen of development should have natural ventilation	<b>No - however acceptable</b>	The units are open plan and 31% are located within 1.5m of an operable window.
Minimum 20 percent of dwellings in the development have barrier free access.	Yes	All dwellings are accessible given ramps / lift access within the development.

## Rockdale Local Environmental Plan 2011

Relevant clauses	Compliance with objectives	Compliance with standard/provision
2.3 Zone B4 Mixed Use	Yes	Yes - see discussion
2.7 Demolition requires consent	Yes	Yes - see discussion
4.3 Height of buildings	Yes	No - see discussion
4.4 Floor space ratio	No - see discussion	No - see discussion
4.6 Exceptions to development standards	No - see discussion	No - see discussion
5.9 Preservation of trees or vegetation	Yes	Yes - see discussion
5.9AA Trees or vegetation not prescribed by development control plan	Yes	Yes
6.1 Acid Sulfate Soil - Class 3	Yes	Yes - see discussion
6.2 Earthworks	Yes	Yes - see discussion
6.4 Airspace operations	Yes	Yes - see discussion
6.6 Flood Planning Land	Yes	Yes - see discussion
6.7 Stormwater	Yes	Yes - see discussion
6.12 Essential services	Yes	Yes - see discussion

### 2.3 Zone B4 Mixed Use

The subject site is zoned B4 - Mixed Use under the provisions of Rockdale Local Environmental Plan 2011 (RLEP 2011). The proposal is defined as a Residential Flat Building which constitutes a permissible development only with development consent. The objectives of the zone are:

- To provide a mixture of compatible land uses.
- To integrate suitable business, office, residential, retail and other development in accessible

locations so as to maximise public transport patronage and encourage walking and cycling.

The proposed development is consistent with the objectives of the zone in that it provides a residential flat building in an area surrounded by recent approvals for RFB's and mixed use developments, and the site is located within 300m of the Wolli Creek Railway Station and nearby proposed future bicycle pathways along Arncliffe Street and Guess Avenue.

#### 2.7 Demolition requires consent

The application requests approval for the demolition of all structures located on the site. There are no objections to the proposed demolition subject to a condition requiring compliance with AS2601. The proposal is therefore satisfactory with regards to this clause.

#### 4.3 Height of buildings

The maximum height of the top of the buildings is 27.9m, however the lift overrun and canopy for the rooftop communal open space area exceed the maximum 28m height permitted under clause 4.6. The original application did not include a communal rooftop area, and the proposal was amended during the assessment process to address issues raised. The maximum height of the canopy for the communal open space area is 28.5m and the top of the lift overruns is 30.6m. Therefore the proposal does not satisfy the maximum 28m height permitted by clause 4.3 of RLEP 2011 and the applicant has submitted a clause 4.6 variation. The applicant's justification is generally agreed with, and the variation to the height is supported for the reasons detailed in response to clause 4.6 in this report.

#### 4.4 Floor space ratio

The proposal has a gross floor area (GFA) of 5,280.3m<sup>2</sup> and a resulting FSR of 3:1. This exceeds the maximum 2.85:1 FSR permitted under clause 4.4(2) of RLEP 2011 by 264m<sup>2</sup> (5.3%).

The applicant does not agree with Council's calculation of GFA. In their opinion the external circulation corridors for Building B2 should not be included, and their calculation of GFA (5,121.3m<sup>2</sup>) would result in an FSR of 2.91:1 (an excess of 105.3m<sup>2</sup>).

The application has been accompanied by a clause 4.6 variation prepared by Planning Ingenuity, dated 23 July 2015. The variation is not supported in its entirety, and a condition has been included in the draft Notice of Determination recommending that the FSR be reduced. Subject to compliance with the recommendation, the resulting FSR of 2.94 is considered satisfactory. This is discussed in further detail in response to clause 4.6 of RLEP 2011 below.

#### 4.6 Exceptions to development standards

Clause 4.6 allows a variation to a development standard subject to a written request by the applicant justifying the variation by demonstrating:

- (3)(a) that compliance with the standard is unreasonable or unnecessary in the circumstances of the case, and
- (3)(b) that there are sufficient environmental planning grounds to justify the variation.

In considering the applicant's submission, the consent authority must be satisfied that:

- (i) the applicant's written request is satisfactory in regards to addressing subclause (3) above,

and

(ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives of the relevant zone.

5(a) The consent authority must also consider whether contravention of the development standard raises any matter of significance for State or Regional environmental planning, and

5(b) the public benefit of maintaining the development standard.

The applicant has submitted a detailed justification for the proposed variations to the height and FSR development standards. These are discussed separately below:

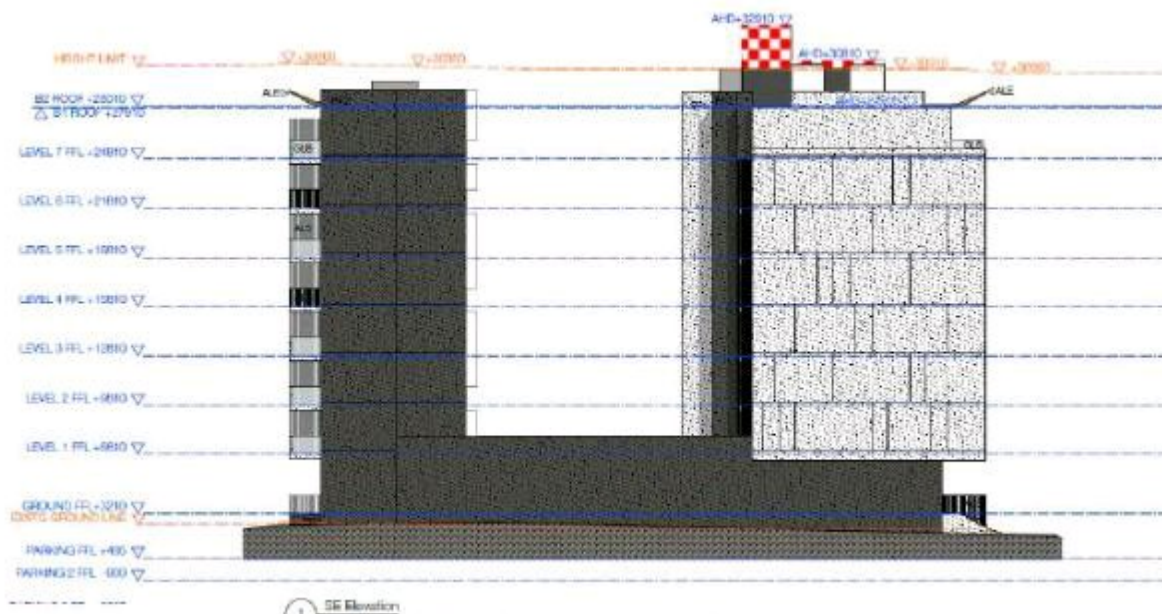
### Height

The proposal was amended to include an area of communal open space at roof top level of Building 1 that includes lift access and a canopy for weather protection. The amendment was made to address issues raised by the Design Review Panel and Council relating to amenity for future residents. The maximum height of the fire stairs and canopy is 28.5m and the maximum height of the the top of the lift is 30.6m. Therefore the proposal exceeds the maximum 28m height permitted by clause 4.3 of RLEP 2011 by between 0.5m (1.8%) and 2.6m (9.3%) (see **Figure 5** and **Figure 6**).



**Figure 5 - Area exceeding the maximum 28m building height shown dotted red (north-east elevation).**





**Figure 6 - Area exceeding the maximum 28m building height shown dotted red (south-east elevation).**

The applicant has submitted a detailed justification to the proposed variation to the height development standard. It is the applicant's position that compliance with the standard is unreasonable and unnecessary, and that the proposal is acceptable in the circumstance of the case for the following key reasons:

- the variation to the height is isolated to small areas of Building 1, and that the majority of the building is fully compliant with the maximum 28m height;
- the variation was highly recommended by the Design Review Panel;
- the variation will provide superior amenity for residents as the lifts and fire stairs provide equitable access to the communal rooftop area, and the canopy provides weather protection to this space;
- the additional height will not be visible from the Guess Avenue street frontage;
- the variation will have minimal adverse impacts and will not affect compliance with the solar access requirements;
- the proposal satisfies the objectives of the Height development standard;
- the proposal satisfies the objectives of the B4 Mixed Use Zone;
- the proposal will have broader public benefit by complying with the desired future character of the area, increasing the housing stock near public transport, providing high quality housing; and
- compliance with the height requirement would have no material public benefit.

The applicant's justification is generally agreed with. The majority of the roof for Building B1 complies with the 28m height limit, and the proposed variation to clause 4.3 is minor and will ensure that equitable access and weather protection is provided to the communal open space area. The proposal is supported in the context of clause 4.6 for the following key reasons:

- The proposal is consistent with the objectives of Clause 4.3 – Height of Buildings, in that the proposal will have minimal adverse impacts, the structures will not be easily visible from the public domain and not affect the ability of Building B1 to provide a satisfactory transition to

adjoining properties.

- The proposal is consistent with the objectives of the B4 – Mixed Use zone as it provides a mixture of compatible land uses, and integrates suitable land uses in an accessible location thereby maximising use of public transport and encouraging walking and cycling;
- The lifts provide equitable access to the roof top level, as well as providing a link between the two buildings should one of their lifts be out-of-order.
- A reduction in the height of the building would have no material benefits and is considered unnecessary.
- The additional height is not considered to be a detrimental planning outcome and does not give rise to adverse solar access, view loss or visual privacy impacts on site, or to neighbouring properties.

### **Floor Space Ratio**

The site has an area of 1,760m<sup>2</sup> and, according to Council officer's calculations of GFA (based on legal advice provided by Michael Astill, Barrister), the proposal has a gross floor area (GFA) of 5,280.3m<sup>2</sup>, resulting in an FSR of 3:1. This exceeds the maximum 2.85:1 FSR permitted under clause 4.4(2) of RLEP 2011 by 264m<sup>2</sup> (5.3%).

The additional 264.3m<sup>2</sup> of floor space relates to the following areas of the building:

- 12m<sup>2</sup> - Garbage room at ground floor level (with access from Willis Street);
- 10m<sup>2</sup> - larger entrance lobbies (as requested by Council);
- 83.3m<sup>2</sup> - various alterations made following Council and DRP assessment;
- 159m<sup>2</sup> - horizontal circulation for Building B2.

The applicant does not agree that the external circulation corridors for Building B2 should be included, and this is based on legal advice provided by Gadens lawyers. The primary reason for the exclusion from GFA is that one side of the corridor is open and does not contain an 'external wall' measured at a height of 1.4m above the floor. Therefore, their calculations therefore excludes this 159m<sup>2</sup> area and results in a GFA of 5,121.3m<sup>2</sup> and an FSR of 2.91:1 (an excess of 105.3m<sup>2</sup>). The Applicant has therefore submitted a clause 4.6 which requests that an exception to the FSR development standard be granted in accordance with clause 4.6 to permit the proposed FSR of 2.91:1 or 3:1, depending on the Panel's interpretation of GFA as detailed above.

It is the applicant's position that strict compliance with the FSR is unreasonable and unnecessary and that the development should be approved as proposed. They contend that "*an appropriate degree of flexibility*" should be applied in the circumstances of this case for the following key reasons:

- The variation is relatively minor and in the context of recent approvals that have been granted for development within the vicinity of the site and the Wolli Creek Precinct;
- The external corridors should not be included in GFA as they are open to the weather and direct sunlight on one side, and will contain fixed louvres so are not enclosed when measured at a height of 1.4 metres above the floor level as per the definition of GFA. The applicant submits that this is a similar approach used for the matter *Haralambis Management Pty Ltd v Council of the City of Sydney [2013] NSWLEC 1009*.
- Parts of the GFA were increased to address issues raised by the Design Review Panel;
- The proposal satisfies the objectives of the FSR standard clause 4.4 (see below) for the

following key reasons:

- makes good use of the infrastructure available in the locality;
- provides additional housing choice in close proximity to public transport;
- does not result in any visual or acoustic privacy issues to surrounding properties;
- follows the general alignment of future buildings in Willis Street and Guess Avenue;
- permits adequate solar access to be retained to the adjoining property / proposal.
- The proposal satisfies the objectives of the B4 Mixed use zone (see below), as it:
  - provides a land use that is suitable and encourages in the a locality;
  - is located within easy walking distance to Wolli Creek train station;
  - includes suitable bicycle facilities.

As noted above, the applicant submits that the proposal complies with the objectives of the FSR standard and the zoning. These objectives are therefore provided below:

- The objectives of the Floor Space Ratio clause 4.4 clause are as follows:
  - (a) to establish the maximum development density and intensity of land use, accounting for the availability of infrastructure and generation of vehicular and pedestrian traffic, in order to achieve the desired future character of Rockdale,*
  - (b) to minimise adverse environmental effects on the use or enjoyment of adjoining properties,*
  - (c) to maintain an appropriate visual relationship between new development and the existing character of areas or locations that are not undergoing or likely to undergo a substantial transformation.*
- The objectives of the B4 Mixed Use zone are as follows:
  - (a) provide a mixture of compatible land uses.*
  - (b) to integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.*

The applicant's submission is not supported in its entirety. A minor variation to the GFA is accepted for the reasons detailed below however further compliance with the FSR provisions is, on balance, considered reasonable and necessary in the circumstances of this case.

While the amended proposal is an improvement from the original submission, on balance the excess FSR does not result in a development that complies with the objectives of the FSR control nor *"achieves better outcomes for and from the development"* in accordance with the objectives of clause 4.6. Furthermore, the proposal does not comply with the car parking requirements and the proposed 13m separation between the two buildings (which both have a height of seven stories above podium level) is narrow and does not meet the objectives (or requirements) of the RFDC or RDCP 2011. This narrow building separation results in visual bulk and scale impacts to (future) residents of the adjoining properties (when viewed from the podium level communal open space area). A reduction in the GFA would provide a satisfactory level of the amenity for residents of the site, residents of adjoining sites and residents of the locality. It would also result in compliance with the objectives of the FSR, and permit the reconfiguration of the resulting floor space in a manner that would ensure compliance with the

car parking requirements.

A reduction of the GFA as shown in **Figure 8** and **Figure 10** below is therefore recommended on the 6th, 7th and 8th floor of Building B1 (i.e. Levels 5, 6 & 7 on the plans).



**Figure 7 - Proposed floor plan (Level 7) before reduction.**

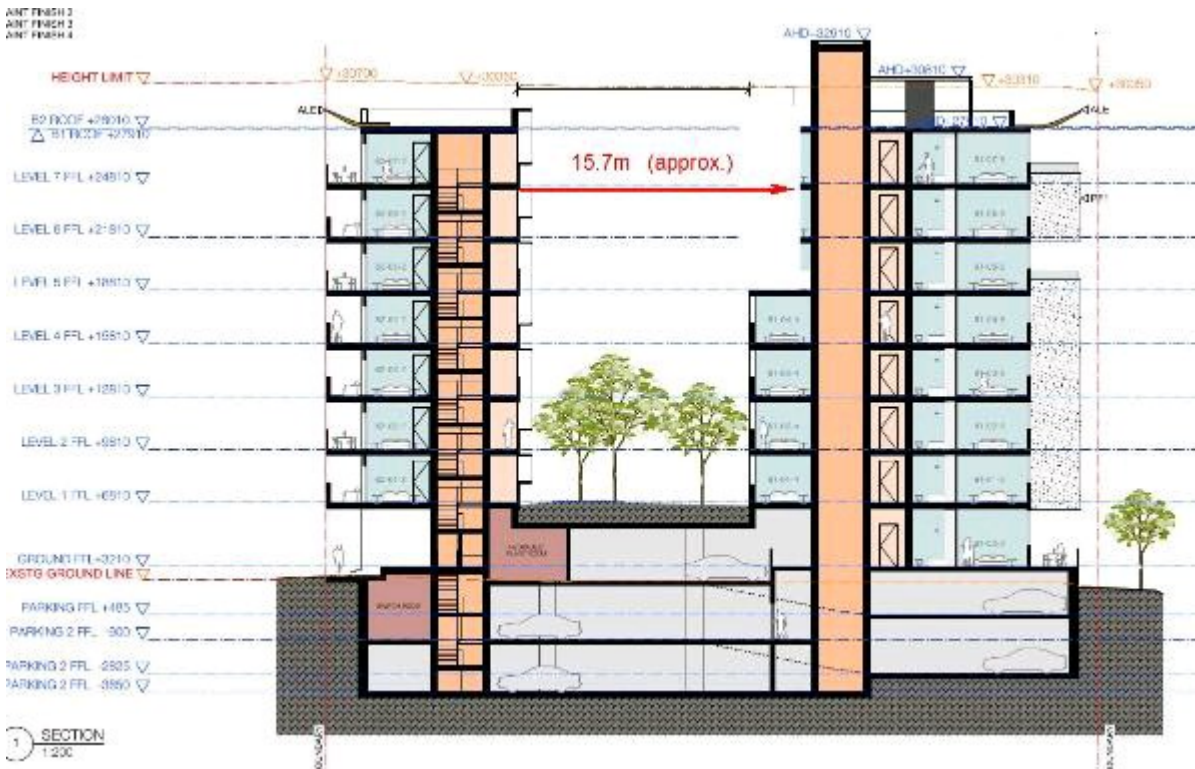




**Figure 8 - Building massing after reduced GFA at 6th to 8th floor level (i.e. a reduction of approximately 32m<sup>2</sup> at each of Levels 5-7 on the plans).**



**Figure 9 - Section prior to reduced GFA (i.e. current proposal)**



**Figure 10 - Section after reduced GFA.**

The above modification would comprise a reduction in the GFA of 95.3m<sup>2</sup>, and would result in a GFA of 5,185m<sup>2</sup> and an FSR of 2.94:1 (or an FSR of 2.86:1 and GFA of 5,026m<sup>2</sup> if calculated in accordance with the applicant's interpretation of GFA). It would also result in a building separation of approximately 15.7m between the two proposed buildings at these upper levels.

The modification would satisfy the objectives of the FSR control by providing a building separation at upper levels that is similar to the established building separation of properties to the south and that would minimise visual bulk and scale impacts for residents of the subject site and adjoining sites. The increased building separation distance would also provide an appropriate massing and spacing between buildings to improve outlook and daylight penetration to future residents (from within the proposed units and at podium level). The amendment would also result in a development that aligns with the density and intensity of development anticipated for the site, and would accommodate all required parking for the development.

The modification would require internal reconfiguration of the six (6) affected units, and a draft condition requires that this be undertaken in a manner that would ensure compliance with the minimum unit sizes in the 'rules of thumb' in the RFDC as well as Council's parking requirements.

A condition is therefore proposed requiring the deletion of areas an area of 95.3m<sup>2</sup> from the rear part of Levels 5-7 of Building B1 ( i.e. the 6th, 7th and 8th floors), and that the internal reconfiguration required be undertaken to ensure that parking complies with the Council's requirements. This may require the provision of additional 3 bedroom (or dual key) apartments that could utilise remnant space in the



basement level for stacked parking.

Subject to the reductions identified above, the proposal will have an FSR of 2.94:1 (5,185m<sup>2</sup>) (or 2.86:1 and 5,026m<sup>2</sup> according to the applicant's calculations). The variation is supported as the proposal as amended would satisfy the objectives of the FSR standard, the objectives of the zone, result in minimal adverse impacts to adjoining properties, provide a satisfactory level of residential amenity, and comply with the key requirements and objectives of the relevant policies and plans as discussed in this report.

#### 5.9 Preservation of trees or vegetation

The site contains a Lemon Scented Gum of high significance and retention value at its northern corner and the adjoining RailCorp land contains seven (7) mature Casuarina's which are also in good condition. The amended plans submitted on 15 June 2015 were accompanied by an Arboricultural Impact Assessment report prepared by Urban Tree Management (Ref: 17082, Revision 3, March 2015) that confirms that there will be only minor encroachments into the Tree Protection Zone (TPZ) for the Lemon Scented Gum and that minor pruning may be required, however that the impacts will be minimal and that the tree can be retained. The report also confirms that the proposal will not be impacted by the proposed excavation works for the basement car parking levels which are now 3 metres from the site's northern boundary. Excavation works were originally proposed adjacent to the site boundary.

Council's Tree Management Officer has provided recommended conditions that have been imposed in the draft Notice of Determination, regarding the protection and retention of existing trees (including those trees on adjoining land) and on the and the removal of site trees subject to suitable replacement trees being planted in appropriate locations.

In this regard, the amenity of the area will be preserved and accordingly, the proposed development satisfies the requirements and meets the objectives of this Clause.

#### 6.1 Acid Sulfate Soil - Class 3

The site is affected by Class 3 Acid Sulfate Soils (ASS) and Development Consent is required as the proposal involves excavation works for the construction of two basement levels of car parking and temporary dewatering may lower the watertable. The Applicant has therefore submitted an Acid Sulfate Soils (ASS) Management Plan prepared by Environmental Investigations Australia (Report No. E22334 AB, dated 29 January 2015). Subject to imposition of the recommended conditions of consent requiring that works be carried out in accordance with the submitted ASS Management Plan, the proposal is consistent with the objectives and requirements of clause 6.1 of RLEP 2011.

#### 6.2 Earthworks

The proposal involves extensive excavation within the site to accommodate the two (2) basement levels. The impacts of the proposed earthworks have been considered in the assessment of this proposal. The Applicant has demonstrated that the proposed development will not have any adverse impacts on the adjoining Railway, and concurrence has therefore been provided by Sydney Trains. In addition, the Applicant has provided an amended Arboricultural Impact Assessment report which demonstrates that the proposal will not adversely impact on the existing site tree nor the trees located within the adjoining (RailCorp) land. The proposal was also referred to the NSW Office of Water who have provided their General Terms of Approval for temporary site dewatering. Therefore, subject to

relevant conditions of consent the proposal will result in minimal impacts on the amenity of surrounding properties, drainage patterns and soil stability. The proposal therefore meets the objectives of this clause.

#### 6.4 Airspace operations

The subject site lies within an area defined in schedules of the Civil Aviation (Buildings Control) Regulations which limits the height of structures to 50 feet (15.24 metres) above existing ground height (AEGH) without prior approval of the Civil Aviation Safety Authority. The maximum height of the buildings is 32.91 metres (to AHD), and the proposal was therefore referred to Sydney Airports Corporation Limited (SACL) for consideration. The authorised officer confirmed by letter dated 16 July 2015 that they raise no objection to the proposed height of the development, subject to conditions which have been included in the draft Notice of Determination. The proposal is therefore satisfactory with regards to Clause 6.4.

#### 6.6 Flood Planning Land

The site is affected by flooding and the proposal has therefore been designed to ensure that the driveway crossing, habitable floor levels and other relevant components of the development are in accordance with the requirements contained in Council's Flood Advice Letter. The plans have been assessed by Council's Development Engineer, and appropriate conditions of consent have been incorporated in the draft Notice of Determination, including compliance with the submitted Flood Management Plan. Subject to compliance with these conditions, the proposal is satisfactory in regards to flooding.

#### 6.7 Stormwater

The proposal involves the construction of a stormwater management system that includes rainwater retention tanks at ground floor level. On-site detention or retention is not required given the sites proximity to waterways. Rainwater will be re-used within the landscape areas and communal toilets, as well as to satisfy any other BASIX commitments. The proposed stormwater system has been approved by Council's development engineers and is consistent with this clause.

#### 6.12 Essential services

Services are generally available to the site. Sydney Water has indicated that amplification of the water main will be required, however that details will be provided at the Section 73 Certificate stage. Additional conditions of consent are proposed requiring consultation with relevant utility providers in regards to any specific requirements for the provision and/or amplification of services on the site.

### **S.79C(1)(a)(ii) - Provisions of any Draft EPI's**

Draft State Environmental Planning Policy (SEPP) 65 included the draft Apartment Design Guide (ADG) and was publicly exhibited from 27 September 2014 until 27 October 2014 by the NSW Department of Planning. The ADG makes wholesale changes and amendments to the current Residential Flat Design Code (RFDC). The changes to SEPP 65 include savings provisions. For apartment development applications lodged prior to 19 June 2015, the Residential Flat Design Code applies. For apartment development applications lodged after 19 June 2015 and determined after 17 July 2015, the Apartment Design Guide, along with the changes to SEPP 65 will apply. Therefore, only

the RFDC applies to this development.

### **S79C(1)(a)(iii) - Provisions of any Development Control Plan**

The following Development Control Plan is relevant to this application:

#### **Rockdale Development Control Plan 2011**

The application is subject to Rockdale DCP 2011. A compliance table for the proposed development is provided below:

<b>Relevant clauses</b>	<b>Compliance with objectives</b>	<b>Compliance with standard/provision</b>
4.1.1 Views and Vista	Yes	Yes - see discussion
4.1.3 Water Management	Yes	Yes
4.1.3 Flood Risk Management	Yes	Yes - see discussion
4.1.3 Groundwater Protection	Yes	Yes
4.1.4 Soil Management	Yes	Yes
4.1.7 Tree Preservation	Yes	Yes
4.1.9 Lot size and Site Consolidation - Residential flat buildings	Yes	Yes - see discussion
4.1.9 Lot size and Site Consolidation - isolated sites	Yes	Yes - see discussion
4.2 Streetscape and Site Context - General	Yes	Yes
4.2 Streetscape and Site Context - Fencing	Yes	Yes
4.3.1 Open Space and Landscape Design - Residential Flat Buildings	Yes	No - see discussion
4.3.2 Private Open Space - Residential Flat Building/Shoptop housing	Yes	No - see discussion
4.3.3 Communal Open Space	Yes	Yes - see discussion
4.4.2 Solar Access - Residential Flat Buildings and Shop Top Housing	Yes	No - see discussion
4.4.3 Natural Lighting and Ventilation - Residential	Yes	Yes
4.4.4 Glazing - General Controls	Yes	Yes
4.4.5 Visual privacy	Yes	Yes - see discussion
4.4.5 Acoustic privacy	Yes	No - see discussion
4.4.5 Visual and Acoustic Privacy - Building Separation	Yes	No - see discussion
4.4.6 Noise Impact	Yes	Yes - see discussion
4.4.7 Wind Impact	Yes	Yes - see discussion
4.5.1 Social Equity - Housing Diversity and Choice	Yes	No - see discussion
4.5.2 Social Equity - Equitable Access	Yes	Yes
4.6 Parking Rates Residential Flat Buildings	Yes	No - see discussion
4.6 Car Park Location and Design	Yes	Yes
4.6 Vehicles Enter and Exit in a Forward Direction	Yes	Yes
4.6 Basement Parking - General	Yes	Yes

<b>Relevant clauses</b>	<b>Compliance with objectives</b>	<b>Compliance with standard/provision</b>
4.6 Driveway Widths	Yes	Yes
4.6 Basement Parking - Residential Flat Buildings	Yes - see discussion	No - see discussion
4.6 Access to Parking	Yes	Yes
4.6 Car Wash Facilities	Yes	Yes - see discussion
4.6 Pedestrian Access and Sustainable Transport	Yes	Yes
4.7 Air Conditioning and Communication Structures	Yes	Yes
4.7 Waste Storage and Recycling Facilities	Yes	No - see discussion
4.7 Service Lines/Cables	Yes	Yes - see discussion
4.7 Servicing - Wolli Creek and Bonar Street	Yes	Yes - see discussion
4.7 Laundry Facilities and Drying Areas	Yes	Yes
4.7 Letterboxes	Yes	Yes - see discussion
4.7 Storage Areas	Yes	Yes - see discussion
4.7 Hot Water Systems	Yes	Yes - see discussion
5.2 RFB - Site Coverage	Yes	Yes - see discussion
5.2 RFB - Apartment Size	Yes	No - see discussion
5.2 RFB - Building Design	Yes	Yes
5.2 RFB - Building Entry	Yes	Yes
5.2 RFB - Lift Size and Access	Yes	No - see discussion
7.1.2 Wolli Creek Vision	Yes	Yes
7.1.3 Wolli Creek Structure Plan	Yes	Yes
7.1.4 Wolli Creek Land Use Strategy	Yes	Yes
7.1.5 Wolli Creek Road Network and Vehicular Access	Yes	Yes - see discussion
7.1.6 Wolli Creek Open Space and Movement	Yes	Yes
Up to 8 Storeys	Yes	Yes
7.1.8 Wolli Creek Street Character and Setbacks	Yes	Yes
7.1.8 - Wolli Creek Mixed Use Street Frontage	Yes	Yes
7.1.9 Wolli Creek - Environmental Management	Yes	Yes

#### 4.1.1 Views and Vista

The site is located adjacent to, and is highly visible from, the Illawarra Rail Line, and is located nearby several recent approvals for eight (8) storey buildings. The proposal has been amended to comply with the key recommendations provided by the Design Review Panel, including the retention of the mature Eucalyptus and provision of a 3 metre deep soil zone along the north-western boundary of the site (adjacent to the rail line). Combined with the proposed built form, which includes balconies, fenestration and other articulation, the proposal will complement the changing character and scale of development in the locality. Furthermore, the proposal generally complies with the heights and densities anticipated by the relevant planning controls, and this ensures that there will be minimal adverse impact on the surrounding views enjoyed by current and future adjacent developments.

#### 4.1.3 Flood Risk Management

The site is flood affected, and an amended Flood Management Plan (FMP) prepared by Northrop, dated 15 June 2015 was submitted to Council. The FMP confirms that the habitable living areas have been designed to be a minimum of 0.5 metres above the 1% AEP Flood Level, and that staying within the home will therefore provide protection to future residents from a wide range of floods. In addition, the FMP contains procedures for floods which exceed this level. The proposal is therefore considered satisfactory with regards to flooding.

#### 4.1.9 Lot size and Site Consolidation - Residential flat buildings

The site has a 27.43m frontage to Willis Street and a 44.195m frontage to Guess Avenue, and therefore exceeds the minimum 24m frontage requirement.

#### 4.1.9 Lot size and Site Consolidation - isolated sites

The proposal will not result in the isolation of any adjoining sites.

#### 4.3.1 Open Space and Landscape Design - Residential Flat Buildings

The proposal includes 225m<sup>2</sup> of deep soil planting and therefore provides 13% landscaped area. This does not meet the minimum 15% required by RDCP 2011, however the proposal retains the existing mature Eucalyptus tree and also includes an additional 425m<sup>2</sup> of landscape planting at podium level. Therefore, the variation to the proposal meets the objectives and is acceptable in this case.

#### 4.3.2 Private Open Space - Residential Flat Building/Shoptop housing

Part 4.3.2 requires that private open space areas be provided in accordance with the Table in the RFDC, which requires that balconies be provided for each dwelling with a minimum depth of 2m and a minimum area of 8m<sup>2</sup> for cross-through and 10m<sup>2</sup> for single aspect one bedroom apartments, 11m<sup>2</sup> for corner and 21m<sup>2</sup> for cross through two bedroom apartments and 24m<sup>2</sup> for three bedroom apartments.

The balconies within the development all have a minimum depth of 2 metres, are accessed directly from the living room areas, and are generally oriented to obtain good solar access. The balconies do not comply with the minimum RFDC area requirements in all cases, however the proposed balconies all have a minimum area that is usable and meets the objectives. For example, the minimum balcony size for single aspect 1 bedroom units is 8m<sup>2</sup>, while the minimum balcony size for a 3 bedroom unit is 14m<sup>2</sup>. The private open space areas are therefore satisfactory and supported in this case.

#### 4.3.3 Communal Open Space

The amended proposal includes two (2) areas of communal open space, including a 409m<sup>2</sup> area at podium level and a 130m<sup>2</sup> area at roof top level. The total communal open space area of 539m<sup>2</sup> exceeds the minimum 335m<sup>2</sup> required by RDCP 2011 (i.e. 5m<sup>2</sup> per dwelling). Both communal areas are accessible by lift, and both areas obtain adequate solar access as shown in the solar access diagrams. The spaces also include seating and BBQ facilities and can therefore be used for passive and active recreation purposes.

#### 4.4.2 Solar Access - Residential Flat Buildings and Shop Top Housing

Part 4.4.2 requires development to be designed to minimise shadow impacts upon adjoining development and ensure that a minimum of 3 hours of solar access between 9am and 3pm at midwinter is provided to at least 70% of apartments within the development and adjoining properties. The proposal casts shadows on the proposed development at 9-13 Willis Street (DA-2015/342), and

the applicant amended the design to increase the building separation adjacent to No. 9-13 Willis Street so that it generally matches the proposed and established development pattern on the adjoining properties to the south to minimise overshadowing impacts. The amended proposal will allow sunlight to penetrate parts of the communal open space area of the adjoining proposal at No. 9-13 Willis Street between 1:00pm and 3:15pm at mid-winter, and will reduce impacts on the dwelling units in the adjoining proposal. A further reduction in the built form has been recommended as discussed in clause 4.6 of RLEP 2011, and subject to the modification the solar access to the adjoining properties would be satisfactory. In addition, as discussed in response to SEPP 65, a total of 85% of the private open space and living areas within this proposal receives a minimum of 3 hours solar access at mid-winter. This exceeds the minimum 70% required. The proposal therefore allows adequate solar access to be provided to the proposal and adjoining sites and is satisfactory in this case.

#### 4.4.5 Visual privacy

The windows in the proposal face either the street, the railway line or toward the central communal open space area. The communal roof terrace has been orientated toward Guess Avenue, and is setback from the edge of the building. The proposal will therefore have minimal privacy impacts on adjoining properties.

#### 4.4.5 Acoustic privacy

The Applicant's Acoustic Reports states that achieving the Association of Australian Acoustical Consultants (AAAC) five star rating for impact noise isolation is unrealistically high and would create issues with ceiling heights, floor transitions to corridors, and so on, given that the required floor system would result in a minimum 50mm increase in the internal floor level. The applicant therefore recommends that an alternative acoustic performance requirement be imposed.

Council's policy to require all residential flat developments to achieve the AAAC five star rating has been consistently applied to ensure that residents within unit developments are insulated from the noise generating activities of neighbours whether they are in units above or below their own, given the proximity of residential flat building living. The sound insulation of common walls between inter-tenancy units is also an important consideration in the design of residential developments as future occupants do not have the ability to control the noise generating activities of neighbours.

The recent Land and Environment Court proceedings "*Rockdale Hotel Pty Ltd v Rockdale City Council*" resulted in the Land and Environment Court accepting an amended condition requiring compliance with a 4.5 star rating. The court found that this was acceptable for achieving the objectives of ensuring acoustic privacy for occupants and neighbours. Notwithstanding this recent court case, it is now understood that the 5 star rating is not achievable where timber and tiled flooring is proposed, however that it is achievable for the walls between units. Therefore, a condition is proposed requiring that a 5 star AAAC rating be achieved for residential inter-tenancy walls and that acoustic insulation be provided between floors as follows:

- 3 Star for tiled areas within kitchens, balconies, bathrooms and laundries. Tiled flooring within corridors, living areas and bedrooms is not permitted.
- 4 Star for timber flooring in any area.
- 5 Star for carpet in any area.



Subject to compliance with the above, as well as certification of construction plans by an accredited acoustic consultant, it is considered that the proposal will ensure appropriate acoustic amenity is provided for future residents that achieves the objectives of Clause 4.4.5.7.

#### 4.4.5 Visual and Acoustic Privacy - Building Separation

The building separation requirements in the DCP reflect those contained in the RFDC, and this matter has therefore been dealt with previously in the report in the SEPP 65 assessment and under clause 4.6 of RLEP 2011. Subject to compliance with the modifications proposed, the proposal would meet the objective of the requirement and is supported.

#### 4.4.6 Noise Impact

The site is located adjacent to the Illawarra Railway Line and the proposal has been amended to provide a 3 metre deep soil setback to create a visual buffer between the proposal and the railway as required by the DCP. In addition, the applicant's acoustic report includes recommended glazing to ensure compliance with the acoustic requirements of SEPP (Infrastructure) 2007 as discussed previously in the report. The site is not affected by an Aircraft Noise Exposure Forecast (ANEF) greater than 20 ANEF, and acoustic treatment for aircraft noise is therefore not required for this proposal. Subject to compliance with the submitted landscape plan, acoustic report and recommended conditions of consent, the acoustic environment for future residents will satisfy the relevant requirements of RDCP 2011.

#### 4.4.7 Wind Impact

The application was accompanied by a Wind Assessment Report prepared by Cermak Peterka Petersen (CPP) Wind Engineering and Air Quality Consultants (No. 8195, Rev 2, dated January 2015). The plans have been amended to retain the existing street tree and to include additional planting at podium level. Additional tree planting is also proposed within the public domain in accordance with Council's Public Domain Plan that will assist to minimise wind impacts in the public domain. The wind impacts are therefore considered to be satisfactory and in accordance with the relevant objective of RDCP 2011.

#### 4.5.1 Social Equity - Housing Diversity and Choice

RDCP 2011 requires apartments in mixed use developments to be flexible, maximise housing choice and provide equality of access. Compliance with the key controls are discussed below:

- *Provision of 10%-30% 1 bedroom units, 50-75% 2 bedroom units, and 10-20% 3 bedroom units.*

Comment: The proposed unit mix does not comply with the requirements of RDCP 2011. In this case, the proposal includes 31% one-bedroom units (21), 61% two-bedroom units (41) and 7% three-bedroom units (5). The applicant states that the unit mix has been provided in response to market demand and housing affordability. The Council has varied the proportion of three-bedroom units within other developments in the area for similar reasons. The proposal provides a mix of units that is consistent with surrounding development, and the variation is minor. The mix is therefore considered satisfactory in this case.

- *Minimum 10% of units being adaptable in accordance with AS 4299, and barrier free access to be provided to a minimum of 20% of apartments.*

**Comment:** The application was accompanied by an Access Report prepared by Wall to Wall Design and Construction (No. LTE-001-04, dated 28 January 2015). The report addresses compliance with the relevant standards, including lift access, accessible parking spaces, building access and access within the communal open space areas. The report also confirms that the seven (7) adaptable apartments and associated car spaces shown in the plans will comply with the requirements of RDCP 2011 and AS. The proposal has been amended following submission of the Access Report, however the development is substantially the same. The proposal is therefore considered to satisfy the requirements of RDCP 2011 subject to relevant conditions including provision of seven (7) adaptable units and compliance with the BCA.

#### 4.6 Parking Rates Residential Flat Buildings

The amended proposal includes 84 car parking spaces, 20 bicycle spaces, 6 motorcycle spaces and 1 shared car-wash / visitors bay. The proposal results in a shortfall of two car spaces as shown in the assessment against RDCP 2011 below:

<b>Dwelling Size</b>	<b>Required</b>	<b>Provided</b>	<b>Compliance</b>
Studio, 1 bed & 2 bedroom dwellings	1 space/ dwelling = 62	62 spaces	Yes (including 7 adaptable spaces)
3 bedroom dwellings	2 spaces / dwelling = 10	10 spaces	Yes
Visitor	1 space / 5 dwellings = 14	12 spaces	<b>NO</b>
Bicycle (Res. + Com.)	1/10 units = 7 space	20 bicycle spaces	Yes
Motorcycle (Res + Com.)	1/15 units = 5 pace	6 motorcycle space	Yes
Carwash Bay	5 or more dwellings = 1 space	1 space	Yes – condition requires shared with visitor space

The draft Notice of Determination includes conditions requiring a reduction in the GFA and reconfiguration of the units to ensure compliance with Council's parking requirements.

Subject to compliance with the recommended conditions, the proposed parking provision is therefore acceptable in this case.

#### 4.6 Basement Parking - Residential Flat Buildings

Part 4.6, Control 14 of RDCP 2011 requires that all parking, except for accessible parking and visitors parking, be provided within basement levels. Parking for this development is primarily provided within two basement levels, however some car spaces are also proposed at ground floor level. These spaces

are screened by residential units to both street frontages, and therefore meet the objectives of the control. This is also similar to other nearby approved developments, and the proposed variation is therefore acceptable in this case.

#### 4.6 Car Wash Facilities

RDCP 2011 requires the provision of one (1) car-wash bay in developments that contain more than 5 dwellings. A condition is proposed requiring the provision of a car-wash bay shared with a visitors parking space. The proposal is therefore satisfactory in this regard.

#### 4.7 Waste Storage and Recycling Facilities

The application proposes 240L bins for both waste and recycling purposes. Council's Waste Management Officer has requested that a condition be imposed requiring the use of larger 1,100L bins for waste, as well as the provision of space on-site for the storage of bulky waste items. This is consistent with all recent approvals for developments in Willis Street, and it will avoid excessive numbers of 240L bins being stored in the streets on collection days. The proposed garbage rooms at ground level have adequate dimensions to accommodate the larger bins, as does the bin storage room to Willis Street. A condition is therefore proposed requiring that the application be amended prior to issue of the Construction Certificate to accommodate 6 x 1,100L bins for garbage collection purposes (i.e. 2 per garbage storage room). The proposal will be required to use Compactors as per the current proposal, and recycling will continue to be collected in the 240L bins as proposed.

#### 4.7 Service Lines/Cables

The application may require provision of an electricity substation, and the original application included a substation and garbage bin storage area at the termination of Willis Street. This was an unsatisfactory outcome for the public domain, and the amended proposal therefore relocated the garbage bin storage area to within the building and screened the electricity substation with landscaping. While relocation of the substation is preferred, combined with the existing Casurina trees located in the RailCorp land behind the site, the amended proposal is considered acceptable in this case. Additional planting within the public domain may also be possible and this would further screen the substation. Relevant conditions are proposed requiring that the landscape planting be maintained to screen the substation in perpetuity.

#### 4.7 Servicing - Wolli Creek and Bonar Street

A condition is proposed in the Draft Notice of Determination which requires the electricity cables to be placed underground.

#### 4.7 Letterboxes

The plans do not provide details of letterbox location, however there is adequate space at the building entry for their provision. A relevant condition is proposed.

#### 4.7 Storage Areas

The proposal includes a designated storage area for each unit at basement level as well as storage areas within each unit. The proposal does not provide 10m<sup>3</sup> of storage for each unit as required by RDCP 2011, however provides a minimum of 6m<sup>3</sup> for each one-bedroom unit, 8m<sup>3</sup> for each two-bedroom unit and 10m<sup>3</sup> for each three-bedroom unit. The storage areas comply with the minimum requirements under the RFDC, and the storage areas have been shown on plans submitted during the

assessment process. Subject to inclusion of the recommended condition requiring construction of the storage areas prior to occupation, the proposal is considered to provide adequate storage that meets the objectives of the control.

#### 4.7 Hot Water Systems

The proposal includes a centralised hot water system located within the plant rooms at ground floor and/or basement floor levels of the building.

#### 5.2 RFB - Site Coverage

Part 5.2, Control 1 of RDCP 2011 requires that residential flat buildings have a maximum site coverage of 35%, however variations may be acceptable in flood prone areas. The site is affected by flooding and the proposal has a site coverage of 1,535m<sup>2</sup> (87%). The proposal was amended to provide a 3m setback from the sites north-western boundary, and the development also includes deep soil planting within both street setbacks as required by RDCP 2011. The proposed site coverage is similar to other approved developments within the Wolli Creek area, and the resulting 225m<sup>2</sup> of deep soil and is considered to satisfy the objectives of this requirement.

#### 5.2 RFB - Apartment Size

The one-bedroom units have an area of between 50m<sup>2</sup> and 53m<sup>2</sup>, the two-bedroom units have an area of between 70m<sup>2</sup> and 92m<sup>2</sup>, and the three-bedroom (dual key) units have an area of 103m<sup>2</sup>. The unit sizes do not comply with those required by RDCP 2011, and the applicant has provided an Urban Design Report prepared by Rohan Dickson which considers that the units are well designed and satisfy the objectives of the RFDC. The Urban Design Report provides the following conclusion:

*"It is our opinion that the apartments satisfy the objectives of Apartment Layout in the RFDC, providing function and well organised spaces, high residential amenity, high environmental performance and flexibility".*

Comment: The internal unit layouts are efficient and well designed, with the majority of units including an entry foyer and with bedrooms accessed from corridors rather than directly from living spaces. All units are provided with balconies which are an extension of the living space, are generally orientated to maximise solar access and with a minimum depth of 2 metres. The room sizes generally meet the requirements of Council's DCP, and all of the living spaces have a minimum width of 4 metres. The units also exceed the minimum 'rule of thumb' requirements contained in the RFDC. Based on the urban design report and assessment, it is considered that the proposed units will provide a good level of amenity for future occupants and the variation to the units sizes is supported in this case.

#### 5.2 RFB - Lift Size and Access

The proposal includes lifts with minimum dimensions of 1.5 x 2.1m, however not all dwellings above level 6 are provided with access to two (2) lifts as required by Control 34, Part 5.4 of RDCP 2011. The lifts in Building B1 were therefore amended to provide access to the roof top level so that if one of the lifts in the building breaks down, the residents living at upper levels can access the roof top using the other lift and then walk down the fire stairs to their unit (rather than climbing up 8 levels). In Building B2 only one (1) lift is proposed. Given that there are only three apartments per level, there are too few units to warrant the inclusion of a second lift to satisfy RDCP in that building. Therefore, the proposal is

considered acceptable with regards to lift access requirements.

#### 7.1.5 Wolli Creek Road Network and Vehicular Access

The site has dual frontage to Willis Street and Guess Avenue. Neither of these streets are subject to road widening, however the public domain plan includes tree planting and public domain works to improve the streetscape appearance and amenity. The proposal does not impact on Council achieving these works.

### **S.79C(1)(b) - Likely Impacts of Development**

Potential impacts related to the proposal have been considered in response to SEPPs, LEP and DCP controls. The impacts that have not already been addressed are as follows:

#### Traffic & Parking

The site is located nearby Wolli Creek Railway Station and in proximity to bus stops for a number of bus routes linking Wolli Creek to the wider region. The application includes a parking shortfall of two visitors spaces, however provides excess motorcycle and bicycle parking facilities. This variation is supported as discussed previously in the assessment against RDCP 2011. The proposal was also accompanied by a Traffic & Parking Impact Assessment Report prepared by Transport and Traffic Planning Associates (Ref: 14277, Rev D, dated January 2015) which included SIDRA modelling for key intersections in the area. The report concluded that *"the development would result in negligible additional movements and will not contribute to any perceptible change to the existing generally satisfactory traffic circumstances in the area"*. Therefore, the parking and traffic impacts of the proposal are considered to be minimal and satisfactory.

#### Social Impact

The proposal will activate and enhance the public domain, and includes residential units of adequate size and mix for the locality. The residential units have access to good public transport that will assist to reduce car use, and the proposal includes a secure area for bicycle parking. The proposal is not considered to result in any significant adverse social impacts and is satisfactory for the site.

#### Safety and Security

Safer by Design principles of crime prevention through environmental design are incorporated into RDCP 2011 and this aspect has been considered in the assessment of this proposal. The proposal has been designed as a secure development, with restricted access to private and communal areas. The proposed development also provides for passive surveillance of Willis Street, Guess Avenue and the future public open space located on the opposite side of Guess Avenue. Standard conditions are proposed requiring the installation of CCTV at ground floor and basement parking levels to minimise theft from vehicles and the proposed storage areas.

#### Construction

Construction of the mixed use development involves excavation works, piling, and construction of the building. The impacts will be minimised through use of standard conditions relating to hours of construction, noise and vibration, dust suppression, traffic management, and the like. A draft condition is also proposed requiring submission of a Construction Management Plan (CMP) that will address all

relevant conditions and include measures to be implemented to minimise impacts to nearby residents / tenants and the general public during construction.

#### Staging of Construction Works

It is anticipated that construction certificates will be staged, and the consent has therefore been structured to allow the issue of CC's in stages. This will not have any adverse environmental impacts.

#### **S.79C(1)(c) - Suitability of the site**

The relevant matters pertaining to the suitability of the site for the proposed development have been considered in the assessment of the proposal. Additional conditions of consent are proposed to further minimise any impacts on neighbouring properties. There are no known major physical constraints, environmental impacts, natural hazards or exceptional circumstances that would hinder the suitability of the site for the proposed development.

#### **S.79C(1)(d) - Public submissions**

The development has been notified in accordance with the provisions of Rockdale DCP 2011. Council did not receive any submissions on this proposal.

#### **S.79C(1)(e) - Public interest**

The proposal has been assessed against the relevant planning policies applying to the site having regard to the objectives of the controls. As demonstrated in the assessment of the development application, the proposal will allow the development of the site in accordance with its environmental capacity. The proposed building is a high quality building that will add architectural value to the existing streetscape. Furthermore, the proposal does not create unreasonable impacts on surrounding properties. As such it is considered that the development application is in the public interest.

#### **S94 Contribution towards provision or improvement of amenities or services**

The proposal is subject to Council's S94 Contributions Plan and a condition of consent has been included in the draft Notice of Determination requiring the payment of the relevant contributions.

#### ***Civil Aviation Act, 1988***

The site is within an area that is subject to the Civil Aviation (Building Controls) Regulations 1988 made under the *Civil Aviation Act, 1988*.

#### **Civil Aviation (Building Control) Regulations 1988**

The Regulations require a separate approval from the Civil Aviation Safety Authority if a building or structure exceeds a prescribed height limit.

#### Section 5 Prohibition of the construction of buildings of more than 50 feet in height in specified areas

The Civil Aviation (Buildings Control) Regulations limits development on the site to a maximum height of 15.24m without prior approval of the Civil Aviation Safety Authority (CASA). Sydney Airports Corporation Limited, as the delegated office of CASA, has confirmed by letter dated 16 July 2015 that they raise no objection to the erection of this building to a maximum height of 32.91 metres to



Australian Height Datum (AHD). The approved height is inclusive of all lift over-runs, vents, chimneys, aerals, TV antennae, construction cranes etc, and if the proposal exceeds 32.91 metres above AHD a new application must be submitted to SACL for consideration. The draft Notice of Determination includes a condition that reflects these requirements.

## Schedule 1 - Draft Conditions of consent

### General Conditions

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

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

Name of Plan	Drawing Number	Issue No.	Dated
<i>Survey Plan</i> prepared by Boxall, dated 25 September 2014 with Drawing No. 10101-001 (A1).			
<i>Architectural Plans by Tony Caro Architects with Project No. 1412</i>			
Development Data	DA000	6	4 June 2015
BASIX Inclusions	DA001	4	9 June 2015
Site Analysis	DA002	6	4 June 2015
Basement Level 2 Plan	DA098	4	9 June 2015
Basement Level 1 Plan	DA099	9	9 June 2015
Ground Floor Plan	DA100	9	9 June 2015
Level 1 Plan	DA101	9	9 June 2015
Level 2 Plan	DA102	8	4 June 2015
Level 3 Plan	DA103	8	4 June 2015
Level 4 Plan	DA104	8	4 June 2015
Level 5 Plan	DA105	8	4 June 2015
Level 6 Plan	DA106	8	4 June 2015
Level 7 Plan	DA107	8	4 June 2015
Roof Plan	DA108	6	4 June 2015
Section – AA	DA200	6	3 June 2015
Section – BB	DA201	6	3 June 2015
Section – CC	DA202	7	3 June 2015
Elevation – North East	DA301	6	3 June 2015
Elevation – South East	DA302	6	3 June 2015
Elevation – South West	DA303	6	3 June 2015
Elevation – North West	DA304	6	3 June 2015
<i>Landscape Plans prepared by NBRS &amp; Partners</i>			

Landscape Areas	DA802	4	25 May 2015
Ground Floor Plan	LDA01	04	12 June 2015
First Floor Plan	LDA02	04	12 June 2015
Roof Plan	LDA03	01	12 June 2015
Landscape Details	LDA05	03	22 January 2015
<i>Storage Plans prepared by Tony Caro Architects</i>			
Typical Plan Schedule	DA601 to DA606	4	9 June 2015
Typical Plan Schedule	DA607	4	28 May 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 (593997M-04, dated 5 June 2015) 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. The roof provided above the rooftop terrace shall not be enclosed at any future time without prior development consent.
7. This approval is not to be construed as permission to erect any structure on or near a boundary contrary to the provisions of the Dividing Fences Act.
8. 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 EP&A Act.
9. (a) Mail boxes must be installed along the street frontage of the property boundary in accordance with Australia Post Guidelines. 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.  
(b) Street numbering for this property shall be as follows:
  - 21 Willis Street, Wolli Creek,
  - 19 Guess Avenue, Wolli Creek, &
  - 23 Guess Avenue, Wolli Creek.
10. All works are to be carried out in accordance with the conditions provided by Sydney Trains and listed at the end of this consent.
11. Parking spaces shall be allocated in accordance with Rockdale Development Control Plan 2011 (RDCP 2011) and this shall be reflected in any subsequent strata subdivision of the development. The allocation shall occur at the following minimum

rates:

Dwelling Size / Parking Type	Parking Rate
Studio, 1 bed & 2 bedroom dwellings	1 space / dwelling
3 bedroom dwellings	2 spaces / dwelling
Visitor parking	1 space / 5 dwellings
Bicycle (Res. + Com.)	1 / 10 units (minimum) (20 spaces proposed)
Motorcycle (Res + Com.)	1 / 15 units (minimum) (6 spaces proposed)
Carwash Bay	5 or more dwellings = 1 space (shared with a visitors space)

Notes:

- *Visitor's parking spaces are to be restricted to ground level and upper level of basement level 1 only.*
- *All residential visitor spaces, car wash bays and loading bays shall be labelled as common property on the final strata plan for the site.*
- *Stacked parking spaces must only be allocated to a single residential unit.*
- *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.*

12. Public Place Activities - Design and Construction of Works in Public Places  
The implementation of this Consent generates a need for works to be completed in a public place owned by Council.

#### *A. Design*

The scope of works is to be identified by Rockdale City Council. For identified works the preparation of the design and specification shall be undertaken in accordance with the design brief issued by Rockdale City Council, and the Engineering Drawing Guide: For Works In Association With Developments And Subdivisions and Engineering Specification Guide: For Works In Association With Developments And Subdivisions, or approved replacement documents. For identified works the preparation of the design and specification shall be undertaken by a professional engineer, or other professional person, meeting the requirements of the design brief issued by Rockdale City Council.

*Note:* To enable the scope of works to be determined and alignment levels issued a completed application must be submitted together with the required fee, under the Roads Act 1993 and/or the Local Government Act 1993 for the scope of works to be

determined and alignment levels issued.

*Note:* The works required will be determined using the following criteria:

- i) To ensure that infrastructure construction and reconstruction required to facilitate both pedestrian and vehicular access into and around the site is provided.
- ii) To ensure that there is adequate construction and reconstruction of stormwater infrastructure to facilitate drainage of the site and minimise impacts to the site and adjoining properties as a result of the development.
- iii) To ensure that infrastructure relevant to the proposed development meets current standards and specifications.
- iv) To mitigate any impacts the development may have on traffic and pedestrian safety.
- v) To satisfy the requirements of any Development Control Plan, Public Domain Plan, Streetscape Manual or any other relevant Council Plan, including the Section 94 Contributions Plan.
- vi) To ensure there are adequate transitions between newly constructed infrastructure and existing infrastructure.

#### *B. Before Construction*

A detailed design and specification for works to be carried out on public land (including a road or footpath) shall be completed and approved by Rockdale City Council pursuant to the Roads Act and/or Local Government Act prior to construction.

All fees for inspection by Rockdale City Council shall be paid and the works approval for works in a public place activated.

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

#### *C. Before Occupation*

All works required in the public place as detailed by the approved design and specification must be completed before occupation of the development. All works-as-executed records for works establishing infrastructure assets to be handed over to Council for ongoing maintenance shall be provided to Rockdale City Council, and a handover certificate issued by Rockdale City Council.

### 13. Public Place Works - Pre-commencement Inspection

The implementation of this Consent generates a need for the adequate regulation of the works and activities in a public place.

#### *A. Before Works*

A Pre-commencement Inspection/meeting is to be convened by the holder of the Consent for the works approval for works in a public place. The meeting shall be held on-site a minimum 5 days prior to any demolition and/or construction activity and be held between the hours of 8.00 am and 4.30 pm Monday to Friday. The meeting must be attended by a representative of the Principal Certifying Authority, the builder/site manager of the building/civil construction company and supervising engineer, in addition to a representative of Rockdale City Council. The attendance of the owner is required when it is intended to use more than one builder/principal contractor throughout the course of construction.

The purpose of the meeting is to:

- i) Ensure safe passage for pedestrians, Work and Hoarded Zones are maintained in accordance with Rockdale City Council requirements;
- ii) Check the installation and adequacy of all traffic management devices;
- iii) Confirm that the consents, approved design plans and approved specifications are retained on site.

*Note:* The consent for the works approval for works in a public place must be activated and all inspection fees must be paid to Rockdale City Council prior to the meeting. Please refer to Rockdale City Council Councils Adopted Schedule of Fees and Charges

14. Public Place Activities - Site Management Plan

The implementation of this Consent generates a need for works on the development site and in a public place to be appropriately managed to ensure the protection of the environment and safety of the other public place users.

*A. Before Commencement of Works including Demolition*

A Site Management Plan must accompany the completed application form. If any demolition of infrastructure in a public place is to commence prior to the issue of a works approval for works in a public place the applicant must submit to Rockdale City Council a separate Demolition Site Management Plan. These plans must satisfy the Objectives and Controls of Rockdale City Council Development Control Plan 2011 relating to site management and must incorporate the following throughout demolition and construction:

- i) safe access to and from the site during construction and demolition
- ii) safety and security of the site, road and footpath area including details of proposed fencing, hoarding and lighting
- iii) method of loading and unloading excavation machines, building materials
- iv) how and where, construction materials, excavated and waste materials will be stored.
- v) methods to prevent material being tracked off the site onto surrounding roadways
- vi) erosion and sediment control measures

*B. During Works*

The site management plan measures must remain in place and be maintained throughout the period of works and until the site has been stabilised and/or restored in accordance with the works approval for works in a public place.

15. Public Place Activities - Approvals Required under Roads Act or Local Government Act

*A. Before Construction*

No occupation or works are to be carried out on public land (including a road or footpath) or access provided over a public reserve adjacent to the development site without approval being obtained from Rockdale City Council and the necessary fee paid under the Roads Act 1993 and/or the Local Government Act 1993.

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

## Development specific conditions

The following conditions are specific to the Development Application proposal.

16. Parking spaces shall not be enclosed without further approval of Council. The enclosure of car spaces is not permitted unless the enclosure complies with the design requirements of AS2890.1.
17. The existing and future owners (Registered Proprietor) of the property will be responsible for the operation and maintenance of the rain 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 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.
18. The existing and future owners (Registered Proprietor) of the property will be responsible for the efficient operation and maintenance of the pump system.

The Registered Proprietor will:

- i) permit stormwater to be temporarily detained and pumped by the system;
  - ii) keep the system clean and free of silt, rubbish and debris;
  - iii) maintain, renew and repair the whole or parts of the system so that it functions in a safe and efficient manner; and in doing so complete the same within the time and in the manner specified in written notice issued by the Council;
  - iv) carry out the matters referred to in paragraphs (ii) and (iii) at the proprietor's expense;
  - v) not make alterations to the system or elements thereof without prior consent in writing of the Council.
  - vi) permit the Council or its authorised agents from time to time upon giving reasonable notice (but at any time and without notice in the case of emergency) to enter and inspect the land for compliance with the requirement of this clause;
  - vii) comply with the terms of any written notice issued by the Council in respect to the requirements of this clause within the time stated in the notice.
19. 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.

20. The overland flow path shall not be obstructed, restricted or altered without the approval of Rockdale City Council.
21. 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.
22. 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.
23. 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.
24. The proposed bicycle parking facilities located at ground floor level shall be designed in accordance with AS2890.3:1993. In addition, the bicycle parking area shall be fully secured by way of a chain-mesh style fencing (or similar) with gate and key / padlock to restrict access, so as to minimise opportunity for theft of bicycles. Construction of the secure bicycle storage area shall be completed prior to issue of the Occupation Certificate.
25. The off-street parking areas associated with the subject development shall be designed strictly in accordance with AS2890.1 and AS2890.6.  
*Visitor's parking spaces are to be restricted to ground level and upper level of basement level 1.*
26. Internal height clearance shall be designed throughout the car park and access driveway in accordance with AS2890.1 and AS2890.6.  
(For parking with people with disabilities any vehicular path of travel to have clearance of 2.3m and clearance above the parking bay shall be 2.5m minimum)
27. Waste & Recycling shall comply with the following:
  - (a) The premises shall utilise 1,100L garbage bins and 240L recycling bins for waste and recycling purposes (unless otherwise agreed in writing by Council's Waste Management Officer).
  - (b) Hot and cold water hose cocks shall be installed in each of the garbage rooms.
28. (a) Flooring within the development shall achieve the following minimum equivalent Association of Australian Acoustical Consultants (AAAC) Star Rating within the below specified areas of the development.
  - 3 Star for tiled areas within kitchens, balconies, bathrooms and laundries.  
Tiled flooring within corridors, living areas and bedrooms is not permitted.
  - 4 Star for timber flooring in any area.
  - 5 Star for carpet in any area.

(b) Residential inter-tenancy walls within the development shall achieve a minimum

equivalent AAAC 5 Star Rating.

(c) 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. Floor coverings within apartments shall be identified within the report.

(d) 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 satisfies 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.

29. (a) In order to ensure the design quality / excellence of the development is retained:

(i) Tony Caro (design architect) is to have direct involvement in the design documentation, contract documentation and construction stages 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 the Department prior to release of the Construction Certificate.

(b) The design architect of the project is not to be changed without prior notice and approval of the Council or Department.

30. All plumbing shall be concealed within the brickwork of the building. Any electrical kiosks or fire booster valves shall be located in unobtrusive locations toward site boundaries and away from entrances into the building. Utilities shall be softened with landscaping so as not to detract from the overall appearance of the development and amenity of the streetscape. Details demonstrating compliance with this requirement shall be submitted to the Principal Certifying Authority (PCA) prior to the issue of the Construction Certificate.

31. 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.

32. Ceiling heights for all habitable areas shall be a minimum of 2.7 metres as measured vertically from finished floor level to the underside of the ceiling.

Ceiling heights for all non-habitable areas shall be a minimum of 2.4 m as measured vertically from finished floor level to the underside of the ceiling.

33. The north-western boundary of the site shall be generally deep soil planting as shown in the approved plans. Appropriate screening species shall be provided in this side setback area to screen the bulk and scale of the building and provide amenity for future residents and the locality.

34. The proposal may include the installation of a single master antenna for the development in accordance with Controls C1 and C2, Part 4.7 of RDCP 2011. No further antennas or satellite dishes may be installed without obtaining further approval (unless permitted as exempt development).

35. The car spaces must not be used for storage purposes at any time
36. The contaminated site shall be remediated in accordance with 'State Environmental Planning Policy No 55 Remediation of Land' (SEPP55). All remediation and validation works shall be carried out in accordance with the Site Remedial Action Plan called Remedial Action Plan 15-21 Willis Street Wolli Creek NSW – Report E22334 AC\_Rev1 prepared by Environmental Investigations Australia dated the 12 June 2015.
37. Given the site's location next to the rail corridor, drainage from the development must be adequately disposed of/managed and not to be discharged into the corridor unless prior approval has been obtained from RailCorp

### **Prior to issue of the construction certificate**

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

38. The landscape plan and site landscaping shall demonstrate compliance with the following prior to issue of the Construction Certificate:
  - Stormwater and drainage systems are not to be located in, or under those areas shown as landscaped beds, or where existing or proposed trees are located.
  - A minimum soil depth of 300mm is required for turfed areas on podiums or roof-tops or any other concrete slab, including the soil above stormwater drainage tanks.
  - A minimum soil depth of 1000mm is required for planted areas (other than turf) on podiums or roof-tops or any other concrete slab.
  - Podium landscaping and paved areas shall be drained into the stormwater drainage system. All waterproofing for planters on slab shall be installed and certified by a licensed waterproofing contractor.
39. 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 \$27,900.00. This is to cover repair of any damages, or other works to be done by Council. This includes construction, removal, or repair as required to: kerb and guttering, existing or new driveways; paved areas and concrete footpaths. The deposit may be lodged with Council in the form of a Bank Guarantee (Any proposed Bank Guarantee must not have an expiry date). The deposit will not be returned by Council until works are completed and all damage is restored and all specified works are completed by Council.
  - ii. An environmental enforcement fee of 0.25% of the cost of the works.
  - iii. A Soil and Water Management Sign of \$17.00.
  - iv. An application for boundary levels. All boundary works, egress paths, driveways and fences shall comply with this level.

40. 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.
41. The connection of stormwater drainage pipes to the existing kerb inlet pit in Guess Avenue must be inspected by Council prior to backfilling. A payment of \$294 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.
42. A Section 94 contribution of \$1,133,390.06 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 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	\$624,570.71
Community Services & Facilities	\$32,093.56
Town Centre & Streetscape Improvements	\$71,136.76
Wolli Creek Flood Mitigation & Stormwater	\$109,672.61
Wolli Creek Pedestrian & Cyclist Facilities	\$36,732.84
Wolli Creek Traffic Management	\$239,606.52
Plan Administration & Management	\$19,577.06

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

43. Prior to the issue of the Construction Certificate, an additional DA fee of \$992.20 and an additional Plan First Fee of \$1154.56 shall be provided to Council based on the increased cost of works associated with an additional basement level. The cost of the additional basement level is estimated to be \$1,803,360 (based on the cost for Basement level 1 as detailed in the submitted "Order of Probable Cost" report submitted with the application).
44. Prior to issue of the Construction Certificate amended plans shall be submitted to, and approved by, the Director of City Planning and Development at Rockdale City Council, addressing the following:
  - (a) Deletion of a total of 95.3m<sup>2</sup> of gross floor area from the rear of Units B1-05-3, B1-05-4, B1-06-3, B1-06-4, B1-07-3 and B1-07-4, comprising the full width of the the rear of these units for an equal depth for each unit;
  - (b) Reconfiguration of the units identified in (a) above to ensure:
    - (i) compliance with the minimum unit sizes in the "Rules of Thumb" in the

Residential Flat Design Code; and

(ii) that the resulting unit mix ensures that the proposal will comply with the car parking requirements in RDCP 2011.

(c) The use of 1,100L garbage bins (and compactors), with the provision of two (2) bins per garbage room;

(d) The lift shall have minimum internal dimensions of 1.5m wide by 2.1m deep in accordance with RDCP 2011.

45. 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.
46. 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.
47. 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.
48. Compliance with Council's Development Control Plan (DCP) 2011 – Requirements for Access. Access in accordance with Australian Standard 4299 must be provided to and within seven (7) residential unit, and between this unit(s) and its allocated carparking space. The allocated parking space will be located in close proximity to the access points of the building. The adaptable unit(s) are identified in the approved plans listed in Condition 2. 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.

49. The applicant shall confer with Ausgrid regarding the requirements for a substation and the placement of electricity conduits underground. Written confirmation of Ausgrid's requirements shall be obtained prior to issue Construction Certificate.
50. 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.

51. 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.
52. 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.
53. The low level driveway must be designed to prevent inflow of water from the road reserve. The assessment of flows and design of prevention measures shall be in accordance with the requirements of Rockdale Technical Specification Stormwater Management. Details shall be included in the documentation presented with the Construction Certificate application.  
Note: Where a crest is required, a longitudinal surface profile must be also be submitted for assessment. The driveway crest level is to be 500mm above the 1 in 100 year flood level.
54. Any part of the proposed building within 3m of the proposed detention tank or absorption trench 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.
55. A visitor car space shall also operate as a car wash bay. A tap shall be provided. A sign shall be fixed saying 'Visitor Car Space and 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.
56. All basement surface runoff shall be directed through a propriety oil and sediment filtration system prior to discharge. Details of the pit type, location, performance and manufacturer's maintenance and cleaning requirements shall be submitted and approved prior to the issue of the construction certificate.

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

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

with Rockdale Technical Specification Stormwater Management.

(i) Minimum height clearance within proposed OSD and basement pump storage shall be 1m minimum.

(ii) The basement pump storage shall be sized to contain the total volume of runoff generated by the two hour 1 in 50 year storm assuming the pumps are not operating. This is equivalent to 10.6 m<sup>3</sup> per 100 m<sup>2</sup> of area being drained anticipated groundwater seepage capacity. All the pump storage volume is to be underground and to have minimum dual pumps.

(iii) To implement any required drainage measures on the base of geotechnical Engineer's advice on the drainage under the floor slab and basement walls.

Note: The detailed plans are required to incorporate an oil interceptor for the driveway and carpark stormwater run-off in accordance with Rockdale Technical Specification Stormwater Management, section 7.5.4.

The present concept failed to demonstrate the use of a Water Sensitive Urban Design Approach (WSUD) to the design of the drainage system. DCP 2011 requires significant multi unit development to confirm the targets for the stormwater pollution reduction and to justify the target by an analysis using MUSIC. The DCP2011 also outlines the stormwater reduction targets for multi unit developments as followed:

Stormwater Pollutants	Multi Unit Development
Gross Pollutant	90%
Total suspended solids (TSS)	80%
Total Phosphorus (TP)	55%
Total Nitrogen (TN)	40%

Generally, WSUD involves recognition of a need to:

- a. Protect and enhance natural water systems within urban developments.
- b. Integrate stormwater treatment into the landscape.
- c. Protect water quality.
- d. Reduce runoff and peak flows.

58. 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.

59. Geotechnical

There are built structures, (including public assets) which may be in the zone of influence of the proposed works and excavations on this site. A qualified practicing geotechnical engineer must prepare a Construction Methodology report demonstrating that the proposed construction method including any excavation and the configuration of the built structures will have no adverse impact on any surrounding property and infrastructure. The report must be submitted with the application for a Construction Certificate.

Where a Private Certifier issues the Construction Certificate the document t mentioned in the above paragraph must be provided to Council.

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

- Location & level of nearby foundations/footings (site and neighbouring)
  - Proposed method of excavation
  - Permanent and temporary support measures for excavation
  - Potential settlements affecting footings/foundations
  - Ground-water levels (if any)
  - Batter slopes
  - Potential vibration caused by method of excavation
  - Likely vibration effects for the recommended construction equipment
  - Recommended regime of construction inspections by Geotechnical engineer.
  - De-watering including seepage and off site disposal rate (if any)
- Adjoining buildings founded on loose foundation materials

A qualified practicing geotechnical engineer must;

(a) Provide a certificate that the construction certificate plans are satisfactory from a geotechnical perspective and

(b) Confirm that the proposed construction methodology

To prepare a Construction Methodology report demonstrating that the proposed construction methods (including any excavation, and the configuration of the built structures) will have no adverse impact on any surrounding property and infrastructure. The report must be submitted with the application for a Construction Certificate for the relevant stage of works.

(c) Inspect the works as they progress. The Inspections are to occur at frequencies determined by the geotechnical engineer.

(d) Where a Private Certifier issues the Construction Certificate a copy of the above documentation must be provided to Council, once the Construction Certificate is issued for the relevant stage of works.



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.

60. 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.

## **Prior to commencement of works**

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

61. A dilapidation survey shall be undertaken of all properties and/or Council infrastructure, including but not limited to all footpaths, kerb and gutter, stormwater inlet pits, and road carriageway pavements, in the vicinity which could be potentially affected by the construction of this development. Any damage caused to other properties during construction shall be rectified. A copy of the dilapidation survey and an insurance policy that covers the cost of any rectification works shall be submitted to the Accredited Certifier (AC) prior to issue of the Construction Certificate. The insurance cover shall be a minimum of \$10 million.
62. 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.

63. Prior to the commencement of work, a Tree Protection Zone shall be established in accordance with AS4970-2009 (Protection of trees on Development Sites) and as detailed in the Arboricultural Impact Assessment Report, Revision 3 dated 5 March 2015 by Urban Tree Management Australia Pty Ltd, with protective fences at least 1.8 metres high erected around the Lemon Scented Gum tree which is 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 Zone at any time.
64. 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.
65. 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.

66. Front fences or ramp walls greater than 1200 mm high shall be set back 900 mm at the location of the driveway access point. The front fence or ramp wall shall then return at a splay of 45 degrees to maintain adequate sight distance to pedestrians and vehicles.

OR

In relation to safe egress, a warning system and speed humps will be provided proposed to ensure pedestrian safety in lieu of splayed walls.

### **During demolition / excavation / construction**

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

67. If a CC is required, 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.
68. 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.
69. 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.
70. 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.

71. 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.
72. All waste generated on site shall be disposed of in accordance with the submitted Waste Management Plan.
73. 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.

74. 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.

75. 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.

76. 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.
77. 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.
78. 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.
79. The following conditions are necessary to ensure minimal impacts during construction:
- i. Building, demolition and construction works not to cause stormwater pollution and being carried out in accordance with Section 2.8 of Council's Stormwater Pollution Control Code 1993. Pollutants such as concrete slurry, clay and soil shall not be washed from vehicles onto roadways, footways or into the stormwater system. Drains, gutters, roadways and access ways shall be maintained free of sediment. Where required, gutters and roadways shall be swept regularly to maintain them free from sediment.

- ii. Stormwater from roof areas shall be linked via a temporary downpipe to an approved stormwater disposal system immediately after completion of the roof area.
- iii. All disturbed areas shall be stabilised against erosion within 14 days of completion, and prior to removal of sediment controls.
- iv. Building and demolition operations such as brickcutting, washing tools or paint brushes, and mixing mortar shall not be performed on the roadway or public footway or any other locations which could lead to the discharge of materials into the stormwater drainage system.
- v. Stockpiles are not permitted to be stored on Council property (including nature strip) unless prior approval has been granted. In addition stockpiles of topsoil, sand, aggregate, soil or other material shall be stored clear of any drainage line or easement, natural watercourse, kerb or road surface.
- vi. Wind blown dust from stockpile and construction activities shall be minimised by one or more of the following methods:
  - a) spraying water in dry windy weather
  - b) cover stockpiles
  - c) fabric fences
- vii. Access to the site shall be restricted to no more than two 3m driveways. Council's footpath shall be protected at all times. Within the site, provision of a minimum of 100mm coarse crushed rock is to be provided for a minimum length of 2 metres to remove mud from the tyres of construction vehicles.

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

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

- viii. Any noise generated during construction of the development shall not exceed limits specified in any relevant noise management policy prepared pursuant to the Protection of the Environment Operations Act, 1997 or exceed approved noise limits for the site.

- 80. Council's warning sign for soil and water management must be displayed on the most prominent point on the building site, visible to both the street and site workers. The sign must be displayed throughout construction. A copy of the sign is available

from Council.

81. The Lemon Scented Gum (*Corymbia citriodora*) tree located on site 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 site trees may be removed.
82. No other trees located within the site, adjoining properties or Council's nature strip shall be removed or pruned without the prior written consent of Council in the form of a Permit issued under Council's Development Control Plan 2011.
83. Where drainage or paving works are proposed to be constructed in the area below the dripline of trees, the proposed works and construction methods must not damage the tree. Where either the trees or works were not shown in detail on the approved plans, approval of the Site Arborist shall be obtained.
84. 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 the Site Arborist.
85. Existing soil levels within the drip line of trees to be retained shall not be altered without reference to the Site Arborist.
86. Building materials, site residue, machinery and building equipment shall not be placed or stored under the dripline of trees required to be retained.
87. All recommendations contained in the Arboricultural Impact Assessment Report, Revision 3 dated 5 MArch 2015 by Urban Tree Management Australia Pty Ltd shall be implemented and complied with.
88. The site is affected by Class 3 Acid Sulfate Soils (ASS) and all works are to be undertaken in accordance with the Acid Sulfate Soils (ASS) Management Plan prepared by Environmental Investigations Australia (Report No. E22334 AB, dated 29 January 2015) which was submitted with the application.

### **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.

89. An Occupation Certificate shall be obtained in relation to the approved works prior to any use or occupation of the building.
90. 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.
91. 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.
92. The approved recommendations from the Flood Management Report shall be implemented prior to occupation.
93. All landscape works are to be carried out in accordance with the approved landscape plans prior to issue of the Occupation Certificate, as well as the following



requirements:

- A minimum soil depth of 800mm is required for planter beds on the podium and roof top terrace levels;
- A fully automated irrigation system, approved by Sydney Water, shall be installed and maintained to ensure adequate water is provided to the podium and roof landscaping;
- Podium landscaping and paved areas shall be drained into the stormwater drainage system.

The landscaping is to be maintained to the approved standard at all times.

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 shall be located within the boundary as shown in the approved plans (or related 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, and shall be screened by landscaping as shown in the approved plans. Ausgrid's requirements shall be met prior to release of the issue of the Occupation Certificate.
97. 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".
98. 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.
99. The width of the double driveway at the boundary shall be a maximum of 6 metres.
100. A convex mirror is to be installed at key locations (outside of bends in the car park) to provide increased sight distance for vehicles.  
Install give way signs for entering vehicles and entry sign recommending drivers turn on their headlights.
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. 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.

103. Prior to occupation, a registered surveyor shall certify that the driveway(s) over the footpath and within the property have been constructed in accordance with the approved driveway profile(s). The certification shall be based on a survey of the completed works. A copy of the certificate and a works-as-executed driveway profile shall be provided to Council if Council is not the Principal Certifying Authority.
104. The noise reduction measures specified in the noise report prepared by Acoustic Logic – 15-21 Willis Street, Wolli Creek – Development Application Acoustic Report - (Project Number 20141362.1 Document Reference 20141362.1/2001A/R2/TA dated 20 January 2014), and the intertenancy acoustic requirements contained in Condition 28 of this consent, 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. The report shall clearly demonstrate that the proposal complies with the noise criteria contained in State Environmental Planning Policy (Infrastructure) 2007. 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.
106. Prior to occupation or use of the premises, a qualified mechanical engineer shall certify that the mechanical ventilation/air conditioning system complies in all respects with the requirements of Australian Standard 1668, Part 1 & 2.
107. A Site Audit Statement (SAS) shall be submitted to Council being the Regulatory Authority for the management of contaminated land, prior to the issue of Occupation Certificate, clearly demonstrating that the site is suitable for the intended use. Conditions imposed on the SAS shall form part of this consent. In circumstances where the SAS conditions (if applicable) are not consistent with the consent, the consent shall prevail to the extent of inconsistency and a S96 application pursuant to the Environmental Planning & Assessment Act 1979 will be required.
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. Prior to occupation, a Chartered Professional Engineer shall certify that the construction of the overland flow path, including construction of all channels, pipes, banks, levees, etc has been undertaken in accordance with the approved plans and flood assessment/flood management report. The Chartered Professional Engineer shall also certify that habitable floor levels and garage floor levels adjacent to the

overland flow path have been constructed in accordance with the approved plans and that freeboard is provided in accordance with Rockdale Development Control Plan (DCP) 2011. The certificate must be based on inspection of the site and review of a works-as-executed plan of the overland flow path, which shall be prepared by a Registered Surveyor. A copy of the engineer's certificate and surveyor's works-as-executed plan shall be provided to Council where Council is not the Principal Certifying Authority.

110. A certificate from a Registered Surveyor shall be provided to the Principal Certifying Authority (PCA) certifying that the habitable/commercial floor level is constructed a minimum of 500mm above the 1% Annual Exceedance Probability (A.E.P) Flood Level. A copy of the certificate shall be provided to Council where Council is not the Principal Certifying Authority.
111. 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.
112. 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. A positive covenant pursuant to the Conveyancing Act 1919 shall be created on the title of the lot(s) that contain the pool fencing preventing interference with the pool fencing and overland flow route.  
Council requires proof of lodgement of the signed Instrument with the Land Titles Office.
113. 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.
114. 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 8 October 2014, Ref: F08/691P04, 14/132033.
115. A positive covenant pursuant to the Conveyancing Act 1919 shall be created on the title of the lots that contain the stormwater detention (rain tank) facility to provide for the maintenance of the detention facility.
116. 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.
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. Prior to issue of the Occupation Certificate the storage areas provided within each unit shall be constructed as shown in the approved plans, and the storage areas provided at the basement levels (as shown in the approved plans) shall be constructed of metal mesh or metal sheeting and secured with a suitable lock. Each unit shall be allocated with one (1) storage area in the basement in any strata subdivision of the development.

120. 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.

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

121. Letterboxes are to be provided in location accordance with Controls 15, 16 and 17 of Part 4.7 of Rockdale DCP 2011 which requires the following:

- (i) to be integrated with building design and are preferably to be located in a covered area attached to or within the building;
- (ii) to be centrally located either/or close to the major street entry and lockable; and
- (iii) to be visible from at least some of the dwellings, and located where residents can meet and talk, preferably with seating and pleasant ambience.

## **Integrated development/external authorities**

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

## 122. SYDNEY AIRPORTS CONDITION

Sydney Airport Corporation Limited (SACL) has approved the maximum height of the proposed building at 32.91 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.

## 123. AUSGRID CONDITIONS

1. 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.
2. 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), for development in proximity to overhead power lines.

## 124. SYDNEY TRAINS CONDITIONS

The following 31 conditions (A1 - A31) are imposed by Sydney Trains in their letter dated 20 July 2015 and must be complied with:

**A1.** Unless amendments are required in order to obtain approval/certification from Sydney Trains in relation to the items listed in Condition A2 or A3 below, all excavation and construction works are to be undertaken in accordance with the details, methodology, advice, undertakings and recommendations detailed in the following documents:

- Survey Plan prepared by Boxall – Drawing No. 10101-001 – Revision A, dated 25/09/14.
- Geotechnical Investigation by Asset Geotechnical - Report No. 2678-R1 Rev 3, dated 26 June 2015.
- Assessment of Dewatering by Asset Geotechnical - Report No. 2678-2-R1 Rev 2, dated 26 June 2015.
- Report on Numerical Modelling by Asset Geotechnical – Report No. 2678-1-R1 Rev 1, dated 26 June 2015.
- Shoring System Details prepared by Northrop – Report No.141766, dated 16 April 2015.
- Shoring Plan prepared by Northrop – Drawing No. RSK-01, Revision 1 dated

19/04/2015.

- Typical Shoring Wall Section prepared by Northrop – Drawing No. RSK-02, Revision 1 dated 19/04/2015.
- Northern Shoring Wall Elevation prepared by Northrop – Drawing No. RSK-03, Revision 1 dated 19/04/2015.

The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming which of the documentation listed in this condition are to now apply or are superseded as a result of the compliance with Condition A2 or A3 below. The measures detailed in the documents approved/certified by Sydney Trains under this Condition are to be incorporated into the construction drawings and specifications prior to the issuing of the Construction Certificate. Prior to the commencement of works the Principal Certifying Authority is to provide verification to Sydney Trains that this condition has been complied with.

**A2.** The following items are to be submitted to Sydney Trains for review and endorsement prior to the issuing of a Construction Certificate:

- Revised survey drawing containing the following items:
  - All rail tracks, railway boundaries, portals and other rail assets such as signals, service pits, bridge etc
  - Sections should be provided in survey drawings to show all rail assets within 25m of the proposed works
- Revised Geotechnical Report based on additional boreholes to confirm the results of the current borehole logs.
- Final Structural Drawings/Methodology based on the revised Geotechnical Report containing (but not limited) the following:
  - Detailed retaining wall design.
  - Wall profile and connection details.
  - Wall structural details including wall reinforcement and connections
  - Interface details between the buttresses and the wall
- Details regarding the development's compliance with Australian Standard AS5100.
- Report detailing the wall analysis, predicted movements, shear forces, anchor forces and deflections, details as to how the stiffness of the buttress wall is modelled in the analysis, structural capacity checks for piles, capping beams, anchors etc, and structural design calculations for wall and connections.
- As the buttress wall consists of secant piles which are only connected at

capping beam level and given that the buttress wall is outside the excavation, the load transfer between individual buttress piles is via tension. Therefore a rigorous analysis is to be provided to demonstrate that all piles within the buttress wall will act as a single composite structural element (ie rather than acting as individual leading and trailing piles with a pile cap). As an alternative the buttress wall could be provided inside the wall. This could provide more opportunities to "tie" the buttress piles together either via partial slab casting or temporary steel beams as the excavation progresses.

- Details as to how the load will be transferred to the buttress walls from the other piles. Other than capping beam at the top, details regarding whether whaler beams will be provided at lower levels is also to be submitted.
- Rock anchor type/configuration and analysis for the eastern wall given that this wall is close to the rail bridge structure.
- Revised Numerical Analysis consistent with the revised Geotechnical Report and Final Structural drawings/methodology, containing, but not limited to, the following:
  - Clarification as to how the stiffness value was computed
  - Clarification as to how the bending movement output could be apportioned between the CSM wall and the buttress. In addition, drawings clearly showing how the buttresses interface with the CSM wall (including connection details, reinforcement inclusions ) to assess the assumption that the Wall and buttresses will act as one unit are to be provided

The Principal Certifying Authority is not to issue the Construction Certificate until it has received written confirmation from Sydney Trains that this condition has been complied with.

**A3.** The following items are to be submitted to Sydney Trains for review and endorsement prior to the issuing of a Construction Certificate:

- Machinery to be used during excavation/construction.
- Construction and Demolition plan listing the vibration generating equipment, anticipated levels of vibration and proposed method of monitoring
- A vibration and excavation monitoring plan containing (but not limited) details of the vibration generating equipment to be used, location of monitoring equipment, anticipated vibrations, threshold values for vibration, a data distribution list to disseminate data and to inform alarm level breaches, and a Sydney Train contact in the list for notification in the event of alarm level breach.



The Principal Certifying Authority is not to issue the Construction Certificate until it has received written confirmation from Sydney Trains that this condition has been complied with.

**A4.** All piling and excavation works with 25m of the rail corridor are to be supervised by a geotechnical engineer experience with such excavation projects.

**A5.** No rock anchors/bolts are to be installed into Sydney Trains property or easements.

**A6.** Prior to the commencement of works the Applicant shall peg-out the common property boundary with RailCorp's land. This work is to be undertaken by a registered surveyor.

**A7.** The Applicant is to submit to Council, for its records, copies of any certificates, drawings or approvals given to or issued by Sydney Trains.

**A8.** During all stages of the development extreme care shall be taken to prevent any form of pollution entering the railway corridor. Any form of pollution that arises as a consequence of the development activities shall remain the full responsibility of the Applicant.

**A9.** Drainage from the development must be adequately disposed of/managed and not allowed to be discharged into the corridor unless prior approval has been obtained from Sydney Trains.

**A10.** Sydney Trains and Transport for NSW, or any persons authorised by them for this purpose, are entitled to inspect the site of the approved development and all structures to enable it to consider whether those structures on that site have been or are being constructed and maintained in accordance with these conditions of consent, on giving reasonable notice to the principal contractor for the approved development or the owner or occupier of the part of the site to which access is sought.

**A11.** Prior to the commencement of works, on the completion of works, or at any time during the works period deemed necessary by Sydney Trains, a joint inspection of the rail infrastructure and property in the vicinity of the project is to be carried out by representatives from Sydney Trains and the Applicant. These dilapidation surveys will establish the extent of any existing damage and enable any deterioration during construction to be observed. The submission of a detailed dilapidation report will be required unless otherwise notified by Sydney Trains.

**A12.** An acoustic assessment is to be submitted to Council prior to the issue of a construction certificate demonstrating how the proposed development will comply with the Department of Planning's document titled "Development Near Rail Corridors and Busy Roads- Interim Guidelines".

**A13.** Prior to the issue of a Construction Certificate the Applicant is to engage an Electrolysis Expert to prepare a report on the Electrolysis Risk to the development from stray currents. The Applicant must incorporate in the development all the measures recommended in the report to control that risk. A copy of the report is to

be provided to the Principal Certifying Authority with the application for a Construction Certificate.

**A14.** The Applicant is to ensure that the development incorporates appropriate anti-graffiti measures acceptable to Sydney Trains.

**A15.** Given the possible likelihood of objects being dropped or thrown onto the rail corridor from balconies, windows and other external features (eg roof terraces and external fire escapes) that are within 20m and face the rail corridor, the Applicant is required to install measures (eg awning windows, louvres, enclosed balconies, window restrictors etc) which prevent the throwing of objects onto the rail corridor.

These measures are to comply with Sydney Trains requirements. The Principle Certifying Authority is not to issue the Construction Certificate until it has confirmed that these measures are to be installed and have been indicated on the Construction Drawings.

**A16.** The design, installation and use of lights, signs and reflective materials, whether permanent or temporary, which are (or from which reflected light might be) visible from the rail corridor must limit glare and reflectivity to the satisfaction of Sydney Trains. The Principle Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.

**A17.** Prior to the issue of a Construction Certificate a Risk Assessment, Rail Safety Management Plan, and detailed Safe Work Method Statements (SWMS) for the proposed works are to be submitted to Sydney Trains for review and comment on the impacts on rail. The Principal Certifying Authority shall not issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.

**A18.** Prior to the commencement of works the Applicant shall obtain Sydney Trains advice regarding the adequacy of the existing fencing along the rail corridor to prevent access to the rail corridor during these works. Should Sydney Trains determine that fencing needs to be augmented in order to comply with this requirement then this shall be undertaken in accordance with the Sydney Trains requirements.

**A19.** Prior to the commencement of works appropriate fencing is to be in place along the rail corridor to prevent unauthorised access to the rail corridor during construction. Details of the type of fencing and the method of erection are to be to the satisfaction of Sydney Trains prior to the fencing work being undertaken.

**A20.** The development shall have appropriate fencing fit for the future usage of the development site to prevent unauthorised access to the rail corridor by future occupants of the development. Prior to the issuing of an Occupation Certificate the Applicant shall liaise with Sydney Trains regarding the adequacy of any existing fencing along the rail corridor boundary. Details of the type of new fencing to be installed and the method of erection are to be to the satisfaction of Sydney Trains prior to the fencing work being undertaken.

**A21.** Prior to the issuing of a Construction Certificate the Applicant is to submit to Sydney Trains a plan showing all craneage and other aerial operations for the development and must comply with all Sydney Trains requirements. The Principal Certifying Authority shall not issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.

**A22.** Prior to the issue of a Construction Certificate the Applicant is to submit to Sydney Trains the demolition, excavation and construction methodology and staging for review and endorsement. The Principle Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.

**A23.** No metal ladders, tapes and plant/machinery, or conductive material are to be used within 6 horizontal metres of any live electrical equipment. This applies to the train pantographs and 1500V catenary, contact and pull-off wires of the adjacent tracks, and to any high voltage aerial supplies within or adjacent to the rail corridor.

**A24.** Prior to the undertaking of works or the issuing of a Construction Certificate (whichever occurs first), the Applicant must hold current public liability insurance cover for a sum to be determined by Sydney Trains. This insurance shall not contain any exclusion in relation to works on or near the rail corridor, rail infrastructure. The Applicant is to contact Sydney Trains Rail Corridor Management Group to obtain the level of insurance required for this particular proposal. Prior to issuing the Construction Certificate the Principal Certifying Authority must witness written proof of this insurance in conjunction with Sydney Trains written advice to the Applicant on the level of insurance required.

**A25.** Prior to the undertaking of works or the issuing of a Construction Certificate (whichever occurs first), the Applicant is to contact Sydney Trains Rail Corridor Management Group to determine the need for the lodgement of a Bond or Bank Guarantee for the duration of the entire works. The Bond/Bank Guarantee shall be for the sum determined by Sydney Trains. Prior to the issuing of the Construction Certificate the Principal Certifying Authority must witness written advice from Sydney Trains confirming the lodgement of this Bond/Bank Guarantee.

**A26.** Prior to the issuing of an Occupation Certificate the Applicant is to submit the as-built drawings to Sydney Trains and Council. The as-built drawings are to be endorsed by a Registered Surveyor confirming that there has been no encroachment into Sydney Trains property or easement.

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

**A27.** The Applicant must provide a plan of how future maintenance of the development facing the rail corridor is to be undertaken. The maintenance plan is to be submitted to Sydney Trains prior to the issuing of the Occupancy Certificate. The Principle Certifying Authority is not to issue an Occupation Certificate until written confirmation has been received from Sydney Trains advising that the maintenance plan has been prepared to its satisfaction.

**A28.** The Applicant is to obtain Sydney Trains endorsement prior to the installation of any hoarding or scaffolding facing the common boundary with the rail corridor.

**A29.** No work is permitted within the rail corridor, or its easements, at any time unless prior approval or an Agreement has been entered into with Sydney Trains. Where the Applicant proposes to enter the rail corridor, the Principal Certifying Authority shall not issue a Construction Certificate until written confirmation has been received from Sydney Trains confirming that its approval has been granted.

**A30.** There is a need to ensure that the roots and foliage of trees being planted beside the rail corridor do not have an impact on the rail corridor. The development landscaping and planting plan should be submitted to Sydney Trains for review.

**A31.** The Sydney Trains corridor access gates located adjacent to the development site shall be unobstructed at all times.

125. **NSW Office of Water**

Compliance with the following conditions imposed by the NSW Office of Water in their letter dated 21 April 2015:

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.

## **Roads Act**

126. 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.

127. 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.
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.

129. 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.
130. 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.
131. 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.
132. 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.

## 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. 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.
- c. *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.

- 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. Demolition and construction shall minimise the emission of excessive noise and prevent “offensive noise” as defined in the Protection of the Environment Operations Act 1997. Noise reduction measures shall include, but are not limited to the following strategies:
- choosing quiet equipment
  - choosing alternatives to noisy activities
  - relocating noise sources away from affected neighbours
  - educating staff and contractors about quiet work practices
  - informing neighbours of potentially noise activities in advance
  - equipment, such as de-watering pumps, that are needed to operate on any evening or night between the hours of 8 p.m. and 7 a.m. or on any Sunday or Public Holiday, shall not cause a noise nuisance to neighbours of adjoining or nearby residences. Where the emitted noise exceeds 5 dB(A) [LAeq(15m)] above the background sound level [LA90] at the most affected point on the nearest residential boundary at any time previously stated, the equipment shall be acoustically insulated, isolated or otherwise enclosed so as to achieve the sound level objective.
- 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.